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May 14, 2014

By Facsimile Transmission and U.S. Mail

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Honorable Kevin De Leon, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, California 95814
(Attention: Jolie Onodera)

Re: S.B. 838 (Beall) - "Sentencing" Costs in Juvenile Sex Cases

Dear Chairman De Leon:

This letter is written on behalf of the Youth Law Center to express our concerns about costs with respect to S.B. 838 (Beall). Our office is a national, non-profit, public interest law firm working on behalf of youth in the juvenile and child welfare systems. We have been involved in California juvenile justice policy since our inception in 1978, and we are concerned that this bill, even in its amended form, would send precious public resources in the wrong direction. The bill was recently amended to add a sentencing enhancement for certain sex crimes, and to impose a mandatory minimum confinement of at least two years for juvenile adjudicated for certain sex offenses. We write to provide information to the Committee about the potential costs of these proposed changes to California law.

There is presently no precedent for mandatory juvenile "sentences" in California's juvenile justice system. Unlike the adult criminal system, where punishment is the stated purpose, our juvenile law requires individualized "care, treatment and guidance" in which punishment is permitted, but the overarching purpose is rehabilitation of the young person. (Welf. & Inst. Code § 202.) Mandatory minimums have no place in this scheme, and the substantial costs involved in deep end confinement could undermine the state's efforts to support a broad continuum of care in local communities through S.B. 81 realignment.

As amended May 7, 2014, S.B. 838 calls for youth adjudicated for specified sex offenses to be ordered into "out-of-home placement for a minimum of two years, which may include commitment of the minor to a juvenile hall, juvenile home, ranch, camp, any institution operated by the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or any other placement authorized by law, where the minor shall receive treatment appropriate to the circumstances of his or her offense, including, but not limited to, sex offender treatment." This will impose substantial costs on counties and the state:



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Juvenile Halls: A 2012 survey conducted by the Board of State and Community Corrections found that the weighted average daily cost of confinement to house youth among all Juvenile Halls was \$352.06. **A two-year minimum of 730 days in juvenile hall would cost an average of \$257,003.80, per youth.** The average daily cost is actually much higher in some counties (\$550.56 in Sacramento; \$561.00 in San Mateo; \$526.75 in Los Angeles), so the two-year costs would be even greater in those counties. A copy of the survey with individual county costs is included with this letter.

Juvenile Camps and Ranches: The same 2012 survey conducted by the Board of State and Community Corrections also found that the weighted average daily cost of confinement to house youth among in all camps/ranches was \$288.11 per day. **A two-year minimum of 730 days in a camp or ranch would cost an average of \$210,320.30 per youth.** The average daily cost is actually much higher in some counties (\$505.38 in Santa Clara; \$498.00 in San Bernardino; \$561.00 in San Mateo), so the two-year costs would be even greater in those counties. Again, a copy of the survey with individual county costs is included with this letter.

Division of Juvenile Facilities: A Legislative Analyst's report estimated the annual cost per ward for commitment to the Division of Juvenile facilities for 2011-2012 (formerly California Youth Authority) as \$179,400. **A two year mandatory minimum commitment to the Division of Juvenile Facilities would cost \$358,800.** (The report is on line at http://www.lao.ca.gov/analysis/2012/crim_justice/juvenile-justice-021512.aspx.)

Group Homes/Treatment Facilities: Although the types and costs of private group homes and treatment facilities varies, the costs of high level group homes are probably fairly representative of the costs counties would face in placing a young person for two years. As of July 2013, the cost of high level group homes in California was \$8,529 per month for a Level 12 home and \$9,669 for a Level 14 home. **A two-year mandatory minimum commitment to a Level 12 group home would cost \$204,696, and to a Level 14 would cost \$232,056.** While some placements may receive federal reimbursement through Title IV-E federal funding, there could still be substantial costs to the counties. (California Department of Social Services, All County Letter (ACL) 13-62 (August 14, 2013), on line at <http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acl/2013/13-62.pdf>.)

