

## Policy Brief

# A Juvenile Justice Reprieve: California's 2012 Mid-Year Budget

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### Introduction

On January 1, 2012, California Governor Jerry Brown initiated automatic budget trigger cuts as state revenues fell below the forecast of \$2.2 billion (Department of Finance, 2011a). The \$980 million in mid-year trigger cuts affected a wide range of government services and programs. Despite extensive cuts to education, child care, and developmental services, the Governor delayed collection of the juvenile justice budget trigger related to county fees for housing youth offenders at the state Division of Juvenile Facilities (DJF).<sup>1</sup>

In his June 30, 2011 budget agreement, Governor Brown first proposed potential trigger reductions of \$72.1 million from DJF, if revenue fell short of the budget forecast by more than \$1 billion (Department of Finance, 2011b). Per Senate Bill No. 92, counties would be required to pay \$125,000 annually for each youth committed to DJF (Chap. 36, Stats. of 2011). On December 13, 2011, the Governor announced specific implementation of these mid-year DJF trigger cuts, with revised **estimated savings of \$67.7 million** (Department of Finance, 2011a). This amounted to 60% of the true cost for housing youths in DJF. Nevertheless, he chose to delay collecting this trigger from California's counties.

While CJCJ continues to call for full phased juvenile justice realignment, the Governor's May budget revise provides policy changes that establish a foundation for this process to commence. However, there are additional cost saving and responsible policy recommendations that should be considered by the legislature as they move forward with the Governor's proposal.

These changes would allow counties to begin building their local capacity to adequately serve their serious youth offender populations. We cannot continue to balance the budget by cutting into fundamental systems that protect our most vulnerable populations, while maintaining an unnecessary state youth correctional system that serves less than 1,000 youth. As many counties in all regions of California already demonstrate with their best-practice programs, local juvenile justice systems are fully capable of serving high-need youth offenders.

~ Daniel Macallair  
CJCJ Executive Director

<sup>1</sup> The 2005 reorganization of the Youth and Adult Correctional Agencies into the CDCR created the Division of Juvenile Facilities (DJF). The DJF is commonly referred to as the Division of Juvenile Justice (DJJ). This report uses the Division of Juvenile Facilities.

The purpose of this publication is to explore the January 2012 budget triggers, in the context of additional budget cutbacks, and consider the implications of potential future reductions in November 2012, when voters will decide on Governor Brown's tax initiative. On May 14, 2012 Governor Brown released California's 2012-13 May Budget Revision, which proposed DJF net savings of \$24.8 million rather than the \$200 million saving upon completion of his January 2012-13 juvenile justice realignment proposal. The May Revised Budget also introduces a new fee structure, which will cost counties \$24,000 annually per youth committed to DJF; down from the \$125,000 implemented yet uncollected trigger fee.

### **Division of Juvenile Facilities**

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California spends roughly \$179,400 per ward to house approximately 1,000 youth at DJF (LAO, 2012a; DJJ, 2012). Despite this substantial cost, DJF remains a failed archaic system, unable to meet the basic needs of youth in their charge, including mental health services and institutional safety (CJCJ, 2012). For example, in April 2011, 44% of interviewed youth at Ventura Youth Correctional admitted being fearful for their safety (Superior Court of California, 2012). Moreover, the department must replace dilapidated facilities at \$1 million per cell as a result of the Farrell Litigation. A state audit of DJF found approximately 80% of youth recidivate within three years of release (CDCR, 2010).

Furthermore, DJF places a disproportionate burden on many counties, specifically those who already house their youth locally. Previous CJCJ research indicates that California's five most state-dependent counties account for 22.9% of all DJF youth, while the five most self-reliant counties result in only 3.5% of all DJF youth, despite comparable juvenile felony arrest rates (CJCJ, 2011b). While state-dependent counties pay only nominal fees to house their youth in DJF, taxpayers of self-reliant counties not only take responsibility for serving their own youth locally, but also cover the hefty state tab to maintain the DJF for other counties.

