

California Juvenile Justice Reform and SB 81

**Testimony
Of
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**To
The Little Hoover Commission**

Thank you for the opportunity to present this written testimony. I am the executive director and co-founder of the Center on Juvenile and Criminal Justice (CJCJ) - a California-based agency established in 1985 to develop model programs, provide technical assistance, and conduct policy analysis and research in the juvenile and criminal justice field. For the past 20 years, I have been involved in juvenile justice reform in states and jurisdictions around the country. This assistance was provided to jurisdictions operating under a consent decree or facing litigation because of inhumane living conditions and the absence of rehabilitation services in their youth correctional facilities. In every situation the remedy was clear – implement reforms that reduce reliance on out dated and decrepit correctional facilities and shift to a system that offers a continuum of individualized services offered primarily at the local level.

Like these other systems, youth corrections in California is a relic of the 19th century. The former California Youth Authority (CYA), now Division of Juvenile Justice (DJJ), is known in the field as a congregate training school system, where youth are housed in large open dormitories or large cell block living units. Daily life in these institutions is characterized by a constant struggle to survive as youths are cast into a subculture of violence and exploitation. Youths who do not establish their place in the institutional pecking order by fighting soon become victimized by older more sophisticated wards. Under these conditions, youth are swept up into the racial and ethnic based gang conflicts that permeate every institution. In an unprecedented acknowledgement of this reality, the State of California entered into a consent decree in 2004 as a result of a lawsuit brought by the Prison Law Office. Under the consent decree, the state promised to institute sweeping structural changes by implementing modern correctional practices.

Initial attempts to implement these structural changes followed a conventional path. The remedy focused on improving conditions by consolidating the management by eliminating the old CYA as an independent agency, and creating a new Division of Juvenile Justice (DJJ) within the California Department of Corrections and Rehabilitation

– the adult corrections system. Following this administrative restructuring, outside experts were commissioned to assist the state with redesigning a new institutional system. The expert's report, issued in March 2006, was a damning indictment asserting that virtually every aspect of the system was "broken." Acknowledging these systemic failures, the Schwarzenegger administration issued another report in July 2006 detailing the state's comprehensive plan to fix the existing system. In an effort to demonstrate the state's commitment, the legislature added \$100 million to the DJJ budget to improve education and mental health services and increase staffing ratios.

Unfortunately, these efforts proved futile as subsequent independent investigations by the Inspector General's Office and the court-appointed monitor continued to reveal unacceptable levels of institutional violence and managerial turmoil, despite substantial budgetary increases. Finally, any hope of a conventional strategy was shattered when the Governor's budget office conducted an analysis and concluded that meeting the consent decree requirements necessitated yearly per capita inmate expenditures exceeding \$250,000. Faced with this reality, the administration shifted to the current institutional downsizing strategy, placing greater responsibility for juvenile corrections at the county level.

With the August 2007 signing of Senate Bill 81, Governor Schwarzenegger ushered in the most sweeping juvenile justice reform legislation since the establishment of the California juvenile court in 1903. The historic legislation represents a complete restructuring of the existing system in which county commitments to the state's Division of Juvenile Justice are limited to youths who commit only the most serious offenses and counties are provided a subsidy to build their organizational and programmatic capacity. As a result, unprecedented population reductions in the state's youth corrections facilities are currently underway.

Senate Bill 81 will have a differential impact on counties. Historically, there has been a huge county-by-county disparity in the types of youth offenders that are committed to DJJ institutions. Some counties - such as San Francisco, Orange County, and San Diego - commit very few youth while other counties - such as Monterey, San Bernardino, and Riverside - send a high number of juveniles to state institutions. Disturbingly, there is no rhyme or reason for these disparities. The reasons rest with the political climate and cultures of the individual counties. For example, between 2002 and 2004, Monterey County, with a youth population of 51,500, had 764 felony arrests and sent 120 youths to DJJ institutions. By contrast, Orange County with a youth population of 369,000 recorded 3,293 felony arrests during the same period and sent just 114 youths to the state's youth correctional institutions. These numbers translate to a striking disparity between these two counties in per capita commitment rates. Between 2002 and 2004, Orange County committed 10.8 youth per 100,000 to state institutions while Monterey County committed 78.1 youth per 100,000. Significantly, the current strategy of institution downsizing by reducing the number of youths eligible for commitment to state institutions should lessen such disparities.

