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ALAMEDA COUNTY

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*[Signature]*

SUPERIOR COURT OF CALIFORNIA  
CITY AND COUNTY OF ALAMEDA

MARGARET FARRELL,  
  
Plaintiff,  
  
vs.  
  
JAMES TILTON,  
  
Defendant.

Case No.: RGO3079344  
SEVENTH REPORT OF SPECIAL  
MASTER

Pursuant to paragraph 28 of the November 2004 Consent Decree, the special master submits for filing the attached report. The special master's report and its appendices were circulated to the parties' in draft form. This final version reflects consideration of the parties' comments.

Dated: April 17, 2008

*[Signature]*  
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Donny Brorby  
Special Master

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PROOF OF SERVICE

I, Donna Brorby, declare that:

I am employed in the City and County of San Francisco, California. I am over eighteen years of age, and not a party to the within cause; my business address is 605 Market Street Ninth Floor, San Francisco, California 94105-3211.

On April 17, 2008, I caused to be served the attached SEVENTH REPORT OF SPECIAL MASTER on the parties in said cause by placing in a United States mailbox a true copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, addressed as follows:

Monica N. Anderson  
Supervising Deputy Attorney General  
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P.O. Box 944255  
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Katie Riley  
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Corrections and Rehabilitation  
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1515 S. St. Ste. 314S  
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on April 17, 2008 at San Francisco, California.

  
\_\_\_\_\_  
Donna Brorby

## I. INTRODUCTION

The special master has not received any formal expert or monitor reports since the date of her last report. Based on the procedures the parties have adopted and the experts' schedules, the special master expects to receive and file new expert and monitor reports with her next two quarterly reports.<sup>1</sup> These reports will provide comprehensive updates on DJJ's progress under all of its remedial plans. An index of the past expert and monitor reports is attached as Appendix A.

In this report, the special master revisits the areas of organizational structure and management effectiveness, policy development and dissemination, contracting and accounting, information technology and personnel processes. By late 2006 and early 2007, DJJ had failed to meet numerous deadlines set by the remedial plans, had not taken the first big steps towards systemic change outlined in the safety and welfare plan and had not proffered any revised timelines.<sup>2</sup> During the same period, the experts' reports began to reveal that DJJ was having difficulty contracting, paying contractors, developing policies, and tracking and filling personnel vacancies. By June 2007, it was clear that DJJ's intentions and efforts to comply with the *Farrell* plans were being stymied by serious issues relating to DJJ's management and business systems' capacity.<sup>3</sup>

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<sup>1</sup> Since their last reports, the experts in the areas of education, disabilities, health services, sexual behavior treatment and safety and welfare have monitored individual facilities and provided the parties and the special master with informal reports on their site visits. The education experts have completed their third round of monitoring and provided the parties and the special master with audit reports for all facilities.

<sup>2</sup> See, Third Report of the Special Master (November 2006), pp. 14-16; Fourth Report of the Special Master (June 2007), pp. 2-11; and Fifth Report of the Special Master (October 2007), pp. 1-19. The safety and welfare plan, for example, called for DJJ to implement major changes at two of its eight facilities in the first half of 2007 ("converting" Chaderjian to a facility of treatment programs and a second facility to DJJ's model for a "core treatment program"). Yet, in late 2006 and early 2007, DJJ was not making necessary preparations. This became clear during the parties' and experts' meeting with DJJ management and reform implementation staff on February 16, 2007, at the end of which the experts counseled that DJJ required substantially more preparation before making the conversions. The conversions still are pending.

<sup>3</sup> See, Fourth Report of the Special Master (June 2007), pp. 4-11.

Since June 2007, CDCR and DJJ have taken significant steps to identify and to address these central office capacity and business systems issues.<sup>4</sup> This report addresses DJJ's progress from October 2007 through mid-March 2008, since the Fifth Report of the Special Master. It appears that the steps that CDCR and DJJ have taken since June 2007 have improved DJJ's management effectiveness and the capacity of CDCR/DJJ business systems; however, issues of effectiveness and capacity continue to interfere with DJJ's progress towards compliance with the remedial plans.

Numerous individuals are working diligently to move DJJ forward towards the goals of the remedial plans with some significant progress and successes. For example, O.H. Close has been singled out as exemplary by a consensus of the experts, where youth are benefiting from its substantial progress towards compliance with the remedial plans.<sup>5</sup> Some of the experts have reported that that Southern Youth Correctional Reception Center and Clinic may be making comparable progress under the remedial plans, with comparable benefits for youth.<sup>6</sup> The managers and staff of those facilities are to be commended. In the areas of education and disability access where experts have provided compliance ratings for items audited at each facility over two rounds of audits, DJJ overall has increased its proportion of compliance ratings, certainly an indication of some effective efforts.<sup>7</sup> As a corollary, DJJ also increased its rate of high school graduations from 6.4 per 100 students in 2005 - 06 to 8.3 in 2006 - 07.<sup>8</sup>

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<sup>4</sup> See, Fifth Report of the Special Master (October 2007), pp. 1-19.

<sup>5</sup> Consensus of the experts, February 22, 2008 meeting; statements of Barbara Schwartz to the special master April 11, 2008 ("excellent" sexual behavior treatment program).

<sup>6</sup> Statements Tom O'Rourke and Robert Gordon during February 22 meeting, and Barry Krisberg to the special master March 24, 2008.

<sup>7</sup> DJJ Quarterly Report, pp. 1-3 and 19 (education audit summary confirmed by Amelia Post of the special master's office). The education experts note the caveat that the importance of audited items vary, such that high levels of compliance with smaller items is of limited meaning and value in the absence of compliance with the important items like school attendance. Statements of Tom O'Rourke to the special master, March

Still, the successes appear to be the result of the exceptional efforts and skillfulness of some individuals and do not appear to be reliably sustainable and replicable. DJJ's largest facility with over 600 youth, Heman G. Stark still is characterized by endemic racial violence that, among other things, greatly limits school attendance.<sup>9</sup> By consensus, the experts believe that deficiencies in management effectiveness and/or systems capacity issues are seriously impeding DJJ's progress in implementation of the remedial plans.<sup>10</sup> The safety and welfare and mental health experts do not yet see the beginnings of the systemic and transformative changes that their plans require. Sometimes DJJ has failed to meet plan requirements that seem relatively straightforward and simple, without providing an explanation to the special master and experts.<sup>11</sup>

## II. ORGANIZATIONAL STRUCTURE AND MANAGEMENT EFFECTIVENESS

The consent decree in this case requires that DJJ remedy deficiencies identified in the reports of the parties' joint experts in six broad areas covering most aspects of DJJ

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24, 2008. The medical experts found significant improvement in medical care after their first full audit in 2006 – 2007, compared to 2003. *See*, Fifth Report of the Special Master, pp. 22-23.

<sup>8</sup> DJJ reports 161 graduations and 2516 students in 2005-06 and 172 graduations and 2064 students in 2006-07. The special master did not examine the data and does not know if it is statistically significant.

<sup>9</sup> Consensus of the experts, February 22, 2008 meeting; statements of Tom O'Rourke to the special master March 24, 2007 (school attendance at Stark greatly limited due to violence); DJJ COMPSTAT, 4<sup>th</sup> Quarter 2007 (population data).

<sup>10</sup> Consensus of the experts, February 22, 2008.

<sup>11</sup> *See*, nn. 38 and 45 below (failure to fill training team and mental health senior administrator position). *See also*, the chronology of the development and steps towards implementation of the policy for the management of youth at risk for self harm, First Report of the Special Master (March 2005), pp. 32-33; Third Report of the Special Master (November 2006), pp. 7-11; Fourth Report of the Special Master (June 2007), pp. 15-18; and Sixth Report of the Special Master (January 2008), pp. 1-3. DJJ still has not put in place the resources necessary to provide training to clinicians that the mental health experts believe is necessary for successful implementation of the policy. The mental health training team positions were authorized as of January 2007, but DJJ's top management did not authorize that they actually be filled until December 2007. For a second example, see Second Report of the Special Master, p. 19, and Fourth Report of the Special Master p. 25 documenting the delay in achieving written cooperative agreements at any facility detailing how custody, treatment and education management and staff would work together to ensure that youth would receive all necessary services, including a full school day for youth required to attend school.

operations. During late 2004 and early 2005, DJJ's leadership visited several facilities run by other state juvenile corrections systems that had successfully implemented an evidence-based rehabilitative approach.<sup>12</sup> Like the parties' joint experts who had recommended the visits, DJJ's leadership concluded that these other facilities, compared with DJJ's punitive adult-prison-type facilities, were better able to reduce recidivism, increase public safety and develop youth skills, maturity and sense of social responsibility.

Timelines for filing two remedial plans were extended in an effort to allow DJJ time to consider variations among the models and to develop a written comprehensive reform plan.<sup>13</sup> DJJ finalized the safety and welfare and mental health remedial plans with the assistance of national experts and, in four submissions from July through December 2006, filed the plans and their compliance standards and criteria.<sup>14</sup> To DJJ's credit, these revised remedial plans chart a transformation of California's state juvenile corrections system from one that mimics its adult prison system to one based on more humane and successful juvenile corrections models observed in other states.

At the same time, as the national experts who assisted with the development of the safety and welfare plan noted, "without the capacity to manage reform, reform will not happen."<sup>15</sup> This is why the plan requires DJJ to take relatively quick and decisive action to "build the capacity for change" by increasing management resources and

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<sup>12</sup> This was before the reorganization that brought DJJ (formerly, California Youth Authority or "CYA") within CDCR so it was CYA's leadership at the time.

<sup>13</sup> Stipulation Regarding California Youth Authority Remedial Efforts, January 31, 2005.

<sup>14</sup> See, Third Report of the Special Master, pp. 3, 7; and Fourth Report of the Special Master, pp. 1, and 20. In January 2005, the parties agreed that DJJ would have until November 30, 2005 to file its safety and welfare and mental health plans. After DJJ filed the required plans in November 2005, the parties' disagreed about their adequacy, and agreed at that time to retain experts to review and modify or supplement them. Stipulation Regarding Safety and Welfare and Mental Health Plans, December 1, 2005.

<sup>15</sup> Murray et al, Redraft of DJJ draft Safety and Welfare Plan "Implementing Reform in California" (March 31, 2006) p. 19.

effectiveness, developing clear and consistent policies, holding staff accountable for compliance with policies, developing a system that provides the information that managers need and by training staff in the standards of care and practices that characterize treatment-oriented juvenile correctional facilities.<sup>16</sup> As a first step, the plan requires DJJ to develop an organizational chart, fill key management positions, retain a manager to implement project management and create new central office groups responsible for planning and implementing reform initiatives. The mental health plan similarly requires increased and improved management capabilities and resources.

#### A. Central Office Organization And Capacity

##### 1. Organizational Chart And Structure

DJJ had just been through a reorganization that moved some of its administrative staff to CDCR and made it dependent on CDCR for all business and legal functions as the safety and welfare plan was being finalized in the first half of 2006. As the national experts who assisted DJJ in finalizing the safety and welfare plan observed, the merger at least temporarily “blurred lines of authority and slowed organizational responses.”<sup>17</sup> DJJ did not have a central office organization chart at the time.<sup>18</sup> The safety and welfare plan lays out principles for an adequate organizational structure and requires DJJ to have a central office organizational chart that meets those principles by September 2006 as well as facility organizational charts by October 2006.<sup>19</sup>

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<sup>16</sup> See, Safety and Welfare Remedial Plan, Section 2.

<sup>17</sup> Murray et al, redraft of DJJ November 30, 2005 Safety and Welfare Remedial Plan (March 31, 2006) p. 19.

<sup>18</sup> *Id.*, p. 23.

<sup>19</sup> Safety and Welfare Remedial Plan, pp. 12-14.

During April and October 2007, DJJ filed unsigned and therefore unofficial central office organizational charts with its case management conference statements.<sup>20</sup> These charts were not complete as to all central office functions. In February 2008, DJJ provided the special master and experts with an unsigned central office organizational chart that does appear to be complete as to all the central office functions and positions. DJJ must provide an official, signed version of its central office organizational chart before the experts and special master will consider DJJ to be in compliance with the safety and welfare requirement that it create and maintain a central office organizational chart.

The February 2008 DJJ organizational chart appropriately clarifies the relationships between health services, mental health services and sexual behavior treatment (mental health is a part of health services and sexual behavior treatment is a part of mental health). The experts have only a few issues with it, the biggest of which involves the reporting relationship of the medical director to the program director. The health services plan requires that the medical director report directly to the chief deputy secretary. Consistent with this requirement, the medical director has been reporting directly to the chief deputy secretary while the program director position has remained vacant. Now that the program director position has been filled, the medical experts will evaluate how the practice of requiring the medical director to report to the program director affects clinical autonomy and the medical director's ability to discharge his/her responsibilities for health care services.<sup>21</sup> The mental health experts have expressed

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<sup>20</sup> See, Defendant's Amended Case Management Conference Statement Regarding Proposed Remedies to Improve Compliance with Consent Decree Per August 6, 2007 Court Order, October 19, 2007.

<sup>21</sup> Email, LaMarre, March 11, 2008. The experts have mentioned to the special master are familiar with other systems where such a central office structure works.



concerns that the chart does not depict the necessary administrative and clerical support for mental health management.<sup>22</sup> The medical and dental experts have noted that the current chart does not indicate how dental health managers, who appropriately are assigned to facilities, report to the central office.<sup>23</sup> None of these issues would prevent the experts from finding DJJ in compliance with the safety and welfare plan requirement to have a central office organizational chart if it finalized the current chart.

Organizational charts are never static and DJJ may make changes in the future for any reason, including addressing experts' concerns.

## 2. Central Office Vacancies

DJJ finally has filled the position of director of programs, the last of four director positions reporting to the chief deputy secretary.<sup>24</sup> The new director, Douglas McKeever, started work in January 2008 and he appears to be very capable and motivated. His first priority has been to take stock of his areas of responsibility and to visit all facilities. To the extent that he has shared them with the special master and the experts, Director McKeever's initial perceptions and priorities, are consistent with the experts' views.<sup>25</sup>

His colleagues also believe that his addition to management is a very positive

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<sup>22</sup> Email, Trupin, March 21, 2008. Further, the chart reflects the separate hierarchies for mental health treatment and other psychologically based treatment programs. The mental health experts will continue to evaluate how this works in practice with respect to clinical autonomy and integration of treatment programs. Statements of Eric Trupin to special master, March 18, 2007.

<sup>23</sup> Email, Sauter, March 18, 2008 and LaMarre, March 7, 2008.