Given this situation Governor Brown recognized the need for full DJF closure a year ago. In his 2011-12 budget, the Governor proposed full juvenile justice realignment that included providing counties \$200,000 per youth held in DJF as of January 1, 2012. This proposal was removed from the final budget; however, mid-year budget triggers were announced in December 2011. In his January 2012-13 budget, the Governor again proposed full juvenile justice realignment. DJF would stop accepting new youth on January 1, 2013 and the population would reach zero by June 30, 2015. Additionally, the budget proposed a one-time investment of \$10-million to expand county capacity (LAO, 2012a).

### **January 2012 Budget Trigger Cuts**

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The Governor's January 2012 budget triggers resulted in deep cuts across a cross-section of government services. These triggers are listed in the below table. The Governor "pulled" these triggers, attempting to collect on most funding reductions. Nevertheless, Governor Brown granted a reprieve to the \$67.7 million budget trigger for DJF.

**Table 1. January 2012 budget trigger cuts.**

<b>Budget Item</b>	<b>Funding Reduction</b>
California State University	\$100,000,000
Child Care (Non Proposition 98)	\$17,084,000
Child Care (Proposition 98)	\$5,900,000
Community Colleges	\$102,000,000
Department of Corrections and Rehabilitation	\$20,000,000
Department of Developmental Services	\$100,000,000
Division of Juvenile Justice	\$67,700,000
Home to School Transportation	\$248,000,000
In-Home Supportive Services	\$101,481,000
Medi-Cal	\$8,642,000
Proposition 98	\$79,600,000
State Grants to Local Libraries	\$15,866,000
University of California	\$100,000,000
Vertical Prosecution Grants	\$14,558,000
<b>Total</b>	<b>\$980,831,000</b>

Source: Department of Finance, 2011.

The reprieve of DJF fees requires the state to draw the proposed \$67.7 million reduction from already strained state education and social services, which threatens public safety. These include substantive cuts to K-12 and higher education. Social science research concludes that investment in education is a successful long-term strategy for curtailing crime (CJCJ, 2011a). The January 2012 triggers, despite the reprieve for DJF, also reduced funds for direct law enforcement services, including \$14.5 million in vertical prosecution grants to the California Emergency Management Agency, \$20 million to the California Department of Corrections and Rehabilitation, and \$10 million to combat local In-Home Supportive Services (IHSS) fraud.

The subsequent sections present analysis of specific budget cuts, with reference to the delayed DJF triggers. A cost equivalency is given at the end of each section, distilled from the \$67.7 million that the DJF trigger was designed to save, to better quantify the social impact of these cuts.

**Child Care—Non Proposition 98..... Funding Reduction: \$17,084,000**  
**Child Care—Proposition 98..... Funding Reduction: \$5,900,000**

Low-income families often cannot afford the cost of sending their children to appropriate day care facilities. As such, California's subsidized child care program assists low-income parents work, attend school, and otherwise improve their families. Given the present economic downturn, *the waitlist to receive these subsidies presently numbers approximately 180,000 children (CCCRN, 2011).*

The 2012 mid-year budget triggers cut \$23 million in funds for child-care services managed by California's Department of Education, including After School programs. This represents a 4% across the board reduction. Since 2008-2009, state child care and development programs have lost \$784 million or 25% of their total funding (CCPU, 2011).

**\$67.7 million =**  
**12,927 child care slots**  
**for children with**  
**working parents.**

The \$67.7 million DJF trigger reprieve, if collected, could extend funding to new recipients. Given the proposed 2011-12 per child funding expenditure of \$5,237, this would open 12,927 child care slots (LAO, 2011).

**Community Colleges ..... Funding Reduction: \$102,000,000**

California's community colleges enroll approximately 2.5 million students at 112 locations across the state (California Community Colleges, 2012). The state community college system fulfills the educational needs for California's substantial and highly diverse student population. These institutions serve 25% of community college students nationally, 70% of state students enrolled in higher education, and 75% of state GI Bill Veterans (California Community Colleges, 2012). As with the state universities, community colleges have an economic multiplier effect on government spending.

California's community colleges lost \$102 million as a result of the Governor's January 2012 trigger cuts. This brought total yearly cuts to \$502 million out of a total budget for \$5.9 billion (San Francisco Chronicle, 2011). This resulted in an increase of per unit fees from \$36 to \$46 effective summer 2012.

