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Written Testimony on the Governor's Realignment Plan for Juvenile Justice
Little Hoover Commission – November 15, 2007

I am Sue Burrell, appearing on behalf of the Youth Law Center. We are a San Francisco-based national public interest legal advocacy organization that protects the rights of children and youth at risk of or in institutional confinement. Thank you for the opportunity to address the Commission as California moves forward in a historic realignment of funding and function in our state's juvenile justice system.

We have been asked to address a number of topics: (1) issues that need to be addressed in the realignment of funding from the Division of Juvenile Justice to the counties through S.B. 81 and A.B. 191; (2) the role of Corrections Standards Authority in oversight of juvenile facilities; (3) unfinished business from the 2005 reorganization of corrections, including the structure of CDCR/DJF; and (4) the status of Youth Law Center cases involving the State.

Background on the Youth Law Center[1]

The Youth Law Center has been a central player in California juvenile justice policy for more than two decades. The office was created with federal funding in 1978 to help implement the Juvenile Justice and Delinquency Prevention Act. In the mid to late 1980's, the Center turned its attention to conditions in juvenile facilities, and was involved in several lawsuits in California. In 1989, we successfully sued the California Youth Authority (now the Division of Juvenile Justice) over inadequate special education services (*Nick O. v. Terhune*). Because of our knowledge of legal standards, Center attorneys were increasingly called on to provide training and technical assistance to probation departments hoping to avoid lawsuits. When the State eliminated funding for juvenile hall inspections in the early 1990's, we undertook a statewide training program to teach counties about self-inspection. Later, when the Board of Corrections (now the Corrections Standards Authority) took over juvenile facility inspections, Youth Law Center staff became involved in developing regulations, and have participated in every regulations revision process since that time. For more than a decade, we have also served as consultants on conditions of confinement for the Annie E. Casey Foundation, and I wrote the monograph on "Improving Conditions of Confinement in Secure Juvenile Detention Centers," (Pathways to Juvenile Detention Reform, volume 6) for the Foundation's Juvenile Detention Alternatives Initiative. We have consulted with and trained juvenile professionals in facilities and agencies all over the country.

The Center has sponsored legislation and testified at dozens of California legislative hearings on juvenile justice issues and bills. In the past several years, we have had a particular interest in mental health, health and education issues for youth in juvenile justice, and have published several papers on policy issues in these areas. We also obtained funding to support the Juvenile Justice Data Project – something that will be further addressed in this testimony. I was one of only two juvenile advocates invited to be a member of the Governor's Juvenile Justice Working Group.

[1] We were requested to give a slightly longer than usual background statement because some of the Commissioners are recently appointed, and may not be familiar with the Youth Law Center's work. This section also describes the status of the Center's currently pending litigation involving the State.

While the Youth Law Center's work now includes more policy work than litigation, we are still involved in two lawsuits involving the Division of Juvenile Facilities (frequently referred to as "DJF"). *Wilber v. Warner* calls for DJF to comply with state licensing laws for inpatient mental health services. The lawsuit was filed when DJJ (then CYA) was already 4 years out of compliance with state licensing regulations. The State lost in the trial court, and lost in the appellate court. We secured a published decision in 2001 and an agreement by the state to license four correctional treatment centers. Six years later, the State has licensed two of the four facilities; DJF still has no on-site inpatient beds in Northern California and no on-site beds for girls. When youth are in psychiatric crisis and need an acute care bed, DJF either transports them to Southern California, or sends them out to community hospitals in shackles. We are awaiting DJF's response to an expert report in the *Farrell v. Hickman* litigation confirming the need to remediate these deficiencies.

