**COMMONWEAL**

**The Juvenile Justice Program**

***June 18, 2020***

***California Budget Report: Closing the Div. of Juvenile Justice***

**GOVERNOR ANNOUNCES BUDGET PLAN TO CLOSE THE STATE YOUTH CORRECTIONS DIVISION (DJJ). LEGISLATURE EXTENDS THE DEBATE TO CONSIDER THE TERMS OF REALIGNMENT AS TO SPENDING, OVERSIGHT, IMPACT ON TRANSFERS TO ADULT COURT**

In his May Budget Revision, Governor Newsom surprised many by proposing to realign the state Division of Juvenile Justice (DJJ) to full county control. The Governor cancelled his former plan to shift DJJ into the Health and Human Services Agency (HHS), just weeks before that plan was set to take effect. He targeted January 1, 2021 as the date on which county commitments to DJJ would come to halt, leaving the current population of 770 youth (juvenile court commitments) to attrition out until eventual full closure of DJJ institutions.

His proposal included a block grant to counties, based on $125,000 per youth, to cover the county cost of managing the shifted caseload. He also proposed new regional “hubs”, funded through grants from the Board of State and Community Corrections (BSCC), to house and serve former DJJ youth with mental health and sex offender treatment needs. In support of full closure, the Governor said “closing state juvenile facilities and directing a portion of the state savings to county probation departments will enable youth to remain in their communities and stay close to their families to support rehabilitation” . He also cited vast empty space in county juvenile justice facilities to absorb the shifted population. A key factor in the Governor’s decision is the need to reduce state costs to ease a massive budget deficit generated by the pandemic.

**Legislators responding to the May Revision** were faced with a short time window to get a realignment spending plan into the state budget by the constitutional deadline of June 15th. That time pressure has proven to be a big problem. The Administration and the state’s Probation Chiefs organization (CPOC) begin working feverishly on a cost plan for realignment. Meanwhile, advocates and many lawmakers were hesitant to embrace a hastily drafted realignment deal with counties. They viewed full DJJ realignment as too complex to bring together on a three or four-week timetable. As June 15th approached, the Governor and CPOC did come to terms on a $220 million per year realignment grant to counties, based on a per-youth/per-year cost of $250,000. But the other terms of realignment spending were less than clear. Legislative leaders balked at rushing to approve a spending plan that lacked guidelines, allocation details and accountability factors.

**Advocacy organizations**— including youth service, legal defense and racial justice groups— joined the fray with a series of DJJ realignment demands. In memos to the Governor and legislative budget committees, advocates laid out terms considered essential to support adequate county programs and facilities under realignment and to ensure compatibility with juvenile justice reforms implemented extensively in California over the last several years. Chief among the concerns advanced by advocates are these:

* *Safeguards against transfers to adult criminal courts*. Nearly all DJJ youth, by virtue of their offense and age, are eligible for transfer to adult criminal courts and state prisons. DJJ serves as a juvenile justice alternative to adult processing. If DJJ closes and credible county options are not in place, prosecutors and judges will send those under-served youth to the adult system in growing numbers. Advocates have identified a set of statutory safeguards to prevent this unwanted outcome— these are still under review in the realignment debate.
* *Oversight and accountability.* Advocates assert the need for adequate state oversight and accountability for county programs and for how DJJ realignment dollars are spent. Spending criteria are needed to define the uses of funds, the programs and facilities to be developed, caseload monitoring and accountability for expenditures. State oversight is needed to coordinate and guide effective county responses and to avoid a “justice by geography”, crazy-quilt result where each county applies a different approach to juvenile justice processing. Advocates also want the realignment plan to be aligned with new models for probation and community services in the juvenile justice system.

**So where does the DJJ realignment proposal stand now?** Lawmakers continue to work on budget trailer bills after the June 15th placeholder budget was sent to the Governor. In the short week until the Assembly breaks for summer recess (on June 19th), the Administration pressed hard to get realignment dollars locked into a budget trailer bill, fearing loss of county and probation support for DJJ closure if funds to keep local juvenile facilities and operations going are delayed. Lawmakers want spending accountability and guidelines for the $220 million county grant fund that’s been put on the table by the Governor, but those elements are missing from the package so far. Advocates want assurance that state funds will go to programs and facilities that will serve youth and not be drained off in other directions—and they demand safeguards to prevent transfers of former DJJ youth to adult courts and prisons.

In this charged budget environment, DJJ realignment is only one small piece of a gargantuan budget struggle involving hard sacrifices across health, education, justice, environment and other boundaries. Beyond COVID-19 and its economic fallout, there is growing pressure to address demands for police controls and racial justice. DJJ realignment may be a satellite concern in the big budget picture, but it is an important set of policy decisions for juvenile justice professionals and advocates, not to mention the youth who will be affected by closure. On the racial justice side, it does not escape notice that youth of color make up 90 percent of the DJJ population targeted for realignment. At present, there is no clear path to agreement between legislators and the Administration on the full terms of DJJ realignment. Though anything could happen in today’s uncertain Sacramento budget and policy environment, it’s looking more and more as if negotiations will continue over the next several weeks or months, with DJJ closure hanging in the balance if the parties cannot come to terms before the end of the legislative session on August 31st. ◼

**WHO’S IN THE CALFORNIA DIVISION OF JUVENILE JUSTICE?**

**A CLOSER LOOK AT THE POPULATION PROPOSED**

**FOR REALIGNMENT TO COUNTIES**

* Juvenile court youth in DJJ institutions (March 2020): 776
* Offenses: serious/violent/sex offenses defined by statute
* Age: Average age 19—DJJ custody ends at age 23
* Gender: Male 96%, Female 4% (28 young women in DJJ facilities)
* Race/ethnicity: White 8%, Black 30%, Hispanic 58%, Asian/Other 4%
* Committing county: Ten counties account for two thirds of commitments with Los Angeles topping the list
* Length of stay—averaged 28 months in 2019

*Source: Calif. Dept. of Corrections and Rehabilitation*

*Bulletin issued by:*

Commonweal—The Juvenile Justice Program

David Steinhart, Director

*www.comjj.org*