Moreover, the state community college system is mired in long-term financial strain, taking \$769 million in cuts since 2009-10 (California Community Colleges, 2012). The California Community Colleges Chancellor's Office *estimates that the 2011-12 budget reduced funding by \$400 million (6.8%), which cut class access to nearly 200,000 students* (California Community Colleges, 2012). The Governor estimates that community colleges and public schools could lose an additional \$4.8 billion in January 2013, if his proposed tax increase fails in November (Los Angeles Times, 2012).

**\$67.7 million =**  
**Annual enrollment fees**  
**for 13,274 full-time**  
**California community**  
**college students.**

The estimated \$67.7 million savings from increasing DJF county fees represents funds that are much needed to support the state community college system. State funding for California's community colleges is \$5,100 per full time equivalent student (California Community Colleges, 2012; Personal communication, LAO, May 15, 2012). Given this cost, the projected \$67.7 million revenue from DJF-related county fees would equate to state expenditures for 13,274 community college students.

**Department of Developmental Services (DDS)..... Funding Reduction: \$100,000,000**

California's DDS provides services and support for roughly 258,000 developmentally disabled individuals in the state (DDS, 2012a). Most of these individuals receive state-financed support services through an appropriate non-profit corporation, of which there are 21 in California. The state funds these programs, known collectively as the Community Services Program, for individuals who lack private insurance or cannot access "generic" services through counties, cities, or other entities. Such programs may include day programs, community care facilities, and support services to help developmentally disabled Californians live safely and independently in their communities. The DDS also funds 24-hour state-operated support facilities that serve approximately 1,752 clients (LAO, 2012b).

Per the Governor’s January 2012 budget triggers, the state cut \$100 million from the general fund budget for the DDS. Governor Brown proposed these cuts from prior savings and lower planned spending. *The state has previously cut \$1 billion in funds related to developmental services over the past two budget cycles and Governor Brown’s proposed 2012-13 state budget included additional cuts of \$200 million*, although the specifics have yet to be determined (CDCAN, 2011; 2012).

**\$67.7 million =**  
**Safe, independent living for 7,799 developmentally disabled Californians.**

An estimated 256,059 Californians, in 2012-13, will receive community-based services that are financed through DDS Regional Centers, at a total estimated cost of \$3.65 billion, of which the General Fund covers just over \$2.22 billion (LAO, 2012b; DDS, 2012b). This averages to approximately \$8,680 per individual.<sup>2</sup> This includes funds for day programs, community care facilities, and support services. The \$67.7 million DJF budget triggers would equate with state funding for approximately 7,799 developmentally disabled Californians through the Community Services Program.

#### **In-Home Support Services (IHSS)..... Funding Reduction: \$101,481,000**

IHSS funds home care and services for 425,000 vulnerable Californians, including disabled children and adults, the blind, and low-income seniors. IHSS funds essential everyday services, including grocery shopping, housecleaning, laundry, and meal preparation. The program also subsidizes personal care assistance, such as help with eating, dressing, and bathroom assistance. These services offer individuals the freedom of safe independent living in their homes.

The January 2012 budget triggers reduced IHSS funds by \$101.4 million. This lowered service hours by 20% and eliminated \$10 million in funds allocated to combat fraud at the local level. The IHSS trigger was “pulled,” but remains suspended due to litigation stemming from a preliminary court injunction, which the state is presently appealing. However, the \$10 million cut for anti-fraud prosecution did go through, which empowered District Attorneys and local enforcement. Previously, the 2010-11 state budget cut service hours by 3.6%. The Governor’s proposed 2012-13 state budget cuts IHSS by an additional \$207 million, which facilitates a reduction of county and federal funds totaling \$424 million (CBP, 2012c). *These forthcoming cuts would eliminate domestic support for 254,000 vulnerable individuals in a shared living environment.*<sup>3</sup>

The \$67.7 million reprieve for DJF, if collected, could provide considerable support to those vulnerable Californians reliant upon IHSS. For example, this amount of money yet to be collected from DJF is the equivalent of the estimated annual state services

**\$67.7 million =**  
**In-home services for 18,243 vulnerable Californians.**

<sup>2</sup> Despite this estimate of 2012-13 General Fund allocation for DDS Regional Center purchases, this figure is not an exact average as the services vary per client.

