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# JUVENILE JUSTICE PUBLIC SAFETY IMPROVEMENT ACT

## *Detention Cost-Sharing Fund*

### WHAT IS THE DETENTION COST-SHARING FUND?

The Governor is recommending a Detention Cost-Sharing Fund through 2019. This fund will be distributed to counties that experience increased use of detention beds as a result of the reforms.

### HOW WILL THE FUND WORK?

- The Department of Corrections (DOC) will administer the fund.
- To be considered for funding, counties must provide DOC with documentation by March 1, 2016 showing juvenile detention bed days paid for by the county for calendar years 2013, 2014, and 2015. Counties that do not provide the data by that date will have the opportunity in subsequent years to participate in the fund by submitting this information by the same date in each subsequent year.
- By March 1 of each year participating counties must submit the number of juvenile detention bed days paid for by the county during the preceding calendar year. The DOC will compare the number of days the county paid for in that calendar year to the average number of detention bed days paid for in calendar years 2013, 2014, and 2015. If the days paid for during the calendar year in question exceed the average, DOC will pay the county \$200 per day for each day exceeding the average. If the amount owed to the participating counties exceeds the amount of money in the fund, the amount reimbursed per bed day will be prorated to fulfill all requests.
- The Detention Cost-sharing fund will sunset on June 30, 2019 and any remaining monies shall be transferred to the General Fund.

### WHY HAVE A DETENTION COST-SHARING FUND?

There are a number of provisions in the bill that will lead to a reduced reliance on county juvenile detention beds. Those provisions are expected to lead to:

- Fewer juveniles coming into the court system overall, and fewer coming in through a process allowing for detention. Therefore, fewer eligible for detention stays. Specifically, the bill includes:
  - Fiscal incentives to counties to encourage the use of diversion;
  - Criteria specifying that youth who are non-violent misdemeanants or CHINS with no adjudications and no diversions in the last year be referred to diversion; and
  - A new juvenile citation procedure for four low-level offenses.
- Shorter detention stays. The bill includes:
  - A requirement that the court enter findings on the record in order to place a youth in county detention for more than 14 days in a 30-day period; and
  - Graduated sanctions for juvenile probation violators, meaning that court services officers will have a range of proportional responses to violations, with detention designated as a last resort.

Despite the provisions in the bill that will limit the use of detention, there is some possibility that judges exercising their discretion may choose to use detention beds where DOC is not a viable option. The Detention Cost-Sharing Fund is intended to account for this possibility.