The other lawsuit, *L.H. v. Schwarzenegger*, challenges the failure of the State to provide due process protections to youth in DJF parole proceedings. (We are co-counsel with Rosen, Bien & Galvan, Bingham McCutchen, and Prison Law Office) Four years ago, the State settled *Valdivia v. Davis*, involving similar issues with respect to more than 100,000 adult inmates. It has failed to accord the same protections to its 4,000 juvenile parolees. The DJF parole system is fraught with rampant delays, shocking injustice, and an almost complete lack of procedural guidelines. While every adult inmate in the state is entitled to have a lawyer in revocation proceedings, only a tiny percentage of DJF wards receive lawyers, and most spend two or more months just waiting for a hearing on alleged violations. The delays are especially troubling since most are held on technical violations and are returned to the community – a process that seriously impairs young parolees' efforts to keep their jobs, schooling and personal relationships. The lack of procedures routinely results in revocations based on multiple levels of self-serving hearsay, and all too often, based on disability related behavior. The federal court for the Eastern District of California recently found that the failure to provide a prompt determination of probable cause in the current process violates constitutional due process protections and ordered the State to come up with a plan within 30 days. We will discuss both cases further in the section on risk assessment.

1. S.B. 81 Funding: Realignment of Resources from the State to Counties

We are very pleased with the Governor's decision to realign funding to the counties to serve more young people locally. While the decision may have been prompted by the slow pace of DJF reform and the staggering cost ($218,000 per year per ward), it also represents sound policy for juvenile justice.

When we recently visited DJF's O.H. Close facility in Stockton, staff told us that only about 1/3 of their wards, the youngest boys in the system, receive family visits. DJF telephone access is quite restrictive for wards and relies on expensive collect telephone systems that the system has refused to replace. Family involvement and family contact is much more possible when youth are housed close to their home communities.

Handling more cases at the local level will also enhance the ability of local authorities to monitor what is going on in the programs where youth are placed, and to more easily keep track of how each youth is doing. Proximity will facilitate building transition services and supports that can follow youth into the community. It will also make fine tuning programs and services more possible for individual youth.

But while we think this is the right fix at the right time, there are dangers ahead if we do not build supports and safeguards into the process. Our greatest fear about the realignment of funding is

that counties will miss the opportunity to address service gaps in their continuum of care. Our second greatest fear is that counties will turn juvenile halls into "treatment facilities" with the stroke of a pen, and that more youth will essentially be doing jail time in local juvenile halls. Our third greatest fear is that counties will be overwhelmed, that facilities will become overcrowded, and that conditions in institutions will deteriorate. Accordingly, here are several areas in which the State may play an important role.

A. Counties Need Help in Developing Their Continuum of Services

Until now, some counties relied on DJF to take the young people they considered to have exhausted county resources. One common scenario was that a youth would be placed in a group home and would continue to misbehave or run away. Instead of addressing the issues that caused the behavior or seeking other non-secure or community programs, some counties would just elevate the level of confinement. Often this was because programs at the right level simply did not exist.

Perhaps the greatest need is for expanded services and residential placements for young people with mental health and behavioral problems. Probation departments seldom use family-based services such as functional family therapy or individual placement solutions such as therapeutic foster care (in which a child is placed with skilled foster parents). They underutilize services available through Medi-Cal, such as therapeutic behavioral services. The group homes they use often refuse to accept youth with common characteristics of this population – sex offenders, fire starters, youth with developmental disabilities, youth with mental illness, girls, substance abusers – and this has resulted in overuse of higher level secure facilities such as DJF. And as the State closes its mental hospitals and developmental centers – also a good thing -- there is a serious need for at least a few residential mental health treatment beds.

Thus, one important thing the State must do is to assure that the Department of Mental Health and Department of Developmental Disabilities work with DJF and county officials to coordinate and develop appropriate placements and non-residential services for youth who will no longer be held at DJF. A meeting between the Department of Mental Health and DJF is already supposed to occur through Welfare and Institutions Code section 736(b), but the statute does not require coordination with counties. The issue takes on particular importance with S.B. 81 realignment.

The State also needs to provide technical assistance to counties to give them a knowledge base from which they can make decisions about needed programs for youth they will now be serving locally. Sadly, the planning money originally contained in S.B. 81 was taken out of the bill as signed. Counties need to be able to meet with and learn from experienced providers to reshape and expand their continuum of services. Should they be developing community treatment facilities? Regional Centers for the Emotionally Disturbed? What can they do with Medi-Cal or MHSA (Proposition 63) funding to help pay for expensive mental health services? Could some children live at home with family support? How can regional centers help with placement of youth with disabilities? This could be facilitated through state funding for the convening of "best practices" forums on specific services and targeted technical assistance. If we had a state juvenile justice agency (discussed below), this would be an ideal project for it. In the absence of such an agency, this could be administered through the State Commission on Juvenile Justice or another state agency.

