

APRIL 17, 2023

Overview of Juvenile Justice System and Education Services in Juvenile Facilities

PRESENTED TO:

Assembly Budget Subcommittee No. 2 on
Education Finance
Hon. Kevin McCarty, Chair

Assembly Budget Subcommittee No. 5 on
Public Safety
Hon. Mia Bonta, Chair



LEGISLATIVE ANALYST'S OFFICE

Overview of Juvenile Justice System

County Probation Determines How to Handle Arrested Youths

- Following arrest, youths are generally turned over to county probation departments and may be held for a short period of time in a county juvenile facility. Probation then determines whether to refer youths to juvenile courts in cases where they are accused of committing a crime that occurred before they turned 18 years of age.

Juvenile Courts Determine Where to Place Youths

- If a juvenile court determines a youth committed a crime, it then determines where to place the youth based on statute; input from the defense, probation, and prosecutors; and factors such as the youth's offense and criminal history.

Most Youths Are Placed Under County Supervision

- The juvenile courts place most youths with their families where they are supervised by probation, but some are placed in county juvenile facilities, such as juvenile halls, camps, and ranches.
- Youths are released from county juvenile facilities when the juvenile court determines that they are ready for release or after they reach the maximum age allowed in juvenile county facilities (which historically has been age 21). Youths can be housed from a few hours (in cases of arrest) to a few years in such facilities.
- In 2022, 41 of the 58 counties maintained juvenile facilities. The statewide average daily population of these facilities was 2,186 youths, with the individual county populations ranging in size from 3 youths to 439 youths. (Counties without their own facilities partner with neighboring counties for juvenile justice services.)
- Most youths entering county facilities are 15-17 years old and male. Combined, Latinos/Hispanics and African Americans account for roughly three-quarters of the total population admitted to county-operated facilities.



Overview of Juvenile Justice System

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Only Certain Youths May Be Placed in State Division of Juvenile Justice (DJJ)

- Until 2021-22, youths who committed a serious crime listed in statute (such as murder, robbery, and certain sex offenses) could be placed in DJJ facilities. The state is in the process of shifting—or “realigning”—responsibility for the remaining youths to counties.
- Youths generally remain in DJJ until they are released by the Board of Juvenile Hearings or they reach the maximum age allowed (generally age 23 or age 25). The average length of stay in DJJ is about two years.
- In 2021-22, the average daily population of DJJ facilities was 641 youths. Four DJJ facilities were operating in Camarillo, Pine Grove and Stockton (two).
- While the ages of youths in DJJ range from 14 to 25 years old, the average age was about 19-and-a-half years old. Males comprise about 95 percent of the population. Latinos/Hispanics and African Americans account for roughly 90 percent of the total population.

Small Number of Youths Referred to Adult Court

- Juvenile courts may choose to transfer certain youths’ cases to adult court if a transfer request is filed with the court, typically in cases where youths have committed very severe crimes. In 2021, 28 youths statewide were referred to adult court.



Responsibility for DJJ Youths in Process of Being Realigned to Counties

DJJ Realignment Is Part of Long-Term Shift of Youths to County Responsibility

- In 1996, nearly half of the 20,409 youths in juvenile facilities were housed in DJJ.
- Since that time, the state took various steps to increase counties' juvenile justice responsibilities, which in turn has significantly reduced DJJ's share of this population. These actions have included (1) increasing the cost charged to counties for placing youths in DJJ facilities and (2) limiting the types of youths that could be sent to DJJ facilities.
- Over this period, the number of youths in juvenile facilities also has declined as a result of a significant reduction in juvenile arrests.

Intake to DJJ Generally Ended in 2021-22

- Under legislation adopted in 2020, responsibility for DJJ youths is being fully realigned from the state to the counties, with intake of youths to DJJ generally stopped in 2021-22.

Maximum Age Counties Can Hold Youths Increased

- The realignment legislation also changed the maximum age that counties can hold youths in their facilities. In most cases where a youth would have been eligible for DJJ, the age limit was increased from 21 to 23. In certain cases, however, county facilities can serve youths up to the age of 25, similar to DJJ.

Youths Remaining in DJJ Transferred to Counties by July 2023

- Under realignment, all DJJ facilities will close by July 1, 2023. Youths still housed in DJJ facilities at that time will be transferred to counties. As of March 25, 2023, there were 291 youths in DJJ facilities.
- DJJ staff are currently completing individualized transition plans for each youth who is to be transferred. These transition plans are intended to assist counties in identifying each youth's needs, participation in programs, education, and security concerns.



Responsibility for DJJ Youths in Process of Being Realigned to Counties

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State Provides Counties Realignment Funding

- To assist counties with their increased responsibilities under realignment, the state is providing annual realignment funding to counties.
- In 2021-22, the state provided \$46 million. This amount is estimated to increase to \$122 million in 2022-23 and reach over \$200 million annually by 2024-25. This realignment funding is flexible, with counties having some discretion on how to allocate it for their realignment target population. Counties are required to develop plans on how the realignment funds will be spent.
- In addition, the state provided counties with \$110 million specifically for juvenile facilities.

