



August 23, 2020

The Honorable Holly Mitchell
Chair, Senate Budget and Fiscal Review
Committee
State Capitol, Room 5050
Sacramento, CA 95814

The Honorable Phil Ting
Chair, Assembly Budget Committee
State Capitol, Room 6026
Sacramento, CA 95814

**RE: SB 823 (Committee on Budget and Fiscal Review) – Division of Juvenile Justice (DJJ)
Realignment
As amended 8/24/20200 – OPPOSE**

Dear Senator Mitchell and Assembly Member Ting:

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 SB 823 (Committee on Budget and Fiscal Review), the legislative alternative to the 2020-21 May Revision proposal to close, or “realign,” the state Division of Juvenile Justice (DJJ). Regrettably, we do not believe the approach in SB 823 – which substantially departs from the Administration’s framework in several critical areas – will achieve the goals of improving outcomes for this population of young people who often have complex treatment needs.

When the Administration unveiled its May Revision proposal to stop intake at DJJ facilities in 2021 and prospectively shift responsibility to counties – ultimately making our member counties responsible for the entirety of the juvenile justice system – we expressed opposition based on our historical policy that the state has a necessary and critical role on the service and treatment continuum for this population of young people. Additionally, we raised considerable concerns regarding the sufficiency of time available to design a realignment that provides (1) the necessary flexibility for adapting to new service demands, (2) an accompanying fiscal structure with certainty and protections needed to assure adequate and sustainable funding over the long-term, and (3) an appropriate timeframe that built in adequate opportunity for planning and ramp-up activities.

Counties and probation chiefs engaged in productive conversations with the Administration in late May into June to negotiate amendments to their proposal so that it provides such a framework. Our perspective remains unchanged on the need to maintain a juvenile justice system that relies on the shared service commitment and participation of both state and county organizations. However, if the policy choice is made to close the DJJ facilities, then it is our view that the framework negotiated between counties and the Administration offers the most promising approach to supporting a flexible,

responsive, and sustainable structure that can adapt and expand to the new service responsibilities transferred squarely to local governments. As with previous realignments, counties believe strongly that a shift in programmatic responsibility must be accompanied by sufficient and protected funding as well as the flexibility to design responsive local systems that meet the needs of our communities, permit innovation, and encourage partnership with community organizations. Authority and responsibility must remain connected to ensure the system can function and respond appropriately.

Counties are fully invested in a strong, vibrant, and responsive juvenile justice system. Our organizations understand the value of and share a commitment to keeping as many youth as possible close to home during periods of rehabilitation and detention; we are committed to a system design that does not result in more kids being referred to the adult court system; and we share the goals of producing improved and sustainable positive outcomes for system-involved youth. The approach in SB 823 features a three-pronged funding structure that leaves counties with considerable questions about the ability to support the complex needs of the youth and to catalyze needed programmatic capacity. As drafted, the totality of resources to be made available to counties and other eligible entities is unclear. Further, the legislative alternative in SB 823 confers considerable control and authority to a new, untested state office that will presumably require a considerable financial commitment that we would argue would be better invested in services at the local level to meet the needs of the youth population.

Finally, we have consistently expressed an openness to continued conversation about oversight and accountability. However, we also believe that any such oversight structure should both respect that the state is proposing to realign the responsibility to the local level and appropriately hold counties accountable for delivering results for a vulnerable population. We think it would be most prudent to focus on additional and appropriate oversight to supplement the Administration's revised proposal, rather than other large-scale changes to the core structure and funding that the Legislature's alternative proposal in SB 823 contemplates. With merely days remaining in the legislative session, it seems problematic – when the stakes are so very high for the youth in need – to press forward with a proposal to shift a critical programmatic responsibility to counties when those same entities are not confident that the structure will achieve our shared goals and when there is insufficient time to negotiate changes.

It is for these reasons that counties must reiterate our historic position on a joint state-county juvenile justice delivery system and that we must also restate that – if the policy choice is made to close DJJ and shift the responsibility to counties – then the revised framework negotiated previously with the Administration offers greater promise for success. Thank you for considering our organizations' perspectives. Should you have any questions, please do not hesitate to contact Josh Gauger of CSAC (jgauger@counties.org), Elizabeth Espinosa of UCC (ehe@hbeadvocacy.com), or Paul Smith of RCRC (psmith@rcrcnet.org).

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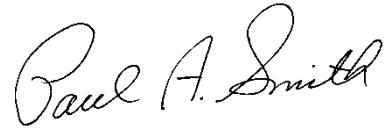
Sincerely,



Josh Gauger
CSAC Legislative Advocate



Elizabeth Espinosa
UCC Legislative Advocate



Paul A. Smith
RCRC Senior Vice President,
Governmental Affairs

cc: All Members, Senate Budget and Fiscal Review Committee
All Members, Assembly Budget Committee
Christopher A. Francis, Ph.D., Senate Budget and Fiscal Review Committee
Matt Osterli, Senate Republican Fiscal
Jennifer Kim, Assembly Budget Committee
Jessica Devencenzi, Office of the Governor
Amy Jarvis, Department of Finance
Clint Kellum, Department of Finance