CALIFORNIA STATE AUDITOR

Juvenile Justice Realignment

Limited Information Prevents a Meaningful Assessment of Realignment's Effectiveness

September 2012 Report 2011-129

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September 11, 2012 2011-129

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the California State Auditor (state auditor) presents this audit report concerning juvenile justice realignment and the Youthful Offender Block Grant (block grant) that state law established to compensate counties for the increased costs related to detaining and providing services to realigned juvenile offenders.

The report concludes that limited information and a lack of clear goals prevent a meaningful assessment of the outcomes of juvenile justice realignment. In particular, as part of the realignment law, the Board of State and Community Corrections (board) is required to issue annual reports regarding counties' use of block grant funds. Although not specifically required by state law, we would expect the reports to allow the Legislature to make assessments regarding the outcomes of realignment. However, the board's reports are based on a flawed methodology and, therefore, should not be used for this purpose. Moreover, the board's reports could mislead decision makers about the effectiveness of realignment by making it appear that realignment has not been effective when this may not be the case. Because of the problems we identified with the board's reports, we did not use them to assess the outcomes of realignment. Instead, we attempted to use juvenile justice data from the counties as well as from the Department of Justice and the California Department of Corrections and Rehabilitation; however, we discovered limitations to these data that further impeded our ability to draw conclusions about realignment.

Furthermore, the realignment law did not clearly specify the goals or intended outcomes of realignment. Without clear goals, measuring whether realignment has been successful is challenging. Nonetheless, the chief probation officers of the four counties we visited all believe that realignment has been effective based on various indicators, such as a reduction in juvenile crime, new and enhanced services, and reduced state costs. In support of these assertions, we found evidence suggesting that realignment may have had positive outcomes for many juvenile offenders and thus for the State. Although these indicators are encouraging, the limited—and potentially misleading—juvenile justice data that are currently available makes any measurement of realignment outcomes arbitrary and may not fully represent the impact realignment has had on juvenile offenders and the State as a whole.

Respectfully submitted,

Elaine M. Howle

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State Auditor

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Contents

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Summary

Results in Brief

The California Department of Corrections and Rehabilitation's (Corrections) Division of Juvenile Justice (Juvenile Justice) has historically operated secure detention facilities for many of California's juvenile offenders. However, in 2007 the Legislature enacted a law that required the State to transfer all nonviolent juvenile offenders to county facilities, a process referred to as realignment in this report. As a result, the number of juvenile offenders under Juvenile Justice's supervision decreased from about 5,400 in June 2007 to nearly 2,500 in June 2011. To compensate counties for the increased costs related to detaining and providing services to these realigned juvenile offenders, state law established the Youthful Offender Block Grant (block grant). According to the Board of State and Community Corrections (board), counties can use their share of the approximately $90 million annual allocation for nearly any activity related to their juvenile justice systems.

The realignment law does not establish clear goals, and the limited information that is currently available regarding the outcomes of realignment can be misleading. State law authorizes the board to monitor programs supported by block grant funds and requires the board to issue annual reports to the Legislature regarding the outcomes for juveniles who receive block grant-funded services and programs. However, the board's reports are based on a flawed methodology and, therefore, should not be used for this purpose. Although the law does not specifically require the board's reports to include an assessment of the outcomes of realignment, because the board is the only state administering body referenced in the law that realigned juvenile offenders, we would expect that its annual reports would give the Legislature information with which to make such an assessment.

Specifically, the board's reports, as required by law, focus primarily on the counties' use of block grant funds rather than on their juvenile justice systems as a whole. Attempting to assess the outcomes of realignment through an examination of counties' use of block grant funds is not meaningful for several reasons. First, according to the board, state law does not require counties to spend block grant funds only for juvenile offenders who might have been sentenced to Juvenile Justice prior to realignment; rather, the board allows the counties to use the funds to serve nearly all juvenile offenders or potential offenders. In addition, counties use other sources of funds in addition to the block grant to serve realigned juvenile offenders. As a result, the outcomes of realignment cannot be directly correlated to the block grant. The board could

Audit Highlights . . .

Our audit of juvenile justice realignment and the Youthful Offender Block Grant (block grant) highlighted the following:

» *The number of juvenile offenders under the Division of Juvenile Justice's supervision decreased from about 5,400 in June 2007 to nearly 2,500 in June 2011.*

» *The Board of State and Community Corrections' (board) annual reports to the Legislature regarding outcomes are based on a flawed methodology and should not be used to assess outcomes.*

- *The reports focus primarily on the counties' use of block grant funds rather than on their juvenile justice systems as a whole.*
- *The reports could mislead decision makers and the public because outcomes for juvenile offenders cannot always be directly correlated to the block grant and also because counties use other sources of funds to serve them.*

» *The board does not give sufficient guidance to counties and does not adequately verify the accuracy of the information it collects from them.*

» *We discovered several limitations in using juvenile justice data from the counties and state departments in attempting to assess outcomes of realignment.*

» *The four chief probation officers of Los Angeles, Sacramento, San Diego, and Yuba counties all believe realignment has been effective based on a reduction in juvenile crime, improved services, and reduced costs.*

address some of these weaknesses and improve the usefulness of its reports by working with the counties and relevant stakeholders to determine the data that counties should report.

Because of the methodology the board employs, its reports could mislead decision makers about the effectiveness of realignment by making it appear that realignment has not been effective when this may not be the case. For example, the board indicated, in both of the reports it has issued regarding block grant outcomes, that a significantly higher percentage of juvenile offenders who receive block grant-funded services had a new felony adjudication compared to those who did not receive block grant-funded services. This statement implies that the block grant actually increases the likelihood that a juvenile offender will reoffend, when a more plausible explanation is that some counties have focused their block grant funds on high-risk offenders. Although the reports state that caution must be taken in drawing conclusions regarding the differences in the outcomes for juvenile offenders who receive block grant services and those who do not, we question why the board chose to present this sort of comparison at all.

The usefulness of the board's reports is further diminished because the board does not ensure that the data it receives from counties are consistent or accurate. For example, the board asks counties to report the services that they provided to a sample of juvenile offenders over a one-year period but does not specify how counties should determine when a juvenile offender has received a service. As a result, our review revealed that Sacramento County reports that a juvenile offender receives a service—such as a drug treatment program—if he or she participates for at least one day, while San Diego County reports that a juvenile offender receives a service only if he or she successfully completes that service. Further, even though the board attempts to verify some of the data it collects from counties, we found that three of the four counties we visited had submitted inaccurate information, suggesting that the board's efforts are not very effective. If these types of inconsistencies and inaccuracies occur frequently, the board's reports could be significantly misinforming readers about key criminal justice outcomes. According to the board's field representative, the board has not received approval for funding to monitor the counties' use of block grant funds.

Because of the problems we identified with the board's reports, we did not use them to assess the outcomes of realignment. Instead, we attempted to use juvenile justice data from the counties as well as from state departments; however, we discovered several limitations to these data that further impeded our ability to draw conclusions about realignment. Specifically, three of the four counties we visited are not easily able to provide data that can

be used to measure realignment outcomes. Further, although the Department of Justice (Justice) maintains two systems that track juvenile justice-related data—the Juvenile Court and Probation Statistical System (JCPSS) and the Automated Criminal History System (criminal history system)—we could not use either to fully assess certain outcomes of realignment because of the limitations we observed with both of them.[1]

Moreover, the law does not clearly specify the goals or intended outcomes of realignment. Rather, the law asserts that local juvenile justice programs are better suited to provide rehabilitative services than state-operated facilities. In addition, a Senate floor analysis, written while the realignment law was being considered by the Legislature, noted that a projected impact of the law would be to decrease the number of juvenile offenders housed in Juvenile Justice. However, these goals are both vague and non-specific. Without clear goals, measuring whether realignment has been successful is challenging.

Despite the limitations we encountered in attempting to determine whether realignment has been effective, the four chief probation officers of the counties we visited—Los Angeles, Sacramento, San Diego, and Yuba—all believe that realignment has been effective based on various indicators, such as a reduction in juvenile crime, improved services, and reduced costs, suggesting that it is possible to develop goals that would indicate the success or failure of realignment. These indicators could be used to assess realignment's effectiveness. One potential indicator could be the reduction in offenses committed by juveniles. When we analyzed the JCPSS's data using this indicator, we found evidence suggesting that realignment may have had positive outcomes for many juvenile offenders and thus for the State. However, because we did not assess the reliability of the JCPSS's data, we cannot be certain of our conclusions. For example, the JCPSS data show that counties may have reduced the number of juvenile offenders who receive dispositions[2] by over 21 percent from fiscal year 2007–08—the year realignment began—to fiscal year 2010–11.

Another means of measuring outcomes could be to consider the number and types of services that counties have been able to provide since realignment. Subsequent to realignment and

[1] Please refer to the Introduction's *Scope and Methodology* for the California State Auditor's assessment of the reliability of these data.

[2] A disposition is an action taken by a probation officer or juvenile court, such as committing the juvenile to probation or to incarceration in a local or state facility, after a juvenile has been referred to the probation department for an alleged behavior such as truancy. Our analysis included those juveniles who received the following types of dispositions: direct file in adult court, diversion, probation, remanded to adult court, or wardship. Some offenders could be counted more than once if they received dispositions for multiple referrals.

the infusion of block grant funds, the four counties we reviewed reported having generally been able to provide new or enhanced services to juvenile offenders compared to the services they provided previously. For instance, San Diego County uses its block grant funds for a program that rehabilitates high-risk offenders, and Yuba County uses its funds to target at-risk youth. At the same time that counties began providing new or enhanced services to juvenile offenders, Juvenile Justice's expenditures significantly decreased, another potential measure of the effectiveness of realignment. Specifically, Juvenile Justice's expenditures for fiscal year 2006–07—the year prior to realignment—were $481 million compared to $294 million for fiscal year 2010–11, a reduction of about $187 million. Furthermore, if all other factors remain constant and the State continues to spend at levels similar to the fiscal year 2010–11 amount, including the annual block grant allocation, realignment could result in an annual savings of $93 million.

Although these indicators are encouraging, the limited—and potentially misleading—juvenile justice data that are currently available prevented us from providing a meaningful assessment of realignment outcomes. Until the Legislature and the board take steps to refine the information collected from counties and to define the goals of realignment, any measurement of realignment outcomes is arbitrary and may not fully represent the impact realignment has had on juvenile offenders and the State as a whole.

Recommendations

To ensure that it has the information necessary to meaningfully assess the outcomes of juvenile justice realignment, the Legislature should consider amending state law to require counties to collect and report countywide performance outcomes and expenditures related to juvenile justice as a condition of receiving block grant funds. In addition, the Legislature should require the board to collect and report these data in its annual reports, rather than outcomes and expenditures solely for the block grant.

To maximize the usefulness of the information it makes available to stakeholders and to increase accountability, the board should do the following:

- Create policies and procedures that include clear, comprehensive guidance to counties about all aspects of performance outcome and expenditure reporting.

- Consider verifying the counties' data by conducting regular site visits on a rotating basis or by employing other procedures to verify data that counties submit.

Justice should take additional steps to ensure the accuracy and completeness of data the counties enter into the JCPSS.

To assess the outcomes of realignment, the Legislature should consider revising state law to specify the intended goals of juvenile justice realignment. To assist the Legislature in this effort, the board should work with relevant stakeholders to propose performance outcome goals that can be used to measure the success of realignment.

Agency Comments

Although the board generally agreed with our observations and stated that it would address the shortcomings we identified if additional resources were available, it disagreed with several of our conclusions and recommendations. In addition, Corrections agrees with our conclusions and stated that it will take steps to implement our recommendation. Finally, although Justice disagreed with our assessment of the data limitations associated with the JCPSS, it generally agreed with our recommendations.

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Introduction

Background

Juveniles who enter California's juvenile justice system follow a path that can result in a variety of outcomes. Depending upon the juvenile's age and the severity of his or her offenses, the probation department and the district attorney may file a petition against the juvenile offender in either juvenile or adult courts. Both courts conduct hearings of the juvenile offenders' cases and decide their dispositions. As shown in Figure 1 on the following page, these dispositions can result in committing juveniles to probation, or incarceration in a county facility, state juvenile justice facility, or adult prison.

Among other options, both juvenile and adult courts can send juvenile offenders to the California Department of Corrections and Rehabilitation's (Corrections) Division of Juvenile Justice (Juvenile Justice), formerly known as the California Youth Authority.[3] Juvenile Justice operates secure detention facilities and provides education and treatment to offenders under the age of 25.[4] It also houses juvenile offenders under 18 years of age who are convicted in adult court because Corrections' practice is not to house any juvenile under the age of 18 in an adult institution, which we verified by reviewing Corrections' records. Further, state law mandates that prosecutors must try juveniles for certain offenses in adult courts, while prosecutors have the discretion to determine where they wish to try certain other offenses. Although hearings in either type of court can lead to the same types of outcomes for juvenile offenders, juvenile and adult courts use different terminology to describe similar concepts. The text box defines the juvenile court terminology we use in this report and relates it to similar terms used in adult courts.

Juvenile Court Terminology

Petition: The formal presentation to a juvenile court of information related to a juvenile's alleged offense.
Adult court term: Criminal complaint

True Finding: A finding by a judge that there is adequate evidence to prove that a juvenile did what he or she is accused of doing.
Adult court term: Guilty verdict

Adjudicated: The judge's decision concluding that the juvenile committed the act for which he or she is charged.
Adult court term: Convicted

Disposition: An action taken by a probation officer or juvenile court because of a referral.
Adult court term: Sentencing

Direct File: The transfer of a juvenile offender who is alleged to have committed certain serious violent or sexual offenses to adult court.
Adult court term: Not applicable

Remand to Adult Court: A disposition resulting from a fitness hearing that finds a juvenile unfit for the juvenile system and transfers that juvenile to the adult system.
Adult court term: Not applicable

Delinquent Act: An act committed by a juvenile for which an adult could be prosecuted in a criminal court.
Adult court term: Criminal act

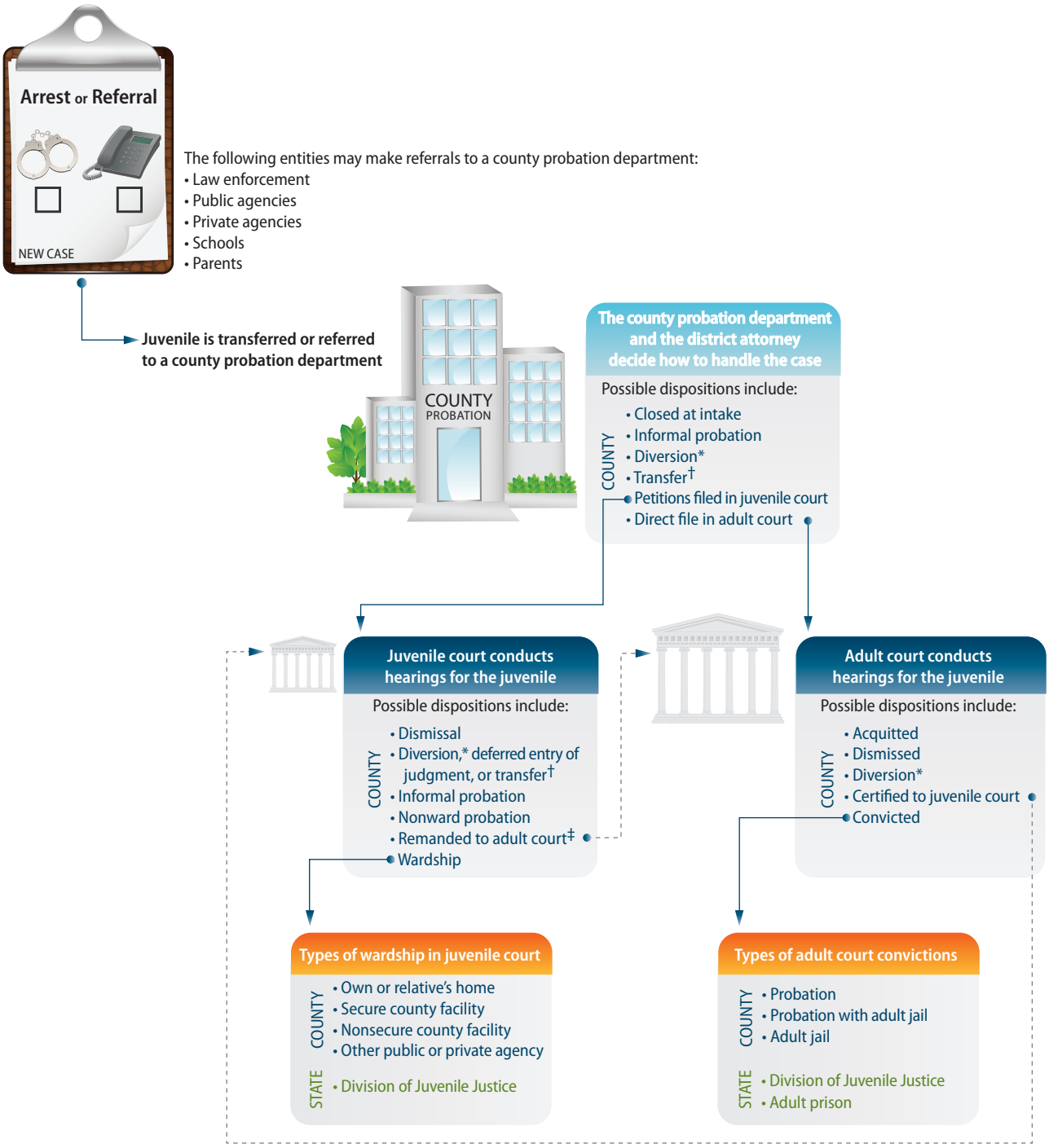
Referral: A juvenile who is brought to the attention of the probation department for alleged behavior such as truancy, failure to obey reasonable and proper orders of his or her parents, or a violation of the law.
Adult court term: Not applicable

Sources: California Division of Juvenile Justice's *Juvenile Justice in 2010* report, the California Courts Web site, U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention Web site, San Diego County Probation Department's *Guide to Understanding the Juvenile Justice System* brochure, and California Welfare and Institutions Code.

[3] As a result of a reorganization of California correctional agencies in 2005, the California Youth Authority became Juvenile Justice.

[4] For juveniles committed to Juvenile Justice on or after July 1, 2012, this is lowered to age 23.

Figure 1
California's Juvenile Justice System



Source: Office of the Attorney General's *2010 Report for Juvenile Justice in California*.

* Diversion services, such as community service or counseling, are an alternative to more formal actions within the juvenile justice and education systems.

† Transfers includes cases in which the juvenile is deported or sent to traffic court.

‡ A juvenile can be sent to adult court if a judge determines at a fitness hearing that the juvenile will not benefit from juvenile court services.

Juvenile Justice Realignment

In June 1996 the number of juvenile offenders in institutions or on parole at Juvenile Justice reached a high point of 16,300. In that year the Legislature amended state law to increase the amounts counties pay to house lower-level juvenile offenders in Juvenile Justice facilities. According to the Legislative Analyst's Office (legislative analyst), this legislation was designed to give counties an incentive to manage less serious offenders locally. Despite the drop in Juvenile Justice's population that resulted from the 1996 law, in 2003 the *Farrell* [5] lawsuit alleged that Juvenile Justice failed to provide adequate care and services for juvenile offenders in its facilities. The State entered into a consent decree in 2004 in which it agreed to address the issues raised in the lawsuit regarding confinement conditions in Juvenile Justice facilities. According to the legislative analyst, as a result of this lawsuit and others, the cost to house a juvenile offender at Juvenile Justice increased to $245,000 per juvenile in fiscal year 2008–09.

As costs continued to rise, in 2007 Senate Bill 81 was enacted as the original juvenile justice realignment law. Under this law, the State transferred, or realigned, the responsibility and expense for housing certain nonserious and nonviolent juvenile offenders who are not registered sex offenders to the counties. The Legislature declared that local communities were better suited than the State to provide certain juvenile offenders with the programs they need. Under the law, juvenile courts are prohibited from sending juveniles adjudicated on or after September 1, 2007, to Juvenile Justice facilities unless the adjudication was for certain serious, violent, or sexual offenses. The text box lists examples of these types of offenses. Current law also allows juvenile courts, upon recommendation by the county's chief probation officer, to transfer to county supervision juveniles previously sent to Juvenile Justice.

As shown in Figure 2 on the following page, the number of juvenile offenders supervised by Juvenile Justice decreased significantly after 2003 and has continued to decline after realignment from about 5,400 in June 2007 to nearly 2,500 in June 2011. Futher, about 670 nonserious and nonviolent juvenile offenders

Examples of Offenses That Result in Juvenile Offenders Being Admitted to the Division of Juvenile Justice

- Murder
- Arson
- Robbery
- Rape with force, violence, or threat of great bodily harm
- A lewd or lascivious act
- Certain kidnapping offenses
- Attempted murder
- Certain offenses committed with the use of a firearm
- A violent felony committed in association with criminal street gang activity
- Carjacking while armed with a dangerous or deadly weapon
- Voluntary manslaughter
- Offenses requiring the person to register as a sex offender

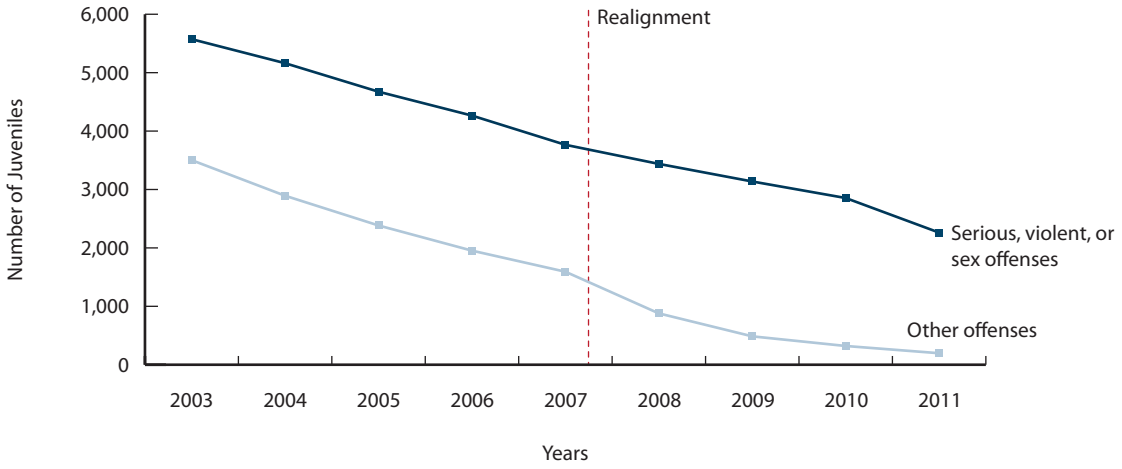
Sources: California Penal Code, Section 290.008, and Welfare and Institutions Code, sections 707(b) and 733(c).

Note: Under state law, any person 14 years of age or older who is alleged to have committed murder or certain types of sex offenses must be prosecuted in adult court. Further, under certain circumstances, minor offenders 16 years or older may also be directly filed and tried in adult court at the discretion of the prosecutor's office for an alleged felony violation.

[5] Case number RG03079344, Superior Court for the State of California, County of Alameda.

who are not sex offenders have transferred from Juvenile Justice to counties since realignment.[6] According to Juvenile Justice's Web site, as of July 2012, the population in Juvenile Justice's facilities represents less than 1 percent of the 225,000 juveniles arrested in California each year.

Figure 2
Number of Juvenile Offenders Supervised by the Division of Juvenile Justice 2003 Through 2011



Source: California State Auditor's (state auditor) analysis of data obtained from the California Department of Corrections and Rehabilitation's Offender-Based Information Tracking System. Please refer to the Introduction's Scope and Methodology for the state auditor's assessment of the reliability of these data.

