



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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FESIA A. DAVENPORT  
Chief Executive Officer

June 28, 2021

To: Supervisor Hilda L. Solis, Chair  
Supervisor Holly J. Mitchell  
Supervisor Sheila Kuehl  
Supervisor Janice Hahn  
Supervisor Kathryn Barger

From: Fesia A. Davenport  
Chief Executive Officer

Board of Supervisors  
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First District

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## **YOUTH JUSTICE REIMAGINED: PHASE 1 BUDGET ANALYSIS (ITEM NO. 19, NOVEMBER 24, 2020)**

On November 24, 2020, the Board of Supervisors (Board) adopted the core values of the "Youth Justice Reimagined" report (Youth Justice Report) and committed to transitioning the County's youth justice system to this care-first model by 2025, pending resolution of the necessary legal, budgetary, and legislative issues.

This memorandum reflects the Chief Executive Office's (CEO) funding recommendation based on a fiscal analysis of the Youth Justice Report's Phase 1 implementation plan and the Alternatives to Incarceration (ATI) Initiative's review of programmatic/operational issues:

1. The CEO recommends full funding of the \$26.1 million budget request from the Office of Diversion and Re-Entry's Division of Youth Diversion and Development (YDD) during the Fiscal Year (FY) 2021-22 Final Changes Budget phase to expand and provide pre-arrest prevention and youth development services to all eligible youth countywide.
2. The Youth Justice Report does not include the budget details, such as staffing, operations, and resources, that are necessary to evaluate the funding required to establish a new Department of Youth Development (DYD). YDD has retained a consultant to refine the proposed youth justice system model, and the CEO recommends YDD work with its consultant to develop a comprehensive DYD budget proposal.

In addition to these recommendations, the CEO continues with a wide-ranging examination to identify fiscally sustainable ongoing revenue sources to support the transformation of the youth justice system, including use of Assembly Bill (AB) 109 and the Probation Department's (Probation) revenue sources. The CEO will return in October, as part of the FY 2021-22 Supplemental Budget phase, with revenue recommendations that align with the Board's vision of "Care First, Jails Last."

### **Background**

On October 30, 2020, the W. Haywood Burns Institute completed the Youth Justice Report that proposed establishing the DYD that would be responsible for providing countywide community-based prevention and diversion, detention and alternative custody services, and post-release support services by assuming Probation Juvenile Services' functions and converting them into a youth-centered, trauma informed, and restorative model. The transformation was divided into three phases, over approximately five years. The essential functions from each phase are noted below:

#### ***Phase 1 (18 months)***

- Expand YDD's pre-arrest diversion programming countywide;
- Increase capacity building among youth-serving agencies;
- Work with Probation to improve alternatives to detention;
- Collaborate with Probation and community-based partners on the development of reentry services and supports; and
- Identify funding to support the establishment of a DYD.

#### ***Phase 2 (18 months)***

- Identify additional funding to support DYD;
- Establish 24-hour youth crisis centers with support teams at each center to assist both pre- and post-adjudication;
- Transfer facilities from Probation to DYD and establish Safe and Secure Healing Centers; and
- Coordinate youth reentry services for youth exiting the juvenile justice system.

### ***Phase 3 (18 months)***

- Identify remaining funding to support DYD;
- Continue expanding 24-hour crisis centers; and
- Close existing juvenile halls and camps as Safe and Secure Healing Centers expand.

As discussed later in this memo, legal and legislative actions are required before legally mandated Probation responsibilities can be transferred to DYD. A legal analysis of the Phase 1 recommendations determined that the majority can be operationalized without legislative changes. Phases 2 and 3 will require State and local legislative action to operationalize the remaining recommendations which will be a multi-year effort.

### **Phase 1 Budget Analysis and Recommendations**

The Youth Justice Report proposed a \$75 million budget to implement Phase 1, comprised of \$60 million for YDD countywide expansion and \$15 million for the initial establishment of the DYD. However, at the time of this estimate, the report did not have the benefit of a complete cost analysis, including verified staffing levels, program costs, and youth cost estimates.

On January 22, 2021, YDD provided the Board with an analysis of their current staffing model and a Phase 1 implementation plan for countywide expansion of its pre-arrest prevention and diversion program. Our office worked with YDD to refine their countywide expansion budget proposal. YDD's latest cost analysis and budget proposal includes lower costs than those estimated in the Youth Justice Report for the same level of service. The YDD countywide expansion budget estimate is \$26.1 million (compared to the \$60 million Youth Justice Report estimate), and reflects YDD's leadership and subject matter experts' refinements to projections of caseloads, service levels, staffing levels, and corresponding costs. The CEO's FY 2021-22 Final Changes Budget recommendation includes fully funding YDD's \$26.1 million budget request to expand and provide pre-arrest prevention and youth development services to all eligible youth countywide with ongoing funding being explored in the next budget phase.

With regard to the Youth Justice Report's estimate of \$15 million to establish the initial DYD staffing and infrastructure, additional work is needed to refine these cost estimates, including development of a comprehensive DYD budget proposal identifying the number, level, and duties of staff and their workload; an explanation of operations and services; a description of the organizational structure; and identification of additional resources necessary to establish the new department. This requested information is not unique to

the DYD and would be needed to establish any new Department in the County. The DYD budget proposal should also reflect organizational capability for expansion as more responsibilities are transferred in the later implementation phases. YDD should work with its consultant and CEO to develop the required DYD budget proposal with an eye towards producing the most accurate cost estimate possible.

