
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2019 - 2020 Regular

Bill No: AB 1454 **Hearing Date:** July 9, 2019

Author: Jones-Sawyer

Version: July 3, 2019

Urgency: No

Fiscal: Yes

Consultant: SJ

Subject: *Trauma-Informed Diversion Programs for Minors*

HISTORY

Source: National Center for Youth Law

Prior Legislation: SB 840 (Com. on Budget & Fiscal Rev.), Ch. 29, Stats. 2018
AB 1812 (Com. on Budget), Ch. 36, Stats. 2018

Support: Unknown

Opposition: None known

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is to revise the Youth Reinvestment Grant Program, including increasing the maximum grant award and allowing nonprofit organizations to apply for grants through the program.

Existing law establishes the Youth Reinvestment Grant Program within the Board of State and Community Corrections (BSCC) to grant funds, upon an appropriation of funds, as described. (Welf. & Inst. Code, 1450, subd. (a).)

Existing law requires that three percent of the funds in the Youth Reinvestment Grant Program be used for administrative costs to the board. (Welf. & Inst. Code, 1450, subd. (b).)

Existing law provides the following definitions:

- “Board” means the BSCC.
- “High rate” means a rate that exceeds the state average.
- “Trauma-informed” means an approach that involves an understanding of adverse childhood experiences and responding to symptoms of chronic interpersonal trauma and traumatic stress across the lifespan of an individual. (Welf. & Inst. Code, 1451.)

Existing law requires the board to allocate 94 percent of funds for the Youth Reinvestment Grant Program, upon appropriation of funds, to local jurisdictions, including a county, city, or city and county, through a competitive grant process for the purpose of implementing trauma-informed diversion programs for minors. (Welf. & Inst. Code, 1454, subd. (a).)

Existing law requires the board to distribute a grant under this article pursuant to all of the following conditions:

- Requires a local jurisdiction to be awarded no less than \$50,000 and no more than \$1,000,000.
- Requires a local jurisdiction to provide at least a 25% match to the grant that it receives pursuant to this article. Provides that match funds may include a combination of federal, other state, local, or private funds.
 - Provides, however, that a local jurisdiction may provide less than a 25% match, but at least a 10% match, to the grant if the local jurisdiction is identified by the board as high need with low or no local infrastructure for diversion programming.
- Requires 10% of the funds to be distributed to a lead public agency to coordinate with local law enforcement agencies, social services agencies, and nonprofit organizations on implementation of diversion programs and alternatives to incarceration and involvement with the juvenile justice system.
 - Requires 90% of the funds to pass through the lead public agency to community-based organizations, that are nongovernmental and not local law enforcement agencies, to deliver services in underserved communities with high rates of juvenile arrests.
- Identifies highest need based on both of the following:
 - Jurisdictions with high rates of juvenile arrests for misdemeanors and status offenses.
 - Jurisdictions with racial or ethnic disparities on the basis of disproportionately high rates of juvenile arrests.
- Requires services to be community-based, located in communities of local jurisdictions with the highest need.
- Requires services to be evidence based or research supported, trauma informed, culturally relevant, and developmentally appropriate.
- Requires direct service providers who receive funding from a grant pursuant to be nongovernmental and not law enforcement or probation entities.
- Requires direct service providers to have experience effectively serving at-risk youth populations.
- Provides that those services include all of the following:
 - Diversion programs and alternatives to arrest, incarceration, and formal involvement with the juvenile justice system.
 - Educational services, including academic and vocational services.
 - Mentoring services.
 - Behavioral health services.
 - Mental health services.

(Welf. & Inst. Code, 1454, subd. (b).)

Existing law provides that local jurisdictions may apply for funding on a regional efforts basis and receive the aggregate amount of funds that they would have received if awarded as independent jurisdictions. (Welf. & Inst. Code, 1454, subd. (c).)

Existing law requires the board to be responsible for administration oversight and accountability of the grant program under this article, in coordination with the California Health and Human Services Agency and the State Department of Education. (Welf. & Inst. Code, 1455, subd. (a).)