Notes: Data are as of June 30th of each year.

The total number of juvenile offenders includes those in institutions and on parole.

The data did not show juvenile offenders in Alpine County under the Division of Juvenile Justice's supervision during our reporting period.

Youthful Offender Block Grant

To compensate counties for the increased costs related to the supervision of juvenile offenders, state law established the Youthful Offender Block Grant (block grant). State law requires that counties use block grant funds to enhance the capacity of various county departments to provide appropriate rehabilitative and supervision services to juvenile offenders who are transferred from Juvenile Justice facilities, who are prohibited from being sent to Juvenile Justice facilities, or who are on parole from Juvenile Justice facilities for certain offenses. State law also requires counties,

[6] The original realignment law took effect on September 1, 2007. Our analysis of the data contained in Corrections' Offender-Based Information Tracking System is based on fiscal year. Therefore, some of our analysis may contain data for July and August 2007, the two months prior to realignment's effective date.

in expending block grant funds, to provide all necessary services related to the custody and parole of these offenders. State law generally directs the Department of Finance (Finance) to calculate the amount of the block grant allocated to each county based on a formula using data obtained from the Department of Justice (Justice) and from Finance. This formula requires Finance to base 50 percent of the block grant amount on the number of each county's juvenile felony court dispositions and the remaining 50 percent on the total number of each county's population of juveniles between the ages of 10 and 17. The text box in Appendix A gives an example of this calculation. Under state law, each county received a minimum of $58,500 for fiscal year 2007–08 and a minimum of $117,000 for each fiscal year thereafter. The State Controller's Office issues block grant payments to counties. Table A in Appendix A shows the block grants by county for fiscal years 2007–08 through 2010–11. The counties received a total of $93 million in block grants in fiscal year 2010–11.

As shown in Table 1 on the following page, the four counties we visited provided us with information demonstrating that block grant funds make up a small portion of the total funds they have available to spend on juvenile offenders. In fact, the block grant made up only about 14 percent of the four counties' four major juvenile justice-related funding sources in fiscal year 2010–11.

The four counties we reviewed held varying opinions about whether they consider block grant funding to be sufficient. Specifically, Sacramento County (Sacramento) and Yuba County believe their block grant funds are not adequate, whereas San Diego County (San Diego) believes it is adequate, and Los Angeles County believes they are sufficient for its current needs but will not be sufficient when the juvenile offender population increases. For example, according to Sacramento's chief probation officer, the block grant funds are not adequate to support the county's only long-term secure juvenile offender commitment facility, which it closed in fiscal year 2010–11 due to budget constraints. He stated that the closure of the facility resulted in the county placing on probation in the community some juvenile offenders who should have been housed in secure facilities. Conversely, according to San Diego's probation department financial officer, the block grant funding is sufficient to support its Youthful Offender Unit. The county established this unit to serve its high-risk juvenile offenders who probably would have been sent to Juvenile Justice prior to realignment.

Table 1
Top Four Funding Sources for Services to Juvenile Offenders in Los Angeles, Sacramento, San Diego, and Yuba Counties
Fiscal Year 2010–11

		FUNDING RECEIVED			
FUNDING SOURCE	DESCRIPTION	LOS ANGELES COUNTY	SACRAMENTO COUNTY	SAN DIEGO COUNTY	YUBA COUNTY
Social Security Act, Title IV-E	The Adoption Assistance Program provides funds to states to facilitate the timely placement of children whose special needs or circumstances would otherwise make it difficult to place them with adoptive families. The Foster Care Program helps states provide safe, stable out-of-home care for children until they are safely returned home, placed permanently with adoptive families, or placed in other planned permanent arrangements. The Guardianship Assistance Program helps states, Indian tribes, tribal organizations, and tribal consortia that provide guardianship assistance payments for the care of children by relatives who have assumed legal guardianship of children for whom they previously cared as foster parents. Unlike the Adoption Assistance and Foster Care programs, this is an optional program.	$68,019,000	$13,394,000	$10,823,000	$197,000
Youthful Offender Block Grant	The Youthful Offender Block Grant allocates funds to counties to enhance the capacity of their various departments to provide appropriate rehabilitative and supervision services to youthful offenders.	21,572,000	4,522,000	7,711,000	180,000
Juvenile Justice Crime Prevention Act	The Juvenile Justice Crime Prevention Act supports juvenile probation programs with a record of reducing crime and delinquency among at-risk youth and young offenders.	24,883,000	3,452,000	7,693,000	175,000
Juvenile Probation and Camps Funding Program	The Juvenile Probation and Camps Funding Program allocates funds to counties to support the delivery of 23 categories of services to juveniles authorized by state law.	62,338,000	2,799,000	9,779,000	316,000
Totals		**$176,812,000**	**$24,167,000**	**$36,006,000**	**$868,000**

Sources: California State Auditor's analysis of data from the State Controller's Office, the Board of State and Community Corrections, and accounting records from the counties of Los Angeles, Sacramento, San Diego, and Yuba.

Oversight of the Block Grant

The Board of State and Community Corrections (board)[7] is a 12-member independent state agency. Formerly affiliated with Corrections and known as the Corrections Standards Authority, the board is responsible for administering the block grant in addition to overseeing other federal and state juvenile justice grants. According to the board's field representative, state law allows counties to spend

[7] Chapter 36, Statutes of 2011, which became effective July 1, 2012, renamed the Corrections Standards Authority as the Board of State and Community Corrections.

block grant funds not only on juvenile offenders but also on services and programs designed to prevent offenses by juveniles.[8] State law requires the board to collect certain block grant data from counties and to prepare and publish annual reports for the Legislature and the public. State law also specifies that it is the duty of the board to collect and maintain available information and data about, among other things, state and community correctional policies, practices, capacities, and needs related to juvenile justice. In fulfilling this duty, the board must seek to collect and make publicly available up-to-date data and information reflecting the impact of juvenile justice policies and practices enacted in the State, as well as information and data concerning promising and evidence-based practices from other jurisdictions. Further, the state law authorizing the block grant allows the board to monitor and inspect any programs or facilities supported by these funds and to enforce violations of grant requirements with suspensions or cancellations of grant funds.

The law originally authorizing the block grant also required the State Commission on Juvenile Justice and the counties to complete specific objectives related to realignment. Specifically, state law required the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan by January 1, 2009. Further, the law that established the block grant required each county to prepare and submit to the board, by January 1, 2008, a Juvenile Justice Development Plan (development plan) regarding the programs, placements, services, and strategies it intended to fund using the block grant.

In July 2008, following realignment, the Little Hoover Commission's juvenile justice reform report, along with other reports, highlighted the shortcomings of the original realignment law. In an attempt to bring accountability to the block grant, the Legislature amended the law in 2009 and created additional requirements that counties must complete annually. The original juvenile justice realignment legislation required a county to submit a development plan only once, whereas the 2009 law requires counties to submit a development plan for their block grant allocations by May of each year identifying their proposed expenditures for the upcoming fiscal year. The law also requires counties to report their actual expenditures and performance outcomes for the previous fiscal year each October.

[8] A law that took effect on June 30, 2011, and that provides a general funding mechanism for various grants including the block grant, specifies that block grant funds should be used *solely* to provide services to youthful offenders who: are transferred from Juvenile Justice facilities, who are prohibited from being sent to Juvenile Justice facilities, or are on parole from Juvenile Justice facilities for certain offenses. According to the board's field representative, the board is seeking assistance to obtain a legal opinion to determine whether any change in policy is needed as a result of this law. We did not review any block grant expenditures made after June 30, 2011.

To oversee the implementation of these new accountability measures, the board established an executive steering committee (committee) to guide the design and development of forms and processes necessary to implement the statutory changes to the block grant program. The committee was composed of a cross-section of stakeholders when it was established in 2009. The committee's members included subject matter experts, researchers, chief probation officers, and members of the public. The committee worked to clarify and streamline the new statewide reporting requirements. Given the flexibility counties have in their use of block grant funds, the board and the committee determined that reporting on the outcomes designated in state law would be difficult for counties. The board therefore decided to modify these outcome measures as permitted by state law.

Table 2 shows the state law's original performance outcomes and the board's adopted modified performance outcomes. Most significantly, to minimize the burden on counties that may lack the ability to track certain data, the committee and the board chose to gather performance outcome data for a sample of juvenile offenders each year rather than requiring counties to report data on all the juveniles that may have received services. The board elected to use data from Justice's Juvenile Court and Probation Statistical System to select a random statewide sample of approximately 1,000 juvenile offenders with felony adjudications for nonviolent, nonsexual offenses in the previous fiscal year because it believed this sample was most likely to include the juvenile offenders who would have been sent to Juvenile Justice prior to realignment. The committee believed this sampling strategy would allow the board to measure the impact of block grant-funded programs, placements, services, and strategies in a streamlined fashion.

The board also decided to require counties to report a variety of information about the sample of juvenile offenders at the time of their dispositions as well as the year following their dispositions. Specifically, counties must submit data about the juvenile offenders' characteristics as of the date of the disposition, including whether they were enrolled in school or employed, the types of services the juvenile offenders received during the year following their dispositions, and the funding sources the counties used to pay for these services. In addition, the board requires the counties to report juvenile offenders' educational and criminal justice outcomes during this period.

The board gathers the performance outcomes and expenditure data from the counties, analyzes these data, and presents the results in its annual report to the Legislature. The report compares the juvenile offenders who received services funded by the block grant with those

who did not receive services funded by the block grant. For example, it includes comparisons of the rate of school enrollment and the rate of new felony adjudications in juvenile court or convictions in adult court between juvenile offenders who received services paid for by the block grant and those who did not. The board has issued two annual reports since the statutory changes in 2009 that imposed additional accountability measures.

Table 2
Board of State and Community Corrections' Original and Revised Performance Outcomes

	ORIGINAL PERFORMANCE OUTCOMES AND REPORTING REQUIREMENTS IN STATE LAW	EXECUTIVE STEERING COMMITTEE'S MODIFIED PERFORMANCE OUTCOMES AND REPORTING REQUIREMENTS ADOPTED BY THE BOARD OF STATE AND COMMUNITY CORRECTIONS
Performance Outcome Reports		
Reported population	Youth served by the Youthful Offender Block Grant (block grant) funds.	A sample of juveniles with sustained felony offenses in the prior fiscal year.
Reporting period	Preceding fiscal year.	One year following each juvenile's disposition date for sustained felonies. The reporting period varies for each juvenile in the sample.
Demographic characteristics	The number of youth the county served using the block grant. Reported characteristics include offense, age, gender, race, and ethnicity.	The number of youth in the sample. Reported characteristics include offense, age, gender, race, ethnicity, school enrollment, graduation status, employment, case plan (if any), substance abuse history, mental health history, and child welfare dependency.
Programs, placements, services	The rate of successful completion by juvenile offenders of relevant programs, placements, services, or strategies.	The number of juveniles in the sample who received placements or services by the various juvenile justice funding sources that are available.
Performance outcomes	The arrest, rearrest, incarceration, and probation violation rates of youth in any program or placement supported by block grant funds.	The number of juveniles in the sample who, during and at the end of the reporting period, were enrolled in school or were placed on probation, graduated, received new felony adjudications or convictions in juvenile court or adult court, and were committed to Juvenile Justice facilities.
Actual Expenditure Reports		
Financial information	Quantification of the annual per capita cost of any program, placement, strategy, or activity.	Quantification of the total annual per capita cost of any program, placement, strategy, or activity paid for with any block grant funding. Number and type of juveniles served by receiving any program, placement, strategy, or activity paid for with any block grant funding.

Sources: California Welfare and Institutions Code, Section 1961(c)(2), and the Board of State and Community Corrections' annual report, performance outcome report template, and actual expenditure report template.

Scope and Methodology

The Joint Legislative Audit Committee (audit committee) directed the California State Auditor to conduct an audit of the juvenile justice realignment. We conducted fieldwork at the board, Corrections, Justice, and at the county probation departments in Los Angeles, Sacramento, San Diego, and Yuba counties. Table 3 outlines the audit committee's objectives and our methodology for addressing each objective.

Table 3
Methods Used to Address Audit Objectives

	AUDIT OBJECTIVE	METHOD
1	Review and evaluate the laws, rules, and regulations significant to the audit objectives.	We reviewed relevant laws, regulations, and other background materials applicable to juvenile justice realignment and the Youthful Offender Block Grant (block grant).
2	For each fiscal year, beginning in 2007–08, determine how much Youthful Offender Block Grant (block grant) funding counties have received and expended. Specifically, determine the amount of unexpended block grant funds.	• We identified and documented legal and procedural criteria regarding block grant allocations and expenditures. • We obtained and documented the total block grant allocations for all counties from the State Controller's Office (State Controller) records for fiscal years 2007–08 through 2010–11. • We identified total block grant expenditures by county and by service for fiscal years 2009–10 and 2010–11, using data the Board of State and Community Corrections (board) collected from counties. • We were unable to determine counties' total expenditures and the total amount of their unexpended block grant funds for two fiscal years as requested because the board collected and reported county data only for fiscal years 2009–10 and 2010–11. Also, the board's reports do not reflect any unexpended funds that counties may have retained for fiscal years 2007–08 and 2008–09. For the four counties we selected, we performed the following: – Obtained total block grant allocations and expenditures for fiscal years 2007–08 through 2010–11 from county financial records. – Determined unexpended block grant funds for fiscal years 2007–08 through 2010–11, using county financial records. – Identified counties' planned uses of any unexpended block grant funds.
3	For each year since the passage of Senate Bill 81 (SB 81) in fiscal year 2007–08, determine the State's juvenile population in the Division of Juvenile Justice (Juvenile Justice) as well as the number of juveniles within the adult prison population.	• We obtained and analyzed data from the California Department of Corrections and Rehabilitation's (Corrections) Offender-Based Information Tracking System (OBITS). • Using OBITS, we determined the total juvenile population supervised by Juvenile Justice for fiscal years 2003–04 though 2010–11. We considered data for the four fiscal years prior to realignment to better assess trends and the impact of realignment on the juvenile offender population. • We did not determine the number of juveniles within the adult prison population because Corrections' practice is not to house any juvenile offender under the age of 18 in an adult institution, which we verified by reviewing Corrections' records.
4	Assess the trends in the number of juveniles tried as adults and sent to prison for each year subsequent to the passage of SB 81.	• We attempted to use Corrections' Offender-Based Information System (OBIS) to identify the number of juveniles tried as adults and sent to prison. However, as described in Table 4 on page 19, we identified an area of concern that precluded us from identifying this population. • We attempted to use the Department of Justice's (Justice) Automated Criminal History System (criminal history system) to determine the number of juveniles tried as adults and sent to prison. However, as described in Table 4, we identified data limitations that precluded us from doing so. • We interviewed the chief probation officers at the four counties we visited regarding their perceptions of the relationship between realignment and juveniles being tried as adults.

	AUDIT OBJECTIVE	METHOD
5	To the extent data are available, determine how many juveniles in Juvenile Justice were transferred from state to local control subsequent to the passage of SB 81.	Using OBITS, we obtained and analyzed the number of juveniles transferred from the State to counties for fiscal years 2003–04 through 2010–11. We considered data for the four fiscal years prior to realignment to better assess trends and the impact of realignment on the juvenile offender population.
6	For a sample of counties, determine the following:	
	a) Whether they accurately accounted for their block grant allocations and expenditures.	• For the four counties we selected, we performed the following: – Obtained accounting reports of block grant allocations and compared them to the State Controller's block grant allocation records, including remittance advices. – Selected five expenditures, including a payroll expenditure, from each fiscal year from 2007–08 through 2010–11. We reviewed the expenditures to determine whether they related to juvenile justice, as required by state law. – Traced the expenditures from the original invoices to the accounting system to determine whether they were properly recorded. – Compared expenditure data from accounting records to data collected by the board for fiscal years 2009–10 and 2010–11 to ensure that counties accurately reported expenditures to the board. • We determined that three of the four counties we visited accurately reported their block grant allocations and expenditures. Yuba County was not able to separately identify its block grant allocations or expenditures or its total juvenile justice expenditures.
	b) What types of services they provided with block grant funds and whether these services are similar to those provided by Juvenile Justice.	• We obtained and documented a list of services provided to juveniles in Juvenile Justice. • For the four counties we selected, we performed the following: – Obtained and documented a list of services counties provided with block grant funds. – Determined the number of juveniles the counties served using the block grant. – Compared Juvenile Justice's and the counties' lists of services to determine whether the counties' services were similar to those provided by Juvenile Justice.
	c) Whether they supplement block grant funds with other funding sources to provide services to juvenile offenders.	• For the four counties we selected, we performed the following: – Obtained accounting records to determine the amount supplemented from other funding sources. – Interviewed relevant staff to determine whether they believe the amount of block grant funding is adequate to provide services to their juvenile offenders. • The board has interpreted state law to mean that counties can spend block grant funds not only on juvenile offenders but also on services and programs designed to prevent offenses by juveniles. As a result, counties can spend block grant funds on any aspect of their entire juvenile justice systems. Because of this, the fact that counties support their juvenile justice systems with other funds in addition to block grant funds is not an issue.
	d) The rates of admission to Juvenile Justice and to adult prison facilities for each year since the passage of SB 81.	• Using Justice's Juvenile Court and Probation Statistical System (JCPSS), we obtained and analyzed data regarding the number of dispositions admitting juvenile offenders to Juvenile Justice since fiscal year 2003–04. We considered data for the four fiscal years prior to realignment to better assess trends and the impact of realignment on the juvenile offender population. • We interviewed county staff for explanations of causes of trends in the number of juveniles admitted to Juvenile Justice.
	e) Whether they are meeting block grant requirements, including those related to the annual application process and the timely reporting of expenditure and performance outcomes.	• The board has interpreted state law to mean that counties can spend block grant funds not only on juvenile offenders but also on services and programs designed to prevent offenses by juveniles. Based on the work we performed for objective 2, we determined that all four of the counties we reviewed appropriately expended block grant funds on juvenile justice activities. • State law requires counties to submit block grant applications by May 1 and performance outcome and expenditure reports by October 1. The four counties we reviewed submitted the required reports and generally did so on time. The board indicates that it does not take any adverse action against counties that fail to submit their reports on time; thus, timely submission of reports has no effect on counties' block grant funding.

continued on next page . . .

	AUDIT OBJECTIVE	METHOD
7	Determine the extent to which block grant information, including performance outcomes and county financial data, is available to the public.	We reviewed the board and county Web sites and interviewed relevant staff to determine the amount and type of information that is available to the public.
8	Determine the State's and counties' level of oversight and monitoring of the block grant.	We interviewed board and county staff for each of the four counties we reviewed and obtained relevant criteria or policies and procedures related to monitoring the block grant.
9	Determine what enforcement actions the board can take against counties that do not meet block grant requirements, and if the board has ever taken any enforcement action.	• We interviewed relevant board staff and documented criteria related to enforcement actions. • State law allows the board to enforce violations of block grant requirements by withholding counties' block grant payments. The board's field representative stated that the board has never taken any enforcement action against counties because it has not needed to do so and because the board believes that the State Controller is the fiduciary agent for the block grant. During our review, we found that the four counties we reviewed generally met block grant requirements.
10	Review and assess the performance standards used and the outcomes reported, including the reasonableness of the methods used to develop the standards and whether the standards are applied consistently among counties. Additionally, determine how the board measures counties' success.	• We interviewed board staff and reviewed board reports to determine the performance standards and outcomes the State currently uses. • We determined whether counties consistently report performance outcomes by interviewing board and county staff and by reviewing performance reports for the four counties we selected. • We assessed the reasonableness of the performance standards by analyzing limitations to the data the board currently collects and uses. In addition, we reviewed the board's and counties' data collection and reporting practices to determine whether they are reasonable. Finally, we interviewed members of the board and staff from the four counties we visited regarding the reasonableness of the performance standards. • For the four counties we selected, we performed the following: – Obtained and documented practices related to developing and/or tracking performance outcomes. – Requested and documented other methods the counties use to measure success, such as recidivism. – Reviewed a selection of case files to determine the accuracy of performance outcomes the counties reported to the board.
11	Based on the data the board has collected, determine which counties have most significantly increased or decreased the rates of admission to Juvenile Justice and to adult prison facilities since the passage of SB 81.	• We did not use the data that the board collected to determine which counties have most significantly increased or decreased the rates of admission to Juvenile Justice and to adult prison facilities because the board collects data for only a sample of juveniles. Additionally, the board has collected information from counties only for fiscal years 2009–10 and 2010–11. • Using Justice's JCPSS, we determined the statewide number of dispositions admitting juvenile offenders to Juvenile Justice and the number of dispositions sending juvenile offenders to adult court for all counties since realignment.
12	Determine what happens to programs found to be successful and unsuccessful and how much block grant funding the best performing and poorest performing counties receive.	• We interviewed board staff to determine how the board measures counties' success and to determine what, if anything, happens to counties found to be successful and unsuccessful. • For each of the four counties we selected, we interviewed chief probation officers to obtain their perspectives about the success of the realignment and block grant.
13	Review and assess any other issues that are significant to the realignment of juvenile offenders from state to local control.	
	During the course of the audit, we identified additional issues that we believe are significant. Therefore, we conducted additional testing to address the following objectives:	
	a) Determine whether the block grant funding formula promotes long-term juvenile rehabilitation.	• We identified opportunities to improve the formula through interviews of county and board staff and a review of the Juvenile Justice Operational Master Plan. • We reviewed fluctuations in block grant funding allocations to determine whether a decrease in counties' juvenile felony dispositions affected their subsequent funding allocations.

AUDIT OBJECTIVE	METHOD
b) Determine whether quality juvenile justice-related data exists.	We reviewed Corrections' OBIS and OBITS, and Justice's JCPSS and criminal history system. In addition, we reviewed the availability of data from the four counties we selected.
c) Assess whether fluctuations in crime statistics could represent an outcome of realignment.	• Using Justice's JCPSS, we obtained and analyzed data for the total number of juveniles who received dispositions for all counties for fiscal years 2003–04 through 2010–11. • We classified juvenile offenders as repeat and first-time offenders. We defined repeat offenders as any juvenile who has received two or more dispositions that were not dismissals.
d) Determine whether Juvenile Justice's expenditures have decreased from fiscal year 2006–07—prior to realignment—to fiscal year 2010–11.	We obtained and trended statewide total expenditure data for Juvenile Justice for fiscal years 2006–07 through 2010–11.
e) Determine counties' other significant sources of juvenile justice funding.	• For the four counties we selected, we obtained and reviewed accounting records and other documentation to determine the major funding sources and expenditures related to providing services to juvenile offenders. • We identified other juvenile justice grant programs available to counties and the performance outcomes for those grants.

Sources: The California State Auditor's analysis of the Joint Legislative Audit Committee request number 2011-129, planning documents, and analysis of information and documentation identified in the column titled *Method*.

In performing this audit, we relied upon electronic data files extracted from a variety of information systems. The U.S. Government Accountability Office, whose standards we follow, requires us to assess the sufficiency and appropriateness of computer-processed information. Table 4 shows the results of this analysis.