The challenge ahead is to ensure that California does not repeat the mistakes of the past by simply replacing state institutions with local institutions. Reliance on institutional commitments promotes bureaucratic malaise because it does not require changes in practice or promote innovation. County probation departments across the state will need to develop a new system of interventions for a more challenging population. Instead of services being segmented between state and county agencies, one coordinated system of post disposition and reentry services can be developed on a collective or individualized basis. In order to tackle these changes, Senate Bill 81 provides counties with a yearly \$117,000 per capita subsidy based on their share of all annual state felony juvenile adjudications and their share of the statewide at-risk youth population. This subsidy provides the means of tailoring interventions to the individual offender and developing a continuum of non-institutional services which is not presently available. Some counties will have little difficulty with the transition, while others, those that have historically relied on state institutional commitments, will need to reexamine past practices and assumptions.

The ability of counties to meet the challenges of juvenile justice reform will be determined by the range of services they develop. SB 81 provides a unique opportunity to modernize the structure of many county probation departments, by shifting their emphasis from a casework model to a brokerage-based model. Under the traditional probation casework approach, individual probation officers are required to assume responsibility for all the tasks associated with supervising and supporting youth in the community. As the state's population diversifies and the needs of probation youths become more complex, the traditional casework model is no longer adequate. To improve the delivery of services to a diverse and complex population, probation departments will need to expand their ability to contract and broker services with nongovernmental organizations (NGOs). By brokering services probation systems can maximize accountability, flexibility, innovation, service integration, and individualization. In this brokerage-based system most services are obtained through contractual agreements on a case-by-case basis or ongoing arrangements with nonprofit agencies located in the youth's neighborhood. Instead of delivering direct services, under the new system, probation departments work in partnership with local communities to identify, procure, train, develop, monitor, reimburse and evaluate a variety of direct services.

A system based on contracted services, provides the essential ingredients for establishing the accountability and innovative dynamic often lacking in tradition bound casework-based probation systems. Under a contract-for-service system, programs and services are designed according to identified needs in each community. Effective interventions should; (1) provide a humane and nonviolent program environment that does not alienate, embitter, or harm youth, (2) alter in a constructive fashion the self-image, values, attitudes, skills, knowledge, or habits of youth, (3) establish or re-establish positive and supportive relationships between youth and relevant persons in the free community such as parents, teachers, employers, police, and peers, (4) maintain direct control over the behavior of youth during the period they are under agency jurisdiction.

By instituting these structural changes, California probation departments can diversify services and better position themselves for the 21st century. The following chart lists many of the programs that probation and correctional organizations around the nation have been implementing in recent years. Many of these programs are currently being used by California probation departments. The key to successful implementation is how well each individual program is connected to the entire range of programs. Ideally, a youth should be able to move up and down the service continuum based on their progress and identified needs at the time. Probation departments will also need to establish effective case planning and classifications systems such as the Juvenile Assessment and Intervention System (JAIS) recently developed by the National Council on Crime and Delinquency. JAIS is currently being adopted by probation and correctional agencies around the country to implement more effective intervention strategies.

**PROGRAM CONTINUUM
FOR A COUNTY PROBATION SYSTEM**

Preadjudication Detention

- Community-based multiservice intake units
- Detention diversion advocacy
- Home supervision
- Staff secure shelter care

Post Disposition

Nonresidential

- Restitution/community service
- Remedial education services
- Vocational training/employment referral
- Intensive tracking and monitoring
- Day treatment centers
- Evening reporting centers
- Out-patient drug treatment
- Crisis intervention/family counseling
- Boys and girls mentoring services
- Multi systemic family therapy
- Wraparound services

Residential

- Specialized foster care
- Scattered site independent living
- Single site independent living
- Non-secure transitional residential care
- Staff-secure step down residential care
- Experiential stress/challenge program
- Short and long term residential drug treatment
- Secure-treatment program for violent and aggressive offenders

California's juvenile justice system stands at a momentous threshold. At present, commitments to California state youth correctional facilities are at their lowest levels in 47 years even though the state's youth population more than doubled during this period. The decision to downsize the state's youth correctional system is long overdue, offering the opportunity to move away from a long discredited era in youth corrections to a modern 21st century juvenile justice system. Senate Bill 81 presents an unprecedented opportunity for county juvenile justice systems to assume responsibility for reinvigorating and recreating the state's approach to treating juvenile offenders. SB 81 represents a rare consensus between the Governor, legislature, and county representatives. Ultimately, the legislation's success will be determined by how well the counties respond to the challenge.

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