

June 8, 2020

The Honorable Gavin Newsom
Governor, State of California
State Capitol
Sacramento, California 95814

RE: Deferral of DJJ Realignment Budget and
Repurposing of Child Welfare Council HHS Transition Committee

Dear Governor Newsom:

We understand that it is your intention to include a funding formula that will result in the investment of more than 200 million dollars for probation and counties in the June budget, a sum that represents the vast majority of funding for the realignment of the Division of Juvenile Justice (DJJ). We appreciate your stated commitment to the health and well-being of these children and your plan to resolve policy matters related to the closure of DJJ later in the summer. However, these goals will be profoundly undermined by a decision to appropriate this level of funding in June and by failing to enact safeguards. We ask you to defer all fiscal and policy decisions related to the closure of DJJ to the summer.

The closure of DJJ requires changes to extremely complex areas of law and practice that will have immediate and significant impact on the lives of children. The vast majority of these children are youth of color who historically and presently bear the brunt of harmful justice system decisions, including DJJ commitments and transfers to adult court. The rush to incorporate disparate pieces of realignment in the current budget without due consideration of all necessary elements is a formula for disaster. At this point, it is most prudent to defer the entire DJJ realignment process to post-budget development in a more considered manner that includes a wider range of stakeholder involvement.

Over the last year and a half, advocates, stakeholders, and community members have supported your vision to reform California's youth justice system. We also support your efforts to make the state fiscally sound during this health and economic crisis. While closure of DJJ may be fiscally motivated, we believe that if executed properly, realignment can be an important step towards achieving your vision for justice reform and equity. Since you announced the plan to close DJJ, we have worked closely with your administration, researching and analyzing frameworks for DJJ closure that promote public safety while ensuring that youth receive the care they deserve and need for success in the community. Our May 19, 2020 letter to you (*Recommendations Regarding the Proposed Closure of DJJ*) outlined several overarching issues, and our May 29, 2020 memo (*DJJ Realignment: Law Changes Needed as Safeguards to Prevent Increased transfers of Youth to the Adult Correctional System*) provided the minimum, short-term safeguards needed to protect against increased transfer until counties are prepared to serve these youth.

We thought a bifurcated budget process—one that deferred most decisions for summer consideration but included a modest amount of funding and a few immediately-needed policy decisions in the June budget—was a good idea. However, we have now learned that at least one of the critically important safeguards we recommended may be rejected or deferred to post-budget consideration. In particular, it is our understanding that the short-term safeguards needed to prevent the transfer of realigned youth to adult courts and prisons are likely to be deferred to post-budget consideration.

Of great concern is that the administration appears to be poised to appropriate a massive amount of state funds to counties and probation departments for the care of youth whose cases are realigned from DJJ without input from many experts, stakeholders, or community members. We are unaware of any controls to be included: no guidelines, spending controls, accountability or reporting mechanisms, requirements to explore a continuum of responses that include community based supports, input from communities most impacted, nor criteria to ensure the development of forward-looking, best-practice programs and dispositions for youth. Once those funds are secure for counties and probation, we do not believe it will be possible to circle back this summer and negotiate what is needed to effectuate the vision, which we share with you, of a healing-based approach for youth.

The vast majority of young people we are talking about here are youth of color. Black, Brown, and Indigenous young people bear the brunt of our state's most harmful justice system decisions. The inequities that exist in California's youth justice system today are the result of a system that has treated youth of color differently from its inception. You recently acknowledged this systemic racism in saying, "[o]ne thing we know about our criminal justice system is it's not blind. It discriminates based on the color of your skin." You acknowledged that we need change in policy, not rhetoric, and must commit to dismantling the structures that have caused the significant inequity in the justice system by saying, "[s]o often we try to meet the moment with rhetoric. We feign resolve, we make a point to assert a new paradigm. And yet, over and over and over and over again we don't meet that next moment." This is that moment. Instead of pouring money into a system that has consistently failed youth of color and our communities, let us meet this moment. There are people across the state ready to support you and commit to the hard work of dismantling structural racism and planning how to best serve young people.

We strongly urge you to wait. The welfare of these children is too important and the realignment of DJJ is too filled with risk to proceed in haste. Deferral of the entire plan for a few weeks is the path for realignment success. The development of trailer bill language for closure dates, oversight, control of county funding, and other matters related to DJJ closure and realignment should be deferred for consideration until after the June budget is approved. We request that you place the recommendations we have made on hold until that time so that the plan for realignment can be developed in a holistic, thoughtful manner.

This summer's work will require careful planning and guidance from experts to establish a framework for how youth should be treated, to evaluate currently existing resources, to identify additional types of programs and opportunities that are needed, and to seek advice on effectuating vital best practices. Last year, you convened the subcommittee of the Child Welfare Council of CHHS to provide input and

recommendations related to youth justice on “policies and programs that promote a commitment to improving youth outcomes, reducing youth detention, and reducing recidivism.” We recommend that you repurpose and expand that committee to provide guidance to the administration and legislature for budget trailer bills this summer and throughout the transition to county care. The existing committee contains people with a wide range of perspectives, and a diverse membership, including people with direct personal experience of the system, judges, district attorneys, probation chiefs, educators, and youth justice law experts.

Thank you for your consideration. We are committed to working with you and your staff to make this transition a success.