B. The State Needs to Provide Leadership in Assuring Data Collection, Program Selection, and Evaluation

California does a very good job of tracking arrests and court processing, but a very poor job of measuring whether interventions are effective. We cannot routinely provide recidivism data or other outcome measures, and this makes it difficult to know "what works." While Youth Law Center does not prescribe to rigid ideas about the use of evidence-based practices, we do prescribe to the idea that interventions should be based on specific goals for the youth and that outcomes should be measured. We urge the State, through the State Commission on Juvenile Justice, to build data collection requirements and program evaluation into the use of S.B. 81 funding and Youthful Offender Block Grants. The counties that participated in the Juvenile Justice Crime Prevention Act grant programs have had incipient experience in this process, and could provide helpful input on the subject.

Beyond the S.B. 81 realignment, the State must take leadership in building a better juvenile justice data system. Desire for better data was one of the primary areas of consensus in the Governor's Juvenile Justice Working Group in 2003/2004. When DJF released its estimated recidivism rates (70%), stakeholders were appalled and moved to action, but were unable to say for sure how county programs compared. The Youth Law Center obtained foundation funding to convene, under the leadership of DJF and the Chief Probation Officers of California, stakeholders (drawn from the Governor's Juvenile Justice Working Group, with additional invitees from other agencies) to help design a better data system. The funding also supported the work of researchers at the University of Southern California in determining what data is already collected around the State. That work has resulted in a phase one report (attached), and will soon result in a second report.

The State needs to take ownership of this issue. Chief Deputy Director Warner has been supportive of the JJDP work, and understands its importance in policy development. The State needs to direct the work, and provide funding to move it forward. California's child welfare system already has a much higher level data system (CWS/CMS) operating out of the University of California at Berkeley, and that data system may serve as a model.

C. Realignment Should Stem the Use of Juvenile Halls for Youth to "Do Time"

California locks up far more juveniles than any other state. It's rate of detention and commitment is exceeded only by the District of Columbia, Florida and Indiana. (*Juvenile Offenders and Victims: 2006 National Report* (OJJDP), p. 201. our state also holds juvenile offenders for longer than other states. The length of DJF commitments is nearly 3 times the national average for training schools. (Christopher Murray, et al, *Safety and Welfare Plan: Implementing Reform in California* (DJF, CDCR , March 31, 2006), p. 2.) County juvenile halls – designed for pre-adjudication detention – increasingly hold youth as a post-disposition sanction (sentence). Third Quarter 2006 data from the Corrections Standards Authority Juvenile Detention Profile Survey indicates that 42.8% of youth in juvenile hall are in post-disposition status.

Over the past decade, California has also jumped in with both feet in accessing federal and state construction money to build more juvenile hall beds. Since 1997, the state has built more than 2,000 additional juvenile detention beds – not because they were needed (though in some counties they were), but because there were one-time opportunities for funding. (Board of Corrections, Legislative Report 2004: Local Corrections in California, pgs. 15-16.) Already, at least two counties are using parts of their new facilities for Boys and Girls Clubs, and at least one has not been able to use parts of its new facility because it cannot afford to staff it.

For many years, while county coffers have been stretched, front end and lower level interventions have been sacrificed to bricks and mortar institutions. Probation services and diversion programs in many counties have been decimated, and innovative programs have been dependent on sporadic grant programs. Gradually, the whole middle layer of services and placements for juveniles has become less available, as providers have "creamed off " the "easy" cases, and declined to serve many of the youth in juvenile justice. Judges who wanted to impose something more than probation started using juvenile hall as the answer. While two decades ago, it was rare to hear of juvenile hall commitments of more than a few days or weekends, some counties now hold youth on commitments for 4 or 6 months.