<sup>24</sup> The safety and welfare plan required the position to be filled by October 1, 2006. It does not refer to any other director positions. S&W 2.1.1. There was one director, the director of facilities, (Wilder succeeded by Youngen) reporting to the chief deputy secretary from July 2006, when the safety and welfare plan was filed, until August 2007 when a second (Hanson) was added as director of administration and operational support. Mr. McKeever is the third, responsible for DJJ programs. The other position at that level, director of juvenile paroles, also is filled. DJJ Organization Chart, February 26, 2008, p. 2. Juvenile parole is subject of a separate lawsuit, *L.H. v. Schwarzenegger*, 519 F.Supp.2d 1072 (E.D.Cal. 2007).

<sup>25</sup> Email, LaMarre, February 28, 2008; statements of Barry Krisberg to special master March 7, 2008; and conclusion of the special master based on statements of McKeever to the special master, February 27, 2008.

development.<sup>26</sup> Director McKeever's background and skills are in the area of administration and project management and *not* in juvenile correctional programs. He and DJJ, therefore, will have to draw upon the program expertise of national experts and other DJJ administrators, such as facilities director Sandra Youngen, if DJJ is to successfully change its programs and facilities according to the prescription of the safety and welfare and mental health plans.<sup>27</sup>

Approximately 20 percent of DJJ's authorized central office positions remain unfilled.<sup>28</sup> Nine (27 percent) of the thirty-three central office education positions are vacant, including the superintendent and deputy superintendent positions and two of the three positions directly under the deputy's position.<sup>29</sup> Director McKeever says that filling the top two positions with individuals of proven ability is one of his highest priorities. DJJ is engaging in a national search for candidates with the experience and skills necessary to implement the changes that the education remedial plan requires.<sup>30</sup> These two positions have been vacant since December 2007 and the administrators filling them previously were "acting" and not permanent appointments.<sup>31</sup> The education experts

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<sup>26</sup> Statements of Youngen to the special master, February 21, 2008.

<sup>27</sup> The national experts who assisted DJJ in finalizing the safety and welfare plan observed CYA/DJJ had fallen from being a "national leader" in juvenile corrections to a state with "a system that is broken almost everywhere you look." As it fell, it withdrew from the national dialogue among juvenile corrections agencies and experts and became "parochial." Murray et al., Redraft of DJJ draft Safety and Welfare Plan "Implementing Reform in California" (March 31, 2006) pp. 1, 19. The safety and welfare and mental health experts continue to observe that DJJ's parochialism is an obstacle to its efforts to implement the remedial plans. One of Director McKeever's early decisions that bodes well has been to clarify that DJJ's chief psychiatrist may freely consult the mental health experts (and presumably the sexual behavior treatment and medical experts as well). Statements of Eric Trupin to the special master, March 21, 2008.

<sup>28</sup> DJJ central office organizational chart (February 26, 2008), p. 11; "vacancy report" provided by email April 14, 2008 (85 of 397.6 total authorized positions vacant). Since June 2007, when DJJ finally had the capacity to track positions and vacancies, the vacancy rate has varied from 17 to 20 percent. *See*, Fifth Report of the Special Master, p. 9, n. 33.

<sup>29</sup> DJJ central office organizational chart (February 26, 2008), p. 11.

<sup>30</sup> Statements of Doug McKeever to the special master, February 27, 2008; statements of Bernard Warner to the special master, April 9, 2009.

<sup>31</sup> Since their first round of monitoring in 2006, the education experts have reported the necessity for a permanent superintendent of education. *See*, Second Report of the Special Master (June 2006), p. 20 *and*

support DJJ in taking the time necessary to hire well-qualified administrators with the proviso that DJJ must do whatever is necessary to identify and address all issues that inhibit applications by and hiring of such individuals. DJJ will not succeed in implementing the education services remedial plan without more effective educational leadership and management than it has had to date.<sup>32</sup>

Nine (27 percent) of the thirty-three central office health (including mental health) services positions are vacant.<sup>33</sup> One position that the special master has been tracking is that of clinical records administrator. The position has been vacant since September 2006 when a qualified administrator with a registered records administrator (“RRA”) certification left because DJJ had not secured the necessary approval of the Department of Personnel Administration to raise her salary by five percent to meet her initial salary demand. For approximately a year, DJJ failed to take effective action to fill the position or to identify and address the obstacles to filling the position.<sup>34</sup> Beginning in September 2007, DJJ acknowledged that the clinical records administrator position could not be filled because the salary was not competitive and there was no one on the civil service list. It investigated an alternate civil service position, medical records director, by requesting lists from state agencies that used the position, and found that there were either no names or very few names on those lists. As a result, DJJ reclassified the position to eliminate the requirement for a registered records administrator (“RRA”) certification and to increase the salary. A candidate has accepted DJJ’s offer for that

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Fourth Report of the Special Master, p. 28 (June 2007). The education experts explained during the February 22, 2008 meeting of experts that DJJ’s use of rotating “acting” superintendents has meant that the educational system lacked a leader with sufficient institutional power to exercise the necessary leadership.

<sup>32</sup> Email O’Rourke, April 15, 2008; email Robert Gordon, April 14, 2008.

<sup>33</sup> DJJ central office organizational chart (February 26, 2008), p. 10.

<sup>34</sup> See, Fourth Report of the Special Master (June 2007), p. 20; Fifth Report of the Special Master (October 2007), p. 25.

position and is being processed for hiring by CDCR's personnel office. DJJ also has entered into a two-year contract for an RRA certified clinical records consultant who will begin work with DJJ in June 2008. The consultant will assist DJJ with the development of clinical and treatment records policies and procedures.<sup>35</sup> The medical experts are scheduled to audit central office health services issues in June 2008, which will be an occasion for them to evaluate the adequacy of clinical records administration.

Director McKeever has appointed acting chief psychiatrist Juan Carlos Arguello as DJJ's senior administrator to oversee and direct implementation of the mental health remedial plan and its coordination with other plans.<sup>36</sup> Dr. Arguello has the requisite experience for the position, and his appointment is appropriate recognition of the fact that he actually has been serving both as acting chief psychiatrist and as senior mental health administrator. But the appointment does not add any resource to the central office mental health unit. Due to the magnitude of the clinical and administrative tasks involved in both managing mental health services delivery and implementing new mental health treatment programs, the mental health plan provides for two separate positions for chief psychiatrist and senior mental health administrator for plan implementation because of.<sup>37</sup> DJJ's quarterly reports refer to a vacant funded position for the senior administrator.<sup>38</sup>

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<sup>35</sup> Statements of David Gransee, DJJ health services administrator, and Nick Burgeson to the special master, February 21 and April 9, 2008.

<sup>36</sup> The mental health plan requires DJJ to have a high level "senior administrator with experience in implementing of mental health programs to oversee and direct implementation of [the mental health remedial plan] and its coordination with other remedial plans." Mental Health Remedial Plan, p. 75-76. The administrator was due to be appointed January 31, 2007. MH 12.3. The information about the appointment is from an email from Monica Anderson to special master, March 19, 2008.

<sup>37</sup> See, Mental Health Remedial Plan, p. 75-76; MH standards and criteria 12.3. The chief psychiatrist is responsible for providing leadership and management of mental health services, clinical oversight of mental health services, supervision of clinicians and development of the policies and procedures for the delivery of mental health services. Mental Health Remedial Plan, pp. 7-8.

<sup>38</sup> See, DJJ Quarterly Report (January 2007), MH matrix, p. 12 (in process of appointing position); DJJ's Quarterly Report (April 2007), MH matrix, p. 12 (in progress); DJJ Quarterly Report (July 2007), MH matrix, p. 11 (position funded, mental health not authorized to fill it); DJJ Quarterly Report (October 2007),

Dr. Arguello certainly is not in a position to discharge all the duties of both positions with the meager resources that he has been allotted. To be successful, DJJ must employ more clerical and administrative support for both positions. If DJJ provides the necessary support, the mental health experts would find it acceptable for DJJ to have Dr. Arguello act in both capacities until they have had enough time to evaluate whether he, with support staff, is able to do so.<sup>39</sup> DJJ has said that it is evaluating its mental health resources and its capacity to implement the mental health plan.<sup>40</sup>

In December 2007, DJJ took the first step towards establishing the dedicated mental health training team, required by the mental health plan, consisting of at least three licensed clinicians, an instructional designer and an office technician.<sup>41</sup>

Specifically, DJJ assigned the three clinical positions along with an office technician position to the central office's mental health program unit.<sup>42</sup> In March 2008, DJJ assigned the instructional designer position. DJJ advertised these positions in late February and early March 2008.<sup>43</sup> Under the mental health plan, the positions were to have been filled by January 31, 2007.<sup>44</sup> DJJ, however, did not release the clinical positions to the mental health unit until December 2007. It released the additional

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MH Matrix, p. 17 (position funded, mental health not authorized to fill it). In its comments on the draft of this report, DJJ clarifies that its only "senior mental health administrator" position in central office is filled by a person with lower level administrative responsibilities. The special master was not able to get further clarification as to whether the DJJ Quarterly Report entries noted above were accurate or inaccurate at the time they were provided.

<sup>39</sup> Statements of Eric Trupin to the special master, March 19, 2008. The chief psychiatrist has almost no clerical or administrative support per the DJJ organization chart, February 26, 2008, p. 10. If Dr. Morales, who was DJJ's chief psychiatrist until he was forced to take a military leave, returns to DJJ in October 2008, as expected, DJJ then will have increased psychiatric resources.

<sup>40</sup> DJJ comments on the draft of this report, April 11, 2008, p. 2.

<sup>41</sup> See, Mental Health Remedial Plan, p. 75-76.

<sup>42</sup> DJJ central office personnel report, March 2008; and DJJ Quarterly Report (January 2008), p. 61 (3 clinicians).

<sup>43</sup> DJJ "Special Master Report Headquarters Position Tracking" report, March 18, 2008 (email Riley March 17, 2008).

<sup>44</sup> MH 12.3.

instructional designer position in early 2008.<sup>45</sup> During this delay for which there does not appear to be a good explanation, the mental health experts were urgently pressing for clinical training and the development of a more uniform and coherent treatment approach.<sup>46</sup>

### 3. Project Management

The consent decree requires DJJ to retain a high-level project manager and to provide that manager with sufficient support personnel for the management of the remedial plans in this case, during the development of the plans and during their implementation. The consent decree further requires that DJJ provide quarterly reports “regarding progress made, compliance with deadlines and actions taken in implementing this Decree.”<sup>47</sup> As the special master’s reports have chronicled, DJJ has improved its project management and quarterly reporting over the years.<sup>48</sup> By fall 2007, DJJ had a project manager of appropriate rank in place with several support staff including the very able and hardworking *Farrell* litigation coordinator.<sup>49</sup> Still, DJJ has not yet been able to develop an adequate system for tracking and showing its progress towards compliance with each of its obligations under the remedial plans. As it has failed to meet many of the early deadlines set by the safety and welfare and mental health plans, it has not been able to propose revised timelines. Its quarterly reports so far have tended to be overly

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<sup>45</sup> See, DJJ Quarterly Report (January 2007), MH matrix, p. 4 (training team positions identified, in process to fill them); DJJ’s Quarterly Report (April 2007), MH matrix, p. 4 (training team OT filled, in process to fill other positions); DJJ Quarterly Report (July 2007), MH matrix, p. 4 (positions funded, mental health not authorized to fill them); DJJ Quarterly Report (October 2007), MH Matrix, p. 4 (support staff hired). When the mental health experts and special master asked the chief psychiatrist why he was not filling the position, he said only that he was not authorized to fill them.

<sup>46</sup> See, e.g., Fourth Report of the Special Master (June 2007), p.19 and Appendix B (Lee/Trupin report).

<sup>47</sup> Consent decree, paras. 32 and 25.

<sup>48</sup> See, First Report of the Special Master, pp. 45-47; Second Report of the Special Master, pp. 6-7; Fourth Report of the Special Master, pp. 3-4; and Fifth Report of the Special Master, p. 9.

<sup>49</sup> The special master and Monitor Beltz met with project director Carmen Delgado and litigation coordinator Doug Ugarkovich on November 16, 2007.

positive, have omitted important information and have failed to address important issues raised in special master and expert reports.<sup>50</sup>

DJJ reports that it intends to employ more modern project management techniques and tools in its effort to develop revised strategies and timetables for complying with the remedial plans in this case and to track its compliance progress. Towards this end, it has executed a \$250,000/two-year contract with Delegata Corporation, a consulting firm with expertise in project management. Under the February 2008 contract, Delegata is to develop a project management plan addressing DJJ's *Farrell* compliance. The project management plan is to include a task breakdown and a proposed implementation schedule. Delegata is also contracted to provide weekly and monthly updates and progress reports, lead project team meetings and provide other project management support. It is to train select DJJ staff to perform project management tasks.<sup>51</sup> Director McKeever was impressed by Delegata's project management work at CalPERS and expects that DJJ staff will be able to develop effective project management skills and techniques with Delegata's assistance.<sup>52</sup> DJJ reports that Delegata will not meet the timetable set by the contract, which projected that, the project management plan would be completed by mid-April and the project management staff would be trained by May 2008.<sup>53</sup>

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<sup>50</sup> Consensus of the experts during their February 22, 2008 with the special master. For example, the 2007 quarterly reports did not reveal why the mental health training team and administrator positions were intentionally left vacant and they did not address the mental health experts concerns that the positions be filled. See nn. 38 and 45, above.

<sup>51</sup> Statements of Ugarkovich to special master February 21, 2008; statements of McKeever to the special master February 27, 2008. The scope of work section from the CDCR/Delegata contract is attached hereto as Appendix B.

<sup>52</sup> Statements of McKeever to the special master February 27, 2008.

<sup>53</sup> DJJ comments on draft version of this report, April 11, 2008, p. 3.

DJJ also has retained Christopher Murray and Associates to assist it with the planning and project management necessary for it to be successful in implementing its *Farrell* remedial plans.<sup>54</sup> Christopher Murray is the planner who headed the expert team that assisted with the development of the safety and welfare and mental health remedial plans. Both of the parties, the special master and the experts who have worked with him have a great deal of respect for his abilities.<sup>55</sup> He uniquely is in a position to help DJJ revise its plans based on new circumstances and track the implementation of the plans. Under the present contract, Murray is responsible for “coordinat[ing] with departmental staff, control agencies and outside stakeholders” as he “provide[s] planning, advice and recommendations for implementing the *Farrell* remedial plans.” He is contracted to provide assistance to DJJ with plans for managing the closures of facilities during DJJ’s downsizing under Senate Bill 81. He is to “develop a master project work plan and schedule that incorporates the key elements of all six remedial plans.” He is to “coordinate with internal and external stakeholders to minimize or eliminate disruption to approved master project timelines” and “identify and report any unforeseen barriers which may cause project timelines to be extended.” Murray also is responsible for developing a master plan for submission to the California state legislature covering risk needs assessment and evidence based treatment strategies that the counties might implement in their juvenile justice programs.<sup>56</sup> He began his work under a previous

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<sup>54</sup> Standard Agreement, Agreement Number DJJ.07052, Chris Murray and Associates. Portions of that agreement are attached hereto as Appendix C.

