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# Assembly California Legislature



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COMMITTEES  
CHAIR: PUBLIC SAFETY  
AGRICULTURE  
BUDGET  
GOVERNMENTAL ORGANIZATION  
LABOR AND EMPLOYMENT  
SUBCOMMITTEE  
BUDGET SUBCOMMITTEE NO. 5 ON  
PUBLIC SAFETY

May 20, 2019

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Honorable Rudy Salas, Jr.  
Chair, Joint Legislative Audit Committee  
1020 N Street, Room 107  
Sacramento, CA 95814

Dear Assemblymember Salas and Members of the Committee:

We respectfully request that the Joint Legislative Audit Committee approve an audit to evaluate the spending, decision-making, reporting and evaluation of Juvenile Justice Crime Prevention Act funds.

### **Background:**

In 2000, the California Legislature passed the Schiff-Cardenas<sup>1</sup> Crime Prevention Act, which authorized noncompetitive funding for counties to support programs to reduce youth crime and designated the Board of Corrections (BOC)—now known as the Board of State and Community Corrections (BSCC)—as the fund administrator.

A 2001 Senate Bill extended the funding and changed its name to the **Juvenile Justice Crime Prevention Act (JJCPA)**. The JJCPA was designed to provide a “stable funding source for juvenile programs that have proven effective in curbing crime among at-risk and young offenders.”<sup>2</sup>

The JJCPA created annual allocations to counties to add evidence-based programs and services for “juvenile probationers identified with higher needs for special services than those identified for routine probationers, at-risk youth who have not entered the probation system but who live or attend school in areas of high crime or who have other factors that potentially predispose them to criminal activities, and youth in juvenile halls and camps.”<sup>3</sup>

The bill doubled the size of an existing fund for “front-line law enforcement” by approximately \$100 million and required that the additional money—hereinafter referred to as the JJCPA grant program—be used by each county to employ “a continuum of responses,” including effective prevention and intervention approaches for justice-involved youth or youth considered “at-risk” of

<sup>1</sup> Assembly Bill (AB) 1913 (2000) was named after its authors: Adam Schiff from Pasadena and Tony Cardenas from the San Fernando Valley. At: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=199920000AB1913](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=199920000AB1913)

<sup>2</sup> RAND Corporation (2015). Los Angeles County Juvenile Justice Crime Prevention Act. At: [https://www.rand.org/pubs/research\\_reports/RR1023.html](https://www.rand.org/pubs/research_reports/RR1023.html)

<sup>3</sup> *Ibid.*



involvement in the justice system.<sup>4</sup> The JJCPA required each county to establish a Juvenile Justice Coordinating Council (JJCC) charged with developing a Comprehensive Multi-Agency Juvenile Justice Plan (CMJJP). The bill required each JJCC to include, at a minimum, representatives from a range of public agencies, community-based programs, and the at-large community.

Since its creation, the JJCPA grant program has supplied annual grants totaling roughly \$100 million each year for California counties<sup>5</sup> to adopt local collaborative approaches that prevent youth from entering and re-entering the justice system. Most recently, in Fiscal Year 2017-18, the JJCPA made \$149.3 million available to counties.

However, many county reports of JJCPA allocations show very little collaboration between county probation departments, other public agencies, and community-based organizations (CBOs). In addition, most counties primarily spend JJCPA funds on county salaries and benefits, especially for probation departments, instead of community-based prevention and intervention services. This spending trend is particularly disturbing given that the number of youth under court-ordered probation field supervision, as well as populations in probation-run juvenile halls, camps and ranches, have dropped due to years of dramatic declines in youth arrests and prosecutions.<sup>6</sup>

Moreover, there is evidence that counties are not complying with, nor being held accountable for, statutory requirements regarding the development and content of their CMJJPs. Requirements for CMJJPs include an assessment of public resources that “specifically target at-risk juveniles, juvenile offenders, and their families;”<sup>7</sup> a prioritization of neighborhoods and schools most in need of JJCPA funds; and the creation of a collaborative strategy for providing youth with a continuum of services which have been “demonstrated to be effective.”<sup>8</sup> However, FY 2017-18 JJCPA plans submitted by counties to the BSCC show evidence of outdated plans and large inconsistencies in how each county reports on these legislative requirements, if at all.

The BSCC’s March 2019 *Annual Report to the Legislature on the Juvenile Justice Crime Prevention Act and the Youthful Offender Block Grant*<sup>9</sup> provides little to no evidence that JJCPA funds are being effectively used to reduce youth crime. Recent investigations into a number of counties, and particularly Los Angeles County,<sup>10</sup> demonstrate the need for a state audit of JJCPA implementation to ensure not only that statutory goals and requirements are being met, but that state dollars are being spent judiciously and effectively.

### **Need for Audit:**

*A state audit would provide critical information on the JJCPA grant program in three key areas:*

- a. **Spending:** There is evidence that JJCPA dollars are not being spent to resource effective youth services. A number of counties’ JJCPA-funded programs, such as harmful ‘voluntary probation’ programs that impose probation supervision over young people who have not been prosecuted

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<sup>4</sup> AB 1913, Section 3 (4)(A)(iii) (2000).

