



May 6, 2014

Board of State and Community Corrections
600 Bercut Ave.
Sacramento, CA 95811

RE: SB 81 Local Youthful Offender Rehabilitative Facility Construction Financing Program Round 2

Dear SB 81 Round 2 Executive Steering Committee Members,

We write to you to express our interest and input into the SB 81 Local Youthful Offender Rehabilitative Facility Construction Financing Program Round 2 of funds that your committee and the larger BSCC will oversee. As advocates, researchers and community members, we have been working throughout California to improve the juvenile justice system and ensure youth are receiving the services and treatment they need to be successful. Since the SB 81 Local Youthful Offender Rehabilitative Facility Construction Financing Program allocates funds for juvenile justice-related facilities, we see this as an important opportunity to fulfill the legislative intent around rehabilitation of SB 81. Thereby, incorporating research on best practices and ensures that any new, or redesigned, facilities are research-informed, community-driven and aligned with county needs and most importantly youth needs.

Overview of SB 81 legislation and the first round of funding

California adopted Senate Bill (SB 81) in 2007, which facilitated a substantial realignment of authority for juvenile justice programs to the state's 58 counties. The legislation limited the type of youth who could be sent to the state system, the Division of Juvenile Facilities (DJF) and concurrently provided resources for counties to handle these high-needs youth. Given this new authority, the legislation created the Local Youthful Offender Rehabilitative Facility Construction Financing Program to support county facility construction and renovation around rehabilitation. Initially SB 81 allocated \$100 million for this purpose, with an additional \$200 million subsequently added by Assembly Bill (AB) 1628 in 2010.

Fourteen counties submitted proposals and subsequently received conditional awards for the first round of SB 81 financing that totaled approximately \$232 million, leaving \$79 million reserved for a second round.¹ The first round of awards supported a range of projects, including new bed space, classrooms, and treatment and programming areas. For example, Santa Cruz County was awarded \$1.3 million to construct a multi-use recreation and programs in their juvenile hall facility that served both in-custody youth and those under

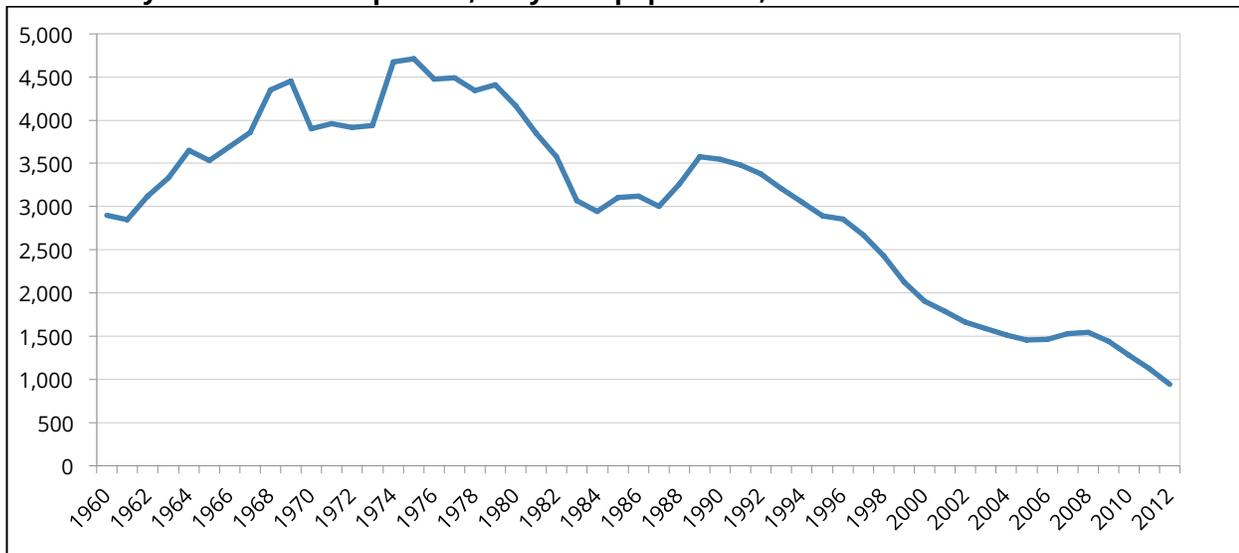
¹ Merced County has subsequently returned their conditional award of \$8.8 million.

community-based supervision.² However, the funds were primarily used to support projects around secure facilities. About a third of these projects were for the construction or renovation of juvenile halls. Approximately half of these projects involved increasing bed capacity; for example, both Alameda County and Monterey County’s projects involved significantly increasing bed capacity, raising capacity up to 150 in each of their respective projects.