<sup>55</sup> Statements of counsel for the parties, DJJ staff, experts Krisberg, Trupin, Lee during development of the safety and welfare and mental health plans in 2006; statements of Krisberg March 23, 2008.

<sup>56</sup> See Appendix C (Murray contract scope of work).



contract and now is fully engaged in it under his new contract, effective March 12, 2008.<sup>57</sup>

#### 4. Central Office Program Development And Implementation Work Groups

The safety and welfare plan requires that DJJ establish program development and implementation, transition and compliance teams composed of a minimum of a director and a total of eleven members among the teams. The plan also requires that DJJ support each team with sufficient numbers of “dedicated analysts and support staff necessary to carry out its duties.” A minimum of four of the eleven team members are to be senior mental health clinicians or administrators. The plan further requires that DJJ employ at least 18 trainers/quality assurance specialists.<sup>58</sup>

By June of 2007, DJJ had established a 16-member program implementation and transition team in place. Only two of the required four mental health clinicians were on the team. DJJ planned to create a compliance team after appointment of the *Farrell* project manager. The same 16 people were also designated as the trainers/quality assurance specialists.<sup>59</sup>

Between June and October 2007, DJJ reorganized the teams into three interdisciplinary work groups with the intent to make them more effective and productive. DJJ did not provide the special master’s office with an accurate and complete list of work group members and trainers. It did appear at the time, however, that DJJ was meeting the requirement of the equivalent of 29 full-time staff members plus

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<sup>57</sup> Statements of Chris Murray to the special master, March 21, 2008.

<sup>58</sup> See, safety and welfare plan, p.20. The teams were to be in place by October 1, 2006, under a Farrell project director. The 18 trainers were to be in place by June 30, 2007. S&W 2.1.

<sup>59</sup> See, Fourth Report of the Special Master, pp. 2-3 and Appendix A (Beltz report), p. 3.

a director and sufficient analyst and support staff.<sup>60</sup> By March 2008, DJJ had positions for 30 implementation/transition/compliance work group members and trainers plus a director. Of this total, 24 (80%) were filled and six (20%) were vacant. Three of the six vacant positions are designated “do not fill/pop shift.” Two are senior mental health clinicians or administrators and 16 are trainers/quality assurance specialists. To support this group, DJJ also identified 21 positions for analyst and clerical staff, of which eighteen were filled and three were vacant.<sup>61</sup> All of these staff are assigned full-time to work in the area of program development and implementation, transition, compliance and training.<sup>62</sup> There are other staff that work with the work groups who also have other assignments.

The special master met with approximately twenty representatives of the interdisciplinary work groups for approximately three hours. Some of the representatives were dedicated development/implementation/transition staff and others had other primary assignments. The group included analysts and support staff. The numerous staff members who spoke exuded energy, enthusiasm, thoughtfulness and competence. A few work of them who had worked for CYA/DJJ for fifteen or more years said spontaneously and convincingly that they were having the best work experience of their careers, because they were working within a “culture of change” and “putting youth first.” Staff described

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<sup>60</sup> See, Sixth Report of the Special Master, Appendix B (Beltz report), p. 3. The safety and welfare plan requires 18 trainers/quality assurance specialists and, for a period, DJJ met this requirement. Recently, it has had 16. It believes that 16 are sufficient in light of the reduction in its number of facilities and staff due to S.B. 81. *Ibid.* That seems possible though the original requirement was “at least” 18.

<sup>61</sup> Central office organizational chart, pp. 5 (March 24, 2008), 6 (March 17, 2008) and 12 (March 17, 2008), attached as Appendix D. In her draft report, the special master had counted only the positions on pages 5 and 12 of the organization chart, missing the *Farrell* project management positions on page 6. The information concerning positions designated not to be filled is from “DJJ Headquarters Farrell Position Tracking as of 4/14/08.” The headquarters position tracking document provided by Riley email to the special master, March 17, 2008, shows two support positions “on hold per Doug McKeever.”

<sup>62</sup> Statements of Greg O’Brien to special master, April 9, 2008.

a significant amount of work directed at developing new policies and procedures.<sup>63</sup> Staff felt that their work groups had progressed to a point where they were effectively prioritizing tasks and organizing to get them done. They reported that avenues of communication within DJJ had improved providing them access to executive management for guidance when necessary in order for them to be able to move projects forward and to completion. They explained that the changes since October 2007 empowering the work groups and streamlining the policy development process made it possible to initiate and complete the standards for the program service day. Under those standards, facilities should be able to provide youth with more education, counseling, and other treatment and program hours.<sup>64</sup> They described developing policy drafts in many of the areas requiring new policy.<sup>65</sup> It appears, therefore, that the October 2008 reorganization of staff into the work groups significantly increased DJJ's remedial plan implementation capacity.

The dedicated planning and implementation work group members and trainers/quality assurance specialists are a part of the integrated behavior treatment model unit. The chief of that unit, Amy Seidlitz, is the lead DJJ manager working with DJJ's contractor responsible for helping DJJ develop and implement risk-needs assessment and

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<sup>63</sup> They had worked or were working on policies in the areas of risk classification, sexual behavior treatment, management of youth at risk of self-harm, management of youth who feel at risk to be harmed by other youth, use of force, the disciplinary process, intake assessment, community assessment report, mental health levels of care, the program service day, a protocol for evaluating treatment interventions under consideration for use with youth and the behavior treatment program units (for youth whose aggression and violence cannot be managed in "core treatment" living units).

<sup>64</sup> Statements of staff February 27, 2008. Delegata, DJJ's project management consultant, is examining ways to further increase the effectiveness of the implementation and transition staff by organizing them into smaller project teams. *Ibid.*

<sup>65</sup> The work group staff described working to develop policy in the areas of risk classification, sexual behavior treatment, management of youth at risk of self-harm, management of youth who feel at risk to be harmed by other youth, use of force, the disciplinary process, intake assessment, community assessment report, mental health levels of care, the program service day, a protocol for evaluating treatment interventions under consideration for use with youth and the behavior treatment program units (for youth whose aggression and violence cannot be managed in "core treatment" living units).

evidence-based treatment programs within an integrated behavior treatment model (“IBTM”).<sup>66</sup> The IBTM unit has been responsible for the introduction of significant training of trainers and line staff in techniques for effective interventions with youth, which is required by the safety and welfare plan. The safety and welfare plan requires DJJ to establish training schedules for motivational interviewing, normative culture and interactive journaling by February 2007.<sup>67</sup> By September 2007, DJJ had developed a year-long schedule, covering trainings in dealing with resistive youth, understanding and preventing suicide, youth with mental disorders, aggression replacement training, motivational interviewing, safe crisis management, and crisis intervention and conflict resolution.<sup>68</sup> The current version of the schedule still does not include trainings in normative culture and interactive journaling. The University of California, San Diego has begun to provide training in motivational interviewing. DJJ’s plan is for all staff to receive motivational interview training by the end of 2010.<sup>69</sup> JKM Training, Inc. has trained more than 200 staff in safe crisis management.<sup>70</sup> LETRA is providing training in crisis intervention and conflict resolution, related to the safety and welfare plan requirement that DJJ have trained conflict resolution teams at every facility by July 1,

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<sup>66</sup> The safety and welfare and mental health experts will be reporting on the progress in these areas after they meet with the contractor, Orbis Partners, and review the work that it and DJJ have done. The portion of the contract that describes Orbis’ scope of work for which Orbis Partners is attached as Appendix E. In short, Orbis “is to develop and implement an Integrated Behavioral Treatment Model (IBTM) based on a valid, objective risk/needs assessment and interventions that align with the assessment results.” Appendix E, p. 2. It is a \$1.8 million contract, with an estimated completion date of June 30, 2009. Appendix E.

<sup>67</sup> Safety and Welfare Remedial Plan, pp. 42-43; S&W 5.3h.

<sup>68</sup> “Training Track Book Legend,” Rev. December 6, 2007 and statements of DJJ staff to Monitor Cathleen Beltz at central office meeting December 12, 2007.

<sup>69</sup> The contractor is scheduled to provide 21 three day (part 1) sessions and 10 two day (part 2) sessions during this fiscal year, of which twenty part 1 sessions have been provided. Email, Ugarkovich, April 8, 2008.

<sup>70</sup> See Sixth Report of the Special Master, Appendix B (Beltz report), pp. 8-9 (DJJ meets the requirement for having 18 qualified safe crisis management instructors by having 22 primary trainers and 11 secondary trainers and has trained 217 staff system-wide. DJJ has not met the requirement to train all staff at two facilities by November 1, 2007. S&W 3.4b.)

2008.<sup>71</sup> The founder of aggression replacement training (“ART”), Barry Glick, Ph.D., trained and certified 24 DJJ staff as ART trainers. Training is being provided according to staff needs with attention to the limits to individuals’ capacity to absorb training. For example, high-risk housing unit staff are receiving ART training and conflict resolution team members are receiving the crisis management and conflict resolution training. Each of the DJJ facilities is provided controlled access to the various trainings. Lisa Boesky is providing two trainings for clinicians, youth with mental health disorders and understanding and preventing suicide. As DJJ certifies trainers according to the requirements of its contractors, the various trainings will become universal for DJJ staff through academy and in-service training.<sup>72</sup> The experts will evaluate the effectiveness of the trainings and monitor how each training component integrates into DJJ’s larger strategy of developing and implementing an integrated behavior treatment program. It is noted that the skills trainings by some well-regarded trainers is a positive step.

#### B. Policy Development and Dissemination

One of the basic tenets of the safety and welfare plan is that DJJ’s central office is responsible for, and commensurate with its responsibility, must exercise control over the practices, programs and conditions in its facilities. In order to do that, DJJ must establish system-wide policies and procedures and ensure that all DJJ staff follow them. The remedial plans require transformative changes in DJJ’s existing policies, procedures and practices. To bring about such changes, DJJ’s central office must develop, disseminate and require staff accountability to new and revised policies and procedures. All DJJ

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<sup>71</sup> At least two of the teams are in place with LETRA-trained the team members. *See*, Fifth Report of the Special Master, Appendix B, Beltz Report, pp. 10-11. DJJ reports that it is on track to meet the July 2008 implementation deadline. Statements of DJJ staff to safety and welfare expert Dr. Krisberg and monitor Beltz, central office meeting, December 12, 2007.

<sup>72</sup> Statements Amy Seidlitz, March 3, 2008; DJJ training calendar.

policies and procedures also must incorporate contemporary standards of care and practice for juvenile corrections in order to be consistent with the remedial plans.<sup>73</sup>

The remedial plans specifically require that DJJ's central office develop and disseminate certain individual policies by dates that have long passed. At this time, DJJ is far from having developed, adopted, finalized, disseminated and implemented all of them.<sup>74</sup> One fundamental problem hampering policy updates is that DJJ does not yet have an accurate, prioritized list of the policies to be developed. It was supposed to have developed a master table of contents for its policy manual and a master schedule for policy updates by January 15, 2007.<sup>75</sup> The policy (PPP&R) unit does have a list of 2147 policy titles that may require development or revision. Of the 2147, staff have designated 770 policies as *Farrell*-related. Of the 770, 714 represent existing policies that require revision and 56 represent new policies to be developed. The current list is preliminary and rough. There are redundancies and some of the referrals will be reconsidered and dropped. Most important, there are additional policies required by remedial plans that have not yet been referred to the policy unit and so are not on the list.<sup>76</sup>

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<sup>73</sup> Safety and welfare plan, p. 8. This was the opinion of the national experts who assisted DJJ in the preparation of the plan. Murray et al., [Draft] Safety and Welfare Plan: Implementing Reform in California (March 31, 2006), p. 20.

<sup>74</sup> By "adoption," we mean that a policy has been signed by DJJ's chief deputy secretary. By "finalization," we mean that DJJ has completed labor required labor processes; at this point, a policy is ready for official dissemination to the facilities. By "dissemination," we mean that a policy has been sent to facilities as official policy for them to implement by a specified time. By "implementation," we mean that staff are accountable to follow the policy. A summary of policies that the special master's office has identified as required by the remedial plans as of January 1, 2008, and their status, is attached as Appendix E. DJJ's policy unit has been tracking policies only through adoption. As a result, the special master has more information about adoption of policies than about dissemination and implementation. Statements of Dolores Slaton to special master, February 21, 2008.

<sup>75</sup> S&W 2.1.4.a.

<sup>76</sup> Statements of Dolores Slaton, manager of the policy unit within DJJ's operational support unit, to the special master, February 21, 2008; special master's review of the a list of 90 *Farrell*-related policies. In comments on this draft report, DJJ's counsel have provided modified numbers without supporting documentation. The special master will review this information with responsible staff at her next opportunity.

The current policy manager, Dolores Slaton, new to her position in January 2008, has taken a first step towards developing a policy work plan for the next twelve months. She circulated a list of 90 *Farrell*-related policies to directors McKeever, Youngen and Hanson, soliciting their priorities for policy development related to their areas of responsibility.<sup>77</sup> The policy unit manager reports that she plans to expand the tracking done by the policy unit to include the tracking of all steps after policies are formally adopted, through dissemination to facilities and implementation.<sup>78</sup>

DJJ has proceeded with the measures that Director Hanson described in September 2007, to improve its performance in policy development and implementation. DJJ has formally adopted and implemented a new policy addressing how it will develop and revise policy.<sup>79</sup> This is the culmination of many months of work among high-level staff, which involved confronting and resolving significant organizational issues.<sup>80</sup> The new policy reflects the ideas about realignment of staff and simplification of the policy development process that Director Hanson was beginning to implement late last year.<sup>81</sup>

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<sup>77</sup> Statements of Dolores Slaton to the special master, February 21, 2008.

<sup>78</sup> This was DJJ's plan as of October 2007. *See*, Fifth Report of the Special Master (October 2007), p. 6. Policy unit manager Slaton is planning to expand the tracking now. Statements of Dolores Slaton to the special master, February 21, 2008. There have been long delays in the past between policy adoption and implementation. For example, TDOs 07-82 through 07-86 on alternative (restricted) programs, adopted (signed) in March 2007, are being disseminated for implementation now, with the implementation of a new version of the WIN database. *See*, section III.C, below. *See also, e.g.*, Fifth Report of the Special Master, pp. 3, 23 (29 medical policies and the wards with disabilities policy disseminated a year after adoption). In comments on the draft version of this report, DJJ's counsel indicated that Slaton was not going to be doing this tracking. It is imperative that someone track post-adoption policy processes for DJJ.

