

## Department of Juvenile Justice

### FY2011 Amended and FY2012 Impact Statements for Budget Reductions

August 2010

The Georgia Department of Juvenile Justice along with all other state agencies is required to submit a budget that reflects reductions up to 10% for the 2012 budget. These reductions follow several years of budget reductions that have had corresponding reductions in staff, services and capacity within the Department. The previous reductions have been mitigated in part by new legislation that reduced length of stay in detention centers by reducing sentence length and giving credit for time served to youth entering the youth development campuses. These and other changes in DJJ policies have allowed the Department to manage and continue to meet the core responsibilities.

The 2012 budget reductions of up to 10% pose significant impacts on The DJJ continuing to meet its core responsibilities. These impacts listed below can be mitigated in significant ways with legislative changes and policy changes. Without reductions in juvenile populations entering the system or new strategies in managing length of stay in facilities or on community caseloads, the proposed cuts will cause crowding in secure facilities and significant reductions in community capacities and services.

#### Secure Facilities

- *The closure of four detention centers and the re-mission of another detention center will cause a reduction in secure detention capacity of 239 beds. The impact may be absorbed during low peak times of the year but detention population fluctuate, and at many times of the year crowding will occur. Crowding leads to increased incidents, there will be a lack of budgeted funds to accommodate the additional youth, and potential concerns over safety and security will arise.*
- *Each detention facility when it operates at 100% capacity must divert the next intake from court or the sheriff to the next available detention facility. This diversion will increase after the reduction in detention facilities. There will be an increase travel time and costs for counties and local law enforcement.*
- *A reduction in the number of detention facilities will cause a realignment of the catchment areas serving each juvenile court and the travel time and expense will increase for local law enforcement even when crowding does not exist.*
- *Youth receiving a disposition under HB 1104 for violating probation will have less bed space allocated within each detention facility. The law allows DJJ to operate within established capacities and no youth can enter the secure probation sanction program unless the bed space is available. After the budget cut less bed space will be available for this program.*

### **Detail of reductions to secure facilities**

- Close 30-bed Regional Youth Detention Centers (1 RYDC @ 6% reduction level; 3 RYDCs @ 8% and 10% reduction levels) (Blakely RYDC – 56 employees, Claxton RYDC- 56 employees, Griffin RYDC – 56 employees)
- Close 49-bed Gwinnett RYDC – 80 employees (close @ 8% and 10% reduction levels)
- Close beds at Eastman YDC (96 beds closed @ 6%reduction level for FY2011 and the 8% reduction level for FY2012; 128 beds closed @ 8% reduction level for FY2011 and the 10% level for FY2012). Approximately 80 – 100 employees will be impacted
- Remission 100-bed Paulding RYDC to a YDC (remission @ 6%, 8% and 10% reduction levels in conjunction with bed closures at Eastman YDC)
- Realign secure commitment funds to add 20 beds at Augusta YDC (add beds @ 8% reduction level in FY2011 and the 10% reduction level in FY2012 in conjunction with bed closures at Eastman YDC)

### **Community Programs and Services**

- ***The loss of 106 beds in contracted residential programs represents a significant reduction and impact on serving high need youth. This loss represents 20% of the contracted residential programs that serve committed DJJ youth. The impact will result in these youth being diverted to other residential programs serving youth in non secure settings. They will displace other youth who currently may be receiving services but have a lower need. The providers may choose not to serve these youth, making the placement of these youth more challenging.***
- ***Reduction in the specialized budget serving other high need mental health youth will further stress the service delivery and program approach for youth needing high level mental health programs. These youth who may be displaced will receive community supervision and referral to local community mental health services.***

### **Details of reductions to community programs and services**

- Terminate the contract with Macon Behavioral Health Care (\$3,922,023). Macon Behavioral provides 50 beds for specialized placement for committed youth. It is an intermediate intervention program that serves as a residential alternative to confinement in a YDC. The program provides stabilization, crisis intervention, diagnostic assessment and treatment for youth with mental health and substance abuse programs. Due to the level of care required for these youth, the closure of Macon Behavioral will require these youth to be served in other intermediate level programs.