Table 4
Methods Used to Assess Data Reliability

INFORMATION SYSTEM	PURPOSE	METHODS AND RESULTS	CONCLUSION
California Department of Corrections and Rehabilitation's (Corrections) Offender-Based Information Tracking System (OBITS). Data as of March 2012.	• To identify the number of juvenile offenders supervised by the Division of Juvenile Justice (Juvenile Justice) who committed certain serious, violent, or sexual offenses and the number of juvenile offenders who committed nonserious and nonviolent offenses for fiscal years 2003–04 through 2010–11. • To calculate the number of juvenile offenders within the adult prison population for fiscal years 2003–04 through 2010–11. • To determine the number of juveniles tried as adults and sent to state prison for fiscal years 2003–04 through 2010–11.	• We performed data-set verification procedures and electronic testing of key data elements and did not identify any issues. • The OBITS data captures information on all juvenile offenders who have been supervised by Juvenile Justice. However, OBITS' data do not capture information on juvenile offenders who were tried as adults and sent directly to an adult prison without spending time in Juvenile Justice facilities. As a result, we were not able to use OBITS to identify the number of juvenile offenders within the adult prison population and categorize them by the type of crime committed, nor could we use OBITS to identify the number of juveniles tried as adults and sent to state prison for fiscal years 2003–04 through 2010–11. • We recently conducted a separate review of selected Corrections' system controls, which included general and business process application controls. During this review, we identified significant deficiencies in Corrections' general controls over its information systems. General controls support the functioning of business process application controls; both are needed to ensure complete and accurate information processing. If the general controls are inadequate, the business process application controls are unlikely to function properly and could be overridden. Due to persuasive weaknesses in Corrections' general controls, we did not perform any testing of the business process application controls. Consequently, until Corrections implements adequate general controls over its information systems, the completeness, accuracy, validity, and confidentiality of its data will be at risk.	Not sufficiently reliable for the purposes of this audit.

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INFORMATION SYSTEM	PURPOSE	METHODS AND RESULTS	CONCLUSION
Corrections' Offender-Based Information System (OBIS). Data as of March 2012.	• To identify the number of juvenile offenders within the adult prison population for fiscal years 2003–04 through 2010–11. • To determine the number of juvenile offenders tried as adults and sent to state prison for fiscal years 2003–04 through 2010–11.	• We performed data-set verification procedures and did not identify any issues. • We performed electronic testing of key data elements and identified an area of concern related to our audit objectives. Specifically, we identified a significant number of incomplete offense dates for offenders in the OBIS system. Without complete offense date information, we were unable to determine whether offenders were juveniles at the time they committed their offenses. As a result, we were not able to use OBIS to identify the number of juvenile offenders within the adult prison population or to identify the number of juveniles tried as adults and sent to state prison for fiscal years 2003–04 through 2010–11. • We conducted a separate review of selected Corrections' system controls, which included general and business process application controls. During this review, we identified significant deficiencies in Corrections' general controls over its information systems. General controls support the functioning of business process application controls; both are needed to ensure complete and accurate information processing. If the general controls are inadequate, the business process application controls are unlikely to function properly and could be overridden. Due to persuasive weaknesses in Corrections' general controls, we did not perform any testing of the business process application controls. Consequently, until Corrections implements adequate general controls over its information systems, the completeness, accuracy, validity, and confidentiality of its data will continue to be at risk.	Not sufficiently reliable for the purposes of this audit.
Department of Justice's (Justice) Automated Criminal History System (criminal history system). Data as of April 2012.	To determine the dispositions for juveniles tried as adults for fiscal years 2003–04 through 2010–11.	• We experienced trouble in completing data-set verification procedures due to the fact that Justice counted the records in the criminal history system tables that it provided to us before it actually extracted the files from the system. Since the criminal history system is a live system, it is constantly updating. As a result, many of the record counts Justice provided to us do not match the number of records in the tables we used. They are, however, reasonably close. • We did not conduct accuracy and completeness testing on the data because Justice receives the data in the criminal history system from local law enforcement agencies, district attorney offices, and courts throughout California, making such testing impractical. • Many juvenile offenders in the criminal history system were erroneously categorized as having received adult dispositions. During our fieldwork, the assistant bureau chief in Justice's Bureau of Criminal Information and Analysis indicated that inconsistencies in training and procedural documentation, coupled with a heavy workload and high turnover, have led to Justice's technicians assigning adult disposition codes to juvenile records. In addition, Justice indicated that some local law enforcement agencies submit juvenile dispositions using adult disposition codes. However, Justice was unable to provide us with an example of an incorrect submission. We discuss this issue in more detail in Chapter 1.	Not sufficiently reliable for the purposes of this audit.
Justice's Juvenile Court and Probation Statistical System (JCPSS). Data as of April 2012.	• To determine the total number of first-time and repeat juvenile offenders in each county for fiscal years 2003–04 through 2010–11. • To determine the number of first-time and repeat juvenile offenders in each county who had their cases direct filed or remanded to adult court for fiscal years 2003–04 through 2010–11.	• We performed data-set verification procedures and electronic testing of key data elements and did not identify any issues. • We did not conduct accuracy and completeness testing on the data because Justice receives the data in the JCPSS from 57 of 58 counties' probation departments located throughout California, making such testing impractical.	Undetermined reliability for the purposes of this audit.

Sources: Various documents and data from Corrections and Justice.

Chapter 1

AVAILABLE DATA RELATED TO REALIGNMENT ARE LIMITED AND COULD BE MISLEADING

Chapter Summary

Despite the significant potential human consequences and financial impact of the State's decision to shift the care of thousands of juvenile offenders from the California Department of Corrections and Rehabilitation's (Corrections) Division of Juvenile Justice (Juvenile Justice) to the counties, very limited data exist to measure whether this realignment has been successful. Although state law requires the Board of State and Community Corrections (board) to submit an annual report to the Legislature that contains Youthful Offender Block Grant (block grant) funds performance outcomes and county expenditure data, the board currently collects and reports county data that may not accurately represent the outcomes related to either the block grant or realignment as a whole. These reports, which are based on a flawed methodology, could lead decision makers and the public to draw misleading conclusions about the effectiveness of the block grant and realignment. For example, the board's reports focus primarily on the counties' use of block grant funds even though outcomes for juvenile offenders cannot always be directly correlated to the block grant using the board's current methodology. The usefulness of the reports is further eroded because the board does not give adequate guidance to counties and does not adequately verify the accuracy of the information it collects from them. As a result of these problems, decision makers should not use the reports to assess the success or failure of either realignment or the block grant.

Because the board's reports cannot be used to assess the outcomes of realignment, we had hoped that we could rely on county or statewide data for this purpose; however, we discovered data limitations at both the county and state level. For example, three of the four counties we visited are not able to easily report realignment outcomes. Further, the Department of Justice (Justice) cannot ensure the reliability of the state-level data within its systems, a problem that is further exacerbated by inherent technical shortcomings in one of its databases. Finally, Corrections does not have a system that is capable of identifying the number of juvenile offenders tried as adults and sent to adult prison. As a result of these limitations, neither we nor decision makers can meaningfully assess the outcomes of realignment at this time.

The Board's Annual Reports on the Block Grant Could Mislead Decision Makers

State law does not require the board to include an assessment of the outcomes of realignment in its annual report on block grant outcomes. However, the board's reports include data that could mislead decision makers and the public. In addition, the board aggregates data and presents trends only on a statewide level. Therefore, the trends within a given county may be obscured by the data reported by other counties in the State.

The Board Reports on Outcomes That May Not Be Representative of Realignment

The board's reports are based on a flawed methodology and could mislead decision makers to potentially inaccurate conclusions, including making it appear that the block grant and realignment are not effective.

The outcomes developed and reported by the board may not accurately represent the outcomes of realignment. As discussed in the Introduction, the Legislature amended the realignment law in 2009 to include accountability mechanisms, including a requirement that counties submit block grant performance and expenditure data to the board. Because the law requires the board to compile these data into annual reports that it submits to the Legislature, we would expect the reports to allow the Legislature to draw conclusions regarding the success or failure of realignment. However, the board's reports are based on a flawed methodology and could mislead decision makers to potentially inaccurate conclusions, including making it appear that the block grant and realignment are not effective.

The board's reports may not reflect the outcomes of realignment in part because the law requires the board to focus its reports primarily on the counties' use of block grant funds rather than on their entire juvenile justice systems. Although state law requires the board to submit annual reports regarding counties' use of block grant funds, attempting to assess the outcomes of realignment through an examination focused on the use of these funds is not meaningful for several reasons. First, the board has interpreted state law to mean that counties can spend block grant funds to enhance their juvenile justice systems as a whole rather than requiring them to spend the funds on specific juvenile offenders who might have been sent to Juvenile Justice prior to realignment. In addition, counties may use a number of different sources of funds to serve realigned juvenile offenders, including those shown in Table 1 in the Introduction, rather than solely using block grant funds. As a result, the outcomes of realignment cannot be directly correlated to the block grant using the board's current methodology.

Nonetheless, the board's reports compare outcomes for juvenile offenders who receive block grant services and those who do not. Such a comparison implies that one can identify block grant outcomes—and thus realignment outcomes—by examining the outcomes for juvenile offenders that receive block grant services. According to the board's field representative, the board chose to present a comparison of these two groups in order to assess whether juveniles' outcomes improved when they participated in programs and services funded by the block grant. However, the field representative also noted that presenting comparisons of outcomes is valid only if no one attempts to derive any conclusions from the comparisons because counties select which juvenile offenders receive block grant-funded services. The board's reports similarly disclose that caution must be taken in drawing conclusions because the board has no information from counties concerning the juveniles who receive these services. If the board did not intend for the Legislature to draw conclusions from these comparisons, we question why it elected to present the comparisons at all, especially given that the results can be misleading.

The misleading nature of these results is caused in part by the board's decision not to report on the type of juvenile offenders upon whom counties choose to spend their block grant funds.

The misleading nature of these results is caused in part by the board's decision not to report on the type of juvenile offenders upon whom counties choose to spend their block grant funds, such as high-risk offenders or juvenile offenders at various risk levels. Among the four counties we visited, Los Angeles County (Los Angeles) and San Diego County (San Diego) reported focusing their block grant funds on their high-risk or higher-risk offenders—such as those who are considered most likely to reoffend—while Sacramento County (Sacramento) and Yuba County (Yuba) reported spending block grant funds on nearly all types of juvenile offenders. It is reasonable to assume that criminal justice outcomes for juvenile offenders within counties that spend block grant funds only on high-risk offenders would be worse than outcomes in counties that spend block grant funds on lower-risk offenders because high-risk offenders are more likely to be convicted of new offenses.

The data we reviewed generally support this assumption. For example, as shown in Table 5 on the following page, in fiscal year 2010–11 Los Angeles, a county that focuses its spending on higher-risk offenders, reported to the board that 6 percent of the juvenile offenders in its sample who received block grant-funded services were convicted of new felonies in adult court, compared to only 1 percent of the juvenile offenders who did not receive block grant-funded services. Conversely, Sacramento, which uses block grant funds to serve juvenile offenders at various risk levels, reported to the board that 6 percent of its juvenile offenders who received block grant services were convicted of new felonies in adult court, compared to 14 percent of the juvenile offenders who did not receive block grant-funded services. These results likely

do not signify that realignment is succeeding in Sacramento and failing in Los Angeles; rather, they present different outcomes for counties that elected to spend their block grant funds in different ways.

Table 5
Selected Performance Outcomes for the Counties We Reviewed as Reported to the Board of State and Community Corrections
Fiscal Year 2010–11

	JUVENILE OFFENDERS WHO RECEIVED BLOCK GRANT SERVICES		JUVENILE OFFENDERS WHO DID NOT RECEIVE BLOCK GRANT SERVICES	
SUMMARY OF PERFORMANCE OUTCOMES	YES	NO	YES	NO
Los Angeles County				
Was the youth enrolled in school at the end of the one year reporting period?	61%	39%	70%	30%
Did the youth graduate from high school or achieve a General Education Development (GED) test or equivalent?	4	96	5	95
Did the youth receive a new felony adjudication (juvenile court)?	17	83	11	89
Did the youth receive a new felony conviction (adult court)?	6	94	1	99
Sacramento County				
Was the youth enrolled in school at the end of the one year reporting period?	56%	44%	57%	43%
Did the youth graduate from high school or achieve a GED test or equivalent?	6	94	0	100
Did the youth receive a new felony adjudication (juvenile court)?	16	84	0	100
Did the youth receive a new felony conviction (adult court)?	6	94	14	86
San Diego County				
Was the youth enrolled in school at the end of the one year reporting period?	81%	19%	81%	19%
Did the youth graduate from high school or achieve a GED test or equivalent?	13	87	9	91
Did the youth receive a new felony adjudication (juvenile court)?	6	94	8	92
Did the youth receive a new felony conviction (adult court)?	6	94	4	96
Yuba County				
Was the youth enrolled in school at the end of the one year reporting period?	100%	0%	NA	NA
Did the youth graduate from high school or achieve a GED test or equivalent?	0	100	NA	NA
Did the youth receive a new felony adjudication (juvenile court)?	0	100	NA	NA
Did the youth receive a new felony conviction (adult court)?	0	100	NA	NA

Sources: California State Auditor's analysis of data from the Board of State and Community Correction's performance outcome reports submitted by counties for fiscal year 2010–11.

Note: The one-year reporting period is the one year following the juvenile offender's adjudication date, which varies for each juvenile offender in the sample.

NA = Not applicable. All of the juvenile offenders in the Yuba County sample received block grant services.

The board's reports may also be misleading because they do not include outcomes for every type of juvenile offender who receives block grant services. Rather, the board focuses only on juvenile offenders who have committed felonies and who might have been sentenced to Juvenile Justice before realignment. As a result, outcomes may be skewed toward more negative results than if the board included outcomes for all types of juvenile offenders. As mentioned previously, the board allows counties to spend block grant funds in many different ways, including services for juveniles who have not committed felonies. For example, according to the board's data, 17 counties reported that they had elected to spend block grant funds on juveniles who were at-risk but had not yet become involved in the juvenile justice system. In addition, 44 counties reported spending money on programs, placements, or services that serve offenders with misdemeanors as opposed to serving only those offenders with felonies. However, the board does not incorporate outcomes for juveniles who are at-risk or who have committed only misdemeanors into its reports.

The board's reports could suggest that realignment has been ineffective, which may misrepresent the facts.

Because of these deficiencies, the board's reports could suggest that realignment has been ineffective, which may misrepresent the facts. In particular, the board stated in the executive summaries of both of its reports that a significantly higher percentage of juvenile offenders who had received block grant-funded services statewide had new felony adjudications compared to those who had not received block grant-funded services. Based on this information, decision makers could conclude that the block grant is actually increasing the likelihood that a juvenile will reoffend, when it would be more accurate to conclude simply that some counties have focused their use of block grant funds on high-risk offenders.

Although the board cautions against drawing conclusions from the results that it presents in its reports, we question why it would create and issue reports that do not allow decision makers to make determinations regarding whether realignment is working. The four chief probation officers of the counties we visited believe that the outcomes the board collects and reports do not accurately reflect the outcomes of realignment.[9] In addition, one of the executive steering committee's (committee) co-chairs stated that although the decrease in crime statewide demonstrates that juvenile realignment has been effective, the board's reports do not reflect this trend. By issuing misleading reports, the board is missing an opportunity to inform decision makers and the public about the impact of realignment.

[9] For example, the chief probation officer of San Diego believes that the measures collected by the board are more process than outcome focused. He suggested that to better track the impact of the block grant, the measures should include data such as arrests during probation supervision, employment rates of the targeted population, or recidivism of juvenile offenders served in block grant-funded programs.

The board could address some of the weaknesses in its reports by collecting and reporting additional information. For example, it could ask counties to report outcomes for all juveniles they served using block grant funds, including those who commit misdemeanors only or who have not yet committed offenses. This would also address a problem identified by Sacramento's chief probation officer, who stated that the board's sample is too small and thus may not accurately reflect the entire population within the county. The board's field representative agreed that it would make sense to have counties report countywide statistics such as rearrest rates, new juvenile adjudications, and new convictions in adult court; further, she acknowledged that these statistics would allow decision makers to see a county's overall philosophy and approach to juvenile justice. In addition, one of the committee's co-chairs stated that asking counties for more global information, such as the number of minors in detention and the juvenile crime rate, would provide a more accurate representation of the outcomes of realignment.

The board's field representative believes that asking counties to report additional data regarding the outcomes of realignment would be onerous and may constitute a state mandate.

However, the field representative also believes that asking counties to report these data would be onerous and may constitute a state mandate. While we acknowledge that data collection could be challenging because, as we discuss later, counties generally do not have systems capable of producing outcome data, counties already report several pieces of key information, such as arrest rates and the rates of successful completion of probation, for the 10 other state and federal grant programs the board administers. Thus, the changes we are suggesting may not necessarily require counties to collect additional information. Further, to minimize the potential for creating a state mandate, the committee and board could work with counties to determine what outcome information is already collected and reported by counties.

The Board Primarily Reports Aggregate Data, Making It Difficult to Assess Each County's Performance

State law requires the board to prepare and make available to the public on its Web site summaries of the annual performance outcome reports that counties submit. However, the board aggregates the data the counties submit and presents trends only on a statewide level. When presented in aggregate, statewide data may obscure the trends within a given county. For example, using the data that counties submitted to the board, we determined that the percentage of juvenile offenders enrolled in school increased by 2 percent statewide between fiscal years 2009–10 and 2010–11. However, when we looked at the data for each county, we noted that the enrollment numbers for 10 counties contradicted this trend. For example, the percentage of juvenile offenders enrolled in school in Sacramento reportedly decreased by 10 percent between fiscal years 2009–10 and 2010–11.

Moreover, the board does not provide expenditure information for individual counties in its annual reports to the Legislature. As a result, stakeholders cannot use the annual reports to determine how a specific county's spending on juvenile justice compares to that of other counties in the State. Currently, for each placement or service that receives block grant funds, the board reports per capita costs statewide rather than by county. For example, in fiscal year 2010–11, 15 counties reported spending between $104 and $309,000 of block grant and other funds per juvenile offender for juvenile halls. However, it is unclear what services are included within these costs. In addition, the board did not disclose which county spent the least per juvenile offender (Inyo) and which county spent the most (San Mateo). Because variances in funding can provide insights into how a county manages its juvenile justice system, we believe decision makers should know which county spent $104 per juvenile offender and which spent 3,000 times that amount, if those amounts are accurate. Opportunities such as this allow stakeholders to identify potential efficiencies or inefficiencies and to understand the different approaches that counties employ for the services they provide.

Finally, because the board aggregates data, its reports generally reflect only the outcomes for large counties. To evaluate how well the statewide performance outcome data represents all counties, we divided the counties into three groups—small, medium, and large—based on the size of their annual block grant expenditures.[10] Our review found that the vast majority of the juvenile offenders in the sample analyzed by the board—883 of the 1,011 juveniles, or 87 percent—were from large counties. However, in some cases, smaller counties' reported outcomes differed markedly from those of the large counties and thus from the statewide trends. For example, the board's compiled data for fiscal year 2009–10 shows that only 9 percent of the juvenile offenders statewide graduated from high school or obtained equivalent diplomas. However, 17 percent of the offenders in the sample from the small counties achieved this educational goal. Because the board reports predominantly on the outcomes in large counties, neither decision makers nor the public have enough information to assess the performance of small or medium counties.

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According to the field representative, the board does not present county-level data because it believes such a presentation could violate the confidentiality of that data. For example, she stated that if the board reported county-level performance outcomes, the counties with very small juvenile offender populations would be forced to disclose performance outcome data that might allow

[10] We classified counties receiving over $1 million annually in block grant funds as large, those receiving $200,000 to $1 million as medium, and those receiving less than $200,000 as small.

identification of certain juveniles because many of the counties had only one or two juveniles in their samples. However, when we discussed with the board the option of presenting certain information, such as the information we display in Table 5 on page 24, including the number of juvenile offenders who receive a new conviction, the staff agreed that this would not violate confidentiality.

The Board Could Improve the Quality of the Information That It Collects From Counties

Because the board has provided the counties with insufficient guidance, they at times submit inaccurate and inconsistent information. Although the board takes some limited steps to verify the accuracy of the information the counties submit, these could be improved to ensure that it detects and addresses problems. According to the board's field representative, the block grant did not provide the board funding for its administration, and thus its block grant oversight is limited. However, we believe that correcting the weaknesses we noted in the board's existing process for data collection would not significantly increase the board's current oversight efforts. In addition, with even minimally improved data, the board's annual reports to the Legislature would allow policy makers to make more informed decisions about juvenile justice, including outcomes related to realignment and the block grant program.

The Board Provides Insufficient Guidance to the Counties

The counties report inconsistent information to the board, which further limits the usefulness of the board's annual reports to the Legislature.

Although the board provides some instructions to the counties regarding the information it requires them to track and submit, the guidance it provides is not sufficient. As a result, the counties report inconsistent information to the board, which further limits the usefulness of the board's annual reports to the Legislature. The board includes instructions, frequently asked questions, and contact information on the annual reports it requires counties to submit. For example, the board requires the counties to report the services they have provided to juveniles during the previous one-year period. However, it does not specify how counties should define what constitutes receiving a service. As a result, the counties we visited take different approaches for reporting this information. For example, Sacramento reports a juvenile offender as having received a service such as a drug treatment program, which frequently takes a month or more to complete, if he or she participated for at least one day, but San Diego reports a juvenile offender as having received a service only if he or she successfully completed it. According to the board's limited guidance, both interpretations could be correct, yet any analysis that attempted to derive conclusions using these numbers would yield questionable results.

Furthermore, the board has knowingly allowed counties to continue submitting inconsistent information. As mentioned previously, each year counties must submit expenditure reports with their actual expenditures of block grant funds as well as the number and type of juveniles served by those expenditures. However, we found that counties use different criteria in reporting the number of juveniles who received the same type of block grant-supported services. For example, 10 counties indicated on their expenditure reports for fiscal year 2010–11 that they spent a total of $492,000 of block grant funding on staff training and professional development. Although eight of these counties did not indicate that any juveniles were served by these expenditures, two counties, Inyo and Sierra, specified that all 118 of their juveniles benefited from this service.

When we asked about this, the board's field representative acknowledged the inconsistency. She stated that although she encourages counties either to omit the number of juvenile offenders served indirectly by expenditures such as staff training or to reclassify the expenditures to a direct service category, some counties insist that certain expenditures serve their juvenile offenders. Yet despite its knowledge of such inconsistencies, the board uses this information in its reports. For example, the board attempts to quantify the number of juvenile offenders who receive block grant services by adding the number of juvenile offenders each county reports as having received these services. In this instance, the board's lack of explicit guidance could cause the reports to imply that no juveniles benefited from staff training and professional development in at least eight counties.

The board does not have any policies or procedures related to the administration and oversight of the block grant.

According to the field representative, the board does not have any policies or procedures related to the administration and oversight of the block grant. In addition, we found that none of the four counties we visited have policies or procedures specifically related to administering the block grant. However, San Diego maintains policies for its Youthful Offender Unit that it believes are sufficient for governing the use of block grant funds. Nonetheless, because the board has not provided sufficient guidance to counties, it cannot ensure the information it receives and reports is useful.

The Board Does Not Adequately Verify the Accuracy of the Data the Counties Submit

The usefulness of the board's reports is further compromised by the fact that it does not perform sufficient reviews to ensure the accuracy of the data it collects from counties. As a result, three of the four counties we visited submitted inaccurate data, yet their errors went undetected by the board. For example, Sacramento reported that four of the 57 juvenile offenders in the board's

fiscal year 2010–11 sample had received new felony convictions in adult court. However, when we examined the case file of one of these offenders, we found that the juvenile offender had not received a new felony conviction. Although the other three juvenile offenders with new felony adjudications were not among the five case files we reviewed, and we therefore do not know if they received new felony convictions, Sacramento's reporting error is of concern because fluctuations in the number of repeat offenders could be considered a key outcome of realignment. If these types of inaccuracies occur frequently, the board's reports may be significantly misinforming users about key criminal justice outcomes. In our testing, we also found that Los Angeles reported similar inaccurate information for one juvenile offender and San Diego reported similar inaccurate information for two juvenile offenders.