<sup>3</sup> For an estimate of county-level impact, see The California Budget Project’s April 2012 report, titled “The Governor’s Proposed Budget Would Reduce In-Home Supportive Services for 254,000 Low-Income Seniors and People With Disabilities.” Located at: [http://www.cbp.org/pdfs/2012/120409\\_Impact\\_IHSS\\_Budget\\_Cuts.pdf](http://www.cbp.org/pdfs/2012/120409_Impact_IHSS_Budget_Cuts.pdf).



cost, per case (\$3,711), for approximately 18,243 clients (California State Senate, 2012).<sup>4</sup> IHSS funds empower these vulnerable Californians to live more independently and safely.

**Medi-Cal..... Funding Reduction: \$8,642,000**

The California Medical Assistance Program, or Medi-Cal, administers the federal Medicaid program for low-income Californians with limited means to cover their health expenses, including children, the disabled, and senior citizens. This program has served many California since 1966, and is financed by both the state and federal government. The number of Medi-Cal beneficiaries enrolled at least one month, in FY 2009-2010, was 8.884 million, with 7.25 million beneficiaries as of January 1, 2010 (California Department of Health Care Services, 2011).

The Governor's proposed 2012-13 budget includes significant cuts to Medi-Cal funding and operations. As part of larger cuts, the budget moves the 900,000 enrollees of Healthy Families program into Medi-Cal, and mandates enrollment into Medi-Cal Managed Care for the approximately 1.2 million Californians who are eligible for both Medi-Cal/Medicare (California Medical Association, 2012).

As part of the January 2012 trigger cuts, the Governor proposed extending provider reimbursement cuts and co-payments to all managed care plans. However, the federal government has since denied the state proposal to introduce co-payments. Medical groups have also filed litigation against the state, to prevent a 10% rate reduction, which would affect doctors, pharmacists and long-term health care facilities (California Watch, 2012).

**Proposition 98—Reduce Apportionments ..... Funding Reduction: \$79,600,000**  
**Public School Transportation (K-12) ..... Funding Reduction: \$248,000,000**

In 2010-11, the 260,277 full-time teachers in *California's K-12 public school system served approximately 6,217,002 students at 9,895 schools* (Education Data Partnership, 2012). The state public school system is very large and services a highly diverse population. This system prepares California's youth for entry into the workforce. Despite the important role of public education, the state system continues to suffer systemic deficiencies, which are exacerbated by financial cuts. Annual funding for 2010-11 reached \$43.4 billion, a \$7 billion drop (13.8%), from 2007-2008 (CBP, 2012a).

The January 2012 mid-year budget triggers proposed cuts of \$248 million for home to school transportation. State legislators modified implementation of this measure through Senate Bill 81, which proposed funding cuts of \$248 million to school district general-purpose revenue. This restored the funds for school busing. Effective February 1, 2012, Governor Brown also cut the Proposition 98 general purpose funding, marked for K-12 education, by \$79.6 million. Thus, the January 2012 triggers reduced a total \$327.6 million of K-12 general purpose education

**\$67.7 million =**

**Nearly 7,600 students  
in California's K-12  
schools.**

<sup>4</sup> This figure is the estimated state per capita expenditure for IHSS. As of 2012-13, the estimated annual cost of services is \$11,420 per client. The federal government assumes a base rate of 50% for this cost, with the state and counties covering the other 50%. The state pays 65% of this remaining non-federal share of IHSS funding.

funding for California's school districts. *Per student spending, for 2012-13, may decrease by approximately \$700 if the Governor's proposed tax increase fails in November* (CBP, 2012b).

California spent an estimated \$8,908 per K-12 student, for 2010-11, which ranks the state 46<sup>th</sup> in the country (CBP, 2011). The delayed \$67.7 million DJF budget triggers equates with funding for nearly 7,600 students in California's K-12 educational system.

**State Libraries ..... Funding Reduction: \$15,866,000**

As of January 2011, there are 182 public libraries in the California State Library (CSL) system, with 1,175 public library outlets across the state (California State Library, 2011). *Each day, approximately 1 million Californians visit a library*, where they can obtain materials, use reference material, access computers with Internet capabilities, attend programs, and receive literacy tutoring and homework assistance (California Library Association, 2012b). The library system delivers these services to a cross-section of Californians, including the general public, members of state government, and those physically handicapped and unable to use standard print material.