<sup>79</sup> A copy of the policy, effective March 10, 2008, is attached as Appendix G.

<sup>80</sup> The special master has seen prior drafts, at least back to July 2007.

<sup>81</sup> As director Hanson sees it, labor negotiation packages – including policy, post orders, training curriculum and duty statements – are to be prepared by CDCR labor and training offices as policies with “labor impact” are being finalized. As a result, when labor negotiation is legally required, the post-policy-adoption labor process should be accomplished within 45 days. Because the training materials will be ready to be disseminated to the facilities with the policies, implementation at the facility level should be accomplished within 45 days of dissemination. Thus, labor impact policies should be implemented at facilities within 90 days of adoption and policies without labor impact should be implemented at facilities within 45 days of adoption. Statements Brigid Hanson to special master, February 21, 2008. The policy itself says that the policy unit manager is to submit the policy to CDCR's Office of Labor Relations *after* it

DJJ has adopted twelve policies since October 1, 2007.<sup>82</sup> As of October 19, 2007, two of the twelve had been adopted and there were ten policies “in the final stage of approval.”<sup>83</sup> The two that were adopted October 1, 2007 (grievances and staff misconduct complaints) are scheduled for implementation in July 2008 when necessary modifications to the WIN database are scheduled for completion.

When compared with the thousands of policies that need to be reviewed, or even the several hundred of identified *Farrell*-related policies that need to be created or revised, the adoption of 12 policies in five months is only a small step forward. On the other hand, DJJ adopted only one policy during the five months prior to October 2007. But, the numbers alone are meager information. Policy development needs to be fit within an overall implementation plan. It is critical that certain key policies be immediately developed, adopted, disseminated and implemented while the immediate development of others may not be essential. Since policies vary greatly in their complexity and sensitivity and importance, some will take much longer to develop, finalize and implement than others.

DJJ has developed the final or near final version of statewide standards for the program service day, a program service day schedule for most youth at core facilities and a policy concerning the program service day. The success in this endeavor is a product of DJJ’s decision, in the fall of 2007, to delegate some policy development to the then-new

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is adopted by signature of DJJ’s chief deputy secretary. *See*, Appendix G, Policy on Policy Development and Revision Standards, p. 11. The new policy on the management of youth at risk of self-harm is a complex policy involving many staff, which may be part of why it is not proceeding on the schedule that director Hanson laid out. It was adopted December 18, 2007 and is only partway through multiple union labor negotiations as of mid-March 2008. (DJJ’s list of policies adopted since October 1, 2007, shows the adoption date and is attached as Appendix H. Staff referred to upcoming labor negotiations during a telephone conference call with the mental health experts and the special master on March 21.)

<sup>82</sup> *See* Appendix H (DJJ list of policies adopted since October 1, 2008).

<sup>83</sup> *See*, Defendant’s Amended Case Management Conference Statement Regarding Proposed Remedies to Improve Compliance with Consent Decree Per August 6, 2007 Court Order, October 19, 2007.



interdisciplinary work groups. The program work group determined that the program service day standards and schedules were essential as a first step to providing more constructive activities for youth at facilities. It set to work to develop them. It had the access it needed to the executive management team for decision-making. It circulated proposals to program and facility staff for feedback. The program service day policy was submitted to the chief deputy secretary for review and signature during the week of March 17, 2008. DJJ intends to pilot them at the Preston facility beginning in August 2008, after necessary staff have been retained and the school year starts again.<sup>84</sup> In the joint opinion of the mental health and education experts, DJJ's completion of the central program service day standards is an important achievement, particularly as of the time that it is ready to pilot them at a facility.<sup>85</sup> DJJ's development of program service day schedules is running almost two years behind the schedule set by the safety and welfare plan.<sup>86</sup>

DJJ also has adopted and begun implementation of the policies for the management of youth at risk for self-harm and for clinical peer review.<sup>87</sup> Members of

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<sup>84</sup> Statements of staff, meeting with program workgroup, February 27, 2008; email Ugarkovich to the special master March 7 and 11, 2008. The special master reviewed a copy of the policy documents, attached to the Ugarkovich March 7 email. The timetable for the pilot was clarified by DJJ's counsel in comments on the draft of this report, April 11, 2008.

<sup>85</sup> Statements of Tom O'Rourke, Robert Gordon, Eric Trupin and Terry Lee during and after December 3, 2007 meeting with program work group during which the group briefed them on draft standards for the program service day; statements Tom O'Rourke to the special master and email Eric Trupin, March 26, 2008.

<sup>86</sup> Statewide standards for the program service day were due October 1, 2006. S&W 6.2.a. Program service day schedules for the core program were due for the first facility in December 2006, and for one additional facility every six months thereafter. S&W 6.2.c. The schedule for BTPs was due December 2006, customized for facilities beginning in January 2007. S&W 6.6.

<sup>87</sup> Statements of DJJ staff during conference call with mental health experts March 21, 2008; email Riley to mental health experts February 26, 2008; email Robert Morris forwarded by Ugarkovich March 6, 2008.

interdisciplinary work groups report better communication, prioritization and access to executive decision-makers as they work on the substance of policies.<sup>88</sup>

The safety and welfare plan requires that DJJ have “sufficient and appropriate dedicated staffing for developing and maintaining policies for juvenile corrections based on contemporary standards of care and practice” by November 21, 2007.<sup>89</sup> DJJ has added four limited term dedicated SSA/AGPA policy writers to the six permanent SSA/AGPA policy writers it has had.<sup>90</sup> It is difficult to determine how many staff will be sufficient to meet identified needs and what mix of skills and knowledge DJJ needs from its dedicated policy writers for them to produce policies based on contemporary standards of care and practice for juvenile corrections in all areas of DJJ operations. As DJJ conceives the policy development process, dedicated policy writers and subject matter experts must collaborate to produce policy, and rely on DJJ managers to ensure that contemporary standards of care and practice for juvenile corrections are brought to bear. For the policies that are overdue for development under remedial plans, it is not clear whether more dedicated policy writers or more staff with subject matter expertise and policy writing skills or both are necessary.

It is clear that DJJ’s central office has not yet developed or revised written policies and procedures as necessary to timely implementation of its remedial plans. It appears that DJJ lacks the resources and system necessary to produce policies and procedures as it needs them. If DJJ’s contract planners and project management consultants are going to prove to be a new and valuable resource that significantly

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<sup>88</sup> See, Section II.A.4, above.

<sup>89</sup> See, Safety and Welfare Remedial Plan, p. 21 and SW 2.1.4a.

<sup>90</sup> Statements of DJJ staff and counsel to the special master, February 21, 2008 and DJJ’s counsel comments on the draft of this report, April 11, 2008.

enhances DJJ's ability to comply with its plans, then they should be able to help CDCR and DJJ develop a system with adequate resources for the development and finalization of central office policies and procedures. DJJ should be required to demonstrate this by developing, in short order, a plan for central office policy development that addresses what have been the obstacles to policy development. The plan should provide a prioritized list of policies to be developed, at least for the coming year.

### III. BUSINESS SYSTEMS ISSUES

In late 2006, the special master began to focus her attention on the basic business systems issues that were interfering with DJJ's ability to implement its remedial plans. As a result of the July 1, 2005 reorganization that renamed the California Youth Authority ("CYA") and brought it within CDCR, DJJ became dependent on CDCR offices and staff in order to hire personnel, enter into contracts, maintain and upgrade its information technology systems and finalize new policies. With respect to several functions, staff that had been working at the CYA/DJJ's central office moved to CDCR's central office. These changes seriously impaired DJJ's efforts to enter into contracts, pay contractors, hire personnel, and conduct other business.<sup>91</sup> DJJ, a relatively tiny department with a few thousand youth in its custody in eight (soon to be six) facilities, was now appended to a large agency responsible for more than 160,000 adult prisoners

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<sup>91</sup> See, Third Report of the Special Master (November 2006) pp. 14-15; and Fourth Report of the Special Master (June 2007) pp. 4-6 and 20-21. DJJ's loss of central office personnel and the dislocation attendant to the reorganization may also have contributed to DJJ's inability to finalize and disseminate policies and procedures, but policy development is a DJJ function, not a business function that CDCR does for DJJ. For this reason, this report discusses policy development and dissemination in Section II.B under central office effectiveness. DJJ is dependent on CDCR labor and legal units in order to finalize and implement policies.

incarcerated in 33 huge prisons.<sup>92</sup> This factor alone contributed to the extended length of time it took for CDCR to begin to address DJJ's basic systems issues.

Defendant Secretary Tilton promised to take appropriate action after the special master and plaintiff's counsel raised the contracts issue with him in October 2006. Similarly, in April 2007, Undersecretary Kingston Prunty promised to take appropriate action during a meeting with the special master and counsel concerning personnel and contracts issues. Finally, in May 2007, CDCR sent teams to DJJ to examine the business or "matrix" issues (involving CDCR offices serving both the adult prison system and DJJ).<sup>93</sup> In the late summer of 2007, DJJ hired a director of administration and operations and created an operational support unit to manage central office business functions and serve as a liaison between DJJ and CDCR.<sup>94</sup>

#### A. Contracts

As of the special master's fourth report in June 2007, DJJ staff generally complained that there were lengthy delays in the processing of their requests for contracts, and that it was difficult to get information about their requests while they were pending. Numerous requests for contracts for medical services had been pending for more than a year without being concluded.<sup>95</sup> CDCR contracts completely lost some DJJ contract requests.<sup>96</sup> By October 2007, CDCR and DJJ were able to improve the interface between the two of them. They created a contracts unit within DJJ's operational support

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<sup>92</sup> The population information is available on CDCR's website. *See*, [http://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/WeeklyWed/TPOPIA/TPOPIAd050706.pdf](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOPIA/TPOPIAd050706.pdf) and [http://www.cdcr.ca.gov/Reports\\_Research/docs/research/POPOVER2005.pdf](http://www.cdcr.ca.gov/Reports_Research/docs/research/POPOVER2005.pdf).

<sup>93</sup> *See*, Fifth Report of the Special Master (October 2007) pp. 11-12. The statement about the Prunty meeting is also based on the special master's review of her contemporaneous notes.

<sup>94</sup> *See*, Fifth Report of the Special Master (October 2007) pp. 8-9, 12; and statements of Brigid Hanson and Greg O'Brien September 26, 2007 and David Hale October 3, 2007.

<sup>95</sup> *See*, Fourth Report of the Special Master (June 2007), pp. 4-6, 20-21 and Appendix C.

<sup>96</sup> *See*, Fourth Report of the Special Master (June 2007), p. 4, n. 8.

unit, implemented a system for the tracking of contract requests and established monthly meetings of CDCR and DJJ contracts staff. Managers in CDCR's Office of Business Services contracts unit were seeking to stem staff turnover, fill vacancies and secure additional staff on a temporary basis to catch up with the backlog.<sup>97</sup> During this time, the CDCR contracts unit seemed overwhelmed.

In February 2008, CDCR and DJJ staff responsible for DJJ contracts convincingly report substantial improvements in the processing of contract requests. One of the CDCR contract analysts responsible for processing DJJ contract requests described the work as "overwhelming" a year ago, but now as under control. He reports having only one contract request that has been pending for an extended period of time, which involves the special case of a county hospital and a conflict between county and state forms. Further, there is no urgency to sign the contract because it concerns emergency medical services, which can be paid for by *post-hoc* emergency contract if necessary.<sup>98</sup> A retired annuitant with a long history of state contracts work and who was back for her second year in CDCR contracts stated that there had been "lots of snafus" last year including lost contracts requests. She said that there have been no lost requests this year, and that there have been few snafus of any kind.<sup>99</sup> DJJ's Hale attributes the improvements since

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<sup>97</sup> See, Fifth Report of the Special Master (October 2007) pp. 12-14. This paragraph reflects clarifications provided by David Hale on April 14, 2008 (role of DJJ contracts office and monthly meetings).

<sup>98</sup> Statements of Eric Zimmerman to special master, February 25, 2008. Mr. Zimmerman's supervisor, Joseph Watkins, and his manager Debra Jones confirmed to the special master that San Joaquin Hospital was available to provide emergency medical services even though the prospective contract was pending and not completed. Statements to the special master February 25, 2008.

<sup>99</sup> Statements of Fran Imai to special master, February 25, 2008. Still, the process of getting the new Farrell dental expert on contract exemplifies frustrating difficulties with what seems to be simple business. Dr. Sauter was appointed in November 2007, and his contract for services beginning January 1, 2008 was expected to be in place before then. (The *Farrell* experts' contracts fall within the statutory exemption for expert witnesses and that makes them easier and faster to complete than bid contracts.) DJJ/CDCR explains that someone had made a typographical error in recording Dr. Sauter's email address, so that Dr. Sauter did not receive the CDCR contract analyst's November 16 email to him conveying the contract for his signature, nor did he receive the analyst's December 10 follow-up email. The analyst left voicemail

October to CDCR's significantly increasing its contracts workforce by filling ten of the twelve contract analyst positions that were vacant last October (of 62.5 total analyst positions).<sup>100</sup>

CDCR contracts manager Debra Jones described the demand on all of her contracts analyst staff, including the DJJ group, as still very challenging. One group (not the DJJ group) is on "mandatory overtime." Of 82 pending DJJ contract requests, 36 (44 percent) have been pending for 120 working days (almost six months) or more. This is up from 23 of 68 (34 percent) requests last October. It is not clear that the fact of this increase is significant, but the number of contracts pending six months is consistent with other indicators that the capacity of CDCR's contracts office still is being pressed.

Deputy Director, Office of Business Services, Steven Alston, continues to meet with representatives of DGS on a monthly basis and he believes that the relationship between CDCR contracts and DGS will continue to improve.<sup>101</sup> Jones and Alston are hopeful that the automation due this summer will ease the strain.<sup>102</sup> All CDCR contracts analyst staff have received a DGS training, an in-house CDCR training and a one-on-one session with a supervisor. Jones has instituted certain paperwork shortcuts to help staff produce contracts more quickly. She believes morale in CDCR contracts has

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messages for Dr. Sauter asking him to sign and return the contract on December 10 and 14, to which he responded on December 18, informing her that he had not received the contract. DJJ emailed it to the right address on December 19, received it back and submitted it to DGS on January 2. On January 18, DGS rejected the contract on the grounds that CDCR had omitted a necessary attachment. This required redoing at least one attachment. The contract was signed by Dr. Sauter again and then submitted to DGS again on approximately January 30, and approved by DGS and fully executed by February 15.

