

**CORRECTIONS STANDARDS AUTHORITY**

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October 24, 2007

Mr. Stuart Drown, Executive Director  
Little Hoover Commission  
925 L Street, Suite 805  
Sacramento, CA 95814

Dear Mr. Drown:

This is in response to your letter dated October 3, 2007 regarding testifying at the Little Hoover Commission's hearing on juvenile justice realignment. Thank for this opportunity to provide written testimony.

Enclosed is Corrections Standards Authority written testimony.

Should you have any further questions or concerns regarding this matter, please contact me at (916) 445-7672.

Respectfully Submitted,

C. SCOTT HARRIS JR.  
Executive Director

Enclosure

c: James E. Tilton, Secretary, California Department of Corrections and Rehabilitation  
Stephen W. Kessler, Undersecretary, Administration, CDCR  
Joyce Hayhoe, Special Assistant, Office of Legislative Affairs

**LITTLE HOOVER COMMISSION HEARING ON THE  
JUVENILE JUSTICE REALIGNMENT**

**November 15, 2007  
Sacramento, California**

**The Role of the Corrections Standards Authority in the Juvenile Justice  
Realignment Process**

The following testimony will address Corrections Standards Authority's (CSA) (*also referred to as the Board*) concerns related to the juvenile justice realignment statutes and provide clarification pertaining to the requests for information posed in the Commission's letter dated October 3, 2007.

**Introduction**

CSA staff is in the process of developing an agenda item for the Board meeting scheduled for November 8, 2007. The purpose of this agenda item is to inform the Board of CSA's statutory responsibility as specified in Senate Bill (SB) 81 (Chapter 175, Statutes of 2007), and our interpretation of the intent. CSA will also inform the Board that this legislation did not include administrative funds to implement these new state mandates, and CSA cannot fulfill its current legal obligations in a timely manner if staff are redirected to implement provisions of SB 81.

As evidenced by the enactment of SB 81 (Chapter 175, Statutes of 2007), the Administration and the Legislature are convinced that the realignment of youthful offender populations will provide enhanced public safety by moving youth back to their counties of origin instead of moving them into the custody and care of the Division of Juvenile Justice (DJJ). Under this realignment, youth will be able to participate in local rehabilitative services and programs, including both custodial and non-custodial corrective services. Counties have been deemed better suited to provide these services and can do so in the proximity of the youthful offender's family and community. While CSA is in complete support of the realignment and its potential positive effects on public safety in the long term, CSA has several concerns about its role in implementing SB 81, including the lack of adequate resources necessary to implement the realignment reforms both mandatory and permissive.

**CSA Concerns Regarding Juvenile Justice Realignment Implementation**

CSA's first and most important concern with SB 81 is it drives a significant amount of unfunded workload. While the Administration is well aware of this issue, CSA is proceeding with implementation as best it can. This means abbreviated processes, reassessment of priorities, and delays in program implementation.

Some of the concerns regarding CSA's role are specifically referenced in the Governor's Signing Message of SB 81 that states, "I am signing Senate Bill 81, an important measure which enacts several public safety provisions of the Budget Act of 2007. However, there are a few flaws that will require the Legislature to work with my Administration to clean up in subsequent legislation. First, as it relates to juvenile justice reform, this bill requires counties planning to use local facilities for the purposes of housing juvenile offenders between the ages of 19 and 21 to seek approval from the Corrections Standards Authority (CSA), which must act within 30 days of notification by the counties. In addition, this bill requires CSA to approve the counties' Juvenile Justice Development Plans, which must be submitted to CSA no later than January 1, 2008. It is unclear whether CSA should have an approval role in either of these situations, has the resources to meet the requirements, and can act within the specified timeframe. Therefore, CSA's role should be clarified in clean-up legislation."

Unfortunately, Assembly Bill (AB) 191 (Chapter 257, Statutes of 2007) which provided clean-up language for SB 81 did not address any of the issues the Governor had requested the Senate clean-up via his signing message of SB 81 with regard to the CSA's roles, resources, and timeframes. Therefore, SB 81 will continue to drive unfunded workload, provide unclear roles and responsibilities, and specify unreasonable timeframes.

SB 81 expands the burden of ensuring the safe operation of local juvenile detention facilities on the CSA and the State. In order to house wards as specified in SB 81, this statute requires counties to apply to the CSA for approval of a county institution established for the purpose of housing juveniles as a suitable place for the detention or commitment before the facility can house an individual under the jurisdiction of the juvenile court who is 19 years of age or older but under the age of 21 where the detained person will come into contact with persons under 18 years of age that are detained at the county institution. Furthermore, SB 81 requires CSA to review and approve or deny the application of the county within 30 days of receiving notice of this proposed use. The CSA must take into account the available programming, capacity, and safety of the institution. This will drive the need for more visits to the facilities and quite possibly monthly Board meetings. Unless CSA is able to successfully monitor and manage the new workload and responsibilities the state could face liability issues by granting permission to house certain youth without appropriate due diligence and follow-up.

At the November 8, 2007, Board meeting CSA staff will propose that in-lieu of additional resources being provided to implement the aforementioned approval process an application review of the request and relevant information be completed and used as the basis for approval or denial. When CSA inspects the facilities during its mandated biennial inspections those facilities which were granted approval will be scrutinized for adherence to their requests.

It is likely that the population of 19 to 21 year olds will begin to grow within local detention facilities and more counties could be in danger of exceeding the rated capacity which will place their facilities in jeopardy of becoming unsuitable. This will then require the need for more follow-up inspections and technical assistance for counties. However, without additional resources this increase in workload will be difficult to address in a timely fashion.