In addition, the fiscal implications of the proposed changes in SB 838 must be viewed against the backdrop of juvenile system realignment. In 2007, the Legislature enacted S.B. 81, appropriately redirecting substantial financial resources to the counties. The idea was to help communities expand their local continuums of care to provide evidence-based services closer to young people's families and communities. S.B. 838 would take us in exactly the opposite direction in requiring lengthy mandatory commitments at the highest and most expensive levels of care, without regard to

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whether that length of stay will produce the desired outcomes. While some juvenile sex offenders might well require a two-year commitment, others would be better served by other interventions, and this bill takes away the ability of probation and the court to decide what is needed in individual cases.

Finally, while we realize that this is not a policy committee, there are fiscal implications in whether a particular intervention increases or decreases public safety. In this regard, research now shows that the effectiveness of juvenile institutional programs is related to the content of the program itself, and that extended confinement does not increase effectiveness. (National Research Council, *Reforming Juvenile Justice: A Developmental Approach* (2013), pp. 157-158.) In fact, to the extent that extended confinement interferes with young people's ability to go through the developmental experiences needed for healthy maturation, and to develop skills and competencies needed for adulthood, lengthy institutional confinement is a problem. (*Id.*, at pp. 179-180.) In imposing a one-size-fits-all approach to certain juvenile sex offenses, S.B. 838 works against the goal of enabling young people to become self-sustaining, law-abiding members of the community.

Thank you for your consideration, and please let us know if we can provide any further information about our views or the underlying issues.

Sincerely,

Sue Burrell

Sue Burrell, Staff Attorney
YOUTH LAW CENTER

cc: (Via Facsimile Transmission)
Members of the Senate Appropriations Committee
Honorable Jim Beall (Attention: Kenton Stanhope)



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GOVERNOR Edmund G. Brown Jr.
EXECUTIVE DIRECTOR Patricia Mazzilli

September 14, 2012

CHIEF PROBATION OFFICERS
JUVENILE HALL SUPERINTENDENTS
CAMP SUPERINTENDENTS

AVERAGE DAILY COST TO HOUSE YOUTH IN JUVENILE HALLS AND CAMPS/RANCHES

On May 17, 2012 The Board of State and Community Corrections (BSCC), formally the Corrections Standards Authority, requested data from every juvenile system in the state of California on the Average Daily Cost (ADC) of housing youths in Juvenile Halls and Camps/Ranches (youth facilities). 97.8% of youth facilities responded to our inquiry. We have completed our survey and attached a copy of the reported findings.

The BSCC requested that each juvenile system, using the 2010-2011 data, take the total cost to operate their system (including all youth facilities within your jurisdiction); divide it by the Average Daily Population (ADP) of the youth facilities; and divide this number by 365 days. Calculations included but were not limited to the following costs:

- Salary and benefits for staff;
- Food costs;
- Juveniles clothing and supplies;
- Cost for schooling and programming;
- Medical and mental health services;
- Medical supplies;
- Contract maintenance;
- Transportation;
- The percentage of administration used for youth facility administration (for example: if a chief and their staff may spend 30% of their time

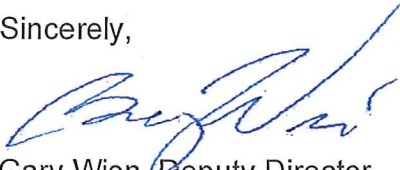
working on detention related issues, then 30% of their salaries and benefits can be used); and

- Any other legitimate detention related expense(s).

The weighted statewide ADC to house youth among all Juvenile Halls was \$352.06 per day. This was compared to the ADC reported in 2010 and resulted in a 11.8% increase. The weighted statewide ADC to house youth in all Camps/Ranches was \$288.11 per day. This was compared to the ADC reported in 2010 and resulted in a 4.9% increase.

We sincerely appreciate the effort in helping us to produce this valuable document and thank you for your continued support.