Juvenile halls are designed for the detention of youth who pose a danger to the community or a flight risk pending the processing of their court case. (Cal. Welf. & Inst. Code § 850.) They are not designed to be "treatment" programs. While probation is required to write an "institutional assessment and plan" for youth committed for more than 30 days (15 Cal. Code of Regs. § 1355), the "plans" we have seen are boilerplate language that have little to do with the reality of juvenile hall confinement.

In fact, juvenile hall commitment is the children's version of doing jail time. The youth sleep in locked cells, wear institutional clothing, have minimal access to their families and the outer world (it was a very big deal to get the family visiting requirement elevated to two hours a week), go outside typically for one hour a day (if that). Mental health treatment is generally confined to crisis intervention. And while detained juveniles are some of the state's most needy students, many juvenile hall schools fail to come close to meeting state education requirements. Youth have little opportunity to exercise judgment or build skills that will enhance their success on the outside. They are told when to eat, sleep, shower, and go to the bathroom. They spend 24 hours a day with other delinquent youth.

It would be a terrible thing if counties used the S.B. 81 money to build more-post-disposition "treatment" programs in juvenile halls. In our view, juvenile hall time as a sanction should be reserved for brief periods of time during which specific treatment goals are met. Youth who need secure confinement should be held in other kinds of facilities, such as camps and ranches -- that can provide a healthier, more positive environment.

S.B. 81 sets forth the kinds of facilities and services that may be implemented with realignment funding through the Youthful Offender Block Grant Program. (Cal. Welf. & Inst. Code § 1960.) It does not explicitly address the use of juvenile halls. Either through legislation or through guidance from the State Commission on Juvenile Justice, counties should restrict the use of juvenile halls for this purpose.

C. Enforcement Powers for the Corrections Standards Authority Must Be Increased and Regulations Strengthened

i. Juvenile Facilities Oversight

While the shifting of most juvenile institutional cases to the counties makes good policy sense, the State must assure that the facilities where young people are held are safe and humane. There has been increasing reason for concern that the existing system for state oversight, provided by the Corrections Standards Authority, is wholly inadequate for that task. In the past several years, the have been two federal Department of Justice investigations (Los Angeles and Santa Clara); two

conditions lawsuits (San Joaquin and Sacramento); and a lawsuit against the Corrections Standards Authority itself for failure to exercise its existing powers over bad conditions. There have also been assorted single issues cases against counties for issues including strip searches and failure to release youth in a timely manner after a court order for release. Apart from the actual lawsuits, our office is regularly contacted about inadequate conditions in juvenile halls – particularly with respect to educational services, family access issues, and mental health treatment.

While the Corrections Standards Authority has traditionally prided itself on working collaboratively with counties, this method has not protected children from harm. It is a method that works in the "good" counties, but does little to effect change in the counties that need it most. Many of the problems that have emerged in the lawsuits and investigations have been widely known for many years, but they were allowed to persist because our state system lacks any enforcement teeth. The State has taken the position (ratified through an Attorney General opinion) that the juvenile facility regulations are not enforceable. But if they are not enforceable, why have them?

Our experience in other jurisdictions is that strong, enforceable standards are better for everyone. First of all, they work better to ensure safe, humane conditions for youth and staff in the facilities. But also, having enforceable standards gives more support to people running the facilities at budget time. If standards are optional, it is harder to convince local governing boards that staffing or other resources are really needed.

The facility standards themselves also need to be stronger in key areas. Every two years, the Corrections Standards Authority convenes working groups to recommend changes and new regulations. We have been a part of these revision working groups since the beginning, and believe there is much good that comes from the collaborative discussions. The problem is that this system is that it tends to result in a lowest common denominator set of standards because people are reluctant to write standards that would force a sister county to change. What usually happens is that the regulation just requires that there be a policy on a particular topic instead of saying what the content should be. This gives counties false security that they are doing all right in a particular area, when it fact, they are likely to get sued. The regulations process needs to be better informed by case law, applicable statutory law, and professional best practices.