## **Specific Responses to Staff Inquiries**

- **The role of the CSA in developing guidelines for and reviewing the county implementation plans and whether merits of the county plans are linked to future block grants.**

CSA is currently developing guidelines and requirements necessary to review and ultimately approve the Juvenile Justice Development Plans that are due to CSA by January 1, 2008. Upon approval by the Board, and additional resources are identified, CSA will assist in the development, review, and approval of county Juvenile Justice Development Plans. The CSA's Corrections Planning and Programs Division (CPPD) has considerable experience and longevity in administering programs established by state and federal statutes.

Once the plans are developed and approved, the only oversight role CSA "may" engage is the permissive monitoring and inspections of any programs or facilities and "may" enforce violations of grant requirements. Should CSA implement any type of inspection or monitoring process the only ability CSA has to penalize a jurisdiction is to suspend or cancel grant funds. However, SB 81 does not require any link between implementation plans and future block grants. Without additional resources, or a reprioritization of existing workload the CSA will be unable to provide the monitoring and/or inspections as authorized in SB 81.

- **The role of the CSA oversight of the grant funds and in providing assistance and guidance to counties to ensure that the counties expend the money to expand the continuum of local services for juvenile offenders.**

As stated above, CSA's role to monitor and inspect county programs and/or facilities is authorized, but NOT required. Therefore, unless resources are provided CSA will be unable to implement this process. Given the time constraints required for CSA to seek Board approval and the lack of resources necessary to provide such technical assistance and guidance, it is unclear whether or not CSA will be able to provide much input into the process prior to county plans being submitted for approval. Therefore, CSA will attempt to review the plans to ensure the programs proposed by counties meet the descriptions set forth in SB 81, make sense with regard to expected program outcomes, and expand the continuum of local services for juvenile offenders.

The only potential oversight role CSA has once the plans are approved is the monitoring and/or inspection of facilities and programs. CSA assumes that any services or facilities provided or obtained through the use of block grant funds should match what was specified in each county's respective plans, however this is not actually spelled out in the legislation. Again, CSA's oversight is only authorized and NOT required and will unlikely be implemented without additional resources.

- **How the CSA will coordinate its efforts with those of the division of juvenile facilities given that CSA reviews the county plans and the DJF distributes the grant funding.**

A most import clarification needs to be made regarding this inquiry. The Division of Juvenile Facilities (DJF) does not distribute Youthful Offender Block Grant funds. According to the statute the total amount of the block grant and county allocations are determined by the Department of Finance and the funds are then allocated to each county by the State Controller's Office. In fact, on September 12, 2007, Governor Schwarzenegger requested the State Controller's Office release nearly \$23 million in Youthful Offender Block Grants provided in the 2007-08 budget for counties to implement new juvenile correctional reforms.

However, SB 81 does mandate that 5 percent of the funds to be provided in 2007-08 for the Youthful Offender Block Grant Program are to be held in reserve by the State Controller and distributed by the Department of Finance after they have approved CSA's recommendation (AB 191). Disbursement of these funds will depend upon the number of requests and the methodology CSA ultimately selects to distribute these funds. CSA is still developing the selection criteria for this process. Once the selection criteria are determined and approved by the Board, CSA will work with the DJF to determine which counties will receive a portion of the five percent block grant funds that were to be held in arrears in 2007-08 only. The process will require that counties demonstrate why their block grant is inadequate to meet financial needs related to the accommodation and supervision of youthful offenders impacted by the realignment.

Once again, upon approval by the Board, and additional resources are identified, CSA will assist in the development, review, and approval of county Juvenile Justice Development Plans.

- **The process the CSA will use to develop requirements for county proposals for the \$100 million for facility and infrastructure expansion funded through lease revenue bonds.**

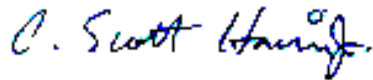
Once again resources will be needed for CSA's County Facilities Construction Division to administer the \$100 million Juvenile Construction Funding so that CSA can comply with all of its legal requirements. Without additional resources, implementation of the program will be delayed until decisions are made as to which of CSA's responsibilities will be reprioritized.

The County Facilities Construction Division will recommend to the Board that an Executive Steering Committee (ESC) be convened and chaired and co-chaired by two of the sitting Board members to develop a process for the disbursement of \$100 million for Juvenile Facility Construction. The ESC will have the authority to convene a public meeting to develop rating and ranking criteria as part of the competitive request for proposal (RFP) process. The RFP will be reviewed for technical merit by the State Public Works Board, the State Office of the Attorney General, and the California Department of Corrections and Rehabilitation Office of Legal Affairs. The ESC will then present their recommendations to the CSA Board, which they can accept or amend, before the RFP is released to the counties.

In the 2007-08 Budget Act, CSA received authorization from the Legislature and the Department of Finance to establish new positions to administer local jail construction as specified in AB 900 (Chapter 7, Statutes of 2007) known as the Public Safety and Offender Rehabilitation Services Act of 2007. CSA established the County Facilities Construction Division to assist the Adult Construction ESC in developing the process for selecting counties to be awarded up to \$1.2 billion in lease revenue bonds, to provide counties technical assistance during the RFP process, and to work with counties until the projects are constructed and opened. This ESC is in the process of finalizing the RFP, and it is anticipated they will submit their recommendations to the CSA Board in December 2007.

I thank the Commission for the opportunity to give testimony. I would welcome inquiries from Commissioners before, during, or after the November 15, 2007 hearing.

Respectfully Submitted,

A handwritten signature in blue ink that reads "C. Scott Harris Jr." with a stylized flourish at the end.

C. SCOTT HARRIS JR.  
Executive Director  
Corrections Standards Authority