

COMMONWEAL

The Juvenile Justice Program

January 9, 2014

PUBLIC SAFETY HIGHLIGHTS OF THE GOVERNOR'S FY 14-15 BUDGET PROPOSAL

- GOVERNOR'S BUDGET PROPOSES NEW JAIL FUNDS, FUNDING OF PRISONER AND PAROLEE SERVICES AND REALIGNMENT SENTENCING LAW CHANGES**
 - STATUS QUO (NO CHANGE) FOR JUVENILE JUSTICE FUNDS AND PROGRAMS**
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Governor Jerry Brown released his proposed FY 2014-15 Budget on Thursday January 9. Fueled by a welcome \$5 billion surplus from capital gains taxes, the new \$107 billion General Fund budget includes significant increases for schools and higher education and with modest increases for social programs like CalWorks. In his announcements unveiling the proposed budget, the Governor also placed strong emphasis on paying down the California's "wall of debt", earmarking \$11 billion in FY 14/15 to repay obligations incurred in education, pensions and other areas in earlier deficit years.

This year, the Governor's 270 page Budget Summary includes a dedicated Public Safety section that serves as a primer on California prison realignment—including detailed explanations of AB 109, SB 678, SB 1022, SB 105 and the other major measures that make up California's massive adult prison realignment package.

Much discussion is devoted there to the looming federal court deadline for prison population reductions. By end February, CDCR will need to find alternative space for nearly 10,000 state prisoners to meet the court-ordered cap of 110,000 inmates. Meanwhile the Governor, with Legislative support, has asked the court to extend the court deadline once again. If no extension is granted, California will need to move thousands of its prisoners to out-of-state facilities. The fiscal impact of having to do this is that the new parolee service programs the Governor seeks to fund through the SB 105 Recidivism Reduction Fund (see below) will be sidelined because the funds will have to be used to pay for the out-of-state prison slots.

For now, the Governor's January Budget assumes that the federal court will in fact grant extension request, thus liberating SB 105 Recidivism Funds for other uses. For FY 14/15, the Governor offers the following key public safety spending and legislative proposals:

- \$81 million for additional prisoner and parolee services from the Recidivism Reduction Fund (SB 105), contingent on federal court approval of California's request to extend the deadline for prison population reduction. The new services would include prison-and community-based substance abuse treatment programs, a new Northern California Re Entry Facility, additional mental health services for parolees and a \$40 million fund for local re-entry services.

- \$500 million in additional bond funds to add new jail county jail space; as with SB 1022, the funds are to be used for facilities that include program elements such as mental health and substance abuse treatment space.
- Legislation to require local courts to order split sentences for realigned felony offenders, unless the court cites compelling reasons to order full custody terms. Under 2011 realignment, split sentences are those in which the offender serves some jail time combined with a term of release on community supervision. Split sentences lower jail populations and, in concept, tend to improve re-entry success. The new legislative proposal is put forward as an antidote to low split sentence rates and consequently higher jail populations in many counties.
- Legislation to require that realigned offenders with long jail sentences (10 years or more) would serve their sentences in state prison rather than taking up local jail space.
- Administrative action to provide for the early release from prison of certain sick and elderly prisoners and to increase the rate at which non-violent second strike inmates receive “good time” credits.

The Governor’s Public Safety package takes note of the plans being made to implement two recent sentencing law reforms—the voter-approved changes to the Three Strikes Law (requiring sentence reviews for approximately 2,800 state prisoners) and the 2012 adoption of SB 260 (Hancock, D.- Berkeley) which now tasks the Parole Board with sentence review hearings for a candidate group of perhaps 3,000 prisoners serving long sentences for crimes committed while they were juveniles. In addition, the Governor describes support for the current collaboration of counties, sheriffs and probation chiefs to train local justice system and corrections personnel on effective AB 109 realignment strategies.

JUVENILE JUSTICE SYSTEM IMPACT OF THE GOVERNOR’S BUDGET PROPOSAL

No new legislative reforms on sentencing or programs for juvenile offender are identified in the Governor’s Budget Summary for FY 14-15. His proposal does not seek to alter the terms or funding of juvenile justice realignment in California.

In 2007, pre-dating adult prison realignment, California adopted a juvenile justice realignment reform law that moved non-violent youthful offenders out of state-run facilities (the Division of Juvenile Justice) and into local custody and care. The reform included the creation of a Youthful offender Block Grant (YOBG) fund that continues to supply local governments across the state with about \$100 million per year to serve the shifted juvenile justice caseload. In 2010, state youth parole operations were also transferred to county control.

The YOBG funds that support juvenile justice realignment have been bundled with another key juvenile justice funding stream (the Schiff-Cardenas Juvenile Justice Crime Prevention Act or JJCPA) into local public safety accounts under the state’s larger 2011 realignment reform. The JJCPA provides counties with a statewide total of about \$107 million per year, supporting probation-based youth crime and violence prevention programs selected by local Juvenile Justice Coordinating Councils. These juvenile justice funds are locked into local public safety accounts that are supported with new tax revenues approved by California voters in 2012

(Proposition 30), and they are considered secure through at least 2016. In addition, the state continues to support local probation camps and ranches and related probation services through the Juvenile Probation Camp Fund. The Governor's Budget does not propose to alter this funding.

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Later this month, look the launch of our new juvenile justice website, with California reports and other youth justice information—more on this to come.