Although we did not find evidence that Yuba has submitted the same sort of inaccurate data to the board as the other three counties, our review revealed accounting and reporting practices that suggest that it may likely submit inaccurate data to the board in the future. In particular, Yuba could not separately identify its block grant expenditures because it records all of these expenditures along with other expenditures occurring within its general fund. Beginning in fiscal year 2012–13, Yuba accounts for its block grant funds in a separate account. Moreover, we discovered that Yuba deliberately submitted incorrect performance outcome data for every juvenile offender in its sample. Despite the board's instructions to report on the one-year period following each juvenile offender's disposition, Yuba chose to report on a different time period—the fiscal year during which the disposition occurred—which it believed was more meaningful because the board's time frame would not have captured all the outcomes for the juvenile offenders in Yuba's sample.

While Yuba's reported results are unlikely to skew the board's data because it is a small county, the board's reports will lack accuracy if other counties also report incorrect expenditure or performance outcome data. Although the primary responsibility for submitting accurate information rests with the counties, we would expect the board to conduct sufficient reviews to assure the accuracy of the data it reports. However, we found that even though the board does attempt to verify some of the data collected, its current efforts are limited in nature. According to the board's field representative, the board imports performance outcome data from the counties into a statistical analysis program and produces reports to determine whether they contain incomplete or potentially erroneous data. It then follows up with counties if the program identifies any errors. However, to find the types of errors that we identified, the board would need to verify the data it received from counties by conducting regular site visits or providing similar monitoring

We found that even though the board does attempt to verify some of the data collected, its current efforts are limited in nature.

such as reviewing documentation from counties to validate the sample data that they submitted to the board. The board indicated that it has performed only one site visit since the establishment of the block grant program in 2007, which it conducted because a member of its governing body requested that it visit Los Angeles.

According to the board's field representative, the board has not received approval for funding to monitor the counties' use of block grant funds and instead has decided to visit counties only by request. In addition, the field representative stated that the board has assigned only one part-time employee to work on the block grant. Nevertheless, the board has not explored ways to minimize the costs of verifying county data, such as adopting a risk-based approach using the results of its statistical analysis or reviewing data for a sample of counties each year.

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A Meaningful Assessment of Realignment Outcomes Is Difficult Because of the Poor Quality of Available Data

As already discussed, we identified numerous problems with the board's reports that raise questions concerning the accuracy of the data the reports present and their usefulness in drawing meaningful conclusions. For this reason, quality county- and state-level juvenile justice data are even more essential for stakeholders to determine the outcomes of realignment. However, we discovered data limitations at both the county and state level. Specifically, three of the four counties we reviewed do not have data systems that are capable of generating reports on the outcomes related to realignment. At the state level, Justice cannot provide assurance that data within its systems are accurate or reliable, and Corrections' data are not always complete. Until these data limitations are addressed, any assessments of the outcomes of realignment may be misleading.

County-Level Data Related to the Outcomes of Realignment Are Limited

Several key stakeholders have recognized that quality county-level data are critical for tracking statewide juvenile justice trends. As noted in the Introduction, state law required the State Commission on Juvenile Justice (commission) to develop strategies related to realignment through the creation of the Juvenile Justice Operational Master Plan (master plan). The commission concluded that every county should have a data system that captures the elements necessary to assess outcomes. In addition, the master plan emphasizes a statewide need for data reporting and for a system to measure intermediate- and long-term outcomes. Two chief probation officers we interviewed also stressed the

importance of quality juvenile justice data to assess realignment outcomes. Sacramento's chief probation officer, who was one of the commission's co-chairs, stated that data systems and data management are very important for recording outcomes and thus for tracking the effectiveness of programs and services, and the chief probation officer for Los Angeles made similar observations.

Yet despite the agreement on the need for quality county-level juvenile justice data to assess the outcomes of realignment, Sacramento's chief probation officer noted that most counties' data systems, including Sacramento's, were not designed for tracking and reporting outcome information. The chief probation officer for Los Angeles also acknowledged that data limitations are a major impediment to assessing the outcomes of realignment. This was confirmed in our review where we identified limitations that hindered our ability to analyze county-level data. Specifically, we found that three of the four counties we visited were not capable of generating reports that we could use to measure outcomes of realignment. For example, Sacramento could not generate historical information about its total juvenile caseloads, so we were unable to assess certain trends over time. Yuba also could not generate reports related to certain realignment trends, such as the fluctuations in the number of juveniles tried as adults over time. Finally, according to a deputy chief in the Los Angeles County probation department, Los Angeles's current system is capable of reporting data related to outcomes; however, the data are not easily available. Los Angeles estimated that full implementation of its system, which will allow it to easily generate applicable data for reports, will be completed in two years.

Of the four counties, only San Diego was able to generate performance outcome reports related to realignment using several data sources.

Of the four counties, only San Diego was able to generate performance outcome reports related to realignment using several data sources. Specifically, San Diego can produce reports on the programs and services specific juvenile offenders receive, and it can also generate statistics for all juvenile offenders within the county. For example, San Diego can create outcome reports related to juvenile offenders who received employment readiness services, as well as the recidivism rates of juvenile offenders that terminate probation. According to the board's field representative, San Diego surpasses most other counties in terms of data capabilities. San Diego's ability to generate these reports makes it easier for stakeholders to evaluate the outcomes of realignment within the county and could be considered a best practice for other counties to follow if resources permit.

We recognize that budget constraints may limit some counties' ability to upgrade their data systems to make them capable of generating such reports. However, the board could do more to ensure that stakeholders have access to the limited county-level

information that is already available. For example, the master plan notes that most counties record certain critical information about program participation in electronic data systems; however, none of the four counties we reviewed provided information regarding performance outcomes or financial data relating to the block grant on their Web sites. Moreover, as noted previously, counties already report several key pieces of outcome information for the 10 other state and federal grant programs the board administers. Thus, the changes we are suggesting may not necessarily require counties to collect additional information. By working with counties to determine the data that are currently available and ensuring that these data are made available to the public, the board could provide stakeholders with more information that would enable them to better assess the outcomes of realignment.

Justice Cannot Provide Assurance That Its Juvenile Justice Data Are Reliable for Assessing Certain Outcomes of Realignment

According to Justice's Web site, the Office of the Attorney General has a duty to collect, analyze, and report statistical data that provide valid measures of crime and the criminal justice process to the government and the citizens of California. Although Justice indicates that it did not design its databases for the purpose of assessing the outcomes of realignment, Justice could do more to ensure that its data are accurate. By not ensuring that its databases contain accurate information, Justice limits the usefulness of the information it collects.

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Justice's primary system for tracking juvenile justice-related information is the Juvenile Court and Probation Statistical System (JCPSS). The JCPSS collects juvenile offender data from 57 counties, including names, birthdates, number of arrests, referrals to probation departments, and dispositions in juvenile court.[11] According to its JCPSS user manual, Justice compiles these data into reports that aid decision makers, including the Office of the Governor (governor's office) and the Legislature, in allocating resources, planning for the future, and developing new ways to deal with juvenile delinquency problems. However, Justice cannot provide assurance that the data it uses to produce these reports are reliable, thereby limiting the reports' usefulness as an aid for policy making or for assessing the outcomes of realignment.

[11] Sierra County does not submit data to the JCPSS. According to its chief probation officer, it does not submit data to the JCPSS because it was unaware of the system's existence. Further, he indicated that Sierra County does not have an advanced case management system that would allow it to easily capture the related information and it has a very small juvenile caseload.

The program manager who oversees the JCPSS indicated that Justice designed the system to track statistics only within individual counties rather than statewide trends and that the system was not intended to track individual juveniles. However, even given these limitations, Justice could do more to ensure that the system contains accurate information. According to the program manager, Justice has several processes in place to ensure the accuracy of the JCPSS data. For example, he stated that Justice programmed the JCPSS to perform regular data validation checks and quarterly quality control checks. In addition, he stated that Justice provides counties with an annual summary report of the data they have submitted and conducts a semiannual survey to have counties confirm the number and completeness of cases for juveniles sent to adult court. However, while all four counties we visited confirmed that Justice asks them to verify the number of juveniles tried in adult court, three of the four counties indicated that they did not receive summary reports of the data they had submitted for verification purposes. Los Angeles noted that although Justice has been sending summary reports to it since 2004, Justice asked it to verify and confirm the data in the report for the first time in March 2012, after we began our fieldwork. The program manager did not know why the three other counties did not confirm receiving Justice's summary reports.

Justice also has an internal procedure to conduct occasional audits of counties' records. The program manager stated that Justice does not conduct these audits primarily because its databases are repositories of the data the counties submit and therefore the counties are responsible for their accuracy. However, we question why Justice would have a procedure to conduct occasional audits to verify the accuracy and completeness of county-level data if it does not intend to conduct those audits.

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An additional data limitation precludes using the JCPSS to fully assess certain outcomes of realignment, such as the number of repeat offenders. Specifically, our analysis of the number of first-time and repeat offenders using data from the JCPSS may not accurately classify juvenile offenders because the system does not consistently use a unique identification number for each juvenile offender in the State regardless of where the offenses are committed. Instead, Justice allows counties to assign their own unique identification numbers to juveniles within their counties. Each time a juvenile commits an offense in another county, that county assigns him or her a new unique identification number, identifying the juvenile as a first-time offender in that county no matter how many offenses he or she may have committed in other counties. As a result, our analysis of the JCPSS may misclassify juveniles as first-time offenders even though they previously committed offenses in other counties.

The program manager noted that the modifications to the JCPSS that would be necessary to track statewide statistics would add significant costs and require Justice to comply with new state and federal laws regarding the collection of such data. Specifically, for the JCPSS to reliably track individual juveniles, Justice would need to incorporate into the system a method for positively identifying individuals, such as fingerprints. The program manager also noted that making these modifications to the JCPSS would be redundant because Justice designed another one of its systems, the Automated Criminal History System (criminal history system), to track individuals.

However, we have concerns about the reliability of the data in the criminal history system. According to its Juvenile Detention Disposition Manual, Justice uses the criminal history system to provide stakeholders with complete and accurate information for making budgetary decisions and for statistically evaluating crime prevention programs and evaluating existing and proposed laws. Like the JCPSS, the criminal history system contains information including names, birthdates, number of arrests, and dispositions. According to the program manager, the criminal history system uses biometric information—fingerprints—to assure that criminal history information is associated with a specific individual.

When we analyzed the data in the criminal history system, we found that we could not reliably determine the dispositions for juveniles tried as adults, which could be considered a key outcome of realignment.

Nevertheless, when we analyzed the data in the criminal history system, we found that we could not reliably determine the dispositions for juveniles tried as adults, which could be considered a key outcome of realignment. In particular, for fiscal year 2007–08, the criminal history system data that we analyzed indicated that more than 21,000 juvenile offenders received adult court dispositions. However, the JCPSS indicated that only 1,115 juvenile cases were referred to adult court in that same fiscal year. When we discussed this issue with the assistant bureau chief in Justice's Bureau of Criminal Information and Analysis, she indicated that inconsistencies in training and procedural documentation have led to Justice's technicians incorrectly assigning adult disposition codes to juvenile court records in the criminal history system. In addition, Justice indicated that some local law enforcement agencies submit juvenile dispositions using adult disposition codes. However, Justice was unable to provide us with an example of such an incorrect submission. Because so many juvenile offenders were erroneously categorized as having received an adult court disposition, we determined that we could not use Justice's criminal history system to reliably determine the dispositions for juveniles tried as adults.

We acknowledge that Justice did not create the JCPSS or the criminal history system to track or assess statewide trends or the outcomes of realignment; however, the JCPSS and criminal history systems are

the only state-administered databases we identified that can provide county-level juvenile justice data. By making improvements to the JCPSS and ensuring the accuracy of the data in it and in the criminal history system, Justice can better aid the governor's office and the Legislature in allocating resources and assessing the outcomes of realignment.

Corrections' Information Systems Cannot Identify Certain Juvenile Offenders

Corrections has two systems for tracking information about juvenile and adult offenders: the Offender-Based Information Tracking System (OBITS) and the Offender-Based Information System (OBIS). However, neither of these systems is able to provide the number of juvenile offenders tried as adults and sent to adult prisons, making it difficult to assess certain outcomes of realignment. OBITS primarily provides information about confinement time, daily movements, characteristics, behavior, and other activities of juvenile offenders while in Juvenile Justice or on parole. Therefore, it does not track juvenile offenders who do not enter Juvenile Justice. OBIS, on the other hand, captures offender information from the time that offenders are committed to Corrections until they are discharged. OBIS contains adult offenders and juvenile offenders tried in adult court and sent directly to adult prison. Although Corrections' staff informed us that we could use OBIS to calculate the total number of juvenile offenders who were sent directly to adult prisons, we found that the method Corrections provided us was not always reliable.

Corrections did not always obtain the month and day portion of the offense dates.

Specifically, Corrections' staff stated that we could obtain the population of juvenile offenders sent directly to adult prisons by calculating the age of offenders, using their birthdates and offense dates. Although Corrections has a policy to obtain necessary offender information, Corrections did not always obtain the month and day portion of the offense dates. In fact, we found that 3.5 percent of all offense records—approximately 112,000 of 3.2 million records—contained incomplete or invalid offense dates. The incomplete offense dates sometimes included only the year or the year and month of the offense rather than the day, month, and year. When we narrowed down the data to include only records for offenders who were in prison between fiscal years 2003–04 and 2010–11, we still found more than 500 offenders who might or might not have been juveniles at the time of their offenses. Considering that our analysis of the JCPSS data suggests that an average of fewer than 900 juveniles are even sent to adult court each year, these 500 offenders potentially represent a large portion of the juvenile offenders sent directly to adult prisons.

When we asked Corrections why it did not always populate this field, it explained that the courts sometimes provide incomplete data. When a date is needed, Corrections' policy requires staff to obtain complete dates from the courts, if possible. However, in some circumstances, Corrections stated that exact offense dates may not be known. Because Corrections did not provide us with its policy until late August 2012 after our fieldwork had ended, we were not able to review the records with incomplete offense dates to determine whether Corrections was following its policy or if the offense dates were not available.

In an effort to streamline and automate offender management, Corrections is in the process of implementing the Strategic Offender Management System (SOMS). According to the SOMS project director, SOMS will consolidate over 50 existing databases into a single system. Corrections implemented the first module of SOMS in 2010 and will continue to implement it in modules. SOMS is intended to address a variety of issues such as data inconsistencies in the systems that are being consolidated as well as to replace unsupported legacy systems. Corrections asserted that when it is fully implemented, SOMS will streamline and automate processes such as maintaining commitment information, tracking and scheduling inmates' programs, classifying inmates' security levels, calculating inmates' release dates, and planning inmates' pre-releases and transitions. Corrections has chosen not to include data relating to juvenile offenders into SOMS because the population in Juvenile Justice is so small that including it would not be cost-effective. However, according to the SOMS project manager, Corrections will fully incorporate OBIS into SOMS and retire OBIS. Currently, Corrections is projecting an unofficial project completion date of June 2014, but this date is dependent on approval of proposed changes to the project.

Although Corrections' systems cannot identify the population of juvenile offenders that committed offenses as juveniles and were sent to adult prison, Corrections could increase the amount of information available to stakeholders regarding realignment by completely populating the date field in OBIS. If Corrections completely populates these fields, the data that it consolidates into SOMS will also be complete. Stakeholders would then be able to use OBIS or SOMS to gather information about juvenile offenders tried as adults to help determine the effectiveness of juvenile justice realignment.

Recommendations

To ensure that it has the information necessary to meaningfully assess the outcomes of juvenile justice realignment, the Legislature should consider amending state law to require counties to collect

and report countywide performance outcomes and expenditures related to juvenile justice as a condition of receiving block grant funds. In addition, the Legislature should require the board to collect and report these data in its annual reports, rather than outcomes and expenditures solely for the block grant.

To improve the usefulness of its reports so that they can be used to assess the outcomes of realignment, the board should do the following:

- Work with counties and relevant stakeholders, such as the committee that established performance outcome measures for the block grant, to determine the data that counties should report. To minimize the potential for creating a state mandate, the board should take into consideration the information that counties already collect to satisfy requirements for other grants.

- If the Legislature chooses not to change the law as suggested, or if the counties are unable to report countywide statistics, the board should discontinue comparing outcomes for juveniles who receive block grant services to those who do not in its reports.

To maximize the usefulness of the information it makes available to stakeholders and to increase accountability, the board should do the following:

- Create policies and procedures that include clear, comprehensive guidance to counties about all aspects of performance outcome and expenditure reporting. At a minimum, such guidance should include specifying how counties should define when a juvenile has received a service and whether certain services, such as training, should qualify as serving juveniles.

- Publish performance outcome and expenditure data for each county on its Web site and in its annual reports.

- Consider verifying the counties' data by conducting regular site visits on a rotating basis or by employing other procedures to verify data that counties submit.

To increase the amount of juvenile justice data the counties make available to the public, the board should work with counties on how best to report these data.

To ensure the accuracy and completeness of the data the counties submit into the JCPSS, Justice should follow its procedure to send annual summaries of the JCPSS data to the counties for review and to conduct occasional field audits of the counties' records.

To ensure that its criminal history system contains complete and accurate data related to juvenile offenders, Justice should do the following:

- Implement a process to ensure that staff enter data correctly into the system.

- Implement a procedure similar to the one it employs for the JCPSS to verify the accuracy of information the counties submit.

To increase the amount of information related to realignment and to allow stakeholders to identify the population of juvenile offenders sent directly to adult prison, Corrections should obtain complete offense dates from the courts, if possible.

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Chapter 2

BECAUSE STATE LAW DOES NOT CLEARLY DEFINE THE GOALS OF REALIGNMENT, MEASURING ITS EFFECTIVENESS IS CHALLENGING

Chapter Summary

Neither state law nor the Board of State and Community Corrections (board) has provided clear goals for realignment. As a result, measuring its success or failure is challenging. Nevertheless, all four counties we visited asserted that realignment has been effective, citing reduced juvenile crime and improved services to juvenile offenders. With these goals in mind, we have identified several possible indicators that could be used to assess outcomes of realignment if the goals are defined and the data reliability issues that we identified in Chapter 1 are resolved.

Our analysis using these indicators suggests that realignment may be resulting in positive outcomes, although we cannot be certain of many of our conclusions because of the limitations we identified with the data. For example, our analysis of the data currently in the Department of Justice's (Justice) Juvenile Court and Probation Statistical System (JCPSS) suggests that counties have reduced the total number of juvenile offenders who received dispositions[12] by more than 21 percent from fiscal year 2007–08—the year realignment began—through fiscal year 2010–11, implying that realignment may have decreased crime. In addition, all four counties we visited reported being able to provide new or enhanced services to their juvenile offenders since realignment, which also could be considered a positive outcome.

In our review of the counties' performances, we noted that any assessment of the outcomes of realignment should include an evaluation of the Youthful Offender Block Grant (block grant) funding formula to determine whether it effectively supports counties' juvenile justice operations. The structure of the block grant funding formula may have unintended adverse consequences for counties because it produces fluctuating allocations that may make it more difficult for counties to plan. In addition, the current formula may create a disincentive for counties to reduce their number of felony court dispositions because their block grant funds decrease to the extent that felony dispositions decrease.

[12] Our analysis included those juveniles who received the following types of dispositions: direct file in adult court, diversion, probation, remanded to adult court, or wardship. Further, offenders could be counted more than once if they received dispositions for multiple referrals.

Without clear goals and specific ways to consistently measure those goals, determining the success or failure of realignment with certainty is not possible. Until such time as the Legislature develops clear goals and a definition of success for realignment, data related to the outcomes are subject to misinterpretation.

Although the State Has Not Clearly Defined the Goals of Realignment, Counties Point to Indicators of Effectiveness

State law does not provide clear goals for realignment, nor does it require the board to define or assess the outcomes of realignment. Rather, the law asserts that local juvenile justice programs are better suited to provide rehabilitative services than state-operated facilities. In addition, a Senate floor analysis, written while the Legislature was considering the realignment law, noted that a projected impact of the law would be to decrease the number of juvenile offenders housed in the Division of Juvenile Justice (Juvenile Justice). However, these goals are both vague and nonspecific. Without clear goals, measuring whether realignment has been successful is challenging. According to its field representative, the board has not developed goals or a definition of success because state law does not require it to do so. However, as the only state administering body referenced in the law that realigned juvenile offenders, the board is best positioned to propose the goals of realignment and the elements of success in meeting those goals, in the absence of legal or other authoritative criteria.

Despite the fact that the State has not provided clear goals, the four chief probation officers of the counties we visited—Los Angeles, Sacramento, San Diego, and Yuba—all believe realignment has been effective based on various indicators.

Despite the fact that the State has not provided clear goals, the four chief probation officers of the counties we visited—Los Angeles (Los Angeles), Sacramento (Sacramento), San Diego (San Diego), and Yuba (Yuba)—all believe that realignment has been effective based on various indicators, suggesting that it is possible to develop goals that would indicate the success or failure of realignment. Both Yuba and San Diego believe that one indicator of the success of realignment is to decrease juvenile crime, an objective that both counties believe they have met. Specifically, San Diego indicates that its overall juvenile arrest rate decreased by 4 percent from fiscal years 2009–10 through 2010–11. San Diego also compares its actual performance outcomes to internally established target rates. For example, in the second quarter of fiscal year 2010–11, San Diego established a goal that 70 percent of juvenile offenders would complete their probation without being convicted of a new offense. Its internal reports show that San Diego achieved a 72 percent rate, which exceeded its goal. Yuba tracks its caseloads from year to year. According to Yuba's program manager, its caseload for juvenile offenders has declined by more than 50 percent since realignment, and Yuba's chief probation officer stated that this decline reflects the success of realignment.

The chief probation officers of Sacramento and Yuba also asserted that realignment has allowed their counties to provide programs that fit their counties' individual needs. For example, Sacramento uses a portion of its block grant funds to provide community-based programs to its juvenile offenders. Sacramento's chief probation officer believes that community-based programs are more effective at rehabilitating juvenile offenders than other programs, because the juveniles are not removed from potential participation in school, employment, and other positive social activities. He further stated that the intent of realignment was to shift juvenile offenders from the state level to the county level because counties can better serve juvenile offenders. Further, Yuba indicated that it uses block grant funds to support preventative activities, which it believes are effective. For instance, its probation department partners with schools to identify problematic juveniles and uses early prevention strategies such as substance abuse counseling and family counseling.

Furthermore, Los Angeles and Sacramento cited financial benefits as a goal of realignment. Los Angeles's chief probation officer stated that realignment has been successful because it has met its primary goal, which was to reduce the number of juvenile offenders within Juvenile Justice and thus to save the State money. Additionally, Sacramento's chief probation officer stated that realignment funding allowed Sacramento to continue to provide important services to juveniles by offsetting its general fund shortfalls due to budget cuts. For example, as we discuss later, the State eliminated state funding for Sacramento's juvenile Mentally Ill Offender Crime Reduction (MIOCR) grant program in fiscal year 2008–09, but Sacramento was able to continue to partially fund the program using block grant funds.

Our Analysis of the JCPSS's Data Suggests That Certain Juvenile Crime Statistics Have Decreased Since Realignment, Though These Data Have Limitations

As some of the counties have asserted, the State could consider a decrease in juvenile crime to be a potential indicator of the success of realignment. As described in Chapter 1, Justice's JCPSS may be one of two state-administered databases that collects the information necessary to determine whether juvenile crime has decreased because the JCPSS collects a variety of juvenile offender data from 57 counties. We therefore chose to use these data in our analysis despite the limitations we identified. Our analysis of the JCPSS's data indicates that the total number of juvenile offenders who received dispositions decreased by more than 21 percent after

realignment,[13] from nearly 78,900 in fiscal year 2007–08—the year realignment began—to just over 62,200 in fiscal year 2010–11. Conversely, during the four years prior to realignment, the number of juvenile offenders who received dispositions increased by more than 12 percent, from almost 73,100 in fiscal year 2003–04 to nearly 81,900 in fiscal year 2006–07.

