



April 15, 2024

The Honorable Caroline Menjivar
Member of the Senate
1021 O Street, Suite 6720
Sacramento CA 95814

**RE: SB 1057 (Menjivar) – Juvenile Justice Coordinating Council
As amended 3/19/2024 – OPPOSE
Set for hearing 4/23/2024 – Senate Public Safety Committee**

Dear Senator Menjivar:

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 jointly express our respectful opposition to SB 1057.

Like several bills that have been put before the Legislature in recent years – including [AB 1007](#) (Jones-Sawyer, 2020), [SB 493](#) (Bradford, 2021) and [AB 702](#) (Jackson, 2023) – [SB 1057](#), as recently amended, proposes to make considerable changes to local Juvenile Justice Coordinating Councils (JJCC), as well as the process for the JJCC's deployment of Juvenile Justice Crime Prevention Act (JJCPA) funds. These funds were realigned to counties in 2011 and serve as the bedrock of virtually all counties' juvenile justice systems. Notably, with the passage of [SB 823](#) in 2020, counties now bear full responsibility for the entire juvenile justice system at the local level.

More specifically, SB 1057 extensively recasts the composition of the JJCC by (1) requiring that the body be comprised of at least half community representatives and the remainder from governmental entities and (2) inappropriately removing the chief probation officer as the chair of the JJCC and instead specifying that the JJCC with its newly formulated composition shall elect two co-chairs, at least one of whom must be a community representative. Second, this measure confers authority to the Board of State and Community Corrections (BSCC) or other state entity with oversight over administration of these funds to determine remedial action or to withhold JJCPA funding if a county fails to establish a JJCC. Third, it establishes a new request for proposal (RFP) process for JJCPA funds under which a local agency other than a law enforcement related agency – with a stated preference for behavioral health-related local agencies – must administer the RFP.

First, to be clear, counties welcome the participation of community members and value partner organizations in supporting the therapeutic needs of justice-involved youth in our community.

However, to reinforce our position on the aforementioned previous iterations of this measure, it continues to be wholly inappropriate for community organizations to assume responsibility of core functions for which counties – probation departments, specifically – are prescribed by law to provide and are held fully accountable for the outcomes.

Second, as we also have noted in our advocacy during past legislative deliberations, under no circumstances is it appropriate to withhold or in any way disrupt the flow of JJCPA funds or any other resources that accompany services and responsibilities realigned to counties in 2011. As was outlined in a 2019 state audit report, the JJCPA was enacted statutorily in 2000 and funded for over a decade through the state General Fund. However, the JJCPA – along with a variety of other local assistance services and programs – was moved under the 2011 Public Safety Realignment fiscal structure to ensure it would remain a stable, foundational funding source to support local innovation and a continuum of community service options for youth. Provisions in Proposition 30 (2012) dedicate a specified level of Vehicle License Fee (VLF) funding to the JJCPA along with other local programs and constitutionally protects those investments. This latter feature requires careful thinking and understanding about the constitutional implications of withholding, delaying, repurposing, or redirecting to any degree JJCPA funds.

Counties continue to be concerned about potential remedial action and/or withholding of JJCPA funds, coupled with the proposed JJCC composition requirements, as the bill does not account for the real and challenging circumstances. This concern is exacerbated in rural jurisdictions, where a county may be unable to seat a full JJCC – not for lack of trying, but merely for lack of available or willing volunteers. Thus, the amendment to Government Code section 30061(a)(4) would impede the flow of realigned funds for circumstances that are often outside of county control, and again, appears to ignore the constitutional protections that surround this funding stream. Moreover, increasing the required number of community representatives serving on the JJCC from one “at-large community representative” and “representatives from nonprofit community-based organizations” to “at least 50 percent community representatives” as proposed in Welfare and Institutions Code section 749.22(c)(1), deepens existing challenges with establishing a JJCC.

Third, SB 1057 contemplates establishing a new and unspecified RFP process for deploying JJCPA resources. Taken together with the proposed changes to the JJCC composition, it is our expectation that, in its application, the new RFP process would result in the redirection of JJCPA funds away from county probation departments, as was the intent and goal of the previously referenced bills that failed passage due to the same policy impacts. In short, mandating a community representative as co-chair and explicitly removing law enforcement-related agencies from overseeing the RFP process for funding inappropriately strips the authority county government has over a county government function.

Today, JJCPA funds are – in many instances – dedicated to staffing and personnel costs that are the backbone of our juvenile probation departments. These expenditures have been and continue to be wholly eligible and lawful under the JJCPA. While counties are not opposed to

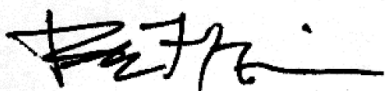
evaluating ways in which to improve JJCPA reporting and the structure of local coordinating councils (as was done through AB 1998 – Chapter 880, Statutes of 2016), we must oppose any legislation that would undercut a stable, constitutionally protected funding structure at a time when all counties are working diligently to support the entirety of the juvenile justice system. The goal of this measure would contradict the spirit – if not letter – of 2011 Realignment legislation, as well as provisions of Proposition 30.

On the surface, changes to the composition of the JJCC (and for that matter, any other juvenile justice committee or subcommittee), the frequency of meetings, and required components of multiagency juvenile justice plans may seem reasonable. However, from the county perspective, they are reflective of the eventual objective to minimize local authority over mandated county responsibilities and redirect funding. It is also indicative of a latent intent to create endless litigation if dollars are not allocated away from probation departments to other non-law enforcement entities and community-based organizations. These changes not only run counter to the vital governance principle that responsibility must be accompanied by the authority to implement, but unfortunately also result in diminished and delayed programming and service delivery to young people under county care.

UCC, RCRC, and CSAC are united in our view that community-based organizations provide valuable programs and services to justice-involved populations in many parts of the state. However, the process for allocating funds to these organizations should remain a local decision with robust community engagement, as is provided under current law, given that local governments are accountable for the outcomes associated with the treatment and supervision of justice-involved youth. Ultimately, a more productive approach would be to engage in a collaborative discussion on separate, new investments in programs to complement and expand the existing work of county probation departments that share the goals of diverting individuals from the justice system where possible and facilitating positive community reentry.

For these reasons, CSAC, UCC, and RCRC must therefore respectfully, but firmly oppose this measure. Please feel free to contact Ryan Morimune at CSAC (rmorimune@counties.org), Elizabeth Espinosa at UCC (ehe@hbeadvocacy.com), or Sarah Dukett at RCRC (sdukett@rcrcnet.org) for any questions on our associations' perspectives. Thank you.


Sincerely,



Ryan Morimune
Legislative Representative
CSAC



Elizabeth Espinosa
Legislative Representative
UCC



Sarah Dukett
Policy Advocate
RCRC

cc: Members and Counsel, Senate Public Safety Committee