Another problem is that the Corrections Standards Authority is so thinly staffed that they have no ability to be proactive. Amazingly, they appear to have no lawyers on staff to consult about legal issues. When members of the last executive steering committee for juvenile facility regulations revisions asked a group be convened to explore how to make state standards on strip searches conform to evolving case law, staff candidly said they had no ability to do this. Also, they have no ability to investigate individual complaints. In the child welfare system, there are multiple ways that children in out-of-home settings can make complaints about treatment or conditions (to state licensing or the ombudsperson), but this does not exist for children in county juvenile facilities.

With the prospect of more youth being handled in county facilities, the State needs to provide enforceable standards, and give Corrections Standards Authority the staffing and resources needed to do the job right. This could be done either through requiring counties that wish to operate a juvenile hall to license it; by specifying that the regulations are enforceable by third parties; or by turning enforcement over to the Attorney General (which was the case when the California Youth Authority had oversight over county facilities). The State also needs to provide a mechanism for investigating individual complaints. Finally, it needs to learn where areas of weakness exist (e.g., from previous litigation) and develop strengthened regulations that will prevent future harm to youth and staff, and attendant lawsuits.

ii. Corrections Standards Authority and S.B. 81 Implementation

At a time when the Corrections Standards Authority is already far under-resourced to carry out its existing functions, S.B. 81 imposes additional duties in relation to the realignment of and implementation of the Youthful Offender Block Grant Program (Cal. Welf. & Inst. Code § 1950 et seq.) The capacity of Corrections Standards Authority in this regard should be reinforced with funds, adequate staffing and with a county technical assistance and support plan, through Corrections Standards Authority, to address the full range of S.B. 81 implementation challenges that lie ahead.

2. Residual Issues from the 2005 Reorganization of Corrections

A. The Placement of DJF in CDCR has Impeded Reform Efforts

i. The Adult Correctional System Is a Poor Model for DJF

The Little Hoover Commission approved the Governor's plan for corrections restructuring in 2005, but committed itself to monitoring and re-examining several issues of concern. One of those issues was the placement of DJF in the adult Department of Corrections and Rehabilitation. At the time, Youth Law Center and others voiced concern about this placement of DJF. Nothing that has happened in the past two years has changed our mind. In fact, everything we predicted has come true.

For example, in Fall 2006 DJF sent out proposed regulations on "use of force" for public comment. This was long after the *Farrell* settlement called for a reduction in use of force and changes in the type of force. But when we reviewed the regulations, they contained a number of elements that would be considered completely unacceptable by juvenile professionals – straightjackets, use of firearms, and multiple kinds of shackles. The response to our comments said that these policies were better than what was on the books before – hardly a comforting thought. DJF staff do not appear to know what an appropriate continuum of force looks like for juvenile facilities; their only reference point is what is done at San Quentin or Pelican Bay.

Another example: DJF is proud of having gotten rid of the indoor cages in which wards were educated in some facilities, but apparently cannot see the outdoor cages where youth are still forced to spend their recreational time. Staff in the facilities look like combat soldiers in Iraq – dressed in para-military garb, and weighted down with handcuffs, pepper spray, and billy clubs. This is surely the only juvenile system in which staff wear flak jackets in some units. People in the juvenile world would notice these things, but in the adult correctional world they are commonplace.

Only 10 States allow a branch of the adult corrections agency to run the state's delinquency institutions. In 16 States (including the District of Columbia), authority to run state delinquency institutions rests in a social or human services agency; in 16 other States, the responsibility is given to a separate juvenile corrections agency--often designated a "youth authority" or "youth services" department; and in 8 States, the responsibility is given to a "children and youth" agency that combines child protection and juvenile corrections functions. New Jersey is in its own category, with the authority being located in an agency under the Attorney General's direction that oversees the criminal justice system, but not adult corrections. (National Center for Juvenile Justice, "How are state delinquency institutions administered from state to state?" (May 4, 2006), http://www.ncjj.org/stateprofiles/overviews/faq5.asp.)