<sup>5</sup> All counties received JJCPA funds in FY 2017-18; counties may opt out of participation.

<sup>6</sup> For reference, total youth arrests declined by 71 percent from 2007 to 2017. Find out more: [http://www.cjcg.org/uploads/cjcg/documents/steep\\_declines\\_in\\_juvenile\\_arrests.pdf](http://www.cjcg.org/uploads/cjcg/documents/steep_declines_in_juvenile_arrests.pdf)

<sup>7</sup> AB 1913, Section 3 (4)(A)(i) (2000).

<sup>8</sup> AB 1913, Section 3 (4)(B)(i) (2000).

<sup>9</sup> Full report can be found here: <http://www.bscc.ca.gov/wp-content/uploads/2019-JJCPA-YOBG-Leg-Report-FINAL.pdf>

<sup>10</sup> <https://www.cdfca.org/wp-content/uploads/sites/4/2019/01/juvenile-justice-crime-prevention-act-in-los-angeles.pdf>

for a crime, fall short of the bill’s original goals to prevent youth involvement in the justice system. Further, county failures to disburse granted JJCPA dollars and inconsistent solicitation for funding applications create large amounts of unspent funds despite the enormous need for youth programs in the community. Finally, in some counties, CBOs have reported that it is difficult to determine how to apply for funds, and how to access funds once granted.

- b. Decision-making: The JJCPA requires each county to establish a JJCC responsible for deciding how JJCPA funds are spent. The diverse membership requirements established by the law reflect an intent for each county to engage in collaborative decision-making. Currently, a number of counties have left vacant for years mandated member seats—most notably, community representatives. There is also evidence that counties are not engaging collaboratively: JJCC members often do not receive sufficient information from the probation department prior to, or even during, meetings in order to make informed, effective funding decisions.
- c. Reporting and Evaluation: Existing county reporting practices make it extremely difficult for county agencies, elected officials or members of the public to evaluate how effectively JJCPA dollars are being invested. Prior to Assembly Bill 1998 (2016),<sup>11</sup> statutory reporting requirements were producing disjointed and unreliable data that was not useful in assessing the overall performance of JJCPA-funded programs or services. Now, any meaningful performance assessment is challenging because counties only report on system-level data for all youth, not just those in JJCPA-funded programs, and include only brief program descriptions. Moreover, the reports submitted to the legislature by the BSCC contain no further summary or analysis of JJCPA expenditures, despite the agency’s obligation to “summariz[e] the programs, strategies, and system enhancements and related expenditures made by each county” and “summarize the countywide trend data and any other pertinent information submitted by counties.”<sup>12</sup>

### **Audit Scope:**

This proposed audit would help legislators ensure that JJCPA grant program implementation aligns with the bill’s original intent to reduce youth crime and invest in local services that meet the diverse needs of our state’s youth. In order to gain a deeper understanding of how counties administer, spend, and ensure effective use of JJCPA funds, the following questions should be asked regarding the following sample of counties: Los Angeles, San Joaquin, Kern, Santa Barbara, and Mendocino.

1. Which agency(ies) leads the administration of the county’s JJCPA program?
2. How does the county solicit and award JJCPA funds?
  - a. Is the application process the same for all potential grantees (e.g., administering agency, other public agency, CBO)? Is technical assistance provided to potential applicants, and if so, when and what assistance is provided?
  - b. What is the process for JJCPA funding disbursement (e.g., upfront funding, performance-based contracts, etc.)? Do contracts differ based on the type of grantee?

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<sup>11</sup> Assembly Bill (AB) 1998 (2016). At: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1998](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1998)

<sup>12</sup> AB 1998, Section 2 (4)(E) (2016).

3. How many times has the county revised its CMJJP since the enactment of the JJCPA? When did the county last revise its CMJPP and how did it incorporate legislatively required components?
  - a. What, if any, are the processes and accountability measures in place for writing the county's CMJJP and ensuring its accuracy?
  - b. Is the county's JJCC required to obtain approval of the CMJJP from any agency(ies) or individual(s)? If so, has a JJCC decision ever been overturned?
4. Did the county have any accumulated, unspent JJCPA funds between FY 2013-14 and FY 2017-18? If so, what is the amount and explanation for unspent funds? Is there a plan for distributing unspent money?
5. What are the listed and actual authorities, roles, and responsibilities of the JJCC and its individual members? Has the county's JJCC been consistently compliant with JJCPA legislative requirements?<sup>13</sup>
  - a. Who have been the members of the JJCC over the past five years and what categories of representation do they fulfill?
  - b. Do all JJCC members have equal powers, access to information and decision-making authority?
  - c. Who and what agency facilitates JJCC meetings, and with what frequency do they meet?
  - d. Has the county established any bylaws, protocols, procedures, or any other governance guidelines to support the JJCC decision-making process?
6. What data do public agencies and CBOs that receive JJCPA funds report to the county's JJCC? Does this differ based on the type of grantee?
  - a. What steps is the county taking to ensure JJCPA funds are being allocated to programs and CBOs that are effective in achieving the goals of the JJCPA?
  - b. How does the county monitor program funding?
7. Please analyze the following county data for the FY 2013-2014 to FY 2017-18, by fiscal year, including agency name(s), organization name(s), and expenditure description(s) where applicable:
  - a. Total JJCPA funds budgeted per program
  - b. Total JJCPA reported expenditures per program
  - c. Total JJCPA funds spent on probation department salaries and benefits
  - d. Total JJCPA funds spent on other law enforcement agency salaries and benefits
  - e. Total JJCPA funds spent on non-law enforcement public agency salaries and benefits
  - f. Total JJCPA funds spent on CBOs, with distinction of CBOs whose primary location (headquarters) are located in the communities they are serving.