The current state of juvenile justice

When considering new county dispositional options for justice-involved youth in California and the type of projects that this second round of money might be best utilized for, it is important to consider current and future projections of youth crime. Youth crime has declined over the past several decades (see graph below). In fact, data show today’s youth are the most law-abiding generation since statistics were reliably recorded in 1960. The dramatic youth crime decline does not suggest a future increase.

California youth crime rate per 100,000 youth population, 1960-2012



Source: Criminal Justice Statistics Center (CJSC). (2014). Arrests, 1990, 2012. [data sets]. Sacramento, CA: California Department of Justice. At: <https://oag.ca.gov/crime/cjsc/stats/arrests>; Department of Finance (DOF). (2014). P-3, State and County Population Projections by Race/Ethnicity, Detailed Age, and Gender, 2010-2060 (by year). Sacramento, CA: State of California.

Given the significant crime decline, and efforts in some counties to develop community-based interventions for justice-involved youth, most local juvenile detention options have vacant bed space in counties (see chart below). Moreover, because counties have now had several years to adjust to changes with juvenile justice realignment, they are in a very different position than they were in terms of bed capacity, facility options, and policies as they were when the first round of funding became available.

Juvenile Facility Capacity for California's 58 Counties

County	County juvenile detention 2013				County space if DJF wards returned,
	Rated	Highest daily	Bed space	June 2013 DJF	

² For a list of active SB 81 First Round Awards see, *SB 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Corrections Standards Authority Project States Update* at: http://www.bscc.ca.gov/download.php?f=/SB_81_Status_Update_2014-02-24.pdf.

	capacity	population	available	wards	June 2013
Los Angeles	3,683	2,905	778	241	537
San Diego	1,105	886	219	33	186
Orange	743	598	145	17	128
San Bernardino	450	317	133	18	115
Riverside	527	347	180	34	146
Fresno	450	465	-15	48	-63
Santa Clara	474	339	135	9	126
Sacramento	444	394	50	42	8
Alameda	463	265	198	31	167
Kern	475	369	106	39	67
Tulare	330	266	64	16	48
Contra Costa	390	234	156	20	136
Ventura	420	130	290	5	285
San Mateo	245	232	13	3	10
Santa Barbara	272	153	119	11	108
San Francisco	234	109	125	7	118
San Joaquin	224	152	72	26	46
Monterey	190	154	36	19	17
Stanislaus	178	138	40	16	24
Solano	148	125	23	5	18
Madera	70	71	-1	2	-3
Yuba	120	53	67	3	64
Kings	125	96	29	12	17
Shasta	56	52	4	1	3
El Dorado	80	57	23	1	22
Yolo	90	58	32	2	30
Imperial	72	28	44	0	44
Butte	60	55	5	6	-1
San Luis Obispo	45	38	7	0	7
Santa Cruz	42	31	11	2	9
Napa	50	29	21	0	21
Marin	40	20	20	0	20
Sonoma	164	127	37	12	25
Merced	120	128	-8	20	-28
24 other counties	549	428	121	11	110
Total	13,128	9,849	3,279	712	2,567

Sources: California Division of Juvenile Justice, Characteristics Reports; Board of State and Community Corrections, Juvenile Detention Profile Survey Query

Best Practices in Juvenile Justice Facilities:

As we consider the types of facilities that SB 81 might fund, it is valuable to review the research around national standards and best practices for secure facilities. First, research confirms that secure placement should only be used for the small number of high-needs youth that require being removed from their communities for their safety and the safety of others. For the majority of youth involved with the juvenile justice system, detainment or incarceration in a locked facility, especially the common large congregate care facilities, often harms the youth,

wastes taxpayer dollars and provides no benefit for public safety.³ Instead, community-based alternatives to incarceration – non-secure treatment programs that might include mentoring programs, cognitive behavior skills training, or family intervention – are more cost-effective and successful strategies for most youth. Second, OJJDP research on conditions of confinement and American Corrections Association (ACA) national standards detail that secure facilities, in terms of location and size, should be close to youth families and community services and small in size (of no larger than 100 beds, though much smaller is often recommended). Third, ACA standards and additional research assert that the design of secure facilities should create a normative environment for youth given a positive youth development framework through things like privacy, movable furniture, colors, less obtrusive hardware and security elements. Additionally, housing units should promote privacy, safety and normalization; standards discourage dorm sizes of larger than 16, with 12 or less recommended. Professional standards around staff to youth ratios recommend 1:8; for some treatment models, 1:5 or 1:4 is preferred. Lastly, these facilities should include high quality, evidence-informed programming centered on education, cognitive therapy, mental health services, and family involvement.

Recommendations for the Second Round of SB 81 construction funds

As the Executive Steering Committee considers designing the RFP and criteria around the second round of funding, we urge you to consider the following principles and recommendations:

1. **Incorporating research on best practices in facility design and operations:** Research on best practices in creating rehabilitative facilities, as we briefly described above, is widespread. To achieve the rehabilitative intent of the SB 81 legislation, we believe defining what rehabilitation means in the RFP and creating guidelines for counties on the type of appropriate projects are important steps to ensuring fidelity to best practices. We recommend the ESC develop clear ratings criteria and guidelines to evaluate whether a proposal truly comes under the definition of a “Rehabilitative Facility;” the original RFP created a Proposal Evaluation Factors list, which assigned certain points to each factor. Each factor should outline baseline rehabilitation criteria that all proposals must meet in order to receive funding. Since Title 15 and title 24 regulations are only minimum standards, and thus we do not recommend they be the default guides on best practices for facilities.
2. **Promoting alternatives to secure facilities:** The majority of the first round of funding went to larger facilities in the form of detention halls or large camps, accounting for the need of counties who were suddenly tasked with managing high-needs youth who might previously have been sent to state-operated facilities. Many counties now (or soon will, when their SB 81-funded facilities are completed) have adequate if not excessive bed space in secure facilities. While many advocates would argue juvenile halls are not appropriate facilities for long-term commitment, the analysis included in Table 1 indicates the majority of California’s 58 counties have space to absorb youth even if the state’s youth correctional system, the Division of Juvenile Facilities (DJF) closed its doors. However, many counties we work with report inadequate space and options for community-based alternatives to incarceration. We believe this demonstrates the need for facilities that support community-based solutions to promote better outcomes for youth.⁴ The original RFP for the SB 81 Facility Construction funds allows for non-secure or non-residential options (see page 8 of RFP issued July 15, 2008). Elevating this feature of the original RFP would ensure that greater consideration is given for the expansion of non-custodial county

³ Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration*. Baltimore, Maryland. 2011, at: <http://files.eric.ed.gov/fulltext/ED527944.pdf>

⁴ See Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* at: http://www.justicepolicy.org/images/upload/09_05_rep_costsofconfinement_jj_ps.pdf

dispositional options. This would include promoting and creating clear criteria and standards for community-based solutions specific to non-secure or non-residential facilities.

- 3. Creating an inclusive, community and stakeholder-informed process:** We urge the ESC to continue to invite feedback for the content of the RFP. In 2008, the BSCC/ESC created a feedback session to develop a draft RFP with interested counties and stakeholders. In this round, we recommend hosting that feedback session not only from county agencies but also from stakeholders, family members of formerly or currently incarcerated youth, and community-providers who work closely with county agencies to serve youth in juvenile justice.

We hope that the SB 81 Round 2 Executive Steering Committee Members will recognize the need for innovative county-level investment to meet the rehabilitative intent of SB 81 and develop a 21st century juvenile justice system. Both the BSCC and this ESC stand poised in a unique leadership position to determine what type of juvenile facilities California's 58 counties will construct in the future. To best serve all Californians, this must be an inclusive and community-informed process that incorporates nationally recognized best practices around facility design and operations and supports necessary alternatives to secure facilities.

Sincerely,

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