



**CALIFORNIA STATE
ASSOCIATION OF COUNTIES**



**RURAL COUNTY
REPRESENTATIVES OF
CALIFORNIA**



**URBAN COUNTIES
of CALIFORNIA**

May 18, 2020

The Honorable Gavin Newsom
Governor, State of California
State Capitol Building, 1st Floor
Sacramento, CA 95814

Dear Governor Newsom,

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we write to express our opposition to the 2020-21 May Revision proposal to close, or “realign,” the state Division of Juvenile Justice (DJJ). The proposal would cease intake of youthful offenders into DJJ facilities beginning January 1, 2021, and close the associated state facilities through attrition, making counties responsible for the entirety of the juvenile justice system.

Probation departments exemplify the county spirit of problem solving through collaboration and partnerships at both the state and local level. The implementation of monumental California criminal justice reforms is due, in large part, to county probation departments. Recent reforms such as SB 81 (Juvenile Realignment of 2007), SB 678 (Community Corrections Performance Incentive Act of 2009), AB 109 (Public Safety Realignment Act of 2011), would not have occurred without the thoughtful partnership between county probation departments and the state. However, these reforms could have only been made by reimagining the criminal justice continuum through careful planning and robust discussion between county leaders, probation departments, and state-level stakeholders. In truth, that is what defines a “realignment” in California—a careful division of system responsibilities designed through a thoughtful and deliberative partnership that aims to benefit the counties, the state, and the populations we serve. An important component of 2011 Public Safety Realignment, which built off lessons learned from 1991 Realignment, was the constitutional protection of a dedicated fund source for realigned programs. Even with those protections currently in place, counties are facing billions in realignment revenue losses due to plummeting state and local revenues, while confronting other state-level proposals that directly reduce public safety resources.

Our primary concern is the absence of collaboration to date on this proposal and the extremely compressed timeline associated with a May Revision proposal. This would be the case even without the additional challenges presented by COVID-19. It resembles a similar proposal from the last recession that appeared to be aimed at merely reducing state costs to close a budget gap. If this proposal is intended to achieve improved rehabilitation and treatment of youthful offenders, while maintaining public safety, it must be accompanied by the same careful deliberation as past criminal justice reforms. The June 15 deadline and subsequent budget actions expected throughout the summer do not allow for such a process.

Additionally, previous legislation which transfers youthful offender population to counties restricts placements in a DJJ facility to only the most serious and violent youth. This population, in most cases, is decidedly unfit for current local placement options because these youth possess complex criminal profiles often accompanied by significant mental health, behavioral health, and sex offender treatment

needs. Many counties are not currently equipped to adequately address the needs of this population. It remains our collective view that the state has a necessary role in the juvenile justice continuum — a role that has been narrowed over the years to housing and rehabilitation of the most serious youthful offenders.

Regrettably, given either the severity of the crime or the extent of a youth's treatment needs, DJJ often is the only practical, and sometimes last available, placement option for this population. While not impossible, overcoming this challenge would require significant new, stable, and protected resources to ensure the county system could be successful in rehabilitating these individuals. Again, this critical aspect is something not offered by this May Revision proposal as it lacks clarity about the sufficiency and stability of a funding source. This factor is even more troubling in today's circumstances when core revenue streams will leave counties struggling to assure an appropriate level of service for the youth for whom the counties already are responsible. Although low-population counties may send only one or two commitments to DJJ once every three to four years, it is difficult to conceive a scenario where a realignment structure will ever sufficiently assure the capacity, facilities, and financial resources needed to successfully manage this population.

Lastly, we are concerned that if future DJJ commitments were eliminated, there could be a multitude of undesirable outcomes. Although recent legislation and Proposition 57 of 2016 have significantly changed the process for transferring youthful offenders to adult court, the state could still see an increase in adult court proceedings for youthful offenders — reflecting the fact that a local option either may not exist to manage this population or may be viewed as inappropriate given the nature of the crime. Furthermore, if counties must absorb this population at the local level, we are concerned that mixing the most serious and violent juvenile offenders with the youth currently in local custody and care could greatly compromise rehabilitative efforts of the existing local population.

It is for these reasons that our associations must oppose the proposed closure, or "realignment," of DJJ. If the state is interested in designing an appropriately resourced system and shifting responsibility for a population of youth with extraordinarily acute and complex needs, the current proposal and available timeframe fall well short of assuring success. While we appreciate the severity of the fiscal problems facing the state and the extremely limited options available, we believe this is not a solution the state and counties are currently prepared to implement. However, counties, including the membership of our individual associations, remain committed to opening productive dialogue with the Legislature and Administration in exploring solutions to perplexing problems—and this issue is no different.

We appreciate your consideration of the county perspective on this important policy issue.

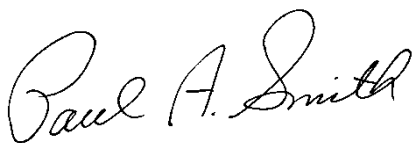
Sincerely,



Darby Kernan
CSAC Deputy Executive Director, Legislative Affairs



Elizabeth Espinosa
UCC Legislative Representative



Paul Smith
RCRC Vice President of Government Affairs

cc The Honorable Holly Mitchell, Chair, Senate Budget and Fiscal Review Committee
The Honorable Phil Ting, Chair, Assembly Budget Committee

Honorable Members, Senate Budget and Fiscal Review Committee
Honorable Members, Assembly Budget Committee
Chris Woods, Office of the Senate President pro Tempore
Jason Sisney, Office of the Assembly Speaker
Joe Stephenshaw, Senate Budget and Fiscal Review Committee
Christian Griffith, Assembly Budget Committee
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Jessica Devencenzi, Deputy Legislative Secretary, Office of the Governor
Keely Bosler, Director, Department of Finance
Amy Jarvis, Program Budget Manager, Department of Finance
Clint Kellum, Assistant Program Budget Manager, Department of Finance
Ralph Diaz, Secretary, California Department of Corrections and Rehabilitation