

52612

10

YOUTH AUTHORITY QUARTERLY

## THE ERA OF AB 90

BY ROBERT CRAFT AND RONALD HAYES

*Mr. Craft and Mr. Hayes are division chiefs with the California Youth Authority's Prevention and Community Corrections Branch.*

The enactment of Assembly Bill 90 into law heralds a new state-county partnership in developing and funding programs designed to improve the local criminal justice systems. The provisions of the law and its implications for improving the justice system are described by the authors.

In the years to come, 1978 may well be remembered as the time when a new partnership was forged between the State of California and its counties to develop a broad-based program to improve local criminal justice systems. The instrument which gave rise to this new partnership is Assembly Bill 90, which was passed by the State Legislature after a two-year effort on the part of its author, Assemblyman Julian Dixon, and staff of the Department of the Youth Authority, and was signed into law on July 18 of this year by Governor Brown.

The law provides \$55 million in state support during F.Y. 1978-79 for local programs which are designed, in general, to expand and improve the program resources available to the courts in sentencing adult and youthful offenders. AB 90 and its subvention program replaces three existing subsidy programs—state support for juvenile camps, ranches and schools in camp construction and probation subsidies—both of which had been in existence for many years. The total amount of state support available under the new program is several times greater than the combined total for the previous programs and will provide for a far more comprehensive level of county correctional services. In general, the new justice system subvention program builds on the experience learned during the 12 years that probation subsidy was in effect, retaining its strong points, correcting its deficiencies and establishing a balanced program to be designed by the counties themselves to meet their specific needs. It also provides safeguards against placement of serious and potentially dangerous offenders in community programs, while establishing the means for a variety of sentencing alternatives for less serious offenders.

### *Implementation of AB 90*

It would be well, in discussing the implementation of AB 90—a process which began immediately after its signing into law—to first describe its basic intent and general provisions.

The intent of AB 90 is spelled out in the legislation itself. It is “to protect society from crime and delinquency by assisting counties in maintaining and improving local criminal justice systems, by encouraging greater selectivity in the kinds of juvenile and adult offenders retained in the community, and by assisting the counties in reducing the number of offenders reentering the local criminal justice systems; and to protect and care for children and youth who are in need of services as a result of truancy, running away, and beyond the control of their parents by assisting the counties in providing appropriate services and facilities for such children and youth.”

The latter objective pertains to Assembly Bill 3121, which became law on Jan. 1, 1973 and prohibited counties from using secure detention for status offenders. Included in AB 90 is provision for state reimbursement to the counties of their costs in implementing AB 3121. These reimbursements would be part of the total allocation to the counties for their overall program activities under AB 90.

AB 90 lists seven different kinds of program activities which are eligible to share in the state funding.”

—Operating nonsecure facilities, sheltered care facilities, crisis resolution homes, counseling and education centers and home supervision programs for juveniles.

—Funding for those services and programs required to implement AB 3121, including, but not limited to, services and programs provided by courts, district attorneys, probation officers and public defenders.

In addition, these program categories also are listed:

—Improving local justice system offender-centered services offered by probation departments, county and city law enforcement agencies, the courts, and public and private agencies.

—Establishing and maintaining public and private adult correctional programs and facilities, including, but not limited to, county jail programs, correctional rehabilitation centers, work furlough programs, vocational training programs, job placement services, pre-release planning services and part-way houses.

—Operating local crime and delinquency prevention programs including, but not limited to, the establishment and maintenance of youth service bureaus.

—Providing public education and information regarding crime and delinquency prevention.

—Establishing and maintaining juvenile homes, ranches, camps, forestry camps, schools, day care centers and group homes for wards of the juvenile court.

### *Broad Scope*

The broad scope of these program activities contrasts with the provisions of the now-repealed probation subsidy program, which limited state

support to special supervision programs conducted by the county probation departments. Under AB 90, the probation department program activities will continue to be eligible for funding, but so will those carried out by other elements of the justice system, including law enforcement and other public as well as private agencies concerned with the reduction of crime and delinquency.

Selection of programs for funding is in the hands of the county boards of supervisors who have the initial responsibility under the legislation to appoint an advisory group which will assess program needs and make recommendations to the board. Makeup of the county justice system advisory groups is spelled out by the provisions of AB 90. They are to consist of the chief probation officer, sheriff, presiding judge of the superior court, chairperson of the juvenile justice or delinquency prevention commission, district attorney, public defender, county superintendent of schools, county administrative officer, two chiefs of police (one representing a city above the median population and another from a city below the median population, two private agency representatives) one serving juvenile offenders and the other serving adult offenders; a public member who has never been employed by a law enforcement agency, and three representatives of private community-based adult or juvenile assistance agencies involved in the prevention or treatment of delinquency or criminal activity.

The advisory group's responsibility is to assess local needs, evaluate programs for meeting these needs, and finally to prepare and forward to the Board of Supervisors a recommended application for funding.