County Juvenile Population Is Down Despite Realignment

- At the time the realignment legislation was enacted, a total of 926 youths were projected to be shifted to the county level by 2024-25 (a 26 percent increase over the 2019 pre-realignment level).
- In 2022, the county juvenile daily population was 1,446 youths lower than the 2019 pre-realignment level. At this time, it remains unclear whether the reduction in the county juvenile population in 2022 reflects effects of the COVID-19 pandemic or is indicative of a continued downward trend in juvenile arrests.



DJJ Offers Both K-12 and Postsecondary Education

DJJ Offers Classes Leading to a High School Diploma or Its Equivalent

- State law requires DJJ to offer a high school education, including career technical education (CTE), to all youths. DJJ staff teach these courses.
- DJJ youths enrolled in these courses can work toward a high school diploma or an equivalent General Education Degree (GED), while also earning CTE certifications. In recent years, DJJ graduated over 100 youths and over 100 youths earned CTE certifications annually.
- The division indicates that about 50 percent of DJJ youths had a high school diploma or equivalent in 2021-22.

DJJ Provides Special Education and English Learner Services

- According to DJJ, about 25 percent to 30 percent of DJJ youths have been identified as requiring special education services and about 20 percent have been identified as being English learners.

DJJ Partners With Colleges to Offer Postsecondary Education

- DJJ youths can advance to college-level courses that allow them to earn credits towards an Associate's Degree or additional CTE certifications.
- According to DJJ, its facilities partner with six community colleges and one California State University campus (San Francisco) to allow DJJ youths to participate in college-level courses.
- California Community Colleges (CCC) receive per-student funding for their educational costs. In 2022-23, the community college credit funding rate was about \$6,800 per student.
- Colleges also could cover the cost of related support services using certain college categorical programs (such as the Student Equity and Achievement Program).
- DJJ youths have their enrollment fees for college classes waived.
- Between spring 2020 and fall 2022, an average of about 80 students completed college courses each semester.



DJJ Offers Both K-12 and Postsecondary Education

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DJJ Education Programs Supported by About \$20 Million Annually

- Proposition 98 General Fund is the main fund source for DJJ education programs, but DJJ also receives funding from other sources, including the federal Title I grant program and State Lottery funds. Altogether, DJJ receives about \$20 million annually to operate its education programs. In 2021-22, DJJ spent about \$24,600 per youth on education.



Counties Offer Similar Education Services

County Offices of Education (COEs) Operate County Juvenile Schools

- State law requires COEs to educate youths housed in county juvenile facilities. Instruction is provided by COE staff.
- Youths in county juvenile schools can work toward a high school diploma or GED, while also potentially taking CTE courses.
- County juvenile schools are required to continue serving youths beyond age 18 if they do not yet have a high school diploma or GED.
- Similar to DJJ and other high schools, county juvenile schools are required to provide additional support to youths identified as needing special education services. County juvenile schools also provide additional support to English learners.

State Provides COEs Funding to Operate County Juvenile Schools

- The state provides COEs with per-student funding for county juvenile schools through the Local Control Funding Formula (LCFF). In 2022-23, the per-student rate was about \$21,000.
- In 2022-23, COEs generated a total of \$70 million in LCFF funding from 3,300 students in county juvenile facilities. (COEs also generated \$117 million from students who were on probation, referred by probation departments, or mandatorily expelled.)
- COEs also receive federal Title I funds and State Lottery funds to support their schools, including their county juvenile schools.



Counties Offer Similar Education Services

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Some COEs Partner With Colleges to Offer Postsecondary Education

- Similar to DJJ, some county juvenile schools partner with community colleges to provide postsecondary instruction and/or related support services. Currently, 22 community colleges have such agreements.
- Currently, the state does not track how many youths in county juvenile facilities are enrolled in and complete college courses. The state also does not track the number of youths who receive related support services. (The CCC Chancellor's Office indicates it has plans to begin tracking this data in summer 2023.)
- Funding rules for college courses at county juvenile facilities are the same as at DJJ facilities. Community colleges receive per-student funding for their educational costs, with additional funding potentially coming from college categorical programs.
- As with DJJ youths, youths in county juvenile schools have their enrollment fees for college classes waived.

State Created Rising Scholars Juvenile Justice Program in 2022-23

- The *2022-23 Budget Act* included \$15 million ongoing Proposition 98 General Fund for a new community college grant program to provide support services to youths in the juvenile justice system. (This amount is in addition to \$10 million ongoing Proposition 98 General Fund provided to CCC primarily for education services for individuals in adult correctional facilities.)
- In April 2023, the CCC Chancellor's Office began soliciting applications for up to 45 colleges to receive Rising Scholars Juvenile Justice program grants. Colleges have until early June 2023 to submit their applications.
- Selected colleges are to receive approximately \$300,000 per year for five years to hire program staff (such as a dedicated program coordinator) and provide various support services (such as college and career counseling).