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<sup>13</sup> WIC § 749.22 states, "The coordinating councils shall, at a minimum, include the chief probation officer, as chair, and one representative each from the district attorney's office, the public defender's office, the sheriff's department, the board of supervisors, the department of social services, the department of mental health, a community-based drug and alcohol program, a city police department, the county office of education or a school district, and an at-large community representative. In order to carry out its duties pursuant to this section, a coordinating council shall also include representatives from nonprofit community-based organizations providing services to minors." At: <https://codes.findlaw.com/ca/welfare-and-institutions-code/wic-sect-749-22.html>



8. What percentage of the probation department budget was funded by JJCPA in FY 2013-14 to FY 2017-18, by fiscal year?
9. What dollar amount and percentage of the county's JJCPA expenditures was used to supervise "at-risk" youth with no prior arrests or contact with the juvenile court? Please list relevant expenditures and program descriptions by agency and fiscal year.
  - a. Please provide the probation department's definition of "at-risk" youth for service design, or indicate if no definition exists.
10. How many total youth have been served by the county's JJCPA-funded programs/services in the past five years disaggregated by program, race, age, gender, zip code, and charges or activities warranting intervention? Please list by program and fiscal year.
11. Does the county use JJCPA funds on services and/or programs for youth described under specific sections of the California Welfare and Institutions Code? Please list the code section(s) that are used to authorize such prevention and intervention activities, including, but not limited to 236, 654, and/or 654.2.
  - a. Under each of the above referenced code sections, how many JJCPA dollars are spent on programs/services run by probation, other law enforcement agencies, non-law enforcement public agencies, and CBOs?
12. Do JJCPA-funded programs, whenever possible, work to reduce contact between youth and the juvenile justice system, including law enforcement agencies?

*In order to understand the state's JJCPA grant program administration and data collection process, the following questions should be asked relating to the Board of State and Community Corrections:*


13. How does the BSCC use its budget for purposes of administering the JJCPA grant program?
14. What are the BSCC processes and standards for ensuring county compliance with JJCPA legislative requirements? What is the established protocol if the BSCC finds that a county is not in compliance with the legislation?
15. How many youth statewide have been served by JJCPA-funded programs/services in the past five years, disaggregated by race, gender, age, zip code, and charges or activities warranting intervention?
16. To the extent that statewide data is available, please analyze annual county data from FY 2013-14 to FY 2017-18, by fiscal year, including the following:
  - a. Total JJCPA funds budgeted per program
  - b. Total JJCPA reported expenditures per program
  - c. Total JJCPA funds spent on probation department salaries and benefits
  - d. Total JJCPA funds spent on other law enforcement agency salaries and benefits
  - e. Total JJCPA funds spent on non-law enforcement public agency salaries and benefits
  - f. Total JJCPA funds spent on CBOs
17. How many counties statewide have reported using JJCPA funds to provide services and/or programs for youth identified under Welfare and Institutions Code 236, 654, and/or 654.2?
  - a. Under each of the above referenced code sections, how many JJCPA dollars are spent on services and/or programs run by probation, other law enforcement agencies, non-law enforcement public agencies, and CBOs?

**Conclusion:**

For nearly twenty years, over \$100 million in state funds have been allocated to counties annually without adequate reporting, transparency, or oversight. Given the substantial financial investment in the JJCPA grant program made by California's taxpayers each year, an audit into its expenditures and effectiveness is urgently needed to ensure policymakers and members of the public have an accurate understanding of how these state dollars are being allocated and managed each year.

Given the breadth of the JJCPA grant program, and the role of various state and county agencies in the administration of these funds, receiving accurate and complete information has proven difficult. As part of efforts to improve local JJCPA programs, community members and researchers have sought information from the BSCC as well as numerous counties but face frequent barriers to full information that could be received by the State Auditor. To that end, I respectfully request this audit.

Thank you for your consideration. If you have any questions, please do not hesitate to contact my staff, Michael Lucien, at michael.lucien@asm.ca.gov or (916) 319-2059. We look forward to talking with you about this request.

  
  
Senator, 35th District  
Senator, 9th District  
Eduardo Garcia  
Assemblymember, 56th District

cc: Members, Joint Legislative Audit Committee