The 2012 budget triggers eliminated \$15,866,000 in state grants to local libraries. This ended nearly \$12 million of state funding for local assistance programs, including the California Library Literary Services Act, the California Library Services Act, and the California Newspaper Project. The California Library Literacy Services Act facilitates community-based programs to adults with low-literacy skills. The California Library Services Act fosters cooperative practices and reimburses libraries that make loans beyond their jurisdiction. Finally, the California Newspaper Project catalogs and preserves state newspapers. These fiscal reductions compromise federal funding through the Library Service and Technology Act (LSTA). The budget triggers also cut funding for the California Civil Liberties Public Education Program, an educational grant, and the Public Library Fund, which provides direct aid to libraries.

The \$67.7 million in funds, from the DJF trigger reprieve, would have a significant impact on the state library system. If collected, these budget triggers equate with more than double the total \$30.4 million funding for the state literacy program, Public Library Fund, and California Services Act, which currently receive no budget funding and disqualifies \$17 million in federal funds tied to state library spending (California Library Association, 2012a).

**\$67.7 million =**

**More than double the total funding for the state literacy program, Public Library Fund, and California Services Act.**

**State University System ..... Funding Reduction: \$200,000,000**

The California State University (CSU) and University of California (UC) are the foundation for higher education in California and highly respected institutions worldwide. In Fall 2011, CSU enrolled 426,534 (CSU, 2011b) and UC enrolled 236,691 (UC Office of the President, 2011) students respectively. State general funds provide substantial financial support to CSU and UC, which contribute to students, faculty, and the overall economic well being of the state. One study found that UC is responsible for \$46.3 billion annually in state economic activity, which

supports 1 out of 46 jobs (Economic and Planning Systems, Inc., 2011). Similarly, another report estimates the total annual state spending impact of CSU is \$70 billion (ICF Intl., 2010).

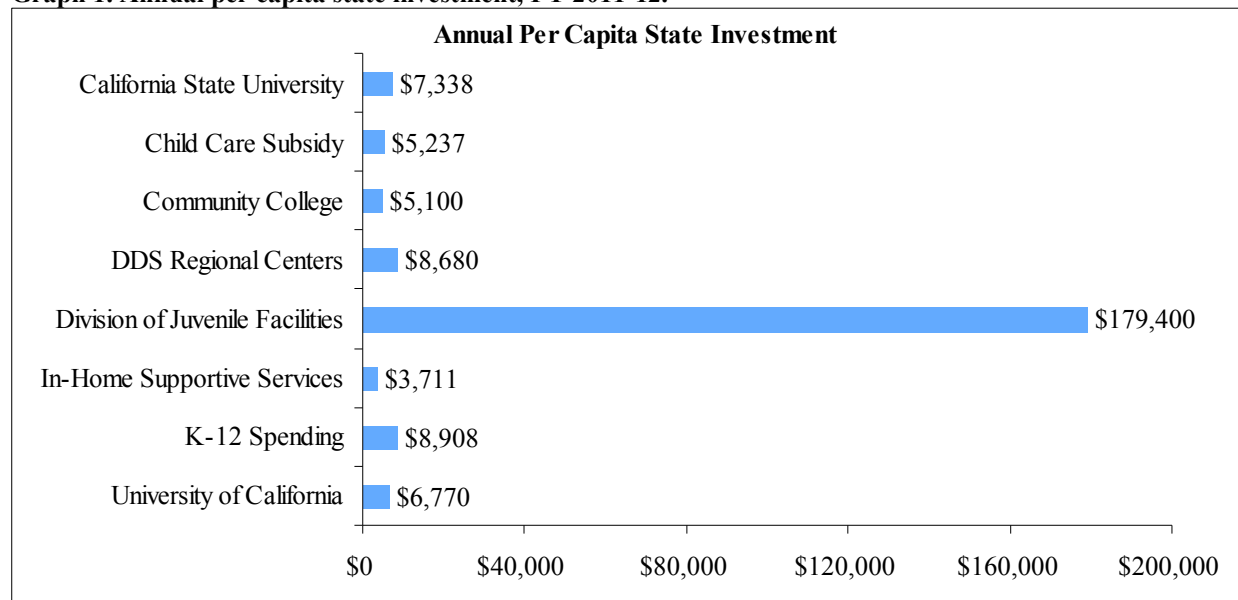
The January 2012 budget triggers cut \$100 million each for both the UC and CSU system. This brought total yearly budget cuts to \$750 million for each university (San Francisco Chronicle, 2011). Both CSU and UC pass along funding cuts directly to their students, in the form of raising fees and tuition. As of December 2011, UC charged students a 17% tuition and fee increase from the year prior (San Francisco Chronicle, 2011). Adjunct professors will be released, which reduces the number of available courses and further overcrowds classrooms. The CSU is slated to suspend admissions for the Spring 2013 semester, which the system previously instituted in Spring 2010. ***CSU and UC may each lose an additional \$200 million in January 2013, if voters do not approve the Governor's proposed tax initiative in November.***