ii. Placement in CDCR Has Not Improved Accountability or Efficiency

The reorganization plan for corrections argued for DJF placement in the adult corrections complex as a way to increase effectiveness and accountability. ("A Government for the People for a Change: Governor's Reorganization Plan 2 – Reforming California's Youth and Adult Correctional System," p. 5.) The DJF has not experienced either. In fact, it is harder than ever to take care of business or get basic information. The new, improved CDCR web site doesn't even list DJF on the main page (http://www.cdcr.ca.gov/) If the user navigates, eventually, to DJF through the link to juvenile justice, there still is no publicly available organizational chart or staff listing. The web site also provides outdated information, for example, informing the public that parole hearings are handled by the Youthful Offender Parole Board – which has not existed several years.

While state law requires CDCR to make a compendium of rules and regulations regarding the DJF available to the public, they are not posted on the CDCR web site. (Cal. Welf. & Inst. Code § 1712.) Nor are the rules for parole proceedings posted or the rules for disciplinary time adds. It is difficult to determine the status of policies being changed as part of the *Farrell* remedial plans, and revised policies have been sent out months after the date on the revised forms.

Our experience confirms that there is a similar lack of clarity about authority in the organization itself. Even the simplest request winds its way through multiple layers of staff and administrators. There is no way to know whom to contact or how. In my office we know Chief Deputy Director Bernie Warner, so we just make requests directly to him to save time.

In legal cases the situation is much more cumbersome and ineffective than it was in the past. In the "old days" when DJF (then, the Youth Authority) had its own lawyers, we could call up when problems occurred and speak directly to an attorney whose job it was to know about juvenile facility issues. Often, issues could be investigated and responded to in a day or two. Now, there is no way to know who to call about problems because CDCR lawyers are assigned to specific cases or projects, and whomever you call has to go and ask who is in charge. None of the CDCR attorneys we have come into contact has any experience with or knowledge of juvenile conditions law, or juvenile justice in general. Thus, Chief Deputy Warner agreed to convene a defender working group to develop policies on attorney and file access issues. After a year of meetings and exchanges of drafts, the CDCR staff assigned to the group are struggling. Their most recent draft policy on access to case files, states only that counsel may receive and review files "consistent with state and federal laws" – they are apparently at a loss to say what that means.

On top of this, in legal cases, there are Attorney General staff involved, as well, and this creates additional problems of coordination and communication. With great frequency, telephone calls have to be rescheduled, and the requisite materials for the call are being prepared as we talk on the telephone. Legal staff appear to be running from crisis to crisis, and because of this, no one thinks about what should be done on a case except when there is a deadline. This amorphous mess is highly unprofessional and impedes effective resolution of many DJF related legal issues.

B. What Ever Happened to Risk Assessment?

When the Department of Corrections and Rehabilitation was conceptualized, one of its stated goals was to develop indicators of potential legal problems and develop corrective action or ensure compliance with existing legal obligations. (Youth and Adult Corrections Agency, Strategic Plan,

(January 2005), p. 21, Goal 4.) These goals were to be implemented in 2005/2006. This part of the strategic plan has been a dismal failure.

The cases in which my office is involved are perfect examples. The parole revocation due process case, *L.H. v. Schwarzenegger*, involves issues almost identical to those previously litigated in the *Valdivia* case. The State knew this was a lawsuit waiting to happen, and had an opportunity to avoid litigation, but did not. Dozens of state employees are currently sidetracked into an expensive discovery and motion war that did not need to occur. Hundreds of wards have been subjected to the worst sort of unfairness and delay as the case plays out.

Similarly, in the *Wilber* inpatient care case, there does not appear to be anyone in charge of complying with the stipulated agreement. It is fairly clear that no one who is on the meetings on compliance has read the file in the case, let alone the pertinent law and regulations. DJF staff have made comments such as "the CTC regulations don't meet our needs," without any apparent awareness that there is a legally enforceable judgment requiring licensing in an additional two facilities. This is truly unacceptable.