According to San Diego's chief probation officer, the State could also use recidivism rates to determine the outcomes of realignment. Our analysis of the JCPSS's data showed that although the number of repeat offenders generally increased during the four-year period prior to realignment, the number of repeat offenders[14] in the counties decreased from roughly 42,400 to 36,600—nearly 14 percent—after realignment (fiscal years 2007–08 through 2010–11). According to the JCPSS's data, some counties had more significant changes in their numbers of both first-time and repeat offenders during this time period. For example, the number of first-time offenders in Santa Cruz County decreased from 318 to 120. We display the results for all counties in Appendix B.

Because several factors could have contributed to the decreases in the number of juvenile offenders who receive dispositions and the number of repeat offenders, we cannot conclude from our analysis that realignment has been successful. For example, a deputy chief in the Los Angeles County probation department attributed the declining number of juvenile dispositions in part to a decrease in overall arrests. Similarly, according to an administrative service officer in Sacramento, reductions in police staffing due to city and county budget cuts could have resulted in a decreased number of arrests of juvenile offenders.

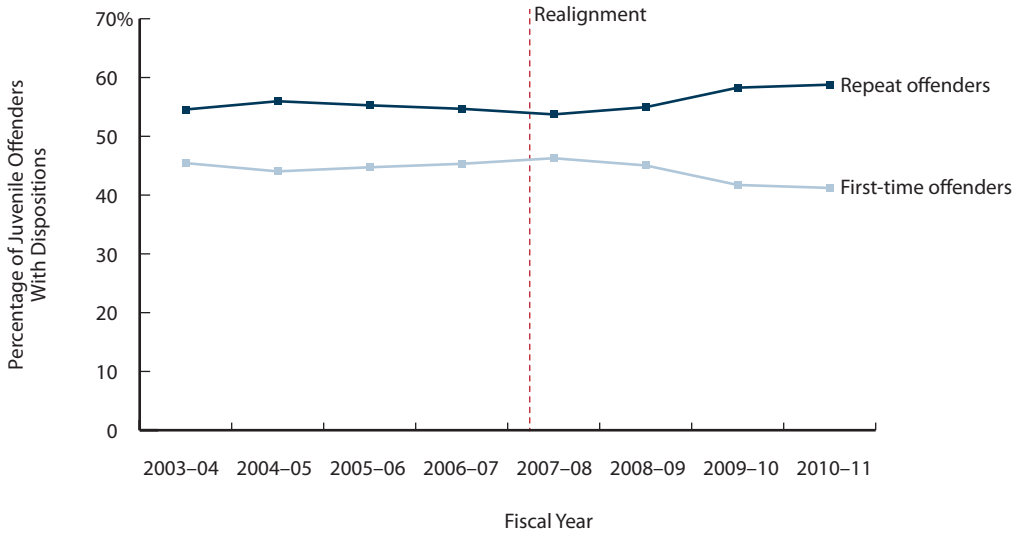
As shown in Figure 3, we calculated the statewide percentage of first-time and repeat offenders who received dispositions, and found that the percentage of first-time offenders decreased by about 4 percent from fiscal years 2003–04 through 2010–11. As we discuss later in this chapter, the slight decrease in the percentage of first-time offenders who received dispositions could be attributed to some counties' decisions to spend block grant funds on preventative services for juveniles who have not yet committed offenses or who have committed lower-level offenses. On the other hand, the percentage of repeat offenders who received dispositions increased by about 4 percent after realignment. Given that counties now retain more serious offenders that were formerly sent to Juvenile Justice prior to realignment, it may not be surprising that the percentage of repeat offenders has increased.

Given that counties now retain more serious offenders that were formerly sent to Juvenile Justice prior to realignment, it may not be surprising that the percentage of repeat offenders has increased.

[13] The original realignment law took effect on September 1, 2007. Our analysis of the data contained in Justice's JCPSS is based on fiscal years. Therefore, some of our analysis may contain data for July and August 2007, the two months prior to realignment's effective date.

[14] For purposes of this analysis, we classified a repeat offender as any offender that has received two or more dispositions that were not dismissed.

Figure 3
Statewide Percentages of First-Time and Repeat Juvenile Offenders Who Received Dispositions
Fiscal Years 2003–04 Through 2010–11



Source: California State Auditor's (state auditor) analysis of data obtained from the Department of Justice's Juvenile Court and Probation Statistical System (JCPSS). Please refer to the Introduction's Scope and Methodology for the state auditor's assessment of the reliability of these data.

Notes: Sierra County does not submit data to JCPSS.

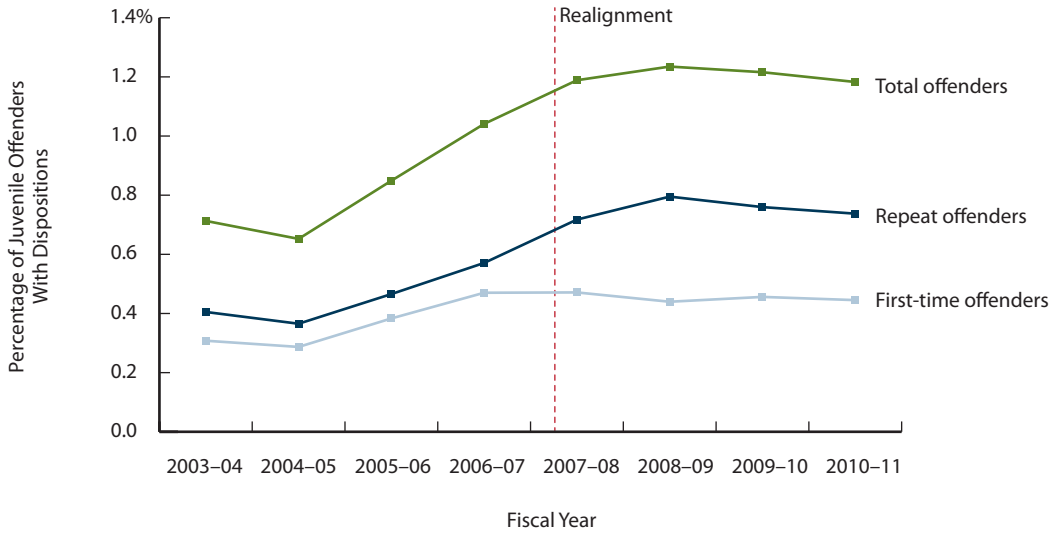
Our analysis included those juveniles who received the following types of dispositions: direct file in adult court, diversion, probation, remanded to adult court, or wardship. Further, some offenders could be counted more than once if they received dispositions for multiple referrals.

Realignment does not appear to have caused an increase in the number of juvenile offenders sent to adult court. The chief probation officer for Los Angeles expressed a concern that district attorneys may be more inclined to try juvenile offenders as adults since realignment if counties do not maintain secure detention facilities for more serious offenders. If these juvenile offenders were convicted as adults, they would likely be sent to a state-run adult prison. However, based on our analysis of the JCPSS's data we found that the total number of juvenile offenders with dispositions sending them to adult court decreased from about 1,100 to nearly 900 between fiscal years 2007–08 and 2010–11. The results for all counties can be found in Appendix B. When considering these data in terms of percentage of change, the results in Figure 4 on the following page indicate that the statewide percentages of first-time and repeat juvenile offenders who received dispositions that sent them to adult court have generally remained constant since realignment.

Nevertheless, the individual numbers for some counties suggest that they have significantly increased the number of juvenile offenders they send to adult court since realignment. For instance, Sacramento's records indicate that the number of juvenile

offenders convicted in adult court increased from 10 to 32 from fiscal years 2007–08 through 2010–11. However, this increase does not appear to be reflective of overall statewide trends after realignment. The chief probation officer for Sacramento told us that one potential reason that more juvenile offenders are tried as adults in the county is for public safety reasons because of the closure of the county's only long-term secure commitment facility for juvenile offenders.

Figure 4
Statewide Percentages of First-Time and Repeat Juvenile Offenders Who Received Dispositions Sending Them to Adult Court
Fiscal Years 2003–04 Through 2010–11



Source: California State Auditor's (state auditor) analysis of data obtained from the Department of Justice's Juvenile Court and Probation Statistical System (JCPSS). Please refer to the Introduction's Scope and Methodology for the state auditor's assessment of the reliability of these data.

Notes: Sierra County does not submit data to JCPSS.

Some offenders could be counted more than once if they received dispositions for multiple referrals.

Our analysis shown in Figure 4 indicates that the most significant increase in juvenile offenders with dispositions sending them to adult court actually occurred prior to realignment: The total number of juvenile offenders with dispositions that sent them to adult court increased by 64 percent between fiscal years 2003–04 and 2006–07. This increase may be explained in part by the passage of Proposition 21[15] in 2000. According to the California Department of Corrections and Rehabilitation's (Corrections) Office of the Inspector General's 2003 report, this proposition made it easier for district attorneys to prosecute juvenile offenders

[15] Proposition 21 is known as the Gang Violence and Juvenile Crime Prevention Act of 1998.

as adults and required that juvenile offenders over the age of 16 who were convicted in adult court be sent to state prison. Moreover, according to Corrections' associate director of intake and court services (associate director), counties do not have to pay the State for juveniles who are sentenced to a Juvenile Justice facility by an adult court. Conversely, counties must pay a share of the State's costs to house juvenile offenders sent to Juvenile Justice through juvenile court. We found that Justice's Automated Criminal History System frequently miscategorized juvenile offenders as having received adult dispositions and, therefore, was not sufficiently reliable for the purposes of this audit. As a result, we were not able to assess whether the number of convictions, acquittals, or dismissals for the juvenile offenders tried as adults increased or decreased after realignment.

We were not able to assess whether the number of convictions, acquittals, or dismissals for the juvenile offenders tried as adults increased or decreased after realignment.

We caution against drawing conclusions regarding the outcomes of realignment based on the data we discuss here because many factors contribute to fluctuations in crime statistics; state law did not include a goal to reduce crime or recidivism, and we found the data to be of undetermined reliability. However, should the Legislature identify reductions in crime and recidivism as potential goals of realignment, the sort of analyses we have performed might enable it to determine the effectiveness of realignment, particularly if Justice resolves the limitations we identified with the JCPSS's data.

The Four Counties We Reviewed Reported Providing New or Enhanced Services to Juvenile Offenders Since Realignment

The four counties we reviewed have generally reported being able to provide new or enhanced services to juvenile offenders compared to the services they provided before realignment because of the infusion of block grant funds. These new or enhanced services may also be considered a positive outcome of realignment. As discussed in the Introduction, the board allows counties to use block grant funds to enhance the capacity of local communities to respond to juvenile crime, and as a result, some counties designed new or enhanced services based on the needs of juvenile offenders within their counties. For instance, San Diego used the block grant funds solely for the support of its Youthful Offender Unit (YOU program) to lower the risk of recidivism for juvenile offenders who would previously have been sent to Juvenile Justice. San Diego designed the YOU program to rehabilitate high-risk offenders through programs and intensive supervision while assisting them in developing and sustaining positive social lifestyles. The YOU program offers education, aggression replacement training, parenting classes, substance abuse counseling, work readiness training, and counseling related to family, gangs, and mental health. San Diego reported that 73 percent of the offenders

who participated in the program after its creation in the fall of 2007 did not commit new offenses during the first six months after completing probation.

Yuba focuses its block grant funds on prevention and early intervention services for juveniles who are at risk of entering the juvenile justice system. Yuba's prevention and early intervention services include partnering with schools to identify potential juvenile offenders before they commit offenses. As an example, a Yuba victim witness program manager described an instance in which a juvenile offender expressed interest in joining a dance class. The juvenile offender's file specified that participating in an extracurricular activity could help prevent the individual from reoffending. Therefore, Yuba agreed to enroll the youth in the dance class using block grant funds. Yuba's chief probation officer indicated that prevention and early intervention services may be contributing to the significant reduction in the number of first-time offenders since realignment. Specifically, according to the JCPSS's data, first-time offenders with dispositions in Yuba have decreased by nearly 50 percent since realignment.

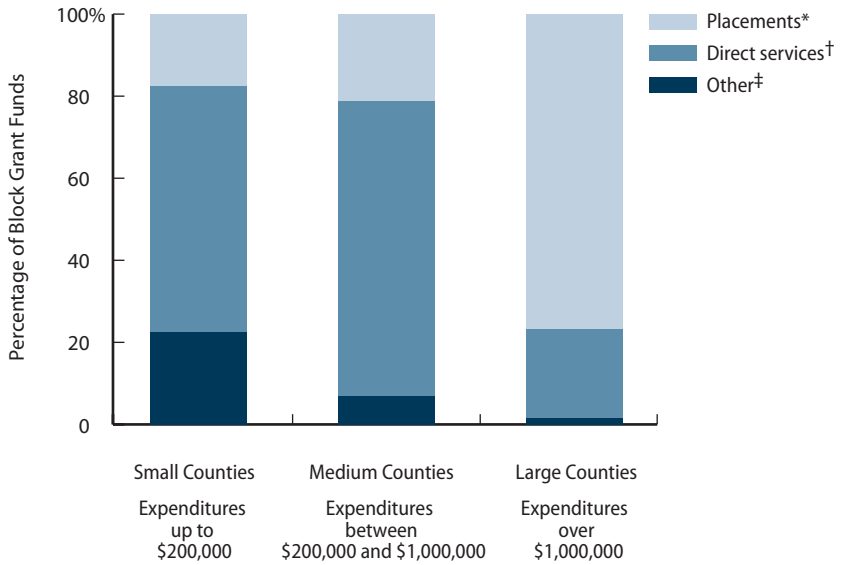
Sacramento uses some of its block grant funds for programs that it would otherwise have had to eliminate due to budget reductions. For example, Sacramento's juvenile MIOCR program is intended to reduce the number of mentally ill juvenile offenders in the justice system. The State previously funded this program but eliminated Sacramento's grant in the fiscal year 2008–09 budget. Because Sacramento believed that the juvenile MIOCR program was effective, the county used block grant money to fund a portion of the program at reduced levels. Sacramento also indicated using block grant funds to save other services that would have been eliminated by budget cuts, including its risk and needs assessments, its family counseling services, and its home-on-probation placements.

Assessing whether counties actually provide juvenile offenders with better services than the State does is problematic because the quality of service is difficult to measure.

Although the state realignment law asserts that local communities are better able than the State to provide certain juvenile offenders with the programs they require, assessing whether counties actually provide juvenile offenders with better services than the State does is problematic because the quality of service is difficult to measure. According to the associate director, Juvenile Justice's services can vary greatly from those offered by the counties. Further, although Juvenile Justice and the counties may provide similar services, the associate director indicated that the extent or quality of the services may differ, which will also affect the costs of the services. For example, Juvenile Justice's reentry, mental health, and education services may differ significantly from the same services provided by the counties. Nonetheless, the four counties we reviewed reported that they generally provided similar services to those that Juvenile Justice provides.

Interestingly, although the board allows counties to spend block grant funding at their own discretion, the size of the county appears to affect whether it expends most of its block grant funds on placements, such as juvenile halls, camps, or home on probation, or on direct services, such as alcohol and drug treatment, family counseling, and job readiness training. As shown in Figure 5, small- and medium-sized counties spend the majority of their block grant funds on direct services, whereas large counties spend most of their funds on placements. However, we noted that in large counties, direct services may be incorporated in the cost of placements. For example, Los Angeles reported that it only spent approximately $554,000 on direct services compared to the $28.8 million on placements for fiscal year 2010–11; however, its annual funding application clarified that camps in the county also offer services such as increased mental health services and aggression replacement therapy.

Figure 5
Statewide Percentage of Block Grant Funds Counties Reported Spending, by Expenditure Category
Fiscal Year 2010–11



Source: California State Auditor's analysis of data from expenditure forms counties submitted to the Board of State and Community Corrections for fiscal year 2010–11.

Note: There are 24 small counties, 15 medium counties, and 19 large counties.

* Placements include juvenile halls, ranches, camps, and home on probation.

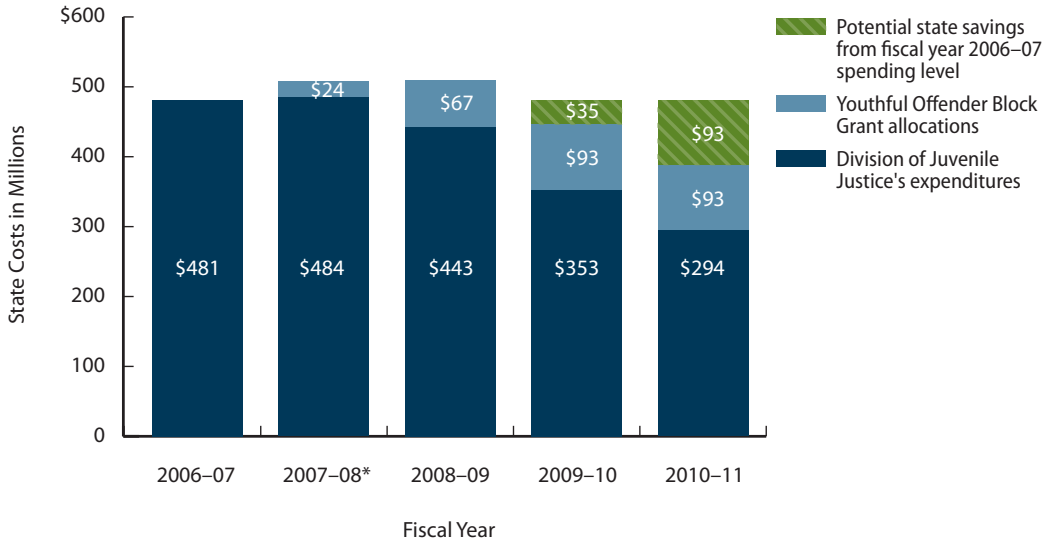
† Direct services include services such as alcohol and drug treatment, anger management counseling, mental health screening, and job readiness training.

‡ Other includes staff salaries and benefits, equipment, and contract services.

State Costs Related to the Juvenile Justice System Have Declined Since Realignment

Another potential outcome of realignment is a decrease in state costs related to the juvenile justice system. Specifically, Juvenile Justice's expenditures for fiscal year 2006–07—the year prior to realignment—were $481 million, compared to $294 million for fiscal year 2010–11. This represents a 39 percent reduction of about $187 million. Furthermore, if all other factors remain constant and the State continues to spend at levels similar to the amounts for fiscal year 2010–11, including the annual block grant allocation, realignment could result in an annual savings of $93 million as depicted in Figure 6.

Figure 6
State Juvenile Justice Expenditures
Fiscal Years 2006–07 Through 2010–11



Sources: California State Auditor's analysis of data from the Department of Juvenile Justice's accounting records and the State Controller's Office's block grant allocation amounts.

* Under state law, beginning on September 1, 2007, juvenile courts can only send juveniles adjudicated for serious, violent, or sexual offenses to state facilities.

The State administers several types of state-funded juvenile justice grants as described in the Introduction. Thus, total state costs related to the juvenile justice system are not limited to Juvenile Justice's expenditures and the block grant. Our analysis revealed that the State's costs for other major state-administered grants have also declined since fiscal year 2006–07. For example, the combined funding for two of the larger juvenile justice grants, the Juvenile Justice Crime Prevention Act and the

Juvenile Probation and Camps Funding Program have declined from $312 million to $223 million from fiscal years 2006–07 through 2010–11.

Although we cannot conclude that realignment is responsible for the entire decrease in state costs, the significant reduction in the number of juvenile offenders within Juvenile Justice—as a result of realignment—is likely a key contributor. Since realignment, the population of juvenile offenders within Juvenile Justice institutions has decreased by 51 percent, from 2,665 on June 30, 2007, to 1,298 on June 30, 2011. As a result, Juvenile Justice has reduced staffing and closed several facilities, including four institutions and one fire camp. Although state law did not include state savings as a goal of realignment, the significant decrease in costs to the State could nevertheless be considered a positive outcome.

Since realignment, the population of juvenile offenders within Juvenile Justice institutions has decreased by 51 percent, from 2,665 on June 30, 2007, to 1,298 on June 30, 2011.

The Block Grant Funding Formula May Pose Some Challenges for Counties

A comprehensive assessment of the outcomes of realignment should include an evaluation of the block grant funding formula to determine whether it enhances counties' juvenile justice operations. Based on our review, we found that the funding formula established by state law may have unintended negative consequences on certain realignment outcomes. Specifically, the funding formula may pose a financial challenge for counties because it could adversely affect how counties plan for their juvenile justice programs. As discussed in the Introduction, the State generally bases block grant allocation amounts on a formula that weighs equally the number of juveniles between the ages of 10 and 17 in the county and the number of juvenile felony court dispositions within the county. However, counties' juvenile populations and felony court dispositions do not remain constant. Consequently, the amount of funds that a county receives fluctuates from year to year. For example, from fiscal years 2009–10 through 2010–11, Placer County's block grant allocation decreased by more than 20 percent, from $887,000 to $690,000, and Tulare County's allocation increased by more than 50 percent, from $1.1 million to $1.6 million. Appendix A describes how the Department of Finance calculates the block grant allocation to counties.

According to a Yuba program manager, such fluctuations make planning for services or long-term programs difficult because the county cannot count on a consistent level of funding. He indicated that to mitigate these funding fluctuations, Yuba chooses to save a portion of its block grant funds from one fiscal year for use in the following fiscal year. State law does not require

counties to spend all the block grant funds allotted to them. As shown in Table 6, three of the four counties we visited have not fully expended the block grant funds they received over the past four fiscal years. Los Angeles plans to use its unexpended funds on enhanced programs. San Diego indicated that planned projects and expenditures did not materialize in previous fiscal years, which caused the balance of unexpended funds. According to the board's field representative, the board has recently begun to monitor counties' unexpended funds. However, the board does not yet have procedures in place to follow up with counties in the event that the balance of unexpended funds becomes abnormally high.

Table 6
Unexpended Youthful Offender Block Grant Funds at Four Counties We Reviewed
Fiscal Years 2007–08 Through 2010–11

	LOS ANGELES COUNTY		SACRAMENTO COUNTY		SAN DIEGO COUNTY		YUBA COUNTY	
FISCAL YEARS	RECEIVED	UNSPENT	RECEIVED	UNSPENT	RECEIVED	UNSPENT	RECEIVED	UNSPENT*
2007–08	$5,460,396	$5,457,942	$1,103,062	$922,877	$1,610,147	$579,470	$58,500	undetermined
2008–09	16,394,743	4,257,754	3,069,674	1,231,760	5,020,964	483,622	118,518	undetermined
2009–10	22,008,743	1,997,878	4,355,366	–	7,759,234	866,291	212,473	undetermined
2010–11	21,572,410	–	4,522,433	740,362	7,710,853	1,639,732	179,594	undetermined
Totals	**$65,436,292**	**$3,713,574†**	**$13,050,535**	**$655,341†**	**$22,101,198**	**$3,569,115**	**$569,085**	**undetermined**

Sources: California State Auditor's analysis of information and documentation provided by Los Angeles (Los Angeles), Sacramento (Sacramento), San Diego, and Yuba (Yuba) counties. Amounts listed do not include interest.

* Yuba was not able to provide us with its annual block grant expenditures because it combines these expenditures with other department expenditures for juveniles and adults. Therefore, we could not calculate Yuba's unexpended funds.

† Los Angeles reported using $8 million of previous years' unspent funds in fiscal year 2010–11 and Sacramento reported using $2.2 million of previous years' unspent funds in fiscal year 2009–10. Because these amounts are not included in the table, the amount of unspent funds for these two counties will not add up to the totals shown.