When the application receives the Board's approval, it then goes to the Department of the Youth Authority, whose Director, Pearl S. West, has overall responsibility under the legislation for administering the program. AB 90 stipulates that the Director of the Youth Authority shall prescribe the policies and procedures to be followed in administering the program, including application certification, program monitoring and evaluation, and methods of accounting for and certifying proper use of funds. In practice, the Department will certify county applications to the State Controller for funding, and will monitor program activities and the county's performance in meeting the requirements of the legislation.

One such requirement is that state subvention funds cannot be used to supplant local funds that otherwise would be spent to support local criminal justice activities.

Another is that the county does not increase its level of commitments to state adult prisons and Youth Authority institutions from a rate based on a four-year average ending in 1976-77. Unlike the probation subsidy, which provided counties with funds based on earnings for reducing commitment levels with no maximum ceiling, AB 90 merely requires that the specified levels be maintained without reduction, with no additional subsidy for increasing those levels. Moreover, it exempts a large number of serious offender categories from the commitment calculations. In calculating the commitment levels, counties will not be charged with sending to state institutions offenders who committed these offenses: murder, attempted murder, arson, certain categories of robbery, rape, attempted rape, kidnapping, assault with a deadly weapon, assault with chemicals,

train-wrecking and any offense for which probation or suspension of sentence is prohibited by law.

### *Public Protection*

By such provisions, AB 90 aims to make certain that the public remains protected from dangerous and violent offenders while providing support for programs that will help the community treat and rehabilitate lesser offenders and speed their return to society as productive and law-abiding citizens. In later years, it is expected that the commitment formula will be reviewed and, if necessary, adjusted to meet possible changing needs.

The basic funding formula specified by the legislation is based on county population. The law specifies that counties are to receive a per capita amount not to exceed \$2.55 per resident, with the minimum allocation based on a population of 20,000. An alternative funding plan provides for counties to receive the equivalent of 1977-78 subventions which were received for probation subsidy, for maintenance of juvenile homes, ranches and camps, and for costs related to the implementation of AB 3121.

Most counties will find it to their advantage, however, to base their applications on the per capita funding. The actual amount available for allocation to the counties may be based on a figure somewhat lower than the \$2.55 maximum specified by AB 90 and some of our initial calculations have been based on a \$2.25 factor. This would provide counties with allocations ranging from a minimum of \$45,000 to close to \$16 million in the case of Los Angeles County, largest in the state.

As county applications are channeled through the Department of the Youth Authority to the State Controller, counties are eligible to begin receiving their subventions on a quarterly basis. Thereafter, the programs, commitment levels and other county responsibilities for complying with the legislation will be monitored by the Youth Authority which, in cases of non-compliance, would notify the counties that the deficiencies must be corrected. If the county then fails to comply, it would be required under the legislation to reimburse the state for all or part of the funds received. The Youth Authority's decisions in these matters may be appealed to the State Board of Corrections.

It is difficult to list the many kinds of programs for which state subvention may be used, but the following are some typical examples: local crime and delinquency prevention programs, public and private adult correctional programs and facilities, public education and information regarding crime and delinquency prevention, funding for programs required to implement the provisions of AB 3121. In general, the funds may be used for programs that improve local justice system offender-centered services offered by probation departments, county and city law enforcement agencies, the courts and public and private agencies.

Having been signed into law by Governor Brown on July 18, AB 90 took effect immediately as emergency legislation. A crash program was immediately launched to set this new county-state justice system partnership into effect as quickly as possible, so that programs could be selected, applications submitted and funding started as soon as possible. For its part,

the Youth Authority has kept counties throughout the state fully informed of the provisions of the new law and procedures to be followed in preparing and submitting applications. Briefing sessions were held with county officials throughout the state during late July and early August. Public hearings were scheduled in Los Angeles and Sacramento during late August to receive input from all counties on the emergency regulations proposed by the Youth Authority to administer AB 90. These regulations are the policies and procedures by which the new law will be administered and they set forth the eligibility requirements for funding and other program details.

It is expected, nevertheless, that county officials will continue to have questions about implementation of AB 90. These may be directed to the appropriate field office of the Youth Authority's Prevention & Community Corrections branch. These offices are located at 7171 Bowling Drive, Suite 500, Sacramento; 107 S. Broadway, Room 3101, Los Angeles; 440 Grand Ave., Suite 350, Oakland; and 17772 Irvine Blvd., Suite 203, Tustin.

### *County-State Partnership*

As the era of AB 90 begins, we can see the promise of a county-state partnership that can create a truly effective county justice system—one that is adequately funded and designed by county and community people for the specific needs of the counties and the communities. The system reflects the best of our experience from past programs such as probation subsidy, along with new approaches designed to overcome problems of the past. The first months may not be easy, as we begin to work together on what is very clearly a complex piece of legislation and while the difficult process of selecting and funding new programs gets under way. By working closely and patiently together, however, the state and the counties will set in motion a justice system program that will cause us to remember July, 1978, as the beginning of a new era in California corrections.



**END**