<sup>100</sup> The March 10, 2008 vacancy report for contracts management branch shows 2 vacancies for 62.5 positions. There were 12 vacancies when the special master interviewed Ms. Jones in October. *See* Fifth Report of the Special Master, p. 13, n. 48. CDCR was not able to secure the additional temporary contract analysts that it had requested from DGS. David Hale expressed this opinion to the special master during a telephone call on April 14, 2008.

<sup>101</sup> Statements of Steven Alston, March 12, 2008.

<sup>102</sup> Alston, reports that the project (BIS) is on schedule for implementation on a staged basis, beginning July 2008. Statements of Steven Alston to the special master March 12, 2008.

improved.<sup>103</sup> DJJ's contracts liaison in its central office operations support unit, David Hale, and his contracts analyst Lynn Borja, continue to track all DJJ contract requests and completed contracts. They make all contracts requests for DJJ's central office executive group and the assist other DJJ contracts staff when consulted and when problems are identified during the monthly contracts meetings.<sup>104</sup>

DJJ contracts liaison Hale has been working on the contracts issue for approximately nine months. He seems to have a commanding grasp of the California public contracting process. Understanding that most contracts will require bids, and that the average bid contract will require six or more months to complete and execute, he is working with DJJ staff to define their needs and request their contracts ahead of time. He is encouraging the use of multi-year contracts when appropriate, to avoid the necessity of annual renewals. He and other DJJ staff point to current contracts for the *Farrell* consent decree experts as an example of the effectiveness of these measures. Through last year, the experts' contracts had been one-year contracts. The renewal of the one-year contracts last year became a crisis resulting in extra work for CDCR contracts staff and in some of the experts starting the fiscal year without effective contracts. Currently, the experts' contracts that are expiring this coming June 30 already have been renewed through June 30, 2011.<sup>105</sup>

Though the court ordered that DJJ retain Christopher Murray and Associates for critical master planning work on August 6, 2007, the contract was not in place until

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<sup>103</sup> Statements Debra Jones to special master, February 25, 2008. Her statement about improved staff morale seemed corroborated by Mr. Zimmerman and Ms. Imai's statements.

<sup>104</sup> Statements of David Hale and Lynn Borja to the special master, February 27, 2008.

<sup>105</sup> "Approved DJJ Contracts" provided by David Hale during special master's interview of him February 27, 2008. Hale and his assistant in DJJ operational support handled the *Farrell* consent decree experts contracts, since the requests come from executive staff. DJJ is considering whether there are further steps it can take to take advantage of the expertise and relationship that DJJ operational support contracts staff have with CDCR contracts staff.

March 15, 2008.<sup>106</sup> The biggest part of the delay was due to DJJ's decision to try to obtain approval to retain the same firm for a related project, a legislatively required juvenile justice operational master plan. DJJ had funding specifically for the legislative project and contracts liaison Hale believed that it would not be successful in processing two no-bid contracts with Murray and Associates in quick succession. The commission empowered to select a contractor for the legislative project first met in January 2008.<sup>107</sup> In the meantime, DJJ made the non-competitive bid ("NCB") request to DGS that DGS informed DJJ was required for the portion of the contract related to the August 6, 2007 court order.<sup>108</sup>

Plaintiff's counsel aptly comments that CDCR, DJJ and their control agencies are responsible to ensure that their systems and processes function reasonably well so that DJJ can meet its legal obligations. For this reason, the special master has been monitoring and reporting on dysfunctions in contracting and CDCR and DJJ actions to address the dysfunctions. In examining particular incidents and situations involving systems and processes that have been broken, it often is difficult to distinguish between continuing unacceptable dysfunction, appropriate compromises and inevitable tolerable inefficiencies. The Murray contract was processed much more slowly than seems appropriate after a court order. At the same time, several apparently highly skilled and motivated CDCR and DJJ managers/staff have been improving contracting systems and processes. DJJ's explanation for the extended time it took to secure the Murray contract

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<sup>106</sup> See, Appendix C (Murray contract).

<sup>107</sup> Statements of Chief Deputy Secretary Warner and David Hale to the special master, March 12, 2008.

<sup>108</sup> David Hale provided the NCB request to analyst Fran Imai at CDCR contracts on December 10, 2007. She sent it to DGS on December 21. On January 8, 2008, DGS responded that the proposed contract could be processed as exempt contract. The size of the contract and detail of the scope of work explains a certain amount of time for development of the contract. See, Appendix C (Murray contract).



is elucidating though not entirely reassuring. The special master will continue to monitor and report on the functioning of the CDCR and DJJ contracting systems and processes.

At this time, DJJ has few pending requests for health services contracts for this fiscal year and it is beginning to process requests for contracts that will be needed in the coming fiscal year. Most of the contracts it requested this year are in place.<sup>109</sup> By contrast, last June, a majority of the health services contracts requests were still pending, and had been pending for six to twelve months. Still, health services contracts present special issues that will require continued attention. When contracting systems and processes are slow or unsuccessful with respect to health services contracts, health care services lapse.<sup>110</sup> As CDCR improves its systems and processes and relationship with DGS, it must pursue exemptions as necessary to secure health services contracts. Finally, CDCR/DJJ must remain attentive and responsive to the challenges posed by the fact that it may be hoping for bids from the same group of vendors that are likely to enter into contracts with the federal adult prison system medical care receiver.<sup>111</sup> The special

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<sup>109</sup> Pending contract requests and contracts in place are tracked by DJJ's operations support manager for contracts, David Hale, and the special master reviewed the list and discussed individual items with Mr. Hale and his analyst Lyn Borja and other staff. Following up on specific contracts, in approximately October 2007, DJJ solved the problem with the CDCR registry contracts that were taken over by the federal court medical receiver, noted in the Fourth Report of the Special Master (June 2007), Appendix C., p. 2. Statements of contracts analyst Terry Dixon, Health Services Administrator David Gransee and retired annuitant working on health services contracts issues, Nick Burgeson, February 21, 2008. The receiver had not been processing DJJ invoices, which meant that DJJ was not able to use the CDCR registry contracts that it was supposed to be able to use. It was, therefore, trying to replace those contracts. As she said in September that she would, Director of Operations Support Brigid Hanson contacted someone she had worked with in CDCR and got clearance for DJJ to use the CDCR registry contracts after all. DJJ's operations support manager for contracts, David Hale, secured copies of the registry contracts and disseminated them to DJJ facilities with the information that the contracts could be used. Statements of David Hale to the special master, February 27, 2008.

<sup>110</sup> Fortunately, there is a procedure for emergency contracts that should assure that DJJ will use outside providers as necessary for to meet youth needs for urgent and emergent health services. Statements of CDCR DJJ contracts unit supervisor Joseph Watkins (February 25) and Operations Support contracts manager David Hale (February 27) to the special master.

<sup>111</sup> Contractors who have contracts with the CDCR through the federal receiver's office may be disinclined to deal separately with DJJ, fully under the constraints of state law. CDCR is so much larger than DJJ that

master was encouraged in October 2007 by the fact that CDCR/DJJ had assigned someone who seemed to have the appropriate expertise to evaluate its medical contracting needs and to develop a credible strategy for meeting them.<sup>112</sup> That individual was reassigned and has since left DJJ.<sup>113</sup> Because CDCR/DJJ have so improved the situation concerning medical contracts since last year and because Steve Alston, Deborah Jones, David Hale, and Joseph Watkins have such credibility with the special master, the special master will withhold further judgment pending monitoring of future developments.

#### B. Personnel/Hiring

At the end of 2006 and the beginning of 2007, DJJ staff vacancies were a matter of concern, at both the central office and facility level. The problem could not be quantified immediately because DJJ did not have an accurate count of positions and vacancies. One reason for large numbers of vacancies was that CDCR offered higher salary levels than DJJ did for some positions. DJJ achieved compensation parity with CDCR for most positions in late 2006, and for psychologists in April 2007. By June 2007, DJJ completed its first reasonably complete reconciliation of positions against staff and a count of positions and vacancies. In October 2007, DJJ central office operational support staff stated that they were ready to implement a system for tracking central office and facility positions, vacancies and the status of efforts to fill the vacancies.<sup>114</sup>

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DJJ's business is not likely to be important to most potential contractors. Statements of Hale (February 27, 2008), Burgeson and Gransee (February 21, 2008) to the special master.

<sup>112</sup> See, Fifth Report of the Special Master, p. 14.

<sup>113</sup> Statements of Burgeson, Gransee and Dixon to the special master February 21, 2008; DJJ comments on the draft of this report, p. 6.

<sup>114</sup> See, Fifth Report of the Special Master, pp. 7-10.

The tracking of efforts to fill facility vacancies was kept on hold, however, pending the identification of the housing units and facility(ies) that would be closed this year as a result of population reductions anticipated to result from the budget provision passed last August. Senate Bill 81 limits DJJ's population to "707(b)" offenders (those committed for more serious, violent offenses) and is projected to reduce DJJ's population by approximately 32 percent from 2516 as of June 30, 2007 to 1703 as of June 30, 2009.<sup>115</sup> The governor proposed the measure to reduce and limit DJJ's population as a part of the budget proposal he announced in January 2007.<sup>116</sup> It was enacted as a part of the budget in August 2007.<sup>117</sup> In early September 2007, DJJ's had made its recommendation to higher-level decision-makers concerning facility closures to accommodate a reduced population and it expected a decision by the end of the month.<sup>118</sup> It was not until early January 2008, that DJJ knew and was able to announce that El Paso de Robles and DeWitt Nelson would be closed by approximately July 2008.<sup>119</sup> Under the specter of certain substantial population reduction and hostage to the decision as to what facility(ies) would close by mid-2008, DJJ reasonably stopped pressing to fill many facility level vacancies.

DJJ operational support staff currently are tracking central office vacancies and the status of efforts to fill them with the database that was operational in October 2007.<sup>120</sup>

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<sup>115</sup> See, Legislative Analyst's Office, Analysis of 2008-09 Budget Bill, Criminal Justice, [http://www.lao.ca.gov/analysis\\_2008/crim\\_justice/cj\\_anl08011.aspx](http://www.lao.ca.gov/analysis_2008/crim_justice/cj_anl08011.aspx).

<sup>116</sup> See, California State Budget 2007 - 08, pp. 42-43 (found at <http://www.cdcan.us/budget/2007-2008/FullBudgetSummary.pdf>).

<sup>117</sup> See, Legislative Analyst's Office, California Spending Plan, [http://www.lao.ca.gov/2007/spend\\_plan/spending\\_plan\\_07-08.aspx](http://www.lao.ca.gov/2007/spend_plan/spending_plan_07-08.aspx).

<sup>118</sup> Statements DJJ staff, *Farrell* monthly meeting September 11, 2007.

<sup>119</sup> Statement of Bernard Warner, telephone conference with the special master and plaintiff's counsel, January 7, 2008.

<sup>120</sup> The March 18, 2008 revision of DJJ's "Special Master Report Headquarters Position Tracking" report, for example, provides a status statement for almost every vacant position.

The same database identifies all facility positions and vacancies. DJJ operational support staff have used that database to project realignment of staff as the two facilities close this summer. According to this database, DJJ currently has a system-wide vacancy rate of 17% of total authorized positions, which is projected to decrease to 10% with facility closures this summer. Facility vacancy rates currently range from 12 – 25% for the seven facilities for which DJJ provided the special master data. After the closures, it is projected that they will range from 1 – 14%.<sup>121</sup> The experts want to review comprehensive staffing information before they or the special master take a position on vacancy rates. It is likely that some of the individual vacancies are a matter for concern, but the experts do not believe that the current vacancy rates accurately reflect DJJ's staffing needs. They recommend that DJJ reassess their staffing needs based on a reduced number of facilities and a reduced population at remaining facilities.<sup>122</sup>

DJJ's relatively new chief of operational support, Daniel Mehring, has a technical background and he is modifying a CDCR personnel tracking system for DJJ's use. He demonstrated it for the special master to show that it will enable DJJ central office operational support staff to track and report comprehensive the personnel information. The system will be networked which will give central office staff immediate access to up-to-date information. The demonstration was impressive and Mehring's representation

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<sup>121</sup> It shows the following percentage vacancies, where the first number is the current vacancy rate and the number in parentheses is the rate projected for after the closures: Stark 14% (11%), Chaderjian 19% (5%), NCYCC (serves Stockton complex, largely medical personnel) 12% (12%), O.H. Close 25% (6%), Pine Grove 25% (1%), Preston 12% (3%), SYCRCC 20% (9%) and Ventura 19% (14%). The current vacancy rates are considerably higher than they were in June and September 2007. See Fifth Report of the Special Master, p. 9, n. 33. After the closures, projections are similar to the rates in June and September 2007. The special master does not consider these numbers to be too significant in light of the experts caveat that DJJ should not rush to fill vacancies before reassessing staff needs in consultation with the experts.

<sup>122</sup> Consensus of experts, meeting of experts and special master, February 22, 2008.

that the new database would be up and running by the end of the fiscal year seemed credible.

In October 2007, the special master believed that the personnel manager and group within the DJJ central office operations support unit was in a position to interface with CDCR personnel so that DJJ's needs would be met.<sup>123</sup> That belief will be tested as DJJ faces the challenges of downsizing. It is bound by statutory and contract requirements concerning notice to staff of the elimination of their jobs and bidding rights by seniority.

### C. Information Technology

The Ward Information Network (WIN) is the database that DJJ uses to keep most of the youth-specific information that it collects. As DJJ develops new policies and procedures affecting the management and treatment of individual youth, it has to modify WIN's record-keeping features for consistency. Since the special master's fourth report, she and the monitor have been following DJJ's efforts to complete and implement the "WIN Exchange" and a new version of WIN with new record-keeping features. They have been brought on line, system-wide, approximately a year and a quarter later than the January 2007 deadline set by the safety and welfare plan, April 1, 2008.<sup>124</sup>

The reports of the special master and monitor have relied largely on interviews with senior programmer Bob Eden. Eden is the manager of the CDCR-Enterprise Information Systems (EIS) WIN group and CDCR/DJJ's expert on the WIN system.<sup>125</sup>

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<sup>123</sup> See, Fifth Report of the Special Master, p. 10-11.

<sup>124</sup> Statements of Bob Eden and Pankaj Varshney to the special master, February 29, 2008 (projecting implementation by April 1, 2008); DJJ Proof of Practice 131 (April 1, 2008 email, Pankaj Varshney, implementation successful).

<sup>125</sup> The reorganization moved DJJ's technology support staff to the CDCR-EIS unit, like it moved other business systems staff to CDCR. CDCR-EIS is responsible to support all DJJ applications and for all of DJJ's technology support needs.