The underlying funding mechanism for the transformation of the youth justice system, as described in the Youth Justice Report, is to transfer the Probation Juvenile Services' budget incrementally to YDD (and ultimately to DYD); specifically, as Probation operations wind down, then the corresponding budget is transferred. The remainder of this report identifies challenges to this model along with potential solutions to move past them.

YDD and Probation both serve youth and provide services at different points in time. Specifically, the goal of YDD is to serve youth by diverting them away from further involvement with the justice system. If successful, these youth do not become a ward of the court and placed under the jurisdiction of Probation. On the other hand, Probation becomes involved after a youth has been arrested and adjudged a ward of the court. At that point in time, Probation services can include: detention, placement and supervision. Within the scope of Phase 1, the YDD and Probation staff are, in large part, performing different functions.

The distinction regarding functions performed by YDD and Probation is important because it impacts the type and amount of funding potentially available to transfer to YDD in Phase I. For example, portions of Probation's budget for juvenile services are required by law to fund services for youth adjudged wards of the court or to maintain halls and camps. Other funding, net County cost, included in Probation's budget is passed through to the Departments of Mental Health and Health Services to provide services to youth in the halls and camps. An assessment is necessary to ensure that the levels of health and mental health services provided to the youth (and therefore the associated funding) are aligned with the service levels of the dwindling youth population. The CEO, in conjunction with County Counsel, will complete an analysis of Probation's statutory obligation regarding the statutorily prescribed funding. The CEO will also conduct an assessment to determine whether service delivery levels are aligned with needs of the youth who remain in halls and camps. This will help to determine whether funding for these services, can be transferred to YDD during Phase I.

In addition to evaluating alignment between service needs and service delivery levels, the CEO will conduct a comprehensive analysis of Probation staffing levels (filled and unfilled positions) for staff assigned to work in the Juvenile Services Bureau. The goal of the analysis is to confirm the number of staff assigned to halls and camps and to determine

the number of staff needed to appropriately supervise this dwindling population. The purpose of this analysis is to determine whether halls and camps are appropriately staffed and steps needed to right-size staffing levels so that they are consistent with the dwindling population in the halls and camps.

Other strategies the CEO is pursuing to move Phase I forward include working with the Chief Probation Officer (CPO) to identify funding to support YDD's expansion and the exploration of federal stimulus funding to support building capacity within the network of community-based organizations that provide youth-focused services including: pre-arrest diversion, re-entry, education, employment, and support services.

The CEO will provide revenue recommendations during the FY 2021-22 Supplemental Budget phase. Based on the results of our analysis, and if completed by the time of the Supplemental Budget phase, the CEO will also include recommendations regarding establishing a DYD Project Fund, to be seeded with funding over multiple budget years and deployed as appropriate, to help operationalize the DYD.

### **Employee Relations Issues**

As noted in our October 30, 2020 memo, implementation of the Youth Justice Reimagined model—including the proposed elimination of Probation Juvenile Services—will have significant labor implications. Generally, State law and local rules require the County to negotiate with labor over the impacts of any transfer of duties currently performed by a Memorandum of Understanding (MOU)-covered employee classification. The County will need to account for the additional time required, to be determined and subject to the negotiable issues, to meet these obligations within the overall implementation timeline. For Phase 1, the Youth Justice Report proposed transferring Probation's Citation Diversion Program and its corresponding funding to YDD, which would impact 19.0 Probation budgeted positions, thereby likely triggering the aforementioned rules and processes. The CEO will work with the Probation Department and any impacted labor organizations to meet our statutorily required obligations.

### **Legislative Issues**

Existing State law vests responsibility for the care and custody of detained youth in the Probation Department and prohibits the transfer of certain Probation duties to another County department. Existing law additionally requires the placement of pre-disposition detained youth in a juvenile hall or "other suitable place" and provides that the operation of such facilities must be carried out by the CPO. The transfer of non-ministerial duties and obligations of the Probation Department, as specified under existing law, necessitates legislative changes. Additionally, the Government Code and Welfare and

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Institutions Code enumerate multiple other duties of the CPO, and these duties cannot be transferred to DYD or YDD without legislative changes. CEO Legislative Affairs Branch is working with County Counsel to develop a multi-year legislative strategy to address these existing statutory limitations on the transfer of duties and responsibilities from Probation to the YDD/DYD.

### **Next Steps**

The FY 2021-22 Final Changes Budget includes the CEO's recommendation to fully fund the \$26.1 million budget for YDD's countywide expansion, to provide pre-arrest prevention, youth diversion, and development services to all eligible youth. We will also provide revenue recommendations during the FY 2021-22 Supplemental Budget phase in October, including the potential of establishing a DYD Project Fund. Finally, we will provide your Board with quarterly youth justice system status updates, with the next report due September 10, 2021.

Should you have any questions concerning this matter, please contact me or Rene Phillips, Public Safety Cluster, at (213) 893-1478 or [rphillips@ceo.lacounty.gov](mailto:rphillips@ceo.lacounty.gov), or Songhai Armstead, Executive Director of the Alternatives to Incarceration Initiative, at (213) 974-1664 or [sarmstead@ceo.lacounty.gov](mailto:sarmstead@ceo.lacounty.gov).

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c: Executive Office, Board of Supervisors  
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