- Terminate the contract with Project Adventure (\$485,552). The Project Adventure program vendor has discontinued operations and the contract with DJJ has been cancelled. The Project Adventure contract provided 14 slots for DJJ youth. In order to maintain the same number of slots available for the placement of youth, ideally the Department would redirect the \$485,552 budgeted for the program to be used to place youth in other similar programs. Project Adventure was a wilderness based program providing residential programming, counseling and education programs. The program focused on drug prevention, self esteem, individual responsibility, non-violence and gang prevention.
- Terminate the contract with Bakers Ferry (\$867,767). Bakes Ferry is a temporary non-secure community based residential placement for low risk youth who are charged with crimes or found guilty of crimes and awaiting disposition of their cases by juvenile court. The contract provides for 12 slots.
- Terminate the contract with Augusta A&D (West Care) (\$1,221,829). West Care is a 30-bed long term, highly structured intensive residential program for drug dependent committed youth. This is the only residential substance abuse treatment program provided by DJJ, through contracted services, other than the substance abuse treatment programs conducted within the Youth Development Campuses. With the closure of this program, these youth will have to seek substance abuse treatment through the Department of Behavioral Health community mental health programs.

### **Education Program Changes in Regional Detention Centers**

***The Department proposes to increase the class size in 9 Regional Detention Centers. The class size is currently 15 students for each general education teacher. The change will increase the class size to 20, resulting in a reduction of 12 regular education teachers at the following school sites; Augusta RYDC (1), Aaron Cohn RYDC (1), DeKalb RYDC (1), Gainesville RYDC (1), Macon RYDC (1), Rome RYDC (1), Savannah RYDC (2), Marietta(1) and Metro RYDC (3). This same class size change has been made in the Youth Development Campus school sites as of July 1, 2010. This reduction keeps in place the required "highly qualified" teachers in the appropriate subject matter at these facilities. This action will have no adverse impact on SACs accreditation. The required oversight functions performed by the two positions being eliminated will be reallocated to remaining staff.***

#### **Details of reductions to education programs in RYDCs**

- (\$1,100,000) Increase class size in 9 RYDC basic education programs
- (\$368,413) Eliminate one educational supervisor at Metro RYDC and one regional principal

| <u>Title</u>              | <u>#</u> | <u>Position Cost</u> | <u>Functional Area</u>   |
|---------------------------|----------|----------------------|--------------------------|
| General Education Teacher | 12       | \$100,000            | General education (RYDC) |
| Regional Principal        | 1        | \$146,213            | General education (RYDC) |
| Assistant Principal       | 1        | \$122,200            | Metro RYDC               |

### Personal Services and Administrative Staff Reductions

- ***Reduction in administrative positions and resources impact the management oversight and quality control of both facilities and community operations.***
- ***Continued position freeze hampers the ability at each facility and community office to meet its administrative responsibilities; in personnel actions, budget processes such as paying bills in a timely manner and ordering supplies.***
- ***The loss of funds to pay overtime and continued use of furloughs add to the management issues to ensure there is sufficient staff coverage at the same time when position freezes require current employees to work more shifts.***
- ***Reductions in training positions and budget impacts the skills and knowledge of all staff to adequately deliver services. While basic training activities to meet minimum standards will be in place, necessary training for continued professional development could suffer.***

### Details of Personal Services and Administrative Staff Reductions

- (\$3,000,000) Lapse Factor: The Department has 4,134 authorized positions. To meet budget the Department is required to hold approximately 300 positions vacant at all times all year in order to cover the \$13,200,573 lapse; this represents 6.6% of the personal services budget and 7.2% of positions. The addition of \$3,000,000 increases the required vacancy level to 365 positions to be held vacant all year, 8.1% of the personal services budget and 8.8% of positions. At this level it is more difficult to be selective in the specific positions that are held vacant, but rather becomes dependent upon what positions are vacated regardless of the criticality of the position. Further, staffing restrictions impact morale, employees' ability to take leave when desired, burn-out, and subsequent difficulty in recruitment and retention of staff.
- (\$1,693,686) Furloughs: Six furlough days are proposed, beginning January 1, 2011 for all DJJ staff excluding juvenile correctional officers and food service personnel. Each furlough day saves the Department approximately \$300,000. This is the third year DJJ employees have had salary reductions via furloughs. Due to the significant level of reduction required in a current fiscal year, unfortunately DJJ has had to utilize the furlough option to reach required reduction levels to avoid significant adverse impacts on services to youth. Furloughs have not been uniformly administered throughout all state agencies; which justifiably has created poor morale, recruitment and retention

problems and fundamental fairness and equity issues. (FY09 – 6 days; FY10 – 9 days; FY11 – 6 days proposed).