Before the July 2005 reorganization, he and one other programmer (sometimes part-time) maintained WIN for DJJ's predecessor agency, CYA. After the reorganization, the WIN group moved to CDCR-EIS and grew to a team of six technical staff in order to take on the project of building the WIN Exchange and developing new WIN features.<sup>126</sup> Mr. Eden has been the leader of that group since. He repeatedly has impressed the special master and monitor as extremely capable, hardworking and credible.

The WIN Exchange compiles information on a system-wide basis, so that authorized staff will have access to youths' complete DJJ records. Previously, information had been available only on a facility-by-facility basis. For technical reasons, implementation of the WIN Exchange required installation of a new version of WIN at all facilities. Before or as the new version of WIN was installed, staff had to be trained to use the new WIN record-keeping features relating to modified or new policies and procedures.

A number of factors contributed to the delays in the implementation of the WIN Exchange and the new WIN version. One was the initial difficulty in attracting and retaining programmers to fill the four new programmer positions created in mid-2005, combined with the steep learning curve for California state agency programmers to learn the WIN and the language in which it is written.<sup>127</sup> A second was that the new WIN

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<sup>126</sup> Originally, 11 new features were planned. Of those, one was abandoned (related to gang identification), one was implemented long ago (religious service access), and five were being implemented before April 1, 2008 (two relate to disabilities screening and tracking, one to custody risk classification, one to alternative/restricted programs, and one to suicide risk reduction or SPAR and one to incident tracking). Four are in the planning or development stage, relating to acceptance/rejection, the sexual behavior treatment program and use of force. Since 2005, three additional features were identified as necessary and one (the Ward Incentive Program) was implemented in 2006. Email Bob Eden to special master March 10, 2008 clarifying statements of February 29, 2008.

<sup>127</sup> It is written in 4D, a language that is in widespread international use but that is not used much by public agencies in California. EIS draws many of its programmer applicants from California state agencies and

version was held up by long delays in finalizing the policies that the new features were intended to support. Then, when WIN Exchange was not implemented in fiscal year 2006-2007 due to the programming and policy issues, a third issue compounded the problems: the contract for essential technical resources expired and it took six months, until February 2008, to finalize a new one. Delays in finalizing policies would have been enough to hold up implementation of the WIN Exchange, but the loss of the contractor until mid-February 2008 would have held up implementation even if the policies had been finalized earlier. DJJ has had the advantage of a long period of beta testing of WIN exchange, which reduces the likelihood of glitches as, and immediately after, it is implemented.<sup>128</sup>

All of the authorized positions in the CDCR-EIS DJJ unit are filled. The unit is comprised of nine staff programmers, four senior programmers, two managers, a senior information systems analyst (specialist) and an SSS II. There has been no turnover since October 2007.<sup>129</sup> The WIN group within the EIS DJJ unit is comprised of two senior programmers and four staff programmers. The programmers have gained experience and comfort both in 4D and WIN. The governor's proposed budget released in January 2008 provides for three additional programmers and an additional one-half of a clerical support position for the EIS DJJ unit. The Department of Finance has retained a consultant who is supposed to evaluate EIS's capacities by June 30, 2008.<sup>130</sup>

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generally they have no knowledge of 4D. Statements of Bob Eden to the special master, February 29, 2008.

<sup>128</sup> Statements of Bob Eden to the special master, February 29, 2008.

<sup>129</sup> E-mail Pankaj Varshney to Delgado/Ugarkovich March 4, 2008 with staff chart, forwarded to special master by March 5, 2008.

<sup>130</sup> Statements of Bob Eden to the special master February 27, 2008.

CDCR-EIS has not met all of DJJ's technical needs in the last three years. There does not seem to be any problem in the interface or relationship between DJJ and CDC-EIS. Rather, the EIS DJJ unit has not had the capacity to do more than maintain DJJ's existing major applications and modify and maintain WIN.<sup>131</sup> As a result, for most of 2007, for example, DJJ was unable to obtain sufficient technical assistance to meet the requirements of the mental health remedial plan concerning the tracking of the utilization of and need for licensed mental health beds.<sup>132</sup> For its part, DJJ has not been able to identify and prioritize all of its information technology support needs. It has created at least part of a structure for specifying its needs to CDCR-EIS in creating an executive level information technology priority board that is supposed to meet with EIS monthly.<sup>133</sup> EIS has a rough list of possible technology projects that have been identified.<sup>134</sup> But CDCR and DJJ have not systematically identified what DJJ needs in terms of management information systems and information technology support in order to implement its remedial plans. They have not systematically assessed DJJ's current databases and management information systems.<sup>135</sup> This is another area of planning and project management with respect to which DJJ needs the help of its planning and project management contractors.<sup>136</sup>

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<sup>131</sup> Statements of Pankaj Varshney and Bob Eden to the special master, February 29, 2008.

<sup>132</sup> See, Sixth Report of the Special Master (January 2008), p. 9.

<sup>133</sup> The board first met with EIS managers in August 2007 and it has met with them four times in the six months since then. Statements of Bob Eden (February 29, 2008) and Sandra Youngen (February 21, 2008) to the special master.

<sup>134</sup> DJJ Project Requests.xls, attached to email Pankaj Varshney to Ugarkovich, March 4, 2008, forwarded to special master March 5, 2008.

<sup>135</sup> The consensus of the experts who are serving under the consent decree is that DJJ "is data rich and information poor." They mean that DJJ collects a lot more information than it uses and that managers do not seem to have and use the information they need. Consensus of experts, expressed during meeting February 22, 2008.

<sup>136</sup> Delegata, DJJ's project management consultant, advertises that it specializes in technology consulting. See, <http://www.delegata.com/>. Its contract with DJJ requires a "project management plan" and a "project master schedule" and "a work breakdown structure" by mid-April 2008. See, Appendix B. The plan and



#### IV. CONCLUSION

The special master does not provide a complete assessment of DJJ's progress towards compliance with all of the Farrell remedial plans in any single report. She relies on experts in every area of the case, and she does not have up-to-date information from every expert for every report. This report is no exception, though it does include a consensus of expert opinion on a number of issues based on a meeting of the experts and the special master in February 2008. When the special master makes recommendations for further relief, they are limited to matters covered in the report that contains them.

The special master does recommend further relief based on this report and the special master's sixth report concerning the status of compliance with the mental health remedial plan. In her sixth report, in January 2008, the special master made recommendations for further relief and more specific judicial relief if DJJ did not take effective action quickly to (1) develop key mental health policies and provide a schedule for developing comprehensive mental health policies, (2) retain/assign an experienced senior administrator to oversee and direct implementation of the mental health plan, (3) retain/assign three clinician trainers and an instructional designer, (4) develop adequate central and facility organizational charts and (5) provide an appropriate written plan to address deficiencies in licensed bed capacity. Since then, with respect to these issues, DJJ has adopted and begun piloting one major mental health policy, concerning the management of youth at risk for self-injurious behavior. It has provided significant drafts

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schedule should account for the development of necessary management information systems and provision of necessary information technology support. Counsel for DJJ reports that the timeline for these work products has been extended to accommodate Delegata's assisting DJJ in connection with the hearing on the order to show cause scheduled to begin on April 21, 2008. DJJ comments on the draft of this report, p. 7.

to experts of policies on civil commitment and psychopharmacology, and it has indicated timelines for several other policies in its January 2008 quarterly report.<sup>137</sup> One of its chief psychologists is devoting substantial effort to policy writing.<sup>138</sup> DJJ has combined the positions of chief psychiatrist and senior mental health administrator, but left the chief psychiatrist/administrator with insufficient administrative and clerical support to make it conceivable that he could do both jobs. It has authorized the chief psychiatrist to fill the mental health treatment team positions, and begun advertising for them. It has developed adequate organizational charts. It has not, however, supplemented its inadequate November 2007 written plan to address deficiencies in licensed bed capacity.

Based on the special master's sixth report and DJJ's responses to it, the special master recommends further and more specific relief to require DJJ to provide: (1) increased resources for the implementation of the mental health plan and related treatment programs, either by appointing an experienced senior administrator as required by the plan in addition to the chief psychiatrist or by providing sufficient support staff for the chief psychiatrist so that he can attempt to carry out the duties of both positions and an (2) an adequate written plan to address deficiencies in mental health licensed bed capacity, endorsed by DJJ's planning consultant Christopher Murray as being based on sound analysis.

This report focuses on the issues of management effectiveness and systems capacity that are at the heart of the parties' dispute in connection with the upcoming hearing on the plaintiff's motion for further relief. DJJ was remarkably incapable of managing contracts and personnel issues a year ago. With the creation of the operational

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<sup>137</sup> See, DJJ Quarterly Report (January 2008), pp. 66-69.

<sup>138</sup> Statements of GERALYN FREEMAN, March 3, 2008.

support unit, support from CDCR and assignment of strong managers, DJJ has greatly increased its capacity in these areas. Though there are issues that the special master will continue to monitor closely, she does not recommend further relief in these areas at this time.

The special master also does not recommend further relief at this time in the area of the information technology and support. The CDCR technology unit supporting DJJ is at full strength, the governor's January 2008 budget proposes to add staff, and the Department of Finance is evaluating the capacity of CDCR-EIS. The only clear problem related to technology support is a matter project management and management effectiveness. DJJ does not have a reliable list of new data and management information system needs related to successful implementation of its remedial plans and a schedule for the development revised and new software. The special master believes that further and more specific relief is indicated to require DJJ to provide a detailed list and a schedule that is endorsed by DJJ's planning consultant Christopher Murray as being based on sound analysis.

This report documents other management effectiveness and project management issues that prompt the special master to recommend further and more specific relief. The special master believes that further and more specific relief is indicated to require DJJ to provide: (3) a comprehensive list of its obligations under its remedial plans and a proposed timetable for meeting those obligations, endorsed by its consultants Delegata Corporation and Christopher Murray as based on sound analysis; (4) a plan for central office policy development that addresses what have been the obstacles to policy development endorsed by its planning consultant Christopher Murray as being based on

sound analysis; (5) a prioritized list of policies to be developed in the next twelve months with a schedule and a work plan that endorsed by DJJ's planning consultant Christopher Murray as being based on sound analysis; and (6) a comprehensive list of policies to be revised or modified to support compliance with the remedial plans, endorsed by its consultants Delegata Corporation and Christopher Murray as based on sound analysis.

The special master respectfully submits this report.

Dated: March 27, 2008

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Donna Brorby  
Special Master

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### EDUCATION REMEDIAL PLAN

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#### **Expert Reports**

*California Division of Juvenile Justice Summary Education Program Report for School Year 2006-2007 (May 2007), Appendix D to Fourth Report of Special Master*

*California Division of Juvenile Justice Summary Education Program Report (May 2006), Appendix G to Second Report of Special Master*

### WARDS WITH DISABILITIES REMEDIAL PLAN

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#### **Expert Reports**

*California Department of Corrections and Rehabilitation Division of Juvenile Justice Wards with Disabilities Program Remedial Plan Annual Auditor's Report (July 2007), Appendix E to Fifth Report of Special Master*

*Wards with Disabilities Program Remedial Plan: Annual Auditor's Report (May 31 2006), Appendix E to Second Report of Special Master*

### SEXUAL BEHAVIOR TREATMENT PLAN

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*Report of Site Visit and Audit of the Sexual Behavior Treatment Program (August 2007), Appendix D to Fifth Report of Special Master*

*California Department of Corrections and Rehabilitation—Juvenile Division Audit #1 (October 20-26, 2005), Appendix D to Second Report of Special Master*

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#### **Expert Reports**

*Farrell v. Hickman First Report of Consent Decree by the Medical Experts (September 2007), Appendix C to Fifth Report of Special Master*

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*Mental Health Expert Report December 2007* (December 2007), Appendix A to *Sixth Report of Special Master*

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*Selected Safety and Welfare and Mental Health Remedial Plan Audit Items: Report of Findings* (January 2008), Appendix B to *Sixth Report of Special Master*

*Monitor's Report of Findings* (October 2007), Appendix B to *Fifth Report of Special Master*

*Monitor's Report of Findings* (June 2007), Appendix A to *Fourth Report of Special Master*

## **SAFETY AND WELFARE REMEDIAL PLAN**

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### **Expert Reports**

*DJJ Progress on the Standards and Criteria of the Safety and Welfare Remedial Plan* (September 2007), Appendix A to *Fifth Report of Special Master*

*My Observations Relative to Safety and Welfare Monitoring Issues* (February 21, 2006), Appendix A to *First Report of Special Master*

*Reactions to Revised DJJ Inyo Program Proposal with Updated Data on the Inyo Population as Reported by DJJ Snapshots Through 12-8-05* (December 13, 2005), Appendix MM to *First Report of Special Master*

*Interviews and Observations at Inyo Hall* (September 14, 200[5]), Appendix LL to *First Report of Special Master*

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STATE OF CALIFORNIA - GENERAL SERVICES PROCUREMENT DIVISION  
**PURCHASING AUTHORITY PURCHASE ORDER**  
 STD. 5 (REV. 7/2003)  
 PAM Version)

CONTRACT REGISTRATION NUMBER  
**52100208287797**  
 SUPPLIER: The numbers identified above MUST  
 be shown on Invoice & Packing Slip.

AGENCY ORDER NUMBER  
**DJJ.08D14**  
 DATE  
**1/25/08**

AMENDMENT NO  
 PAGE OF PAGE  
**1 54**

Department of Corrections and Rehabilitation  
 Division of Juvenile Justice  
 4241 Williamsbough  
 Sacramento, CA 95823  
 Attention: Lynn Borja (916) 262-1884

Department of Corrections and Rehabilitation  
 Accounting Office  
 P.O. Box 187018  
 Sacramento, CA 95818-7018

AGENCY BILLING CODE  
**84099**  
 PURCHASING AUTHORITY NUMBER  
**9G-0607-DCR-HQ1**  
 LEVERAGED PROCUREMENT AGREEMENT NO.  
**CMAS 4-06-03-0219A**

TO  
 SUPPLIER  
 ADDRESS

Delegata Corporation

Federal ID #94-3364645

INFORMATION TECHNOLOGY PROJECT IDENTIFICATION NUMBER  
 AGENCY OR BUYER TRACKING/REQUESTION NUMBER (OPTIONAL)  
 INFORMATION

Type or  
 /not  
 .egibly)

SUPPLIER CONTACT NAME

Robert J. Hess

SUPPLIER PHONE NUMBER

SUPPLIER FAX NUMBER

SUPPLIER E-MAIL ADDRESS

AYMENT TERMS CERTIFICATION NUMBER CERTIFIED DATE 6/1/07 EXPIRATION CERTIFIED EXPIRATION DATE  
**NET 45 23664**  SMALL  MICROBUSINESS **5/31/08**  DVBE

REQUIRED DELIVERY DATE SHIPPING INSTRUCTIONS  F.O.B. Destination FRT. PPD  F.O.B. ORIGIN CITY OF ORIGIN STATE ZIP CODE  
 F.O.B. Destination FRT. PPD/ADD Freight not to exceed cost stated on P.O.