Existing law requires the board, in collaboration with partner agencies, to perform all of the following duties:

- Provide guidance to applicant and recipient local jurisdictions, including guidance regarding available federal, state, and local funds for the purposes of braiding and matching funds.
- Support data collection and analysis to identify and target jurisdictions with the highest need and to measure program outcomes and impacts.
- Track funding allocations and disbursements in accordance with the applicant's proposed plans.
- Secure or set aside sufficient funds to contract with a research firm or university to conduct a statewide evaluation of the grant program and its outcomes over a three-year grant period.
- Make available on its Internet Web site a report of grantees, projects, and outcomes at the state and local levels upon completion of the three-year period.
- Assist the research firm or university by providing relevant, existing data for the purposes of tracking outcomes. Measures may include, but are not limited to, any of the following:
 - Reductions in law enforcement responses to minors for low-level offenses, court caseloads and processing, days the minors spend in detention, placement of minors in congregate care, school and placement disruptions, and facility staff turnover.
 - Improvement in the health and well-being of the minors, school and community stability, educational attainment, and employment opportunities.
 - Projected state and local cost savings as a result of the diversion programming.

(Welf. & Inst. Code, 1455, subd. (b).)

This bill revises provisions of the existing Youth Reinvestment Grant program.

This bill provides the following definitions:

- “Applicant” means a nonprofit organization or local governmental entity.
- “Area of high need” means either of the following:
 - A city or a ZIP Code with rates of youth arrests that are higher than the county average, based on available arrest data.
 - A city or a ZIP Code with racial or ethnic disparities in youth arrests that are higher than their representation in the county population, as described by the applicant.
- “Board” means the BSCC.
- “Diversion program” means a program that promotes positive youth development by relying on responses that prevent a young persons’ involvement or further involvement in the justice system. Diversion programs, which may follow a variety of different models, aim to divert youth from justice system at the earliest possible point. Departments or agencies that may refer youth to diversion programs include, but are not limited to, schools, service organizations, police, probation, or prosecutors.

- “Local governmental entity” means a local government agency, including, but not limited to, county child welfare agencies, county probation departments, county behavioral health departments, county public health departments, school districts, or county offices of education.
- “Nonprofit organization” means a private, community-based organization that is exempt from taxation pursuant to Section 501(c)(3) or 501(c)(4) of the United States Internal Revenue Code, and that is nongovernmental and does not carry out any law enforcement duties.
- “Trauma-informed” means an approach in the diversion system in which all diversion partners should recognize and respond to the impact of traumatic stress and apply a trauma-informed approach that is designed to meet the individual needs of each child.
- “Youth” means both of the following:
 - An individual who is under 18 years of age.
 - An individual who is 18 years of age or older and under the continuing jurisdiction of the juvenile court.

This bill requires, commencing with the 2019-20 fiscal year and thereafter, the board to allocate 97% of funds for the Youth Reinvestment Grant Program, upon appropriation of funds, through a competitive grant process for the purpose of implementing trauma-informed diversion programs for youth.

This bill requires the board to distribute a grant pursuant to all of the following conditions:

- Requires a local governmental entity or nonprofit organizations to be awarded no less than \$50,000 and no more than \$2,000,000.
- Requires an applicant to provide at least a 25% cash or in-kind match to the grant. Provides that match fund may include a combination of federal, other state, local, or private funds.
 - Provides, however, that an applicant entity may provide less than a 25% match, but at least a 10% cash or in-kind match, to the grant if the applicant identifies the service area as high needs with low or no local infrastructure for diversion programming
- Requires 90% of the funds awarded to a local govern entity to pass through to community-based organizations to deliver services in underserved communities with high rates of youth arrest, as describe by the applicant
- Requires services to be community based, located in communities of local jurisdictions with high needs
- Requires services to be evidence based or research supported, trauma informed, culturally relevant, and developmentally appropriate
- Requires direct service providers who receive funding from a grant to be nongovernmental and not law enforcement or probation entities
- Requires direct service providers to have experience effectively serving at-risk youth populations
- Diversion programs include alternatives to arrest, incarceration, and formal involvement with the juvenile justice system. Requires that diversion programs also include one or more of the following:
 - Educational services, including academic and vocational services
 - Mentoring services
 - Behavioral health services