Sincerely,

Sue Burrell, Policy Director
Pacific Juvenile Defender Center
sueburrellpjdc@gmail.com
415.320.2150

Dominique Nong, Director of Youth Justice Policy
Children’s Defense Fund-CA
dnong@childrensdefense.org
213.225.8505

Elizabeth Calvin, Senior Advocate
Human Rights Watch
ecalvin@hrw.org
310.926.6504

Laura John Ridolfi, Director of Policy
W. Haywood Burns Institute
lridolfi@burnsinstitute.org
510.295.7511

Frankie Guzman, Director, California Youth
Justice Initiative
National Center for Youth Law
fguzman@youthlaw.org
805.218.5837

David Steinhart, Director, Juvenile Justice
Program
Commonweal
david@dsteinhart.com
415.388.6666

Marc A. Philpart
Managing Director, PolicyLink
Principal Coordinator, Alliance for Boys and
Men of Color

Kaile Shilling, Executive Director
Arts for Incarcerated Youth Network

Angie Schwartz, Vice President, Policy and
Advocacy
Alliance for Children’s Rights

Abraham Medina, Executive Director
California Alliance for Youth and Community
Justice

Bikila Ochoa, Deputy Director
Anti-Recidivism Coalition

Reena Hajat Carroll, Executive Director
California Conference for Equality & Justice

Jennifer Friedman, Co-Chair, Legislative
Committee
California Public Defenders Association

Jordan Sosa, Legislative Coordinator
California Youth Connection

Danielle Wondra, Senior Associate,
Child Welfare Policy
Children Now

Yundra Thomas, Co-Chairman
Coalition for Black Health and Wellness

Roberta Shintani, Executive Director
Coalition for Engaged Education

George Galvis, Executive Director
Communities United for Restorative Youth
Justice

Tavae Samuelu, Executive Director
Empowering Pacific Islander Communities

Jackie Thu-Huong Wong, VP of Policy and
Advocacy
End Child Poverty CA/The GRACE Institute

Jacqueline Caster, Founder and President
Everychild Foundation

Ali Knight, Chief Operating Officer
Fresh Lifelines for Youth

Ashley C. Rojas, Executive Director
Fresno Barrios Unidos

Jasmine Dellafosse, Senior Regional Organizer
Gathering for Justice

Alex Sanchez, Executive Director
Homies Unidos

Rachel Prandini, Attorney
Immigrant Legal Resource Center

Karen J. Steiber, Attorney
Independent Defense Counsel Office,
Santa Clara County

Amy Lemley, Executive Director
John Burton Advocates for Youth

Stephanie Sauter, Co-Executive Director
LAW Project of Los Angeles

Dorsey Nunn, Executive Director
Legal Services for Prisoners with Children

Erika Anzoategui, The Alternate Public Defender
Los Angeles County Alternate Public Defender's
Office

Kruti Parekh, Coordinator
Los Angeles Youth Uprising Coalition

Sean Kennedy, Executive Director
Center for Juvenile Law and Policy, Loyola Law
School

Cesar Lara, Director of Policy and Programs
MILPA

Shannan Wilber, Youth Policy Director
National Center for Lesbian Rights

Alyson Clements, Director of Membership and
Advocacy
National Juvenile Justice Network

Harry Grammar, President and Founder
New Earth Organization

Arnold Sowell Jr., Executive Director
NextGen California

Ji Seon Song, President
Pacific Juvenile Defender Center

Luis Sanchez, Executive Director
Power California

Juliet Sims, Associate Program Director
Prevention Institute

Don Specter, Executive Director
Prison Law Office

Katherine Katcher, Founder &
Executive Director
Root & Rebound

Josh Green, Director of Criminal Justice and
Senior Staff Attorney
Urban Peace Institute

Kanwarpal Dhaliwal, Associate Director
RYSE
Tamisha Torres-Walker, Executive Director
Safe Return Project

Nicole Lee, Executive Director
Urban Peace Movement

Frank J. Barone (on behalf of Randy Mize)
Assistant Supervising Attorney
San Diego County Public Defender's Office

David A. Harris, President & CEO
Urban Strategies Council

Rachel Voss, Deputy Public Defender,
Juvenile Division
San Joaquin County Public Defender's Office

Diane Ortiz, Executive Director
Youth Alliance

Molly O'Neal, Public Defender
Santa Clara County

Jim Keddy, Executive Director
Youth Forward

Daniel "Nane" Alejandrez, Executive Director
Santa Cruz Barrios Unidos

Kim McGill, Organizer
Youth Justice Coalition

Raj Jayadev, Director
Silicon Valley De-Bug

Maria F. Ramiu, Senior Staff Attorney
Youth Law Center

Crystal Anthony, Co-Executive Director
Underground GRIT

Patricia Barahona, Chief Executive Officer
Youth Leadership Institute

cc: The Honorable Toni Atkins, Senate President pro Tem
The Honorable Anthony Rendon, Assembly Speaker
The Honorable Holly Mitchell, Chair, Senate Committee on Budget and Fiscal Review
The Honorable Assembly Member Phil Ting, Chair, Assembly Committee on Budget
The Honorable Nancy Skinner, Chair, Senate Subcommittee No. 5 on Corrections, Public Safety,
and the Judiciary
The Honorable Shirley Weber, Chair, Assembly Subcommittee 5, Public Safety
Jessica Devencenzi, Deputy Legislative Secretary, Office of the Governor
Daniel Seeman, Deputy Cabinet Secretary, Office of the Governor
Chris Woods, Chief Fiscal Advisor, Budget Director, Office of Senate President pro Tem Toni
Atkins
Jason Sisney, Budget Director, Office of Assembly Speaker Anthony Rendon
Christian Griffith, Chief Consultant, Assembly Budget Committee
Joe Stephenshaw, Staff Director, Senate Budget and Fiscal Review Committee
Jennifer Kim, Chief Consultant, Assembly Budget Committee
Christopher Francis, Ph.D., Principal Consultant, Senate Public Safety, Corrections, and the
Judiciary