ITEM NUMBER	QUANTITY	UNIT	COMMODITY CODE or PRODUCT CODE or SERVICE ID NUMBER	RECYCLED PRODUCT	PRODUCT OR SERVICES DESCRIPTION	UNIT PRICE	EXTENSION TOTAL
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DEPARTMENT OF GENERAL SERVICES  
 PROCUREMENT DIVISION  
**APPROVED**  
 BY *David Kerkey*  
 DATE *2/14/08*

Per CMAS 4-06-03-0219A. The contractor will provide Project Management Administration and Training Consulting Services. All work is to be done in accordance with Exhibit A (Scope of Work), Exhibit B (Budget Detail), Exhibit B-1 (Rate Sheet), General Terms and Conditions - GTC 307 & 1005 CMAS, Exhibit D (Special Terms and Conditions), Exhibit E (Additional Provisions), Exhibit F (Contractor Resumes) are attached and made a part of this Agreement.

FY 2007/08  
 The term of this Agreement is Upon Approval through March 31, 2009. Payments shall be made upon submission of invoice in accordance with the Agreement.

100,000.00

FY 2008/09

147,408.00

TERMS AND CONDITIONS A-1  General Provisions are incorporated herein by reference to  Form GSPD-401 Non-IT Commodities (revised date \_\_\_\_\_) OR  Form GSPD-401IT (revised date \_\_\_\_\_)  ATTACHED OR  Published at website [www.dgs.ca.gov/pd](http://www.dgs.ca.gov/pd) TAXABLE SUBTOTAL **247,408.00**

A-2  This order is issued under a Department of General Services (DGS) Procurement Agreement (LPA). Terms and Conditions set forth in that agreement (LPA number referenced in the block titled Leveraged Procurement Agreement No.) are incorporated herein by references as if set forth in full text. B  Agency Special Provisions are attached and filed. C  Any other attachments, such as specifications or Statement of Work, or Information Technology Model Language Modules, are identified in the product or service description area or on continuation pages.

\*NOTE: If there are variable charges for installation, Shipping of Freight, or Other Non-Taxable Services, detail per line item and enter total here.

\*INSTALLATION  
 \*SHIPPING/FREIGHT  
 \*OTHER NON-TAXABLE  
 GRAND TOTAL **\$247,408.00**

PROCUREMENT METHOD  LEVERAGED  COMPETITIVE Solicitation Number (if applicable)  NON-COMPETITIVELY BID  EXEMPT  
 ORGANIZATION (Code and Title) **9 Clearing Account** FUND TITLE **General** VERIFIED NO STATE SURPLUS AVAILABLE  Yes  No PAID BY CAL CARD  Yes  No  
 STATUTE **171** FISCAL YEAR **2007 07/08-08/09** OBJECT OF EXPENDITURE (Code and Title) **413.01 Index 2200/PCA 21228**  O.E.  E.O.

CERTIFICATION AND APPROVAL OF EXECUTIVE OFFICER

I HEREBY CERTIFY, on personal knowledge, that this order for purchasing the items specified above is issued in accordance with the procedure prescribed by law governing the purchase of such items for the State of California, and that all such legal requirements have been fully complied with.

ISSUING NAME (Print or Type) **Karen V. Smith** TITLE **Chief, Service Contracts Section**

*Marie Thompson 2-6-08*

UNENCUMBERED REMAINDER AFTER POSTING THIS ORDER TO ALLOTMENT: **EXPENDITURE LEDGE**

ADJUSTMENT INCREASING ENCUMBRANCES  
 ADJUSTMENT DECREASING ENCUMBRANCES

CERTIFIED CORRECT (SIGNATURE) **2/6/2008**

*Connie Hain*

STATE OF CALIFORNIA - GENERAL SERVICES PROCUREMENT DIVISION  
**PURCHASING AUTHORITY PURCHASE ORDER**

STD 65 (REV 1/2003)  
(PAM Version)

**INSTRUCTIONS FOR COMPLETING THE PURCHASING AUTHORITY PURCHASE ORDER**

1. **CONTRACT REGISTRATION NUMBER:** All purchases of goods or services over \$5,000.00 require a Contract Registration Number. This number must be placed on all supplier invoices in order to process payments.
2. **AGENCY ORDER NUMBER:** Enter the appropriate agency order number as prescribed by your agency. Agency order number must be unique from transaction to transaction and from year to year (e.g., 03-001, 03-002, etc. "03" represents the fiscal year of issue). Agency order number must not exceed fifteen (15) characters in length. This number must also be placed on all supplier invoices and packing slips in order to process payments and receive products and services.
3. **AMENDMENT NO.:** Enter the appropriate amendment number (e.g., 1, 2, 3, etc.) as amendments occur. Amendments are necessary when ANY change in the order occurs. This includes change in descriptions, costs, quantities, etc.
4. **DATE:** Enter the date the order is prepared. The month and day should be indicated with two (2) digits and the year with four (4) digits (i.e., July 1, 2003 is 07/01/2003).
5. **PAGE OF PAGE:** Enter page number and total number of pages for each order. This should be shown with two (2) digits (e.g., enter 01/01 for page 1 of 1). If needed, use the Std. 65A (Purchasing Authority Purchase Order Continuation).
6. **AGENCY BILLING CODE:** Enter Agency Billing Code. A five-digit or six-digit code issued by the Department of General Services (DGS) for billing purposes
7. **PURCHASING AUTHORITY NUMBER:** Enter your department's purchasing authority number as assigned by DGS. This number **MUST** be entered for all IT transactions \$0.00 and over and Non-IT goods transactions over \$100.00.
8. **LEVERAGED PROCUREMENT AGREEMENT (LPA) NO.:** Enter the appropriate leveraged procurement agreement number (e.g., California Multiple Award Schedule (CMAS) Contract, Master Agreement, State Price Schedule, etc.)
9. **INFORMATION TECHNOLOGY PROJECT IDENTIFICATION NUMBER:** For procurement of information technology goods or services, enter one of the following identification numbers: Project Number, Department Assigned Internal Project Number, Department Assigned Work Group Computing Justification Form Number (WCJF).
10. **AGENCY TRACKING/REQUISITION NUMBER:** Enter any agency internal purchase request(s) number to assist with internal tracking of this purchasing authority purchase order.
11. **PAYMENT TERMS:** Cash discount offered by the supplier if payment is postmarked within a specific number of days (discount period) or a discount offered per the contract terms (e.g., 2% Net 30, Net 30).
12. **CERTIFIED SMALL BUSINESS, MICROBUSINESS AND CERTIFIED DISABLED VETERAN BUSINESS ENTERPRISE:** Check the appropriate box(es) if the supplier is a California certified Small Business/Microbusiness or DVBE as certified by the Office of Small Business and DVBE Certification (OSDC). Verify expiration date and enter date in the space provided.
13. **REQUIRED DELIVERY DATE:** Enter the required delivery date for all items, or indicate the time period after receipt of order (ARO) for delivery. If multiple delivery dates are required enter "see item" or "as specified" and include specific dates in the item description or use an attachment to define. Date(s) should be the same as established in any applicable solicitation, or leveraged procurement agreement, unless otherwise agreed upon, in writing, signed by all parties and approved as required
14. **SHIPPING INSTRUCTIONS:** Enter shipping information such as Free on Board (F.O.B.); Destination (DEST); Freight (FRT); Prepaid (PPD); F.O.B. Destination, Freight Prepaid and Add (PPD/ADD); F.O.B. Origin, Freight Collect (COLL). If assistance is needed, contact DGS, Transportation Management™ for contracted carrier information.
15. **ITEM NUMBER:** Enter item number(s) in sequential order
16. **QUANTITY:** Enter appropriate numeric quantity
17. **UNIT:** Enter the order unit of measure. Examples: ea = each; pd = package, bx = box; sl = set
18. **COMMODITY CODE or PRODUCT CODE or SERVICES ID NUMBER:** Include the applicable commodity code, product code, or services identification number, i.e., PIN number, part number, catalog number, SKU number, etc. in this column
19. **RECYCLED PRODUCT:** Check the "Recycle" column when the product being purchased is a reportable product. Reportable products are any products that fall into one of the following categories: antifreeze, compost/co-compost, glass, lubricating oils, paint, plastic products, paper products, printing and writing papers, solvents, steel tires, and/or tire-derived products.
20. **PRODUCT OR SERVICES DESCRIPTION:** For leveraged procurement agreements established by DGS, enter the description exactly as worded in the referenced agreement. For other acquisitions, use wording to accurately describe the product(s) or services ordered, including brand, model, version, etc. Descriptions should include all features, components, supplies, etc., or reference to attachments with detailed descriptions
21. **UNIT PRICE:** The unit price or service rate (e.g., hourly, weekly or monthly rate) must be entered for each line item. For leveraged procurement agreements established by DGS, enter the unit price stated in the referenced LPA. For other acquisitions, enter the unit price contained in the supplier's bid, proposal, or as negotiated.
22. **EXTENSION TOTAL:** Multiply the product quantity times the unit price and enter the result.
23. **TERMS AND CONDITIONS:**  
A-1: For competitive or non-competitive bids check the applicable box(es) to indicate the appropriate General Provisions are being used and are incorporated into the order and insert the applicable revision date. Use the version contained in the solicitation and resulting bid with the supplier. A hard copy must be attached, OR reference made to the Procurement Division web page at [www.dgs.ca.gov/pd](http://www.dgs.ca.gov/pd).  
OR  
A-2: Check the second box if the order is being placed under a leveraged procurement agreement, as those agreements contain all the required terms and conditions.  
B: Check the third box if any Agency Special Provisions are applicable. Agency Special Provisions may be used to supplement the general provisions and/or tailor the purchase order as agreed upon by all parties. To incorporate Agency Special Provisions, insert, on the blank line, the name (or other identification) of the form or document used.  
C: Check this box as applicable when attaching specifications, Statement of Work or using IT model language modules.
24. **PROCUREMENT METHOD:** Check the appropriate box as applicable to the transaction being issued. For more information on requirements for each method, refer to the purchasing authority manual available on the DGS Procurement Division web page. "Exempt" should be checked for those transactions exempted by law (e.g., sheltered workshop or Community Based Rehabilitation Programs ((CBRP)) purchases).
25. **VERIFIED NO STATE SURPLUS AVAILABLE:** Check the appropriate box in support of the agency's effort to use existing State inventory as appropriate prior to an acquisition
26. **PAID BY CAL-CARD:** Check the appropriate box.

**DISTRIBUTION:** Original- Send to Supplier  
Copy 1 - Department of General Services  
Procurement Division  
Data Entry Unit - Second Floor  
P.O. Box 989052, West Sacramento, CA 95798-9052  
Copy 2 - Packing Slip, send to Supplier



**I. PURPOSE:**

The Division of Juvenile Justice (DJJ) seeks a Project Management Firm to provide intensive project management services of six remedial plans to improve juvenile corrections in California in response to the state taxpayer lawsuit, Farrell v. Tilton at DJJ. The plans address the following areas: education, wards with disabilities, sex behavior treatment, mental health, health care services, and safety and welfare. This Scope of Work addresses coordination of departmental staff resources, development and management of individual project plans under the direct supervision of the Project Director for Farrell Programs.

Under the direction of the Farrell Program Director, the Project Manager (PM) Contractor shall coordinate with departmental staff, control agencies and outside stakeholders to provide leadership, planning, organization, and control in the overall development, and management of the Project. The PM Contractor will execute, monitor, and provide oversight of Farrell Project management processes and activities needed for the successful implementation of Farrell Remedial Plans. Working with DJJ management and staff the PM Contractor will:

- A. Utilize existing project schedules and DJJ resources to develop, update, monitor, and maintain a master plan schedule for each of the six sub-plans in accordance with the Project Management Body of Knowledge (PMBOK), update project planning documents, schedules, resources logs; and prepare project status reports for workgroups, Executive Steering Committees, courts and other meetings.
- B. Guide Farrell Project Teams in the consistent use and adherence to established Project requirements throughout the duration of each of the project implementation plans to achieve compliance with court expectations.
- C. Ensure the DJJ Farrell Project is managed using PMBOK and existing CDCR/DJJ project standards.
- D. Establish and coordinate communications with various sub-project teams on the deliverables. Monitor teams' performance.
- E. Perform all scheduling, ongoing maintenance, and implementation of the Project Schedule and associated deliverables according to PMBOK.
- F. Provide project status to the Project Director and Project Team through weekly written status reports. Prepare for and give reports to the Farrell Co-Sponsors at the Steering meetings on a bi-weekly basis.
- G. Provide facilitation for Project Team meetings and assist the Project Teams in communications and issues management. Provide guidance and focus for project team progress and milestones.

**II. Scope of Work:**

The intent of this Scope of Work is to provide consultative PM services to assess, leverage, and improve upon current program management practices, develop project schedules and assist the department/division in meeting the timelines defined in the six remedial plans for Farrell v. Tilton.

**A. Project Master Plan and Master Schedule:**

Within 45 days from the inception of this contract, under the direction of the Farrell Project Director, the contractor shall develop the Project Management Plan (PMP) and master project schedule with the assistance of each DJJ Farrell Project Team. The PMP components must include, but not be limited to the following for each remedial plan and include a master calendar for all six remedial plans:

1. Remedial Plan Implementation Management
2. Work Breakdown Structure
3. Schedule Management
4. Cost Management
5. Staffing Management
6. Communications Management
7. Quality Management
8. Risk Management
9. Procurement/Contract Management
10. Integration Management

Under the direction of the Farrell Program Director, the PM Contractor will review master schedule and the six sub-project schedules to document current status, report schedules, dates, and hours by task and resources. When the Project Schedules identify tasks that are behind schedule and/or may incur cost overruns, the PM Contractor will gather information to diagnose the causes of the delay and make recommendations on how to resolve problems and keep the project and sub-projects on schedule. The consultant will inform the Farrell Project Director and relevant team members of variances from the approved baseline schedule and will maintain appropriate schedule documentation.

The PM Contractor shall update and maintain the project planning documents and schedule to ensure they are consistent with the departmental PMP process and will coordinate with project staff and vendors to achieve progress and update status on the project tasks and objectives in a timely manner. The PM Contractor will

implement a change management tracking process and maintain a log for new change requests, updated status pending change requests, and closed change requests utilizing the processes outlined by DJJ's PMP. The PM Contractor will update contractor and staff hours in relation to schedules for tasks and deliverables, document project activities, and maintain project records.