In addition, the funding formula may create an inherent disincentive for counties to reduce the number of juvenile felony dispositions because doing so would decrease the amount of block grant funds they receive. For example, according to our analysis of the JCPSS's data, the number of juvenile offender dispositions in Yuba decreased by nearly 6 percent from fiscal years 2008–09 to 2009–10. This decrease may have contributed to the fact that Yuba's allocation of block grant funds declined from $212,000 in fiscal year 2009–10 to $180,000 in fiscal year 2010–11. As noted previously, Yuba elected to spend block grant funds on preventative and early intervention services for juveniles who are at risk of entering the juvenile justice system. The county's chief probation officer believes that the number of felony juvenile dispositions decreased as a result of these services. Therefore, even though Yuba's actions may be effective in reducing crime, the State has reduced its allocation of block grant funds. If Yuba—or any other county—

continues to reduce felony dispositions, the resulting reduction in funding could impair the county's ability to continue offering the services that led to the reductions. Three of the four chief probation officers we interviewed expressed particular concern over the funding formula. For example, the chief probation officers for Los Angeles and Yuba noted that the formula is ironic because counties receive more money if they have more felony dispositions and receive less funding when they are successful in reducing felony dispositions.

To offset the instability in the formula and to counteract the disincentives it creates, the chief probation officer for Los Angeles suggested averaging the number of felony dispositions over a three- or four-year period to prevent sharp fluctuations in funding. This approach could help counties plan for services or long-term programs. In addition, the Juvenile Justice Operational Master Plan (master plan) notes that every county needs stable funding and suggests that the State should tie funding to incentives. For example, the master plan suggests awarding some funds as challenge or incentive grants to promote the use of validated risk-and-needs assessments and evidence-based programs. However, the master plan cautions that the State needs to develop standards to determine how to prioritize funding allocations, what to do when outcomes fall short of expectations, and when to withdraw state funding and redirect it elsewhere.

Recommendations

The Legislature should consider revising state law to specify the intended goals of juvenile justice realignment. To assist the Legislature in this effort, the board should work with stakeholders to propose performance outcome goals to use to measure the success of realignment.

To offset potential disincentives and provide counties with a more consistent level of funding from year to year, the Legislature should consider amending the block grant funding formula. For example, the formula could be adjusted to use the average number of felony dispositions over the past several fiscal years instead of using only annual data.

To ensure that counties do not maintain excessive balances of unexpended block grant funds, the board should develop procedures to monitor counties' unspent funds and follow up with them if the balances become unreasonable.

We conducted this audit under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the scope section of the report. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

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Appendix A

YOUTHFUL OFFENDER BLOCK GRANT FUNDING FORMULA

The Department of Finance (Finance) generally determines the allocation of Youthful Offender Block Grant (block grant) funds to counties using a formula in which 50 percent of the grant amount is based on the number of a county's juvenile felony court dispositions and 50 percent is based on the county's total juvenile population between the ages of 10 and 17. Finance uses the most recent data compiled by the Department of Justice to determine the number of felony dispositions. It uses its own data to determine the county's juvenile population.

To demonstrate how Finance determines the block grant allocations, we calculated the block grant amount it would award to a hypothetical county X, as shown in the text box. To calculate county X's allocation, we needed five variables:

- The number of juveniles in County X between the ages of 10 and 17.
- The State's total population of juveniles between the ages of 10 and 17.
- The number of juvenile felony court dispositions in County X.
- The State's total number of juvenile felony court dispositions.
- The total state grant amount for the current year.

Table A on the following page shows the block grant amounts Finance allocated to each county for fiscal years 2007–08 through 2010–11.

Steps to Calculate County X's Youthful Offender Block Grant Allocation Amount

Step 1: Obtain variables.

(1) County X's population of juveniles between the ages of 10 and 17: 2,000 minors.

(2) State's total population of juveniles between the ages of 10 and 17: 80,000 minors.

(3) County X's number of juvenile felony court dispositions: 40 felony court dispositions.

(4) State's number of juvenile felony court dispositions: 200 felony court dispositions.

(5) Total state grant amount: $93 million.

Step 2: Calculate 50 percent of the state grant amount to be allocated based on both the population of minors and the number of felony court dispositions.
$93 million / 2 = $46.5 million

Step 3: Compute county X's ratio of minors to the State's total population.
2,000 / 80,000 = 0.025

Step 4: Calculate county X's allocation for minors based on 50 percent of the state grant amount.
$46.5 million x 0.025 = $1,162,500

Step 5: Compute county X's ratio of juvenile felony court dispositions to the State's total juvenile felony court dispositions.
40 / 200 = 0.2

Step 6: Calculate county X's allocation for juvenile felony court dispositions based on 50 percent of the state grant amount.
$46.5 million x 0.2 = $9,300,000

Step 7: Add the amounts calculated in steps 4 and 6 to obtain county X's total allocation.
$1,162,500 + $9,300,000 = $10,462,500

Result: County X is allocated $10,462,500 in block grant funds.

Source: Generated by the California State Auditor based on the block grant formula in state law.

Table A
Youthful Offender Block Grant Allocations to Counties
Fiscal Years 2007–08 Through 2010–11

	FISCAL YEAR				
COUNTY	2007–08	2008–09	2009–10	2010–11	TOTAL ALLOCATIONS
Alameda	$730,128	$2,195,631	$3,149,550	$3,087,405	$9,162,714
Alpine	58,500	117,000	117,000	117,000	409,500
Amador	58,500	117,000	117,000	117,000	409,500
Butte	119,232	366,222	533,792	476,058	1,495,304
Calaveras	58,500	117,000	117,000	117,000	409,500
Colusa	58,500	117,000	117,000	117,000	409,500
Contra Costa	443,277	1,355,917	2,026,337	2,055,006	5,880,537
Del Norte	147,357	117,000	117,000	117,000	498,357
El Dorado	94,387	316,670	411,482	359,596	1,182,135
Fresno	689,807	2,124,543	2,602,775	3,106,964	8,524,089
Glenn	58,500	117,000	117,000	117,000	409,500
Humboldt	58,851	166,321	218,186	234,468	677,826
Imperial	74,364	224,746	347,715	334,239	981,064
Inyo	58,500	117,000	117,000	117,000	409,500
Kern	849,966	2,450,911	3,117,491	2,834,568	9,252,936
Kings	96,499	299,227	468,793	471,070	1,335,589
Lake	214,500	214,500	166,644	181,057	776,701
Lassen	58,500	117,000	117,000	117,000	409,500
Los Angeles	5,460,396	16,394,743	22,008,743	21,572,410	65,436,292
Madera	101,441	294,698	378,745	480,562	1,255,446
Marin	103,118	380,084	638,412	615,713	1,737,327
Mariposa	58,500	117,000	117,000	117,000	409,500
Mendocino	58,500	133,197	182,797	189,102	563,596
Merced	266,127	736,830	988,330	1,064,119	3,055,406
Modoc	58,500	117,000	117,000	117,000	409,500
Mono	58,500	117,000	117,000	117,000	409,500
Monterey	244,627	686,532	1,053,995	1,058,464	3,043,618
Napa	92,250	310,251	413,781	440,392	1,256,674
Nevada	58,500	150,716	220,562	257,372	687,150
Orange	1,597,593	5,243,451	6,881,391	7,010,986	20,733,421
Placer	147,000	493,700	887,233	690,415	2,218,348
Plumas	58,500	117,000	117,000	117,000	409,500
Riverside	1,814,310	3,577,005	5,839,735	5,387,106	16,618,156
Sacramento	1,103,062	3,069,674	4,355,366	4,522,433	13,050,535
San Benito	100,366	117,000	117,000	117,000	451,366
San Bernardino	1,648,906	5,593,225	8,223,171	8,244,151	23,709,453
San Diego	1,610,147	5,020,964	7,759,234	7,710,853	22,101,198
San Francisco	287,150	763,010	1,054,408	981,461	3,086,029
San Joaquin	602,322	1,600,059	2,299,765	2,283,566	6,785,712

COUNTY	FISCAL YEAR 2007–08	2008–09	2009–10	2010–11	TOTAL ALLOCATIONS
San Luis Obispo	100,274	330,890	462,207	421,516	1,314,887
San Mateo	363,742	1,250,540	1,980,175	2,006,829	5,601,286
Santa Barbara	259,089	805,254	1,086,949	1,002,924	3,154,216
Santa Clara	790,663	2,383,972	3,073,403	3,164,987	9,413,025
Santa Cruz	94,752	270,312	380,512	406,844	1,152,420
Shasta	149,095	406,964	388,790	315,546	1,260,395
Sierra	58,500	117,000	117,000	117,000	409,500
Siskiyou	58,500	117,000	124,787	117,000	417,287
Solano	409,064	1,210,953	1,713,712	1,582,335	4,916,064
Sonoma	261,015	715,568	898,519	904,850	2,779,952
Stanislaus	278,735	719,772	948,505	1,218,626	3,165,638
Sutter	58,568	176,352	287,878	241,691	764,489
Tehama	58,500	117,000	178,372	166,268	520,140
Trinity	58,500	117,000	117,000	117,000	409,500
Tulare	395,455	851,750	1,048,644	1,612,326	3,908,175
Tuolumne	58,500	117,000	134,741	117,000	427,241
Ventura	419,279	1,314,805	1,915,583	2,076,235	5,725,902
Yolo	213,756	334,436	504,441	507,524	1,560,157
Yuba	58,500	118,518	212,473	179,594	569,085
Totals	**$23,602,170**	**$67,158,913**	**$93,323,124**	**$93,446,631**	**$277,530,838**

Source: State Controller's Office's Youthful Offender Block Grant allocations for fiscal years 2007–08 through 2010–11.

Note: State law mandated that each county receive a minimum of $58,500 for fiscal year 2007–08. For each fiscal year beginning in 2008–09, counties received a minimum of $117,000.

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Appendix B

JUVENILE JUSTICE STATISTICS BY COUNTY

The Department of Justice (Justice) uses the Juvenile Court and Probation Statistical System (JCPSS) to report on county-level data related to juvenile justice. As we mentioned in Chapter 1, Justice compiles the JCPSS's data from 57 counties into reports that aid decision makers, including the Office of the Governor and the Legislature, in allocating resources and planning for the future. However, Justice cannot provide assurance that the data contained within the system are accurate. Because the JCPSS's data are the only data available, we present them in tables B.1 and B.2 on the following pages. However, we caution that the data may not accurately reflect county-level statistics and trends.

Table B.1 shows the total number of juvenile offenders across the counties from fiscal years 2003–04 through 2010-11.[16] Prior to realignment, the State experienced a nearly 12 percent increase in the total number of first-time offenders who received dispositions. After realignment, the total number of first-time offenders who received dispositions decreased by nearly 30 percent. Similarly, the total number of repeat offenders who received dispositions increased by more than 12 percent prior to realignment and decreased by nearly 14 percent after realignment. As we discuss in Chapter 2, the statistics presented in Table B.1 could help measure outcomes of realignment.

In Table B.2 on page 62, we provide information about the number of juvenile offenders with dispositions sending them to adult court with either a direct file or remanded to adult court disposition from fiscal years 2003–04 through 2010–11 for each county. Before realignment,[17] the number of juvenile offenders with dispositions sending them to adult court increased by about 72 percent for first-time offenders and approximately 59 percent for repeat offenders. We discuss some of the possible reasons for this increase in Chapter 2. However, after realignment, the number of juvenile offenders with dispositions sending them to adult court decreased by nearly 25 percent for first-time offenders and 18 percent for repeat offenders. This would appear to indicate that realignment has not caused an increase in the number of juvenile offenders sent to adult court.

[16] For purposes of this analysis, we classified a repeat offender as any offender that has received two or more dispositions that were not dismissed.

[17] The original realignment law took effect on September 1, 2007. Our analysis of the data contained in Justice's JCPSS is based on fiscal years. Therefore, some of our analysis may contain data for July and August 2007, the two months prior to realignment's effective date.

Table B.1

Number of First-Time and Repeat Juvenile Offenders Who Received Dispositions in Each County
Fiscal Years 2003–04 Through 2010–11

	FISCAL YEAR																
	2003–04		2004–05		2005–06		2006–07		2007–08		2008–09		2009–10		2010–11		
COUNTY	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	TOTALS
Alameda	1,162	980	1,084	1,107	1,041	1,199	1,228	1,034	1,262	1,113	1,213	1,029	1,051	1,014	1,055	969	17,541
Alpine	22	2	8	–	6	3	3	–	2	3	5	4	1	–	3	–	62
Amador	34	31	41	23	52	44	52	48	35	50	27	18	31	44	30	38	598
Butte	263	624	239	504	247	517	221	478	269	428	242	377	125	335	140	310	5,319
Calaveras	95	22	69	18	71	23	52	12	38	21	61	16	69	15	67	23	672
Colusa	6	4	9	2	26	22	57	88	27	26	19	12	19	9	29	6	361
Contra Costa	831	922	990	1,029	882	885	964	1,075	875	1,076	835	1,359	802	1,218	733	1,035	15,511
Del Norte	–	–	1	–	1	3	4	11	16	44	19	66	28	170	39	228	630
El Dorado	127	214	155	233	185	264	245	321	330	123	236	214	170	233	167	283	3,500
Fresno	1,480	1,883	1,454	1,883	1,321	1,788	1,278	1,588	1,501	1,694	1,400	1,729	1,385	1,669	928	1,325	24,306
Glenn	32	43	34	51	40	31	37	39	43	45	27	40	31	34	24	44	595
Humboldt	143	328	156	306	136	346	158	269	159	348	127	370	77	258	76	217	3,474
Imperial	626	219	144	269	165	180	185	221	171	32	106	18	162	27	94	29	2,648
Inyo	33	35	46	38	56	57	49	73	43	80	35	77	44	54	24	42	786
Kern	1,406	1,187	1,222	1,247	1,570	1,553	1,595	1,588	1,342	1,522	1,338	1,357	921	1,037	866	955	20,706
Kings	251	66	260	230	194	285	168	283	174	257	184	265	136	234	179	247	3,413
Lake	76	116	92	107	158	133	131	200	120	219	107	197	59	114	33	77	1,939
Lassen	41	20	66	21	67	53	40	33	–	–	22	2	48	20	55	28	516
Los Angeles	6,795	7,962	6,995	9,320	7,140	10,250	7,310	10,000	7,400	9,691	7,230	10,158	4,683	9,599	5,190	8,973	128,696
Madera	205	263	236	264	237	273	240	244	196	215	357	151	277	236	120	118	3,632
Marin	232	102	166	207	120	112	153	133	154	152	176	195	119	187	140	207	2,555
Mariposa	6	1	11	4	30	11	25	16	15	4	11	7	17	3	12	6	179
Mendocino	161	326	166	349	142	328	148	370	147	481	126	432	151	347	113	365	4,152
Merced	454	670	323	831	321	706	269	620	310	671	305	700	346	649	269	672	8,116
Modoc	23	11	21	9	14	4	9	5	26	13	13	7	14	5	8	6	188
Mono	19	–	16	–	13	1	9	–	6	3	3	–	5	3	24	5	107
Monterey	398	512	467	396	359	252	382	352	461	474	385	495	314	439	356	461	6,503
Napa	186	230	156	229	232	260	259	364	197	322	188	330	179	373	132	386	4,023
Nevada	110	72	102	41	91	57	94	44	112	64	128	127	130	113	118	67	1,470

	FISCAL YEAR																
	2003–04		2004–05		2005–06		2006–07		2007–08		2008–09		2009–10		2010–11		
COUNTY	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	TOTALS
Orange	2,691	4,078	2,441	4,081	2,526	4,028	2,624	4,099	2,891	4,709	2,381	4,176	2,195	3,761	2,387	4,538	53,606
Placer	247	186	205	196	298	80	385	23	328	12	279	32	223	27	172	39	2,732
Plumas	9	3	23	3	38	23	38	38	22	9	24	15	19	18	15	15	312
Riverside	300	203	106	12	1,881	879	2,217	1,735	1,738	1,116	1,620	1,436	1,205	963	1,103	762	17,276
Sacramento	2,382	1,869	2,301	2,391	2,162	2,730	1,962	2,721	1,714	2,189	1,453	1,227	1,095	1,039	817	774	28,826
San Benito	58	10	75	4	47	4	51	12	41	9	14	5	5	1	13	–	349
San Bernardino	3,076	1,589	2,868	2,165	2,856	2,243	2,844	2,274	2,868	2,137	2,733	2,256	2,626	2,154	2,252	2,026	38,967
San Diego	2,049	3,688	2,254	1,297	2,603	1,426	2,800	1,422	2,895	1,484	2,633	1,373	2,531	1,200	2,295	1,005	32,955
San Francisco	360	193	380	224	501	235	522	311	388	258	439	238	305	178	304	144	4,980
San Joaquin	2	–	636	236	1,315	951	945	927	910	604	814	1,105	629	1,062	439	751	11,326
San Luis Obispo	253	427	279	517	264	534	298	531	270	493	221	527	183	167	123	37	5,124
San Mateo	837	888	837	865	752	914	817	1,004	759	1,015	754	1,076	670	1,048	529	893	13,658
Santa Barbara	581	1,727	516	1,767	653	1,911	642	2,138	628	1,773	542	1,570	487	1,406	486	1,421	18,248
Santa Clara	664	345	877	655	973	950	951	924	866	1,002	856	1,115	840	1,319	675	1,089	14,101
Santa Cruz	281	299	297	279	266	291	229	265	318	337	293	269	289	257	120	137	4,227
Shasta	253	438	307	586	271	513	220	514	261	510	168	398	176	304	146	313	5,378
Sierra	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Siskiyou	20	20	43	13	51	12	69	13	62	21	81	36	43	53	50	74	661
Solano	549	805	514	815	553	929	588	1,255	564	1,113	512	1,090	364	856	366	771	11,644
Sonoma	631	1,904	538	3,251	614	3,092	655	1,112	631	1,258	474	1,082	380	976	343	1,047	17,988
Stanislaus	540	687	629	921	540	858	401	611	223	188	458	397	446	889	351	886	9,025
Sutter	126	112	96	104	84	130	80	119	143	95	136	121	88	110	80	92	1,716
Tehama	71	57	131	138	144	183	105	204	137	223	167	154	119	91	75	120	2,119
Trinity	15	7	19	4	30	11	35	14	37	26	44	21	21	15	29	24	352
Tulare	1,092	1,056	882	1,186	857	1,159	647	1,253	655	716	716	350	552	832	393	856	13,202
Tuolumne	47	122	59	113	42	123	62	155	36	134	33	122	27	99	53	90	1,317
Ventura	545	2,032	1,069	1,606	1,258	1,312	1,178	1,356	1,272	1,494	1,144	1,608	801	1,581	781	1,347	20,384
Yolo	221	214	160	200	176	182	296	186	267	208	242	134	193	123	170	97	3,069
Yuba	81	58	103	70	78	67	81	41	140	72	98	105	76	115	52	102	1,339
Totals	**33,198**	**39,862**	**33,374**	**42,417**	**36,750**	**45,410**	**37,107**	**44,766**	**36,495**	**42,376**	**34,254**	**41,790**	**27,982**	**39,083**	**25,643**	**36,572**	**597,079**

Source: California State Auditor's (state auditor) analysis of data obtained from the Department of Justice's Juvenile Court and Probation Statistical System (JCPSS). Please refer to the Introduction's Scope and Methodology for the state auditor's assessment of the reliability of these data.

Note: Our analysis included those juveniles who received the following types of dispositions: direct file in adult court, diversion, probation, remanded to adult court, or wardship. Further, some offenders could be counted more than once if they received dispositions for multiple referrals.

N/A = Sierra County does not submit data to JCPSS.

Table B.2

Number of First-Time and Repeat Juvenile Offenders Who Received Dispositions Sending Them to Adult Court
Fiscal Years 2003–04 Through 2010–11

	FISCAL YEAR																
	2003–04		2004–05		2005–06		2006–07		2007–08		2008–09		2009–10		2010–11		
COUNTY	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	TOTALS
Alameda	–	3	2	–	5	3	5	–	4	5	5	17	9	25	12	21	116
Alpine	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Amador	2	–	–	–	3	5	6	2	5	–	1	1	2	–	1	–	28
Butte	1	–	–	–	2	7	3	–	2	3	3	7	–	4	1	1	34
Calaveras	–	–	–	–	2	–	–	–	–	–	–	–	–	–	–	–	2
Colusa	–	–	–	–	2	–	–	–	–	–	–	–	–	–	–	2	4
Contra Costa	11	6	7	4	10	5	6	5	9	3	6	7	14	6	2	7	108
Del Norte	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
El Dorado	1	–	1	1	3	1	3	1	–	2	3	6	–	–	–	1	23
Fresno	2	6	3	1	5	6	2	4	13	21	10	28	10	18	12	19	160
Glenn	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	1
Humboldt	–	1	2	4	1	8	1	–	–	6	2	1	1	1	–	3	31
Imperial	–	–	–	–	–	–	–	1	1	1	3	4	–	1	2	2	15
Inyo	1	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	2
Kern	1	8	1	7	3	14	11	13	4	29	15	40	8	38	6	31	229
Kings	5	–	10	4	6	8	12	4	10	11	23	16	15	16	9	9	158
Lake	2	2	1	2	–	2	3	1	–	2	–	6	–	3	1	1	26
Lassen	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	1
Los Angeles	71	177	64	118	107	181	117	194	100	221	66	187	63	178	34	123	2,001
Madera	2	2	4	2	8	7	7	12	2	4	9	5	4	2	7	5	82
Marin	1	–	2	–	2	1	4	1	2	–	5	–	1	–	2	6	27
Mariposa	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Mendocino	1	1	–	–	1	1	2	5	–	–	–	–	–	–	–	–	11
Merced	5	10	5	9	5	6	5	2	4	12	–	2	3	8	4	8	88
Modoc	–	1	3	–	2	–	–	1	4	2	1	1	–	2	–	–	17
Mono	–	–	–	–	–	–	–	–	1	–	–	–	–	–	1	–	2
Monterey	2	1	3	4	1	1	8	2	2	7	–	1	2	4	3	3	44
Napa	–	1	1	3	1	1	3	2	3	7	3	10	2	8	3	2	50
Nevada	–	–	–	1	1	–	–	–	–	–	–	–	–	–	–	–	2

	FISCAL YEAR																
	2003–04		2004–05		2005–06		2006–07		2007–08		2008–09		2009–10		2010–11		
COUNTY	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	FIRST-TIME	REPEAT	TOTALS
Orange	35	44	30	33	32	32	52	67	46	60	43	65	33	62	20	60	714
Placer	–	–	–	–	7	4	2	–	3	–	6	2	6	–	2	1	33
Plumas	–	–	–	–	–	–	4	–	–	–	–	–	–	–	–	–	4
Riverside	15	4	17	1	36	15	51	31	22	28	24	32	21	26	17	26	366
Sacramento	12	21	9	25	31	40	17	44	26	48	24	50	28	44	16	25	460
San Benito	–	–	–	–	–	–	–	1	–	–	–	1	5	1	4	–	12
San Bernardino	32	13	33	26	33	24	47	47	65	65	42	56	50	48	37	47	665
San Diego	4	11	5	13	9	23	14	7	6	15	7	12	8	10	12	12	168
San Francisco	–	–	–	–	1	–	–	–	1	–	1	–	4	–	2	–	9
San Joaquin	–	–	5	–	4	2	5	9	13	14	6	11	7	17	39	32	164
San Luis Obispo	6	1	5	3	1	–	–	–	–	–	–	1	4	1	2	2	26
San Mateo	5	5	2	6	1	–	–	4	2	4	9	11	3	2	6	10	70
Santa Barbara	1	9	6	4	4	5	4	13	6	20	10	16	1	16	1	15	131
Santa Clara	3	3	4	7	9	2	1	3	8	10	10	26	5	25	15	25	156
Santa Cruz	–	–	–	1	1	4	4	1	1	4	2	3	6	4	4	–	35
Shasta	–	–	–	–	1	1	–	–	1	1	4	–	3	–	3	–	14
Sierra	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Siskiyou	–	–	–	–	–	1	3	3	2	–	–	–	–	1	2	1	13
Solano	4	1	5	4	6	7	6	9	5	4	4	15	7	4	3	1	85
Sonoma	5	4	1	18	3	13	3	9	6	11	5	10	1	3	–	2	94
Stanislaus	2	1	2	2	2	6	8	13	6	2	11	6	9	6	12	12	100
Sutter	1	1	1	–	–	2	1	4	3	4	3	7	6	4	4	3	44
Tehama	1	1	–	1	1	1	–	–	1	1	–	5	1	1	–	1	15
Trinity	–	–	–	–	–	–	–	–	–	–	1	–	–	–	–	–	1
Tulare	14	5	2	11	7	5	12	11	27	6	17	6	8	5	6	11	153
Tuolumne	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	1
Ventura	8	1	7	4	7	3	4	12	21	29	16	44	16	22	21	13	228
Yolo	10	5	9	7	3	5	20	17	2	10	2	5	6	4	2	5	112
Yuba	–	1	3	–	3	–	1	–	3	1	–	3	1	2	2	2	22
Totals	**266**	**350**	**256**	**326**	**372**	**452**	**457**	**555**	**442**	**673**	**402**	**727**	**374**	**623**	**332**	**550**	**7,157**

Source: California State Auditor's (state auditor) analysis of data obtained from the Department of Justice's Juvenile Court and Probation Statistical System (JCPSS). Please refer to the Introduction's Scope and Methodology for the state auditor's assessment of the reliability of these data.

