

# New Year, New Opportunities for Reform



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California's budget crisis may sweep in the state's most drastic juvenile justice reforms as early as January 2012.

Gov. Jerry Brown's latest budget measure involves

implementation of "trigger cuts" on January 1<sup>st</sup> which will affect virtually every facet of social services in the state.

For juvenile justice, this includes requiring counties to pay more of their tab for housing their most serious and violent offenders in the state's Department of Juvenile Facilities (DJF). Currently it costs the state taxpayer approximately \$200,000 per year to house a youth in the ineffective and irreparable state system, while counties have contributed only minimally to the cost. Under the triggers, the counties will be responsible for \$125,000 of this cost per youth, or they can recall their youths and serve them locally.

This is great news for state taxpayers in California who have been shouldering the burden of an incredibly dysfunctional, inadequate and ever-shrinking institutional system for the past decade. While the DJF population has decreased drastically since the 1990s, it has been under a consent decree since 2004 and currently houses only 1,054 youth in

three remaining facilities, with 80 percent of wards being rearrested within three years of release.

It is also good news for advocates of best practices. Research overwhelmingly supports that local custody and supervision with access to community-based treatment options is more beneficial for youth and provides greater hope for successful reentry. While it is true many of these youth are the highest-needs population, the punitive and violent environment of DJF has demonstrated that it is even less equipped than counties to house, let alone treat, this population.

Looking back, the trigger should come as no surprise; this is not the first time realignment has been on the table in the state's capitol. In fact, in 2007, despite considerable trepidation, counties rose to the challenge of low-level offender realignment, and have been serving 99 percent of juvenile offenders at the local level; they do a much better job than the state ever could. In June of this year, Gov. Brown proposed a three-year scaled full realignment plan that provided funding to counties to serve the remaining population under the state's care, which is less than 1 percent of the state's juvenile delinquent population.

It was rejected and opposed by the Chief Probation Officers of California (CPOC), the California District Attorney's Association (CDAA) and the California State Association of Counties (CSAC), among other advocacy groups. A "buy back" legislation was then proposed, in which counties would have a choice – take the money and serve youth locally, or contract with the state and send all of the county's eligible youth to DJF. This was also vehemently opposed and eventually juvenile justice realignment was shelved, despite warnings from the governor that budget triggers could come into effect in January 2012.

However, [recent data shows](#) that juvenile crime is on the decline at the same time as juvenile de-incarceration is

taking hold in California. In a study of California's most populous counties, between 1998-2010 juvenile incarceration rates dropped 45% as felony juvenile crime rates plunged 32%. These promising trends provide ample reason to believe that full juvenile realignment can and should happen.

Yet a few counties continue to rely heavily on the state system. Several individual counties have criticized the trigger measure, including [Monterey](#), Tulare, and Stanislaus counties. According to the most recent 2010-11 data, Monterey ranks as the most state-dependent county among California's populous counties (more than 100,000); sending juveniles to DJF at the highest rate per felony arrest. One-third of the youth Monterey sent to DJF were categorized as the least serious offenders DJF accepts.

Tulare and Stanislaus counties also ranked higher than the state average for DJF use. In fact, out of California's 48 counties, 13 accounted for 46 percent of all DJF commitments and only 37 percent of juvenile felony arrests in 2009. It is their overuse of state institutions as a solution for local problems that caused the original overcrowding of DJF in the 1990's and is ultimately creating the barrier to realignment now.

It is understandable that these are the counties with the most resistance to Gov. Brown's trigger cuts. They are historically state-dependent and will struggle to build the infrastructure and culture necessary to serve this high needs population, without funding or support.

California counties need to re-consider the opportunity they were given in the June realignment proposal for DJF closure, and advocate for its reinstatement while there is still funding remaining that could be funneled to counties to serve this population.

In a [December 7, 2011 letter](#) to Gov. Brown, CSAC, CDAA and

CPOC continued to oppose attempts at realignment. Meanwhile, innovative self-reliant counties such as Alameda, San Francisco and Santa Clara are open to the opportunity to take full responsibility for their own. [Alameda Probation Chief David Muhammad noted](#) that “they are a challenging population, but we have the space and potential to do a much better job than the state.”

He is asking Gov. Brown to reinstate a realignment proposal that would provide counties with \$150,000 per serious juvenile offender. Overall, the majority of counties would not be significantly impacted by the closure of DJF because they have already been serving their juvenile offenders, even the high-needs and high-risk youth, locally.

This budgetary reform measure is no doubt drastic, but it presents an opportunity for counties to utilize best juvenile justice practices, forcing them to relinquish the mentality that state incarceration is the only way. No longer can our most high-needs, high-risk youth be pushed out of site and out of mind, transferring the burden onto the state taxpayer. There is no justification for maintaining the state facilities at such high costs when so many other areas of our social services are being cut deeply.

If counties decide to take back their youth and provide comprehensive individualized treatment and placements, it would ultimately result in not only cost-savings, but lower recidivism rates and increased long-term public safety.