Sincerely,



Gary Wion, Deputy Director
Facilities Standards and Operations Division
Corrections Standards Authority

Attachment

BOARD OF STATE AND COMMUNITY CORRECTIONS

AVERAGE DAILY COST

Youth Facilities

2011

Agency	Juvenile Halls		Camps/Ranch	
	ADP	ADC	ADP	ADC
Alameda Probation Department	220	\$429.00	50	\$274.00
Amador Probation Department				
Butte Probation Department	48	\$282.64		
Calaveras Probation Department				
Colusa Probation Department			25	\$316.69
Contra Costa Probation Department	149	\$316.69	97	\$316.69
Del Norte Probation Department	12	DNR	19	DNR
El Dorado Probation Department	20	\$240.00	9	\$240.00
Fresno Probation Department	147	\$235.41	186	\$235.41
Glenn Probation Department	13	\$132.45		
Humboldt Probation Department	30	\$264.79		
Imperial Probation Department	20	\$293.78		
Inyo Probation Department	7	\$293.00		
Kern Probation Department	140	\$200.71	236	\$200.71
Kings Probation Department	40	\$124.71	46	\$124.71
Lake Probation Department	12	\$373.00		
Lassen Probation Department	11	\$374.26		
Los Angeles Probation Department	1,124	\$526.75	1,169	\$329.61
Madera Probation Department	27	\$208.62	19	\$208.62
Marin Probation Department	16	\$416.88		
Mariposa Probation Department	SP	\$2,449.11		
Mendocino Probation Department	22	\$261.81		
Merced Probation Department	45	\$271.00	46	\$271.00
Modoc Probation Department				
Mono Probation Department	SP	\$341.04		
Monterey Probation Department	93	\$243.58	46	\$327.95
Napa Probation Department	30	\$461.20		
Nevada Probation Department	19	\$26.00		
Orange Probation Department	380	\$380.66	193	\$380.66
Placer Probation Department	33	\$439.30		
Plumas Probation Department				
Riverside Probation Department	205	\$354.91	120	\$354.91

Agency	Juvenile Hall		Camp/Ranch	
	ADP	ADC	ADP	ADC (in\$)
Sacramento Probation Department	186	\$550.56		
San Benito Probation Department	10	\$314.00		
San Bernardino Probation Department	329	\$498.00	37	\$498.00
San Diego Probation Department	470	\$224.01	287	\$224.01
San Francisco Probation Department	86	\$479.00	20	\$407.00
San Joaquin Probation Department	119	\$267.48	35	\$267.48
San Luis Obispo Probation Department	32	\$373.91		
San Mateo Probation Department	132	\$561.00	34	
Santa Barbara Probation Department	100	\$244.75	73	\$191.52
Santa Clara Probation Department	194	\$505.38	76	\$505.38
Santa Cruz Probation Department	18	\$471.00		
Shasta Probation Department	27	\$320.87		
Sierra Probation Department				
Siskiyou Probation Department	14	\$188.05		
Solano Probation Department	73	\$271.00	24	\$271.00
Sonoma Probation Department	81	\$459.00	27	\$459.00
Stanislaus Probation Department	133	\$186.50		
Sutter Probation Department				
Tehama Probation Department	18	\$302.00		
Trinity Probation Department	3	\$234.35	4	\$235.35
Tulare Probation Department	75	\$173.00	104	\$173.00
Tuolumne Probation Department				
Ventura Probation Department	68	\$373.93	87	\$373.93
Yolo Probation Department	43	\$331.96		
Yuba/Sutter Probation Department	24	\$331.96	24	\$16.35
Totals	5098	\$17,603.01	3093	\$7,202.98
Averages (Weighted Statewide Average)		\$352.06		\$288.11

Abbreviations:

ADP – Average Daily Population

ADC – Average Daily Cost Per Youth

SP – Special Purpose Juvenile Hall (96 hours)

Bronze Color denotes no Juvenile Hall and/or camp/ranch

Salmon Color denotes the agency did not reply

Agencies that supplied ADC's per facility were weight average into Juvenile system averages