Note: Some offenders could be counted more than once if they received dispositions for multiple referrals.

N/A = Sierra County does not submit data to JCPSS.

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(Agency comments provided as text only.)

August 21, 2012

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

Ms. Elaine M. Howle, State Auditor*
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

Enclosed you will find the Board of State and Community Corrections' (Board) response to the Bureau of State Audits' (BSA) report entitled "Juvenile Justice Realignment: Limited Information Prevents a Meaningful Assessment of Realignment's Effectiveness."

The BSA identified a number of perceived shortcomings in the methods and procedures used by the Board to collect and report expenditures and outcomes for the Youthful Offender Block Grant program. In many instances, I concur with the BSA's observations and if the resources were available, I would gladly address the shortcomings, as recommended. In other instances, I respectfully disagree. Please refer to the enclosed response to the BSA's report for our complete analysis.

I appreciate the work and insights provided by the BSA as a result of its work on this audit. As the Board moves forward with both juvenile and criminal justice realignment and brings the full vision of SB 92 (Chapter 36, Statutes of 2011) to fruition, I have no doubt this work will prove useful.

Should you wish to discuss our response, please feel free to contact me at (916) 445-5073.

Respectfully,

(Signed by: Jean L. Scott for Patricia Mazzilli)

PATRICIA MAZZILLI
Executive Director

* California State Auditor's comments begin on page 77.

Board of State and Community Corrections
Response to:
Juvenile Justice Realignment:
Limited Information Prevents a Meaningful Assessment of Realignment's Effectiveness
(prepared by the Bureau of State Audits)

On August 8, 2011, the Joint Legislative Audit Committee approved a request from Assemblymember Alyson Huber to conduct an audit of the Youthful Offender Block Grant (YOBG) Program. Consistent with that action, the Bureau of State Audits (BSA) began its YOBG audit in February 2012. On August 15, 2012, the Board of State and Community Corrections (Board) received BSA's report of audit findings and recommendations. The following is our response to that report.

Pursuant to the legislation that created the YOBG Program, the Board of State and Community Corrections[1] (Board) has three major responsibilities: (1) to annually collect information regarding each county's planned YOBG expenditures; (2) to annually collect and report to the Legislature information regarding each county's actual YOBG expenditures; and (3) to annually collect and report to the Legislature on outcomes pertaining to the youth who receive one or more placements, services, programs, etc. that are funded in whole or in part by YOBG. The Board has no fiduciary responsibility with regard to YOBG expenditures and up until
(1) July 1, 2012, when the Board was established, had no responsibility to guide policy with regard to the larger issue of juvenile justice realignment.

The Board uses three different data collection instruments to collect information on planned YOBG expenditures, actual YOBG expenditures, and outcomes for juveniles who are recipients of YOBG-funded placements, services, programs, etc. Each consists of one or more EXCEL spreadsheets (formatted to look like forms) that are sent out annually to each county. The content and format of the forms were developed in conjunction with an Executive Steering Committee (ESC) consisting of probation chiefs, researchers, and other juvenile justice stakeholders. Forms were pilot tested in a small number of counties and modified accordingly prior to operational use.

The Board has met its obligations to annually collect information and report on planned and annual YOBG
(2) expenditures and outcomes despite receiving no resources to do so. Previous board initiated requests to obtain administrative resources for this program have been denied. As a result, the Board has met these obligations to report on a program that allocates approximately $93 million a year to counties, by redirecting a part time staff person (who spends much of her time on other projects) and approximately 380 hours annually (approximately 1/5th of a person year) of a contract researcher. These two individuals have total responsibility for all activities associated with YOBG data collection and reporting (form development and maintenance), processing and checking all data submitted on the forms, data analysis, and generating all required reports either on the Board website (county reports of planned YOBG expenditures) and/or in the annual report to the Legislature (actual expenditures and outcomes). It should be noted the Board has now submitted two annual reports to the Legislature, yet has received no feedback regarding a desire for more or different data than what has been provided.

BSA identified a number of perceived shortcomings in the methods and procedures used by the Board
(3) to collect and report on YOBG expenditures and outcomes. In many instances we concur with BSA's
(2) observations and if the resources were available, would gladly address the shortcomings, as recommended. In other instances, we do not agree with BSA's observation or recommendation.

1 Previously known as the Corrections Standards Authority (CSA), California Department of Corrections and Rehabilitation (CDCR).

Planned and Actual YOBG Expenditures and Data Collection and Reporting

BSA Recommendation:

- Create policies and procedures that include clear, comprehensive guidance to counties about all aspects of expenditure reporting.

Board Comment:

Standard practice has been to provide training to county personnel who are responsible for submitting data to the Board. In addition, the Board has typically developed and made available a "users manual" or similar document to guide those responsible for data submission. This has not been possible for the YOBG program due to staffing and budgetary constraints. In addition, the forms were disseminated at a time when staff travel was generally prohibited. As mentioned previously, all instruments were pilot tested prior to implementation and each year the Board takes into account both the feedback from counties and personal observations to make enhancements to the form. The feedback received has not indicated significant confusion on the part of the users of the forms. Also, because it was not possible to develop separate "user's manuals" for the forms, attempts were made to incorporate more guidance within the forms or in other communications that accompanied distribution of the forms. Finally, Board staff manually review each submitted form to look for missing or questionable data and automated procedures are also used to check for missing or conflicting information. (2) (4)

The Board recognizes that these steps fall short of providing the kind of scrutiny that is desirable, and given the necessary resources, the Board would welcome the opportunity to institute the steps and measures it typically institutes when collecting survey information, as enumerated above. (2)

BSA Recommendation:

- Consider verifying the counties' data by conducting regular site visits on a rotational basis or by employing other procedures to verify data that counties submit.

Board Comment:

While, as mentioned previously, the Board has no fiduciary responsibility with regard to county expenditures of YOBG funds, we concur that it would be highly desirable to at least periodically conduct site visits to verify that local records are consistent with what is reported to the Board with regard to YOBG expenditures. Again, the Board lacks the resources to conduct such periodic reviews, and for the time being, at least, must assume county reporting is accurate. (2)

When counties submit their annual expenditure reports, both planned expenditures and actual expenditures, they are reminded of the Legislative mandate to do so and are also notified that all information submitted on the forms may be posted on the Board website and/or included in the annual reports to the Legislature.

We are uncertain as to what BSA has in mind with regard to the Board verifying the data collected by means of "other procedures to verify the data counties submit." (5)

BSA Recommendation:

- Publish expenditure data for each county on its website and in its annual reports.

Board Comment:

(6) This recommendation appears to be based on the belief that the reporting of county level expenditure data is important "…Because variances in funding can provide insights into how a county manages its juvenile (7) justice system…" (see page 24 of the report). The implication appears to be that knowing about funding variances in per capita costs is particularly important in this regard.

(8) The Board has chosen not to report such information for several reasons. First, we believe that the most meaningful information to be gleaned from the per capita cost data is the statewide per capita costs for different placements, services, etc. That is, from a statewide perspective, how do the per capita costs (both YOBG per capita costs and total per capita costs) differ by type of placement, service, etc., and are YOBG funds being used for placements, services, etc., with high or low overall per capita costs. Second, for any given placement, service, etc., there can be considerable differences in county per capita costs. There may be very legitimate reasons for these differences, but without additional information (information not available from the data collected by the Board), these reasons cannot be discerned. Thus, in our opinion, to compare county differences in per capita costs without having this additional information can erroneously lead to inferences that counties with higher per capita costs are somehow doing a poorer job of managing costs. Third, to publish county per capita costs across all placements, services, etc., that is, one overall per capita cost figure for each county, can easily lead to similar erroneous conclusions about county management of funds, given that some counties may use funds for placements, programs, etc. that have relatively high overall costs, while other counties may be using funds for placements, programs, etc., that have relatively low overall costs.

In addition to the above, we take issue with the premise that how a county uses YOBG funds should be (9) used to draw any conclusions about how a county manages its juvenile justice system (see above quote from page 24 of the report).

Performance Outcomes

Many of the perceived deficiencies and recommendations for change described above with regard to collecting and reporting on YOBG expenditure data are similarly made with reference to the performance outcome data. Before commenting on the specifics of these criticisms and recommendations, we believe it is necessary to provide some background information on the circumstances and steps leading to the development of these measures.

The report correctly states that the Board is responsible for reporting to the Legislature regarding outcomes for juveniles who receive YOBG-funded services and programs (as well as placements and strategies). Pursuant to this mandate, the Board convened the previously mentioned Executive Steering Committee in October 2009 for the purposes of addressing this mandate. Membership on the committee included individuals who played an instrumental part in drafting the YOBG legislation. At the initial meeting, the ESC was given a demonstration of the on-line reporting system developed by the Board pursuant to passage of the Juvenile Justice Crime Prevention Act in 2000. The reporting system for JJCPA was demonstrated, in part, because language in the enabling legislation for YOBG (Welfare & Institutions Code (WIC) §1961(c)(2)(A)-(D)) closely parallels that found in the enabling legislation for JJCPA (Government Code §30061-30064). Thus, an apparent presumption by the crafters of the YOBG legislation was that the reporting of outcomes

for YOBG would closely parallel that of JJCPA – with respect to both the methods and outcomes that would be reported upon.

However, following demonstration of the JJCPA reporting system, the ESC concluded that adoption of this system for YOBG was neither appropriate nor practical. It was deemed inappropriate because JJCPA, unlike YOBG, requires that all funds be spent exclusively on programs shown previously to be effective in reducing juvenile crime and delinquency. Furthermore, for all such programs counties are also required to report on a group of youth comparable to the youth who received program services as a means of assessing program impact. In contrast, there is no requirement that YOBG funds be spent on programs (and the data show that the majority of YOBG funds are not used for this purpose), and the total number of juveniles expected to receive one or more services, programs, placements, or strategies funded in whole or in part by YOBG in any given year was anticipated to be substantial. The burden on counties to report annually on such a large group was considered by the ESC members to be unreasonable, unattainable, and of limited value given the wide range of permissible uses of YOBG funds and the lack of any reference groups for comparative purposes.

Given all of the above, an alternative was sought to collecting outcome information for all juveniles who directly benefitted from YOBG funding. The most desirable alternative would have been to collect this information from a representative sample of all such youth. However, absent any available information on the individuals in the statewide population of this group, the only way to draw such a sample would be to have each county identify all the individual juveniles for whom they spent YOBG dollars and submit this individual case level data to the Board. Upon receipt of this information from all counties, the Board would then randomly select a representative statewide sample and each county would be notified of the juveniles within their county for whom they must report outcome data. This process would have to be repeated each year to comply with the annual reporting responsibilities of the Board. Because of the time and cost of having each county annually identify all youth within their county for whom YOBG funds were spent, this approach to sampling, i.e., collecting outcome information for a representative sample of all juveniles who received some YOBG funding, was also deemed to be unworkable.

As a result, the ESC was informed of the Juvenile Court & Probation Statistical System (JCPSS) database maintained by the Department of Justice. As described in BSA's report, this database contains information on all juveniles who are referred to probation, as well as the disposition of all such juveniles who are found to have committed a criminal offense. The ESC was further informed that using this database, the population of all juveniles with adjudicated offenses could be identified and from this group, a random sample of the statewide population could be identified. Then each county could be notified of the individuals from the statewide sample who were from their county, and be asked to provide outcome and other information for each youth. While it was recognized there was no guarantee that YOBG funds would have been spent on the youth who were randomly selected, this approach was adopted, and in the hope of maximizing the potential that any given youth in the sample had benefitted from YOBG funding, the decision was made to base the sample on the population of youth with adjudicated felonies. The decision to focus on these offenders was also made in the belief that this population was most likely to be made up of the types of offenders who previously would have been candidates for DJJ commitment, and in the knowledge that WIC §1951 requires counties to use YOBG funds, in part, to provide appropriate services to such offenders. (10)

Given all of the above, and in consideration of the authority given the Board in WIC §1961(5)(e) to modify the performance outcome measures cited in §1961(c)(2)(A)-(D) upon determination that counties are substantially unable to provide this information, the ESC approved an approach wherein every year a random sample of 1,000 juveniles with felony adjudications during the prior year are drawn from the JCPSS

database. Counties then report on a limited number of outcomes for the youth during the one-year period from the disposition date of the youth's adjudicated felony. The proportion of youth sampled from each county is based on the proportion of total statewide YOBG funds received by the county, which, in turn, closely parallels the proportion of all juveniles in the state with adjudicated felonies. Thus, the total sample of 1,000 is made up largely from juveniles in larger counties, which tend to have the greatest number of
(10) felony-adjudicated juveniles. This approach to sampling was considered optimum for providing a statewide approximation of outcomes for juvenile offenders most likely to be subject to DJJ commitment prior to enactment of the YOBG program and it was never intended that the resultant data would be used to examine outcomes at the county level.

The ESC also agreed on collecting data for a limited number of outcomes specific to subsequent felony adjudications/commitments, educational status and achievement, and completion of probation; as well as the collection of certain background information items for each youth at the time of felony disposition (school enrollment, employment, record of substance abuse, etc.). In addition, for each youth, information was collected on whether they received each of over 40 placements, programs or services during the one-year period from date of disposition and whether they received any such placement, program or service that was funded in part or in whole by YOBG.

In adopting this approach it was acknowledged that the conclusions that could be drawn from the data would be limited, as elaborated upon in the first two annual reports that have been submitted to the Legislature, and that year-to-year comparisons of the data would most likely be of greatest value.

(1) The Board never intended, nor does it advocate, that the information contained in the annual reports it submits to the Legislature for the YOBG program be used to draw conclusions about the "outcomes of realignment."

BSA Recommendation:

- Create policies and procedures that include clear, comprehensive guidance to counties about all aspects of outcome reporting.

Board Comment:

The same general comments made in response to this recommendation as it pertained to YOBG expenditures are applicable here.

In addition, the Board would like to comment on a criticism unique to performance outcome data. Specifically, the Board is criticized for collecting data on whether a youth received each of a large number of services but does not provide guidance to the counties as to the threshold that counties should use in determining whether a given service was provided (see page 27 of the report). Consequently, it is noted that counties use different criteria for reporting whether a specific service was received and it is recommended that the Board provide counties with a standardized definition of what constitutes receipt of each specific type of service.

The Board is aware that absent standardized definitions, counties can and will use varying criteria for reporting whether a specific service was received. However, the Board believes the BSA recommendation
(11) to develop such standardized definitions is neither practical nor necessary. It is impractical given that vast differences can exist with regard to the specific nature and scope of any given category of service. Using the report's example of drug treatment programs, significant county variation in program scope and

duration most likely exists as a function of factors such as the type of drug(s) that are the focus of treatment, the underlying approaches/philosophies of the programs, and location of the programs, e.g., whether or not provided within a secure detention facility. The Board collects data on 35 different services. To do as recommended by the BSA, would require the Board to develop a separate definition of receipt of service for each of these 35 different services with the goal of crafting each definition in a manner that would be meaningful and acceptable to all 58 counties. (11)

Aside from the enormity and potential infeasibility of accomplishing this task, the perceived need for such definitions seems to be rooted in the desire to use the service received data for purposes of conducting county-to-county comparisons. Rather, the intended use of this data is not that of collecting detailed information that can be used to hone in on county differences but rather to obtain very basic information that can be used to provide a statewide perspective of where YOBG funds are being spent. From this perspective, the value of developing standardized operational definitions of what is considered receipt of each of 35 specific types of service is not considered sufficient to justify the time and effort that would be required. (10) (11)

BSA Recommendation:

- Consider verifying the counties' data by conducting regular site visits on a rotational basis by employing other procedures to verify data that counties submit.

Board Comment:

Again, the same general comments in response to this recommendation for YOBG expenditures are also applicable to performance outcomes.

In addition, it should be noted that there is reason to question whether Board staff could legally review local files pertaining to any individual juvenile's mental health, use of medications, or criminal history – all of which are reported upon in the form used to collect performance outcome data. Confidentiality procedures are built into the data collection process to preclude the possibility of Board staff being able to associate any outcome and associated data with the name of a juvenile. Assuming local probation staff would be willing to provide Board staff with access to local files for purposes of verifying the above referenced information, it would most likely be necessary for local staff to scrub all names before granting this access. (12)

BSA Recommendation:

- Publish performance outcome data for each county on its website and in its annual reports.

Board Comment:

Given the overall size and nature of the annual performance outcome sample (approximately 1,000 adjudicated felons), the intended use of the performance outcome data, i.e., to provide a statewide perspective of outcomes and other variables related to the expenditure of YOBG funds, and the sampling plan used to accomplish this intended purpose, i.e., to sample from each county in a way that reflects the number of juveniles for which it receives YOBG funds, which in turn, takes into account the number of juveniles from each county with felony dispositions, we question the wisdom of this recommendation. To do so would in some instances result in publishing outcome results in a given year for a given county based on one juvenile. It is difficult to comprehend how this information could be useful for purposes of assessing trends within and between counties, especially when one considers that for a majority of (13) (14)

counties (approximately 30) outcome results are based on five or fewer juveniles. For example, in Table 5 of BSA's report, the performance outcome results reported for Yuba County are based on only two juveniles. Furthermore, on page 21 of BSA's report the reader is warned about drawing conclusions about the differences between Los Angeles County and Sacramento County with respect to offenders who received YOBG-funded services versus offenders who did not receive YOBG-funded services given that Los Angeles County spends more of its YOBG funds on high risk offenders, while Sacramento County uses YOBG funds
(15) on juvenile offenders at various risk levels. The admonition seems to be contrary to reporting performance outcome results by county for purposes of assessing trends within and between counties. Perhaps this recommendation is predicated on the condition that in the future more detailed performance outcome and associated data be collected on much larger numbers of youth?

Other BSA Criticisms:

1. The Board has never taken any enforcement action against counties because the Board believes the State Controller's Office is the fiduciary agent for the block grant.

Board Comment:

(16) While it is certainly factual that the Board has no fiduciary responsibility for the YOBG program that has nothing to do with whether or not enforcement action has or would be taken. In fact, the Board has not pursued enforcement action against any of the counties because it has had no reason to do so. Should the Board ever become aware that a county is using YOBG funds inappropriately, we would certainly work with the appropriate control agencies to enforce all provisions of the law.

2. Because outcome data are collected only for high risk juveniles, i.e., juveniles with a recent adjudication for a felony offense, the results reported for outcomes are not reflective of the results one might expect if based on the full range of youth who receive YOBG services, including less serious offenders and at-risk youth, and are subject to misinterpretation with regard to effects of realignment.

Board Comment:

As to the first part of this criticism, we have detailed the shortcomings and reasons for adoption of the sampling process by which youth are selected for purposes of collecting outcome data. We do not purport that the results reported for outcomes are reflective of the performance outcome results one might obtain if based on the full range of youth who benefit from YOBG funds. We have been careful to describe that all
(10) results are reported for youth (juveniles with recent felony adjudicated offenses) who would have most likely been considered candidates for DJJ previously.

With regard to the second part of this criticism, we appreciate the potential for misinterpretation but wish to reiterate that the focus of the Board's work has been on collecting and reporting findings specific to the
(1) expenditure of YOBG funds. We have never intended nor purported that the work we have done should be construed as reflecting on the overall effects of realignment.

3. The Board's annual reports to the Legislature on the YOBG program are characterized in the report as using a flawed methodology in which outcomes results for youth who were the beneficiaries of some YOBG funding are compared with the outcome results for youth who were not the beneficiaries of YOBG funding, which could mislead decision makers about the effectiveness of realignment by making it appear that realignment has not been effective. As a case in point, the results in the first two annual reports to the Legislature have shown that a significantly higher percentage of YOBG-funded youth

received a new felony adjudication, "…which implies that the block grant actually increases the likelihood that a juvenile offender will reoffend when a more plausible explanation is that offenders who pose a higher risk of recidivism are more likely to receive block grant services." (see page 4 of the report). Additionally, "…Although the reports state that caution must be taken in drawing conclusions regarding outcome difference for juvenile offenders who receive block grant services and those who do not…" (see page 4 of the report), the Board should cease from making such comparisons because the results could mislead decision makers regarding the effectiveness of realignment.

Board Comment:

The concern over our methodology is that the results will mislead policy makers into drawing erroneous conclusions about the effects of realignment. As stated previously, the focus of the Board's annual reports to the Legislature are specific to the YOBG program, and not the overall effects of realignment. In fact, this is acknowledged by BSA on page 3 of its report ("State law authorizes the Board of State and Community Corrections (board) to … and requires the board to issue annual reports to the Legislature regarding the outcomes for juveniles who receive block grant-funded services and programs.") BSA further concludes on page 3 that the Board's reports should not be used to draw conclusions about realignment. Specifically, BSA states that YOBG reports should not be used for this purpose because of, among other things, the flawed methodology of comparing outcomes for youth supported by YOBG funds with youth not supported by YOBG funds. In other words, the methodology is flawed because it could mislead the reader about the outcomes of realignment even though it is acknowledged by both BSA and the Board that the annual YOBG reports are not intended to be used to draw conclusions about realignment. BSA seems to also infer the Board's annual reports to the Legislature should include an assessment of the outcomes of realignment: "Although the law does not specifically require the board's reports to include an assessment of realignment, because the board is the only state administering body referenced in the law that realigned juvenile offenders, we would expect its annual reports would give the Legislature information regarding the outcomes of realignment." (1) (17)

We concur that there is an expectation that the Board will provide policy makers with information germane to the overall effects of juvenile realignment. We are in the initial planning process for meeting this challenge. However, this responsibility just became effective on July 1, 2012 with establishment of the Board in Penal Code §6024. Further, this newly assigned responsibility does not take away from the Board's ongoing responsibility to report annually on the YOBG program. We do not concur that we should cease from comparing outcomes for youth supported by YOBG funds with youth who are not supported by YOBG funds when reporting on this program due to concerns that to do so could mislead policy makers about the overall effects of realignment. (18)

It is also important to note that the comparison of new felony adjudication rates for youth supported and not supported by YOBG funds is just one of many comparisons provided in our annual reports to the Legislature on the YOBG program. We also report on the outcomes of educational enrollment and achievement rates (a significantly higher percentage of youth supported by YOBG funds are enrolled in school sometime during the one year evaluation period), probation status (no differences in percentage of youth on probation at the end of the one year evaluation period), and new adult felony conviction rates (higher for youth not funded by YOBG in one of two years). We also look at baseline differences in the characteristics of the two groups (a greater percentage of youth supported by YOBG funds have substance abuse indicated in their file; a greater percentage of youth not supported by YOBG funds have a mental health diagnosis/symptoms indicated in their file); differences in the number and types of placements and services received by the two groups (youth supported by YOBG funds receive a significantly greater number placements and services); the relationships between baseline differences and outcomes (e.g., youth

with substance abuse indicated in their file are more likely to have a new felony adjudication); and the relationships between service levels and outcomes (those who receive more direct services are more likely to be enrolled in school, to be on probation at the end of the year, and to receive a new felony adjudication during the year). We also report on year-to-year comparisons (new felony adjudication rates slightly lower for both youth funded and not funded by YOBG in FY 2010-11 compared to FY 2009-10). All of these analyses are conducted in an attempt to uncover patterns in the relationships between who receives YOBG funding support, what it means to receive YOBG support (in terms of numbers and types of services), and an admittedly limited number of educational and criminal justice outcomes. And as duly noted by BSA, we
(18) acknowledge the limitations of the data we are working with and caution the reader against drawing any firm conclusions based on the results we report, especially as they relate to outcome differences between youth funded and not funded by YOBG.