State funding for higher education is approximately equivalent to funds for corrections, due to a 10-year trend of dropping education funds and increasing correction spending (LAO, 2009). The 2012-13 higher education budget is \$9.3 billion or 10.13% of the total state budget, whereas correction is \$8.7 billion or 9.45% (Department of Finance, 2012). Over the last 10 years, per inmate spending increased by two thirds, while UC per student spending decreased by one third (LAO, 2009).

The \$67.7 million delayed trigger reduction for DJF would offer the state university system much needed support. Per student state funding, for 2011-12, figured \$7,338 for CSU (CSU, 2011a) and \$6,770 for UC (UC, 2011). Therefore, the DJF trigger funds, if collected, would be the equivalent of state per student funding for 9,225 CSU students and 10,000 UC students.

**\$67.7 million =**  
**Student tuition fees**  
**for 9,225 CSU**  
**students.**

**Graph 1. Annual per capita state investment, FY 2011-12.\***



\*Due to unavailable data, K-12 FY 2010-11, and IHSS and DDS FY 2012-13 figures are used.

Sources: CSU, 2011a; LAO, 2011, 2012 (personal comm.), 2012a, 2012b; DDS, 2012b; California State Senate, 2012; CBP, 2011; UC, 2011.



## Conclusion

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The Governor's January 2012 budget triggers significantly reduced funding for a cross-section of necessary state services. This directly impacted California's students, working families, developmentally disabled, and vulnerable populations. Governor Brown also initially included a budget readjustment to California's DJF for \$67.7 million. The adjustment would have increased county costs for youth sent to DJF.

State and county law enforcement groups opposed to juvenile justice realignment, likewise lobbied against the state collecting on proposed DJF triggers. These included the Chief Probation Officers of California (CPOC), California District Attorney's Association (CDAA), and the California Correctional Peace Officers Association (CCPOA). In fact, Scott Thorpe, chief executive of CDAA went so far as to state, "Obviously we would like him to drop that cut, and cut from other places" (New York Times, 2011, p. 1). Given this opposition, Governor Brown relented and issued a reprieve on the proposed DJF budget triggers. As such, the May revised budget includes additional cuts across other necessary state services to remedy the budget shortfall. This does not include possible future cuts to those same services should the Governor's November tax initiative fail.

The current state of California's juvenile justice system is ill defined, inequitable, and comes at great social and fiscal cost. Counties cannot continue to oppose both budget triggers which attempt to more realistically balance DJF fees, and juvenile justice realignment, which transitions away from an archaic and dysfunctional state system to build on county successes. DJF is unnecessary and no longer justified in the current fiscal climate.

CJCJ recommends phased realignment towards a 21<sup>st</sup> century juvenile justice system. Staggered juvenile justice realignment improves county-level capacity and builds on successes around the state. This approach addresses the needs of California's diverse counties. Moreover, it appreciates the considerable fiscal sacrifice made to maintain DJF, which burdens taxpayers and those who provide necessary government services. Governor Brown's May revised budget can initiate this process today, by providing policy changes that reevaluate the cost of juvenile confinement. A phased approach to juvenile justice realignment is a fiscally sound measure that facilitates much-needed reform without compromising the dignity of California's vulnerable citizens.

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**Please note:** Each year, every county submits their data to the official statewide databases maintained by appointed governmental bodies. While every effort is made to review data for accuracy, CJCJ cannot be responsible for data reporting errors made at the county level.

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