

## **Juvenile offenders: Cuts put counties on the spot**

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Prosecutors and prisoner advocates are warning that an impending change in the way California handles juvenile offenders could threaten the success of criminal justice statewide.

At issue is a midyear cut that will essentially gut the Department of Juvenile Justice, the state agency that incarcerates California's most violent juvenile criminal offenders. Under the budget reduction enacted earlier this month, the agency will cease to exist unless counties pony up \$125,000 a year per youth offender.

Those who oppose the change say it could have unintended consequences: More juveniles could be charged as adults, efforts to rehabilitate youth offenders who commit less serious crimes could be hurt, and the realignment of the adult criminal justice system could be derailed.

The Department of Juvenile Justice houses 1,100 youth offenders and was among the state programs hit by midyear budget cuts after state revenues failed to meet expectations.

Under the automatic cutbacks approved by lawmakers in June and set to take effect Jan. 1, the agency's \$72 million annual budget will be eliminated, and counties will have to pay the state \$125,000 a year for each juvenile offender it wants the state to continue housing - or take those youths back to serve their time at local facilities. In a series of letters to Gov. Jerry Brown, the statewide associations representing county governments, district attorneys and probation officials have warned that the change will force counties to make the "untenable" choice between paying millions of dollars a year they don't have or moving youth offenders to county facilities that are ill-equipped to handle them.

### **Adult charges**

If they pay, the letters warn, funding for Brown's realignment of adult criminal justice services will suffer, and if they don't pay, less-serious youth offenders at the local level will be affected.

Ultimately, the letters say, future juvenile offenders may feel the brunt of the policy. If prosecutors do not believe there is a safe, affordable place to house juvenile criminals, they may be more likely to charge more of them as adults, and subject them to state prison.

Advocates for juvenile offenders say the change could erase years of progress.

"This forces counties to take dangerous kids back into counties where there are no secure facilities," said David Steinhart, who has helped craft state juvenile justice laws and policies and directs the Commonweal Juvenile Justice Program in Marin County.

"And in the future, if it costs too much to put them in the state (juvenile) system, they are going to be prosecuted as adults. The real downside of this penalty is that it will push hundreds of young people into adult prisons," he said.

### **Dramatic changes**

How California handles juvenile offenders has changed dramatically over the past 15 years. Criticisms and lawsuits over the agency formerly known as the California Youth Authority led to major reforms and, ultimately, a steep decline in the number of youth offenders handled by the state system.

In 1996, the state began offering counties a financial incentive to expand their juvenile detention facilities. At the time, there were about 10,000 juvenile offenders serving time with the Youth Authority.

"The philosophy behind that change was that youth are more prone to respond to rehabilitative treatment because they are still young, and there is a lot of evidence to show they do better in rehabilitation when they can be close to their families," said Department of Juvenile Justice spokesman Bill Sessa. "That began a rapid and steep decline in the (state) population."

Twelve years later - following a lawsuit and court orders to improve conditions further - the state implemented a law limiting who can be locked up in juvenile justice sites to the most serious, violent juvenile offenders.

### **Murder, rape, robbery**

Now, the state juvenile population is around 1,100. Under state law, those who commit crimes as juveniles can be held in the Department of Juvenile Justice up to the age of 25, so

many of those juvenile offenders are actually now adults. Another 150 of the total 1,100 were tried as adults and will be transferred to the state prison system when they turn 18.

"They are in there for things like armed robbery, assault, rape, murder and other sex offenses," Sessa said. "There are no young hubcap stealers in our population. ... They are significantly different from most of the youth the counties have."

While it costs about \$50,000 a year to house an adult felon in state prison, the intensive treatment offered at juvenile justice sites makes them far more expensive: around \$175,000 a year, said Sessa.

"We have a lot of confidence in our program - it exists for a reason," he said.

That's why counties are so worried about what will happen after Jan. 1.

### **Legal challenges**

UC Berkeley Law criminologist Barry Krisberg, who has helped monitor reforms at the Department of Juvenile Justice mandated by court orders, warned that counties could face litigation over their facilities if they take the serious, violent juvenile offenders.

County officials are also worried about the impact on other youth offenders.

"If counties are forced to absorb this population in some [fashion](#) at the local level, we are concerned that the mixing of the most serious and violent juvenile offenders with the youth now in our custody and care will greatly compromise rehabilitative efforts with the current local population," wrote Mike McGowan, Gregory Totten and Linda Penner - the presidents of the statewide associations representing counties, district attorneys and probation chiefs - in a Dec. 7 letter.

This population, they wrote, "is decidedly unfit" for county facilities, "as these youth possess complex criminal profiles often accompanied by significant mental health, behavioral and treatment needs."

And lower-level youth offenders wouldn't be the only victims of the change, the groups warned.

### **Realignment funds**

Local criminal justice leaders already have their hands full with adult realignment, which shifted the responsibility of thousands of nonviolent felons from state prisons and parole to county jails and probation. The program, crafted and championed by the governor, began on Oct. 1 and is viewed by many experts as the most significant reform to criminal justice in California in decades.

Probation departments around California are taking the lead in instituting realignment, and Penner, who represents probation chiefs, said the Department of Juvenile Justice changes will "significantly" harm that program's chances of success.

For example, a county like Fresno - which currently has 69 juvenile offenders in juvenile justice sites - would see nearly all of its realignment funding eaten up if it paid for all 69 youths to stay in the state facilities.

For now, Brown and state lawmakers seem unlikely to rethink the Department of Juvenile Justice budget reduction; it is just one of many state programs, including higher [education](#) and services for the poor and disabled, impacted by the midyear cuts. But Steinhart predicted that state leaders will reconsider things as they shape the 2012-13 [state budget](#) this spring.

"I don't think it's going to last three months," he said. "Too many people dislike it, and I think the governor and Department of Finance realize they made a mistake and are looking for ways to undo it."

### **Realignment status**

California's prisons reduced their population by 8,200 inmates in the first nine weeks of Gov. [Jerry Brown's](#) realignment program, which transfers responsibility for low-level offenders from the state to counties, and are on track to meet court orders to reduce overcrowding, state officials report.

Realignment sends newly convicted felons and parole violators to county custody for such offenses as burglary, auto theft and drug possession. The savings to the state come at a cost to local governments, which have their own budgetary problems and, in some cases, jails that are also filled to capacity.

In a federal court filing in San Francisco, lawyers for the Department of Corrections and Rehabilitation said state prisons held about 144,200 inmates on Oct. 1, when realignment

took effect, and 136,000 on Dec. 7. They said the state is on schedule to comply with a U.S. Supreme Court ruling requiring a reduction of 33,000 inmates in two years to ease crowded conditions that have crippled the prison health care system.

*- Bob Egelko, Chronicle staff writer*