- (\$1,000,000) Overtime: The Department has an overtime budget of approximately \$1,000,000. For several years expenditures exceeded this appropriated amount due to staff vacancies, turnover, and scheduling. Focus has been placed on more efficient scheduling, monitoring of FLSA overtime balances, ensuring staff take leave to reduce levels of overtime, etc. Further the implementation of the Kronos time keeping system has provided improved management reports which have aided these efforts. It is the current policy to award FLSA overtime in lieu of cash payment to employees working hours beyond their normal schedule. It has become DJJ's policy to pay "post specific" overtime on a pre-approval basis. In managing the payment of overtime in this manner DJJ has been able to dramatically reduce overtime payment except for specific cases. While this has been effective in managing costs it is not without problems. Employees accrue FLSA overtime to levels that require that they take leave before exceeding allowable standards. This creates scheduling and staffing complexities within a facility. Employees are more willing to work overtime if they receive monetary compensation, as opposed to accrued leave, which they may be unable to take due to staffing levels and scheduling. We will continue the practice of post specific overtime as appropriate.
- (\$450,000) Administration position reductions. For the past several years the Department has implemented significant staff reductions in administration programs and functions. While many of these positions are categorized as "administrative" they are in fact critical to the core mission of the agency in that they support functions throughout the agency. Elimination of administrative positions has the unintended consequence of requiring remaining staff to assume these functions thus detracting from their own core responsibilities. Reductions have been achieved through reorganizations, restructuring service delivery, consolidating functions, and eliminating functions. It is through the above actions that the following positions are identified for elimination:

| <u>Title</u>                        | <u>#</u> | <u>Position Cost</u> | <u>Functional Area</u>  |
|-------------------------------------|----------|----------------------|-------------------------|
| Transportation Officer              | 2        | \$34,106             | Transportation of youth |
| Program Coordinator                 | 1        | \$60,385             | Youth Services Division |
| File Clerk                          | 1        | \$28,101             | Youth Services Division |
| Operations Analyst                  | 2        | \$49,877             | Continuous Improvement  |
| Business Analyst                    | 1        | \$66,299             | OTIS                    |
| Training and Development Specialist | 2        | \$49,877             | Training instructors    |
| Criminal Investigator               | 1        | \$45,467             | Investigations          |
| Administrational Generalist         | 1        | \$41,225             | Public Information      |
| Total Positions                     | 11       | Total Savings        | \$450,000               |

## **Realignment Requests**

***As required by Georgia's program budgeting, requests to transfer funds between programs require legislative approval. The following requests are submitted in compliance with this requirement.***

- Utility and maintenance fund transfer from secure detention to secure commitment

A transfer of \$951,025 in state general funds from Secure Detention (RYDC) to Secure Commitment (YDC) is requested to align the budget with projected expenditures related to facility utility costs (\$545,025) and contracted maintenance services (\$406,000) within the Youth Development Campuses. These funds have been incorrectly appropriated in the secure detention program and have been approved for transfer through fiscal affairs committee action in both FY2009 and FY2010. This transfer will correct the placement of funds in the base budget in order that adequate funds are available to meet projected expenditures within each program.

- Residential placement funding replacing lost federal funds

In the FY2011 appropriations bill, state funds in the amount of \$5,963,146 replaced a portion of the loss of federal reimbursement funds, and this amount was appropriated in the Community Supervision Program. The actual loss of funds occurred in two programs; Community Supervision and Community Non-Secure Services. Due to the requirements of program based budgeting, state funds cannot be moved from one program to another without legislative approval. Therefore the Department is requesting to realign state funding for residential placements to the appropriate program. The specific request is to provide funding with the Community Supervision Program required to cover the cost of field staff and the balance (\$1,666,040) be realigned from the Community Supervision Program to the Community Non-Secure Services Program.