- Provides that applicants may apply for funding on a regional basis and receive the aggregate amount of funds that they would have received if awarded as independent jurisdictions

This bill requires the board to be responsible for administration oversight and accountability of the grant program and to perform all of the following duties:

- Support grantee data collection and analysis and require grantees to provide outcomes of the funded programs
- Make available on its website a report of grantees, projects, and local outcomes upon completion of the grant cycle
- Hold public informational forums in the Central Valley and northern regions of the state

COMMENTS

1. Need for This Bill

According to the author:

Existing law establishes the Youth Reinvestment Grant Program within the Board of State and Community Corrections to grant funds, upon appropriation, to local jurisdictions and Indian tribes for the purpose of implementing trauma-informed diversion programs for minors. The 2019-2020 budget includes an additional \$5 million for the Youth Reinvestment Grant and \$10 million for tribal youth. AB 1454 proposes various changes to the grant language including allowing community organizations to apply directly for the funds. Feedback solicited after the initial round of funding showed that this increased flexibility was needed for jurisdictions where local governments have less capacity to apply for funds. The bill includes a number of other technical fixes as well.

2. Youth Reinvestment Grant

The Youth Reinvestment Grant (YRG) program was established in the 2018 Budget Act and a related trailer bill. The YRG program is aimed at diverting low-level offenders from initial contact with the juvenile justice system using approaches that are evidence-based, culturally relevant, trauma-informed, and developmentally appropriate. Currently, only California cities and counties are eligible to apply for grants. Current law requires the applicant to designate a “lead public agency”—which may be the applicant city or county, or a department or agency within the applicant’s jurisdiction—to receive 10% the funds and to coordinate with local law enforcement agencies, social service agencies, and nonprofit organizations to implement the local grant program. Applicants are required to pass through the remaining 90% of awarded funds to community-based organizations to deliver diversion programs to minors. (BSCC, *Youth Reinvestment Grant Frequently Asked Questions* <<http://www.bscc.ca.gov/wp-content/uploads/YRG-FAQ-POSTED-3.5.19.pdf>> [as of Jul. 3, 2019].)

Over \$37 million was appropriated to the YRG program in the 2018 budget. Ninety-four percent of that amount must be awarded to local jurisdictions through a competitive grant process. Three percent of the amount must be awarded to Native American tribes for implementing diversion

programs for tribal youth. The final three percent is available to the BSCC for the administration of the grant program. (*Id.*)

The current maximum grant amount is \$1,000,000, and the minimum grant amount is \$50,000. The amount requested by an applicant is for the entire 44-month grant cycle. (*Id.*)

The 2019-2020 budget includes an additional \$15 million in one-time General Fund support for the YRG program—\$5 million for local jurisdictions and \$10 million for tribes. (Legislative Analyst's Office, *Youth Reinvestment, Second Chance Act, and Trauma Recovery Center Grant Programs, Presented to the Assembly Select Committee on the Status of Boys and Men of Color*, (Jul. 1, 2019), p. 1 <<https://lao.ca.gov/handouts/crimjust/2019/Youth-Reinvestment-Other-Programs-070119.pdf>> [as of Jul. 3, 2019].) According to the LAO, 30 local jurisdictions have received funding through the YRG program. (*Id.*) Examples of funded programs include a range of after-school and mentoring programs in Culver City and a program in Alameda County that provides services to at-risk or justice-involved youth (such as a late-night sports league, case management, and mentorship). (*Id.*)

This bill amends several provisions of law pertaining to the YRG program. Specifically, this bill allows a non-profit organization to apply for a grant through the YRG program and increases the maximum grant amount from \$1,000,000 to \$2,000,000. This bill amends and adds to the definitions included in Welfare and Institutions Code section 1451. The bill also revises the BSCC's duties with respect to administering the YRG program, and removes language in current law regarding the BSCC's collaboration and coordination with the state Health and Human Services Agency and Department of Education.

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