C. Status of DJF Reform

Sadly, the broader *Farrell v. Hickman* litigation is in similar straits. Because so many deadlines have been missed; so little has changed in the institutions; and DJF appears so lacking in the capacity to translate plans into action, the plaintiff's counsel are now requesting the court to appoint of a receiver. (See attached Amended Plaintiff's Case Management Conference Statement, filed October 19, 2007.) We will not repeat the findings in that Statement, but they are consistent with information we receive from staff, parents and advocates who work with young people in the system. While great care went into developing the remedial plans, wards continue to experience violence, inadequate educational and mental health services, and punitive conditions in their day-to-day life in the facilities.

One unresolved issue with respect to DJF is that the state still lacks an ongoing inspection system for DJF facilities. While county facilities are inspected according to a comprehensive set of standards (which we believe should be even stronger), DJF is inspected only to the extent the Inspector General investigates specific crises, or to the extent the issue is involved in the Prison Law Office *Farrell v. Hickman* litigation. While remedial plans call for the implementation of performance based standards, those standards measure only about 30 primary issues with respect to frequency (e.g., how often youth are isolated or restrained); they do not get to the hundreds of other operational, personnel, security, physical plant and programmatic issues that facility standards usually address.

In our view, DJF facilities should be held to the same standards county juvenile facilities must meet, and regular inspections should occur. Oversight could be provided through the Inspector General's Office, Corrections Standards Authority, or through an outside entity such as a University.

D. We Need a State Juvenile Justice Agency

Many of the issues discussed above have a common theme: we are embarking upon a new era in California juvenile justice, in which counties may finally have the resources to fill long-existing service gaps. While the counties we have talked to are excited for this opportunity, they are also very anxious. They worry about consistent funding over time, and whether the money will be

pulled away without warning – as has just happened with the decision not to renew the Mentally Ill Offender Crime Reduction grant program. They are not quite sure how to actually create specific kinds of services that they need, and would benefit from some help with setting up these programs. They do not have the resources to look outside California to learn about best practices and models they could use in their work. They are not used to doing risk needs assessments, collecting data, or evaluating outcomes except on a very limited basis.

When the Little Hoover Commission heard testimony on corrections restructuring in 2005, we voiced the need for a state level juvenile justice agency that could provide leadership and technical expertise. We continue to view that as an important priority for the state. Most states have a juvenile justice agency that addresses more than just the state level institutional system. California has never had this – and thus has never had the ability to develop juvenile justice policy. While the Corrections Standards Authority has done a good job of awarding and administering grant projects, it has never been given the authority or resources to provide leadership. We could have saved counties a great deal of trouble if the State could have provided technical assistance at the time of the construction grants. In other states there has been increased awareness of the need to couple construction with close analysis of whether the jurisdiction is using detention in a way that meets its goals for young people. Because each secure bed drains a huge amount of resources from other services, these jurisdictions have worked to reduce unnecessary detention, and to streamline court processing so youth are in and out in the least amount of time needed to process their case. While a few California counties have become involved in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative, most counties have not had the benefit of the excellent resources available through that work. Again, the result is that some counties have built more beds than they need, and they may now face the temptation to use them (improperly, we think) as "treatment" beds. A state juvenile justice agency could have provided a much-needed policy adjunct to the construction process.

Ironically, the State got a taste of doing this much needed kind of policy work during the DJF crisis. For the first time in many years, our officials went to other states to learn about how to do things better. Experts were invited in from other states to give input on the remedial plans in the *Farrell* litigation. California counties could greatly benefit from having this kind of information available – particularly as they move forward with realignment.

The counties have also voiced the need for a state agency to help stabilize funding for county level juvenile services, and this was one of the consensus issues during the Governor's Juvenile Justice Working Group. In addition to needing some official assistance to stabilize funding, there is a need for technical expertise to help them develop programs and services that will maximize access to other funding streams, including Medi-Cal, Title IV-E funding, and Mental Health Services Act funding. In our view, the creation of a juvenile justice agency is an essential part of realignment. The State should look closely at placing it in Health and Human Services, which in terms of blended funding and system goals are much more kindred spirits that the adult prison system.

Thank you for the opportunity to address these important issues. We look forward to working with the Commission to provide guidance in this new chapter of juvenile justice policy.