- Fully fund RYDC and YDC secure facility contracts

It has been the historical practice for the Department to budget its large secure facility / residential placement contracts at 95% of capacity. There have been several reasons for utilizing this practice over the past years; placement experience has shown that over a one year time period 100% of beds / placements have not been consistently utilized; certain sanctions imposed per the terms of the contract have resulted in some funds not paid to the vendor; available space in other facilities and population management has allowed placement of youth in contracted facilities to be managed at a level under 100% capacity; budgetary constraints allowed DJJ to manage expenditures within these contracts and funds to be used in other critical areas. With the continued reduction of secure facility bed space and the increased pressure on the system as a whole, placements in the contracted facilities have and will continue to operate at 100% of capacity. In order to ensure appropriate funds are available, DJJ is requesting to realign funds to fully fund the YDC and RYDC contracts for Savannah River Challenge (\$415,166), Paulding (\$312,818), and Crisp (\$202,167).

- Realign funds to replace a portion of the structural federal Title IVE deficit

Historically, the Department has received federal reimbursement for costs associated with three federal program; TRIS, TCM and Title IVE. The initiative to pursue federal funding streams began under the

direction of the Governor's Revenue Maximization Program that began in the 4<sup>th</sup> quarter of FY2001. DJJ participated in three programs that allowed access to federal funds.

The Therapeutic Residential Intervention Services (TRIS) program that allowed DJJ to access federal Medicaid funds towards the treatment portion of per diems paid for juveniles placed in approved placements. With the change from Level of Care to RBWO, TRIS funds are no longer available. The Targeted Case Management Medicaid program allowed federal Medicaid funds based on a percentage of the administrative costs incurred by the Department for case management services for Medicaid eligible youth. Title IVE funds reimburse DJJ for part of the Room and Board portion of a Title IVE eligible youth's placement per diem. In addition IVE funds are available to reimburse the agency for a portion of the administrative costs in proportion to the number of Title IVE eligible youth being served. By maximizing the reimbursement of federal funds, the Department has saved millions of dollars in state funds that were replaced in the budget with federal funds.

Due to program and rule changes during the past two to three years, DJJ experienced significant reductions in reimbursements from federal programs to the point where the Department was operating with a structural deficit of between \$6 -\$7 million. Until the current fiscal year, the Department's budget was based on earning \$4.3 million in Medicaid and \$5 million in Title IVE. Actual earnings in FY09 were \$3.3 million, resulting in a deficit of \$6 million and earnings in FY2010 were \$1.5 million in IVE and no Medicaid earnings. In the FY2011 budget, DJJ requested \$7,560,819 in state funds to replace this loss of federal funds. The final FY2011 appropriations bill included \$5,963,146 to replace a portion of the federal funds, leaving a remaining deficit of \$1,597,673. The Department is requesting to realign \$928,177 to cover a portion of the remaining structural federal Title IVE fund deficit.

### **Possible Legislative Initiatives**

- ***Population cap in secure detention facilities that gives legal authority to the DJJ to manage facility population at no more than 100% of capacity.***
- ***Legislate the use of a detention assessment instrument (DAI) to provide objective information to the juvenile court when making decisions to detain youth.***
- ***Limits on low risk juvenile offenders such as youth charged with status offenses from entering detention centers.***
- ***Cost sharing with counties on low risk juvenile offenders who are allowed to enter detention centers. The DJJ pays costs of detention of high risk youth and the counties share the costs of detention on low risk juvenile offenders.***
- ***Allow the juvenile offender charged as an adult in superior court to be detained awaiting court in the county jail while still observing the federal guidelines of sight and sound separation of adults from juveniles. Many jails have the capacity to manage this requirement.***
- ***Allow juvenile court judges the authority to modify the sentence of juvenile's sentences as a designated felon. This clarification in the law will allow youth incentive to do well in secure confinement and be released based on their record of achievement.***
- ***Allow credit for good time under a juvenile sentence to the same extent that adult offenders receive.***

- *Allow juvenile judges to sentence under the designated felon statute for a minimum of six months rather than one year. Include that a sentence of six months would receive a corresponding reduction in the overall 5 years under supervision to 3 years.*

## Summary

The budget instructions from the Governor's Office of Planning and Budget direct a planning process that considers a range of possible budget reductions for FY 2012 budget. At the lower range of 6% the DJJ submission is tailored to rely less on legislative initiatives to manage core responsibilities than at the 10% reduction plan. At the higher level of budget reduction the core responsibilities will be impacted significantly without law change and policy change. Crowding in facilities and less ability to meet the needs of youth in the community is forefront in the challenge of absorbing a 10% budget reduction. While public safety remains the main focus the resources of the DJJ will of necessity focus on meeting the needs of the highest risk, highest need youth.