We would also be remiss if we did not mention that considerable attention is also given in our annual reports to the Legislature on county-reported expenditure of YOBG funds, and in this regard, counties have consistently reported that approximately three-fourths of the funds are used to pay staff salaries and benefits, and the majority of funds (approximately 70%) are spent in conjunction with placements (camps, juvenile halls, etc.) and not direct services.[3]

And finally, it should be mentioned that even with the acknowledged shortcomings of reporting on only youth with felony adjudicated offenses in our annual reports on the YOBG program (and thus not including lesser offenders and non-offenders who are also supported by YOBG), the research literature has consistently
(10) shown that program effects are greatest for serious offenders. Thus, the youth we are reporting on in our annual reports to the Legislature (felony adjudicated youth) are the type of youth for whom programs have the greatest potential to impact outcomes.

BSA Observations and Recommendations Regarding Assessment of Juvenile Justice Realignment:

(1) While fundamentally disagreeing with the notion that the Board's responsibilities for reporting on the expenditures and outcomes for the YOBG program are one in the same with assessing the impact of juvenile realignment (or that the results reported for YOBG program were ever intended to be used [or should be used] to assess the overall impact of juvenile realignment), we nevertheless take great interest in the observations and recommendations made by the BSA with regard to assessing juvenile justice realignment, especially in light of the Board's recent mandate (effective July 1, 2012) to address this topic along with criminal justice (adult offender) realignment.

In this regard, BSA presents several different types of data from a variety of sources, including county-specific data based on on-site interviews and observations; longitudinal data extracted from the JCPSS reporting system on first time offenders, repeat offenders, and offenders sent to adult court; and longitudinal data on net costs to the State related to the juvenile justice system. BSA was careful to point out the limitations of drawing conclusions based on this data, especially the crime statistics, note the available data are not sufficient to assess outcomes of realignment, and point to the need for the Legislature to clarify the intended goals of realignment. All of this work and the insights drawn from this work, will be extremely useful to the Board as it tackles its new mandate to assess and report on juvenile realignment. We appreciate BSA's efforts and concur there is a fundamental need to reach agreement on the goals of juvenile realignment.

2 It is acknowledged that YOBG expenditures reported for placements undoubtedly include expenditures for other than strictly custodial operations.

BSA recommends on page 8 of the report that "…To ensure that it has the information necessary to meaningfully assess the outcomes of juvenile justice realignment, the Legislature should consider amending state law to require counties to collect and report performance outcomes and expenditures related to juvenile justice as a condition of receiving block grant funds. In addition, the Legislature should require the board to collect and report these data in its annual reports, rather than outcomes and expenditures solely for the block grant."

In our opinion, it would be premature to adopt this recommendation for two fundamental reasons. First and foremost, absent clear agreement on the goals and objectives of realignment, we have concerns about putting into law the scope and method by which juvenile realignment will be evaluated. Second, we have concerns about the SB 90 implications of such an action.[4] As to this second point, BSA notes in its report that a variety of data elements are collected as part of the Board's administration of "10 other state and federal grant programs." While we do administer other programs, the funding does not go to all counties and in some cases the funding goes to only one small program within a county. To assume the availability of countywide data based on the existence of other programs is erroneous. (19) (20)

Summary

While we believe all of the above noted issues are significant, the following provides a brief summary of the three most pervasive areas of concern:

1. Many of BSA's criticisms of the Board's YOBG reporting rely upon an assumption of responsibility that far exceeds the legislative mandate. The Board has met all of its mandated reporting requirements. Although the Board now has a mandate to provide leadership for statewide realignment efforts, that only came into effect as of July 1, 2012. (1)

2. BSA's assertion that counties should report data for their juvenile justice systems as a whole exceeds not only the legislative mandate but also the capability of most counties. The legislation clearly requires counties to annually report expenditure and outcome data related to YOBG and similarly requires the Board to report that data to the Legislature. However, the notion that either counties or the Board would have the data needed to report on juvenile justice systems as a whole is unfounded. Moreover, the suggestion that the Board could measure the success of realignment given the limited scope of the YOBG legislation, the lack of data at both the State and local levels, and the lack of defined goals for the program, is misguided. (20) (1)

3. Despite repeated requests, the Board has never received any funding to support administration of the YOBG program or expenditures. Approximately $93 million is allocated to counties every year, yet not $1 has been provided for administration or oversight of this program. Through a limited redirection of existing resources, the Board has been able to meet its mandate. To the extent there is interest in the Board performing additional work related to the YOBG program, the allocation of administrative funds is absolutely critical. (2)

As noted above, we appreciate the work and insights provided by BSA as a result of its work on this audit. As we move forward with both juvenile justice and criminal justice (adult offender) realignment and more fully bring the vision of SB 92 to fruition, this work will undoubtedly prove useful.

3 Elsewhere in the report (page 23) BSA suggests that given the existence of 10 other state and federal grant programs administered by the Board, the workload that would be placed on counties to meet this requirement, at least as it relates to reporting certain outcomes for all juveniles who are served by block grant funds, might be minimal (in fact, counties might not need to collect any additional information). We have serious doubts that this would be the case. (20)

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE BOARD OF STATE AND COMMUNITY CORRECTIONS

To provide clarity and perspective, we are commenting on the Board of State and Community Corrections' (board) response to our audit. The numbers below correspond to the numbers we have placed in the margin of the board's response.

We acknowledge on page 1 of our report that the law does not specifically require the board's reports to include an assessment of the outcomes of juvenile justice realignment. However, as we also indicate on page 1, because the board is the only state administering body referenced in the law that realigned juvenile offenders, we would expect that its annual reports would give the Legislature information with which to make such an assessment. Furthermore, we are puzzled by the board's reluctance to pursue identifying and reporting information related to realignment considering that the board's mission, as of July 1, 2012, includes providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. (1)

We are aware of only one formal board-initiated request for resources. However, the board made this request before state law changed in 2009 to require the board to report expenditures and performance outcomes to the Legislature and post them on its Web site. We are unaware of any other formal board request for funding to administer data collection and reporting for the block grant, or for verifying the data that counties submit. (2)

Although the board notes that it concurs with our observations, it appears that the board does not intend to implement any of the recommendations referenced in its response. This implies that the board believes its current practices are adequate, when, as our report concludes, they are not. Moreover, the board fails to address other recommendations of our audit. Therefore, we look forward to the board's 60-day, six-month, and one-year updates on whether it is making progress in implementing our recommendations. (3)

Although the board asserts that the feedback it has received does not indicate significant confusion on the part of the counties, we note on page 29 of our report that three of the four counties we visited submitted inaccurate data to the board. Because the board compiles this inaccurate data in its annual report, users of that report may reach incorrect conclusions related to the counties' use of block grant funds. (4)

(5) We specifically discussed the intent of this recommendation with the board's executive director and staff during our August 2012 exit conference. To reiterate, because our review revealed that counties had difficulty providing us documentation to support the information they submitted to the board, one possible approach would be for the board to ask counties to retain and, upon the board's request, submit supporting documents for some of the information they provide. By exploring the viability of this approach and other strategies, the board may be able to improve the quality of data that counties submit without incurring significant additional cost. Finally, because counties are required to submit performance outcome and expenditure information, we believe that the board should be concerned about the quality of county data and should take steps to ensure that the information it receives and subsequently reports is accurate.

(6) The board is correct when it states that our recommendation is based on the belief that the reporting of county level data is important. However, we are not alone in this belief. In fact, as we acknowledge on page 26, state law requires the board to prepare and make available to the public on its Web site summaries of the annual performance outcomes that counties submit. However, currently the board only posts limited county-level data on its Web site. Although we believe that collecting and reporting data related to counties' entire juvenile justice systems would be ideal, the board can increase the amount of information available to assess the outcomes of realignment by publishing more of the county-level data on its Web site that it currently receives, as we recommend on page 38.

(7) While preparing our draft report for publication, page numbers shifted. Therefore, the page numbers that the board cites throughout its response do not correspond to the page numbers in our final report.

(8) We are dismayed by the board's reluctance to provide potentially valuable information regarding the effectiveness of juvenile justice realignment to the Legislature and other stakeholders. Although we agree that there may be legitimate reasons for the differences in per capita costs across counties and that caution must be taken in making inferences, the board's approach of primarily reporting aggregate data does not give users of its reports insights to understand the different approaches that counties use to provide juvenile justice services. Moreover, state law requires counties to report to the board the annual per capita costs of block grant programs, placements, strategies, or activities as well as requires the board to prepare and post summaries of county reports on its

Web site. Thus, the board already has the information available that would mitigate its concern about drawing inferences from per capita information.

The board misunderstands our statement. We do not say that conclusions can be drawn about how a county manages its juvenile justice system through an examination of how a county uses block grant funds alone. To the contrary, we recommend on pages 37 and 38 that to ensure that it has the information necessary to meaningfully assess the outcomes of juvenile justice realignment, the Legislature should consider amending state law to require counties to collect and report countywide performance outcomes and expenditures related to juvenile justice, rather than outcomes and expenditures solely for the block grant. (9)

We stand by our conclusion that the board's decision to focus reporting of county performance outcomes for only a sample of juvenile offenders who committed felonies results in misleading information. If designed appropriately, a sample of 1,000 juvenile offenders would likely be large enough to make meaningful inferences about counties. However, a significant shortcoming of the board's sampling method is that it is not designed to gather information about how most counties choose to spend their block grant funds. In particular, our review revealed that counties use block grant funds to provide services to juvenile offenders at various risk levels, not just those who have committed felonies. Specifically, on page 25 of our report, we indicate that 44 counties reported spending block grant funds on programs, placements, or services that serve juvenile offenders with misdemeanors as opposed to serving only those offenders with felonies. (10)

Contrary to the board's assertion, we believe that it is both practical and—as our audit results demonstrate—very necessary, to provide basic guidance to counties for how to report performance outcome data in a consistent and meaningful manner. Moreover, as we indicate on page 28, although the board does provide instructions and frequently asked questions to assist counties when reporting on performance outcomes, it does not provide guidance for basic issues such as defining when a juvenile has completed a service or whether a service directly impacts juvenile offenders. Further, the board's belief that we recommend that guidance is needed for all 35 service types is an exaggeration. The board could provide additional guidance applicable to most services and provide several examples to show the intent of its guidance. Without additional guidance to the counties, the board will continue to collect inconsistent and dissimilar information, which results in reports that can be misleading. (11)

⑫ The board is correct that there are potential legal considerations related to it reviewing juvenile offender records. However, the board could overcome this potential obstacle by requesting that counties provide it with redacted copies of the records that counties used to report performance outcomes. Further, as we recommend on page 38, the board could decide to verify county data by conducting regular site visits on a rotating basis or by employing other procedures to verify data that counties submit.

⑬ We stand by our recommendation. As noted in point 2, the 2009 law change required the board to make county-level information available on its Web site. Just because the board's sampling method provides limited information about each county does not mean that the board should not provide this information to the public. If the board does not believe that its current sampling method is adequate for this purpose, it should modify the sampling method to gather more meaningful information from the counties.

⑭ We agree that the board's sample design results in performance outcomes that may not be useful. Thus, as noted on page 38, we recommend that the board work with the committee that established performance outcome measures for the block grant and the counties to determine the data that counties should report, while keeping in mind the data that counties already collect to satisfy the requirements of other grants that the board administers.

⑮ The board misinterprets the example on pages 23 and 24 of our report in which we caution against drawing conclusions about the differences between performance outcomes for Los Angeles and Sacramento counties. The example is intended to show that incorrect conclusions can be reached on the performance outcomes that the board reports. The weakness of the board's current approach is that it reports only on juvenile offenders who commit felonies but does not take into consideration that counties use block grant funds for juvenile offenders at various risk levels.

⑯ To more thoroughly explain the board's position, we clarified our text under Objective 9 in Table 3 to acknowledge that the board believes it has had no reason to take enforcement action against the counties.

⑰ The board incorrectly infers that our most significant concern with its reporting is the comparison of performance outcomes between juvenile offenders who did or did not receive block grant-funded services. Rather, this concern is one among many. Specifically, we also note concerns with the board's use of only a sample of juvenile offenders who committed felonies on page 25, insufficient guidance to counties on page 28, and inadequate verification of

county-reported data on page 29. As a result, we concluded that the board's overall reporting methodology is flawed and the results are potentially misleading.

It is perplexing that the board continues to believe that comparing outcomes between juveniles who receive block grant-funded services and those who do not is useful and valid. As we note on page 23, if the board did not intend for the Legislature to draw conclusions from these comparisons, we question why it elected to present the comparisons at all, especially given that the results can be misleading. Moreover, by continuing to make these comparisons, the board is missing an opportunity to improve the usefulness of its reports. Finally, according to the 2012 law change, the board is now charged with providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. Given this law change, we firmly believe the board will have an integral role to assist stakeholders in assessing the outcomes of realignment. (18)

Contrary to the board's assertion, we not only recommend that the Legislature adopt such goals, but on page 53 we also recommend that the board assist the Legislature in this effort by working with counties and stakeholders in proposing performance outcome goals to measure the success of realignment. (19)

We are not suggesting that counties presently capture and report every aspect of their juvenile justices systems. Rather, by reporting broader information that is currently available, we believe the board can present better, more complete information about the outcomes of realignment. Further, we disagree with the board's assertion that neither counties nor the board have the data needed to report on counties' entire juvenile justice systems. As we indicated on page 33, counties already report several pieces of key information for the 10 other state and federal grant programs the board administers. One major state grant, the Juvenile Justice Crime Prevention Act, requires counties to report certain countywide statistics such as the total number of arrests. Moreover, we recommend on page 38 that the board work with counties and other relevant stakeholders to determine what data is currently available to minimize the potential for creating a state mandate. (20)

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(Agency comments provided as text only.)

August 21, 2012

California Department of Corrections and Rehabilitation
P.O. Box 942883
Sacramento, CA 94283-0001

Ms. Elaine M. Howle, State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

This letter serves as the California Department of Corrections and Rehabilitation's (CDCR) response relative to the Bureau of State Audits' (BSA) draft report titled: *Juvenile Justice Realignment: Limited Information Prevents a Meaningful Assessment of Realignment Effectiveness*.

CDCR recognizes the value in having the most complete information concerning juvenile offenders who are sent directly to adult prisons, including specific offense dates. CDCR agrees that it should obtain complete offense dates from the courts—if possible—as your report recommends and will continue to work with county courts to do so.

CDCR would like to thank BSA for the opportunity to respond to this draft report. Should you have any questions or concerns, please contact Kim Holt, Operations Manager, at (916) 255-2701 or Tami Schrock, External Audits Coordinator at (916) 255-2644.

Sincerely,

(Signed by: Lee E. Seale)

LEE E. SEALE
Director
Division of Internal Oversight and Research

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Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

August 21, 2012

Elaine M. Howle, CPA*
State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Re: BSA Report 2011-129

Dear Ms. Howle,

The Department of Justice (DOJ) has reviewed the Bureau of State Audits' (BSA) draft report titled "*Juvenile Justice Realignment: Limited Information Prevents a Meaningful Assessment of Realignment's Effectiveness*" and appreciates the opportunity to respond to the report.

Based on the review of DOJ's criminal history system and the Juvenile Court and Probation Statistical System (JCPSS), BSA determined that DOJ could do more to ensure juvenile justice data are accurate and reliable for assessing certain outcomes of realignment. In completing this review, DOJ appreciates BSA's recognition that DOJ did not design its JCPSS and criminal history system to track the outcomes of realignment or to track or assess statewide trends.

JCPSS is designed to and succeeds in maintaining all of the data required by Welfare and Institutions Code section 13012. This section requires retention of information on the amount and types of offenses, the personal and social characteristics of criminals and delinquents, all administrative actions taken by law enforcement, judicial, penal, and correctional agencies related to these individuals, and the number of citizens' complaints received by law enforcement agencies of felonies and misdemeanors. (1)

In response to the BSA's recommendations identified in the report, DOJ submits the following responses:

BSA Recommendation: *To ensure the accuracy and completeness of the data the counties submit into the JCPSS, Justice should follow its procedure to send annual summaries of the JCPSS data to the counties for review and to conduct occasional field audits of counties' records.*

DOJ Response: DOJ has and will continue to send annual summaries of the JCPSS data to counties for their review and will obtain a confirmation from each county that the summaries have been received and accurately reflect the data submitted. DOJ will also continue to conduct semi-annual surveys of the counties to confirm the number and completeness of cases for juveniles sent to adult court. These confirmations will be maintained at DOJ.

The JCPSS Users Manual, which cites the field audit function, was originally prepared in 2002 in cooperation with DOJ's JCPSS Advisory Committee. The JCPSS Users Manual reflects how JCPSS would be implemented based on ideas of the users group. It was not intended to be an inflexible set

* California State Auditor's comments appear on page 89.

(2) of requirements. Since the field audit function is not considered to be DOJ policy, the JCPSS Users Manual will be revised to delete the field audit language.

BSA Recommendation: *To ensure that its criminal history system contains complete and accurate data related to juvenile offenders, Justice should do the following:*

- *Implement a process to ensure staff enter data accurately into the system.*
- *Implement a procedure similar to the one it employs for the JCPSS to verify the accuracy of information the counties submit.*

DOJ Response: With regard to the first bullet above, DOJ will revise its written procedures and provide follow up training to staff regarding the process of manually updating DOJ's criminal history system with juvenile offender information provided to DOJ in paper format. Additionally, while there are separate juvenile and adult disposition codes already in place for the majority of criminal disposition reporting scenarios, some codes are interchangeable between adult and juvenile actions. DOJ will address those interchangeable codes and seek to establish additional disposition reporting codes for juveniles that will not overlap with the adult disposition codes.

(3) It is important to note that even with the updated procedures and training of DOJ staff cited above, if criminal justice agencies submit juvenile disposition information electronically through DOJ's Automated Tape Disposition Reporting (ATDR) system, it will still be inaccurate. The ATDR system was created for reporting adult dispositions to DOJ's criminal history system and will accept only adult disposition codes. If an agency were to submit a juvenile disposition via this electronic system, they would have only adult disposition reporting codes available to them. Thus, the criminal history record for the juvenile would reflect an adult disposition. This electronic system does not have the ability to compare birth dates with adult disposition codes to ensure adult codes are not being incorrectly used.

With regard to the second bullet above, DOJ always strives to maintain accurate and timely criminal history information. DOJ is the statutorily mandated repository of criminal history information submitted by criminal justice agencies. However, DOJ must rely on these agencies to submit the information from their records in an accurate and timely manner. DOJ staff will continue to contact an agency for clarification if the forwarded information cannot be reasonably updated to the criminal history system,
(4) but it would not be appropriate for DOJ to audit local agencies or courts as to how they arrived at the reported disposition in a case.

Finally, DOJ would like to address two additional issues from the report. First, according to Chapter 1 of the audit report, "[t]he program manager noted that the modifications to the JCPSS that would be necessary to track statewide statistics would add significant costs and require Justice to comply with new state and federal laws regarding the collection of such data." This statement incorrectly implies that DOJ's methods
(5) do not comply with current state and federal laws regarding the collection of statewide statistics data. Modifying JCPSS to incorporate the use of biometric information to facilitate identifying and tracking first and repeat juvenile offenders would be costly and would trigger additional new state and federal laws regarding the collection, storage, and dissemination of biometric data.

Elaine M. Howle, State Auditor
August 21, 2012
Page 3

The second issue is the report's repeated description of the JCPSS data as being poor quality, inaccurate, unreliable and of limited usefulness. JCPSS contains many automatic internal checks. Significant variations in the data provided from month to month by the counties are investigated to ensure they are accurate. JCPSS will not accept information from counties that lacks certain fields or violates certain rules, to ensure the quality of the data. While DOJ cannot assure that every record within the JCPSS is accurate, that does not imply that all or even a significant number of the records in the system are inaccurate. A more accurate statement would be that the information sought during this audit was not captured by JCPSS and therefore the data that was available was of limited use to BSA. (6)

Again, thank you for the opportunity to review and comment on this draft audit report. If you have any questions or concerns regarding this matter, you may contact me at the telephone number listed above or Tammy Lopes, Assistant Bureau Chief, Bureau of Criminal Information and Analysis, at (916) 227-4777.

Sincerely,

(Signed by: Andrew J. Kraus III)

ANDREW J. KRAUS III, CPA
Director

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE DEPARTMENT OF JUSTICE

To provide clarity and perspective, we are commenting on the Department of Justice's (Justice) response to our audit. The numbers below correspond to the numbers we have placed in the margin of Justice's response.

For clarity, Justice should have referred to Section 13012 of the Penal Code rather than the Welfare and Institutions Code. (1)

Justice's response is troubling. Rather than attempting to follow through with its procedure to conduct occasional audits of counties' records with the intent to improve data in the Juvenile Court and Probation Statistical System (JCPSS), Justice indicates it will delete the procedure. Further, since it offers no alternative procedures, it appears that Justice does not intend to take appropriate action to proactively address the issues we found with JCPSS data. (2)

As we acknowledge on page 35, Justice was not able to demonstrate to us that counties submitted inaccurate data. However, if Justice believes that counties are submitting inaccurate data, as we recommend on page 39, it should take steps to verify the accuracy of information that counties submit. (3)

Justice misunderstands our recommendation. We do not suggest that Justice should audit local agencies or courts as to how they arrived at a disposition. Rather, we recommended that Justice ensure that the data counties submit are corroborated by the counties' underlying records. (4)

Justice is mistaken. Our quoted text Justice refers to is a statement on page 35 from its program manager and is not intended to imply or indicate that Justice's data collection methods fail to comply with state or federal laws. (5)

Justice exaggerates our use of certain terminology when we describe JCPSS data and takes our statements out of context. We use the terms because the various data systems we reviewed, including Justice's JCPSS and Automated Criminal History System, cannot provide quality information related to juvenile justice realignment. Moreover, under generally accepted government auditing standards, which we are required to follow, we must disclose limitations on the data we report. In this case, we want to ensure that readers clearly understand the limitations to the data that is currently available to assess the effectiveness of juvenile justice realignment. (6)

cc: Members of the Legislature
Office of the Lieutenant Governor
Little Hoover Commission
Department of Finance
Attorney General
State Controller
State Treasurer
Legislative Analyst
Senate Office of Research
California Research Bureau
Capitol Press