



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #301

Serious Juvenile Offender Program (Corrections -- Juvenile Corrections)

[LFB 2009-11 Budget Summary: Page 202, #2, and Page 225, #4]

CURRENT LAW

The Department of Corrections administers the serious juvenile offender (SJO) program for juveniles adjudicated delinquent and ordered to participate in the program. The SJO appropriation reimburses juvenile correctional facilities, secured child caring institutions, corrective sanctions supervision providers, alternate care providers, and aftercare supervision providers for costs incurred for juveniles who receive a SJO disposition. All components of the SJO disposition are state-funded. Counties have no financial responsibility for a juvenile placed in the SJO program. The adjusted base funding for the SJO appropriation is \$16,829,800 GPR annually.

GOVERNOR

Increase funding by \$1,416,800 GPR in 2009-10 and \$1,313,300 GPR in 2010-11 to reflect increased costs associated with state-funded SJO juvenile offenders. In addition, delete \$168,300 GPR annually associated with an across-the-board 1% reduction to most non-federal appropriations.

DISCUSSION POINTS

1. The Department of Corrections administers the serious juvenile offender (SJO) program for juveniles adjudicated delinquent and ordered to participate in the program. Under the program, a juvenile is subject to supervision, care and rehabilitation that is more restrictive than ordinary supervision in the community. The program provides for component phases (various sanctions) that are intensive, highly structured and based on both public safety considerations and

the participant's needs.

2. A juvenile is subject to a SJO placement as follows: (a) if the juvenile is 14 years of age or more and has been adjudicated delinquent for committing a delinquent act that is equivalent to certain Class A, Class B, or Class C felony offenses; or (b) the juvenile is 10 years of age or more and has been adjudicated delinquent for attempting or committing first-degree intentional homicide or for committing first-degree reckless homicide or second-degree intentional homicide. A SJO disposition may only be made for these juveniles if the judge finds that the only other disposition that would be appropriate is placement in a juvenile correctional facility.

3. For a juvenile receiving a SJO disposition, the court is required to make the order apply for a period of five years if the adjudicated act was a Class B or Class C felony offense, or until the juvenile reaches 25 years of age if the adjudicated act was a Class A felony offense. The disposition includes the concept of Type 2 status, which allows the Department to administratively transfer a juvenile through an array of component phases, including both juvenile correctional facility and community placements.

4. All components of the SJO disposition are state-funded; counties have no financial responsibility for a juvenile placed in the SJO program. Funding in the SJO appropriation for 2008-09 is \$16,829,800 and is authorized to pay the costs of: (a) the care of juveniles, including aftercare services, who have been adjudicated as serious juvenile offenders; and (b) the care of juveniles waived into adult court and sentenced to state prison, but placed by the Department at a juvenile correctional facility or a secured residential care center for children and youth.

5. Assembly Bill 75 projects the average daily populations (ADP) for the SJO program in the 2009-11 biennium to be as follows:

**Serious Juvenile Offender
Average Daily Population**

<u>Type of Care</u>	<u>As of February, 2009</u>	<u>Serious Juvenile Offenders</u>	
		<u>2009-10</u>	<u>2010-11</u>
Juvenile Correctional Facilities	113	112	109
Corrective Sanctions Program	90	86	83
Aftercare Supervision	<u>48</u>	<u>43</u>	<u>42</u>
Total ADP	251	241	234
Alternate Care*	48	44	43

*A subset of corrective sanctions and aftercare supervision that includes residential care centers, group homes, treatment foster homes, and certain supplemental living arrangements.

6. The SJO appropriation expenditure authority is budgeted each biennium on the basis of the projected average daily population (ADP) for each type of care and the average costs, or daily rate, for each type of care. The daily rates, which are discussed in separate budget paper, are

established in the budget bill each biennium and specified by fiscal year.

7. The projected ADP for SJO placements are based on admission and placement data through December, 2008. The bill assumes that following a 24-month period of institutional care, certain percentages of juveniles will be placed in the corrective sanctions program and under aftercare supervision, respectively. Further, certain percentages of juveniles in aftercare supervision are also budgeted in alternate care settings, including group homes, residential care centers, foster homes/treatment foster homes, and certain supplemental care placements (monitored living situations in dorm-style settings or small apartments that the Department utilizes for SJOs who are 18 to 21 years of age, still subject to a juvenile disposition, but who are too old to be placed in a juvenile facility).

8. Based on more recent admission and placement data through February, 2008, the SJO projections under the bill can be reestimated. As a result, populations would be increased as follows:

Average Daily Population

<u>Type of Care</u>	<u>Serious Juvenile Offenders</u>	
	<u>2009-10</u>	<u>2010-11</u>
Juvenile Correctional Facilities	114	112
Corrective Sanctions Program	90	87
Aftercare Supervision	<u>46</u>	<u>44</u>
Total ADP	250	243
Alternate Care	45	44

9. As a result of reestimating the SJO population, funding would be modified by \$588,600 GPR in 2009-10 and \$646,800 GPR in 2010-11. Total funding for the SJO program would be \$18,835,200 GPR in 2009-10 and \$18,789,900 GPR in 2010-11.

10. In addition to modifying funding to reflect reestimated SJO populations, the Committee may wish to restore the 1% across-the-board cut to the SJO appropriation of \$168,300 GPR annually. Since the funding for the appropriation is based on the projected population and estimated costs, the Department would only be able to meet the reduction if the actual populations or costs are lower than projected. Restoring the cut would modify the bill by \$168,300 GPR annually. If the funding cut is not restored and populations and costs remain as projected, the Department would need to seek supplemental funding from the Legislature, either through legislation or the s. 13.10 process.

ALTERNATIVES

1. Approve the Governor's recommendation to provide \$1,416,800 GPR in 2009-10

and \$1,313,300 GPR in 2010-11 to reflect increased costs associated with state-funded SJO juvenile offenders. In addition, delete \$168,300 GPR annually associated within a 1% across-the-board reduction.

2. Modify the Governor's recommendation by \$588,600 GPR in 2009-10 and \$646,800 GPR in 2010-11 to reflect reestimated SJO populations for juvenile correctional facilities, corrective sanctions, aftercare supervision, and alternate care placements.

ALT 2	Change to Bill
	Funding
GPR	\$1,235,400

3. In addition to Alternatives #1 or #2, restore the 1% across-the-board cut to the SJO appropriation of \$168,300 annually.

ALT 3	Change to Bill
	Funding
GPR	\$336,600

4. Delete provision.

ALT 4	Change to Bill
	Funding
GPR	-\$2,730,100

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