**B. Project Management Training:**

Within sixty days of the contract start date, the PM Contractor shall provide the Farrell Project Director and designated Team Leaders (not to exceed 30 people) with training on the fundamentals of successful Project Management. The two to three day training shall provide the participants with the skills, processes and techniques needed to effectively participate in the definition, planning, and management of projects. The training curriculum must be reviewed and approved by the Farrell Project Director or designee before training can occur.

The PM Contractor shall provide the Farrell Project Director and Project Teams with project management modeling over the next phases of the project, ensuring the best use of project documentation is maintained and schedule slippage does not occur. Concurrently, during the 12 months of the contract, the PM Contractor shall continue to develop and administer project management training for the designated DJJ Project Team Leaders and monitor staff progress in the use of project management tools and processes and assist staff in refining them over time as implementation of each remedial plan progresses.

**C. Continuous Deliverables:**

1. The PM Contractor shall develop a weekly project plan schedule maintenance and management which will:
  - a. Track progress against tasks;
  - b. Incorporate approved changes in schedule;
  - c. Leverage DJJ resources as necessary;
  - d. Produce various reports (schedule, budget, etc.);
  - e. Provide recommendations for remediation of schedule variances.
2. The PM Contractor shall review and update project-specific processes monthly:
  - a. Risk management;
  - b. Change management;
  - c. Project organization, roles, and responsibilities;
  - d. Quality management;

- e. Updated project planning documents;
  - f. Updated change tracking log and report;
  - g. Updated, detailed project schedule
3. The PM Contractor shall lead project team meetings:
- a. Provide schedule updates to Executive Steering Committee every other week;
  - b. Conduct weekly project status meetings with Project Director and Task Force Implementation Team;
  - c. Participate at Issue/Risk and Communication Management meetings every other week;
  - d. Prepare, organize, and facilitate meetings with CDCR/DJJ Executive Management and external stakeholders as required;
  - e. Farrell Project Director and team are provided information to utilize general project management processes.
4. The PM Contractor shall ensure that all project team reporting requirements are met. The PM Contractor shall:
- a. Develop and prepare monthly Farrell Project status reports for each remedial plan area and overall summary for the Project.
  - b. Prepare Farrell Remedial Plan project budget status reports monthly for management and each project team.
  - c. Prepare Farrell contract status reports monthly.
  - d. Bi-monthly status reports generated from the Project Schedule identifying the schedule of tasks, deliverables, and milestones for sub-Projects and Farrell vendors indicating where schedule variances occur.
  - e. Written reports to Farrell project staff and vendors diagnosing problems causing tasks to fall behind schedule and making recommendations on how to resolve such problems.
- All reports prepared for CDCR/DJJ shall be produced in Microsoft Word and/or Excel, PowerPoint, Access and/or Project for Windows 97/2003.
5. Provide overall project management through the implementation phase according to the PMP by:

- a. Making every effort to ensure that good management practices are followed; staff responsibilities are performed; communication processes are effective; risk, issue, and change management processes are followed and integrated with the project management plan; and project schedules and budget are effectively managed. Specific responsibilities include:
  - 1) Manage the maintenance of the project's master schedule using Microsoft (MS) Project Professional.
  - 2) Manage the maintenance of the risk, issue, and change management logs.
  - 3) Manage the maintenance of the budget spreadsheets.
  - 4) Manage the maintenance of the project's PMP and all of its components.
- b. Identifies, assigns, and drives to resolution progress, planning, and work integration issues. Reporting on the project status, risks, and issues to the DJJ Project Sponsor, the DJJ executive management. General communication is expected on an ongoing basis to help ensure the success of the project.
- c. Actively participating in information gathering meetings, fact-finding meetings, working sessions, and presentations. Develop presentations as required.
- d. Preparing responses to control agencies, upon request of the DJJ.
- e. Ensuring any potential problems or issues concerning the work are reported to the Program Director and Contract Manager within 48 hours of becoming aware of said problem.
- f. Motivate and ensure project resources are given appropriate training and development.

**D. DJJ Support of the Scope of Work**

The DJJ shall provide Remedial Plan Coordinators for all six plans and the appropriate Farrell management staff to support the scope of work and this PM contract. Any issues regarding scope support shall be negotiated between the Farrell Program Director or designee and the PM Contractor.

**E. Changes to the Scope of Work**

Refining, re-defining, eliminating, or otherwise changing any element of this SOW may occur upon written agreement or contract amendment between the PM Contractor and the DJJ Contract Manager and/or DJJ Farrell Program Director.

**F. DJJ's Responsibilities**

1. The DJJ shall identify Subject Matter Expert's (SME) for each remedial plan who shall serve as the division's liaison, and who shall provide guidance, answer questions and coordinate project logistics with the PM Contractor. The SME shall be available to meet with the contractor as needed for project success and no less than twice a month.
2. The DJJ shall identify and inform the DJJ institutions of the need for the project work and the role of the PM Contractor, and make staff available as needed to provide information on current practice, and other assistance.
3. The DJJ remedial plan SME's and/or Contract Manager shall be responsible for reviewing and approving tasks and deliverables detailed under PM Contractor's responsibilities.
4. The DJJ remedial plan SME's and/or Farrell Project Director will provide Contractor access to DJJ's databases, files, reports, contracts, documents and other relevant information.

**G. The DJJ Farrell Project Director shall provide the Departments mission, strategies and programs.**

1. The DJJ shall help resolve and escalate project issues within the CDCR organization, as necessary.
2. The DJJ Farrell Project Director shall review and approval all work products.
3. The DJJ shall provide cubicle accommodations at 4241 Williamsborough Drive. Space shall include a desk, telephone, IT equipment, hardware and software necessary for the consultant(s) to accomplish their assigned tasks at no cost to the PM Contractor.
4. DJJ shall not provide any clerical assistance for document or telephone support.

**H. Contract Amendment**

At CDCR/DJJ's option and in accordance with state and CDCR contracting policies and regulations, this contract may be augmented due to unforeseen additional work at the time this contract is executed and may be amended consistent with the terms and conditions of the original contract. Any unforeseen work must be approved by the DJJ, Farrell Project Director and will be paid at the contractor's hourly rate as identified in Exhibit B-1, Deliverables Cost Worksheet.

**BUDGET DETAIL FOR DELEGATA**

Consideration will be paid to Delegata based on the billable hourly rates according to the personnel classifications of the team members and the actual number of hours of work performed. The costs for this contract will not exceed \$250,000.

Due to our strong desire to develop a partnership with the CDCR, Delegata is providing the CDCR with hourly rates that are significantly discounted from our standard CMAS rates. Following are the proposed discounted hourly rates for the Delegata team members:

Name	CMAS Classification	Standard CMAS Rate	Discounted Hourly Rate	Planned Hours	Total
Matthew Harris, PMP	Senior Manager II	\$326.78	\$140	350	\$50,008
Chris Moore, PMP	Senior Manager II	\$326.78	\$140	730	\$98,700
Tom Edwards, PMP	Senior Manager II		\$140	750	\$98,700
Nicolle Goldman, PMP	Director II	\$363.09	\$0	30	\$0
Brian Lee	Director II	\$369.09	\$0	70	\$0
Robert Hess, MBA*	Director II	\$363.09	\$0	60	\$0
Totals before Discount				1880	\$263,200
Total (6% Discount)					\$247,408

Table 5 – Hours and Cost

\*Robert Hess will serve in a Project Oversight role to ensure that Delegata delivers all services to CDCR in an exemplary manner.

**Proposed Project Total: \$247,408**

Cost and Schedule by Deliverable

The following table provides the cost breakdown for the deliverables identified in this project.

**DJJ Preliminary Scope Planning  
 Initial Time Allocation  
 as of September 14, 2007**

PHASE / TASK	EST. HOURS	CMAS CLASSIFICATION				TOTAL \$
		Director II (hrs)	Sr Mgr II (hrs)	Director II (\$0/hr)	Sr Mgr II (\$140/hr)	
Project Oversight		60				
Sub-Total	60	60	-	\$ -	\$ -	\$ -
<b>Initiation</b>						
Project Sponsor Kickoff	12	10	10	-	\$ 1,400	\$ 1,400
Sub-Total	12	10	10	\$ -	\$ 1,400	\$ 1,400
<b>Planning</b>						
Remedial Plan Implementation Management	22	14	8	\$ -	\$ 1,120	\$ 1,120
Program Management Plans	24	8	16	\$ -	\$ 2,240	\$ 2,240
Work Breakdown Structure	32	8	24	\$ -	\$ 3,360	\$ 3,360
Schedule Management	16	8	8	\$ -	\$ 1,120	\$ 1,120
Cost Management	8		8	\$ -	\$ 1,120	\$ 1,120
Staffing Management	8		8	\$ -	\$ 1,120	\$ 1,120
Communications Management	8		8	\$ -	\$ 1,120	\$ 1,120
Quality Management	8		8	\$ -	\$ 1,120	\$ 1,120
Risk Management	8		8	\$ -	\$ 1,120	\$ 1,120
Procurement/Contract Management	24	16	8	\$ -	\$ 1,120	\$ 1,120
Integration Management	8		8	\$ -	\$ 1,120	\$ 1,120
Master Schedule	48	8	40	\$ -	\$ 5,600	\$ 5,600
Master Issue, Risk & Change Control Log	16		16	\$ -	\$ 2,240	\$ 2,240
Initial Diagnosed Problems & Solution Recommendations	24	8	16	\$ -	\$ 2,240	\$ 2,240
Change Control Process	20	4	16	\$ -	\$ 2,240	\$ 2,240
PM Training Plan	24	8	16	\$ -	\$ 2,240	\$ 2,240
Progress Reports	32	8	24	\$ -	\$ 3,360	\$ 3,360
Sub-Total	330	90	240	\$ -	\$ 33,600	\$ 33,600
<b>Execution, Monitoring &amp; Controlling</b>						
Program Status Reporting Setup	35		35	\$ -	\$ 4,900	\$ 4,900
Program Risk Management Setup	35		35	\$ -	\$ 4,900	\$ 4,900
Program Change Management Setup	35		35	\$ -	\$ 4,900	\$ 4,900
Program Communications Setup	35		35	\$ -	\$ 4,900	\$ 4,900
Risk Management Process & Meetings	150		150	\$ -	\$ 21,000	\$ 21,000
Issue Management Process & Meetings	150		150	\$ -	\$ 21,000	\$ 21,000



DELEGATA  
 California Department of Corrections and Rehabilitation  
 Budget Rate Sheet

Agreement Number DJJ.07070  
 Exhibit B-1

Change Management Process & Meetings	150		150	\$ -	\$ 21,000	\$ 21,000
Communications Process & Meetings	150		150	\$ -	\$ 21,000	\$ 21,000
Change Control Process & Meetings	150		150	\$ -	\$ 21,000	\$ 21,000
Update Master Plans	140		140	\$ -	\$ 19,600	\$ 19,600
Update Master Schedule	150		150	\$ -	\$ 21,000	\$ 21,000
Status Reports & Meetings	140		140	\$ -	\$ 19,600	\$ 19,600
PM Training	80		80	\$ -	\$ 11,200	\$ 11,200
PM Mentor Services	150		150	\$ -	\$ 21,000	\$ 21,000
<b>Sub-Total</b>	<b>1,550</b>		<b>1,550</b>	<b>\$ -</b>	<b>\$ 217,000</b>	<b>\$ 217,000</b>
Closing						
Project Wrap-up (Transition results)	40		40	\$ -	\$ 5,600	\$ 5,600
Lessons Learned	24		24	\$ -	\$ 3,360	\$ 3,360
Administrative Closure	16		16	\$ -	\$ 2,240	\$ 2,240
<b>Sub-Total</b>	<b>80</b>		<b>80</b>	<b>\$ -</b>	<b>\$ 11,200</b>	<b>\$ 11,200</b>
<b>TOTAL BEFORE DISCOUNT</b>	<b>2,002</b>	<b>180</b>	<b>1,880</b>	<b>\$ -</b>	<b>\$ 263,200</b>	<b>\$ 263,200</b>
6% Discount						\$ 15,792
<b>TOTAL</b>						<b>\$ 247,408</b>

STATE OF CALIFORNIA  
**STANDARD AGREEMENT**  
 STD 213 (Rev 08/03)

AGREEMENT NUMBER <b>DJJ.07052</b>
REGISTRATION NUMBER <b>52100308293109</b>

- This Agreement is entered into between the State Agency and the Contractor named below:  
 STATE AGENCY'S NAME  
 California Department of Corrections and Rehabilitation  
 CONTRACTOR'S NAME  
 Christopher Murray and Associates
- The term of this Agreement is: Upon Approval through December 31, 2009
- The maximum amount of this Agreement is: \$ 1,700,000.00  
One Million, Seven Hundred Thousand Dollars and No Cents
- The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.
 

Exhibit A - Scope of Work	5 page(s)
Exhibit B - Budget Detail and Payment Provisions	2 page(s)
Exhibit B-1 - Project Budget Proposal	1 page
Exhibit C* - General Terms and Conditions	GTC307
Check mark one item below as Exhibit D:	
<input checked="" type="checkbox"/> Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement)	13 page(s)
<input type="checkbox"/> Exhibit - D* Special Terms and Conditions	
Exhibit E - Additional Provisions	4 page(s)
Exhibit F - Resumes	24 pages

Items shown with an Asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at [www.oia.dgs.ca.gov/Standard+Language](http://www.oia.dgs.ca.gov/Standard+Language)

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR	
CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.) <b>Christopher Murray and Associates</b>	
BY (Authorized Signature) 	DATE SIGNED (In full year) <b>2/22/08</b>
PRINTED NAME AND TITLE OF PERSON SIGNING <b>Christopher Murray, Corporate Partner - CEO</b>	
ADDRESS [REDACTED]	
STATE OF CALIFORNIA	
AGENCY NAME <b>California Department of Corrections and Corrections</b>	
BY (Authorized Signature) 	DATE SIGNED (In full year) <b>2/26/08</b>
PRINTED NAME AND TITLE OF PERSON SIGNING <b>Delra Jones, Chief, Institutions Services Contracts Section</b>	
ADDRESS [REDACTED]	


*California Department of General Services Use Only*

*[Handwritten initials]*

**APPROVED**

**MAR 12 2008**

DEPT OF GENERAL SERVICES

Exempt per: 

## **MASTER PLANNER**

### **SCOPE OF WORK**

Under the direction of the Chief Deputy Secretary, Juvenile Justice or designee, Christopher Murray & Associates (contractor) shall assist the DJJ and the State Commission on Juvenile Justice in the development of a Juvenile Justice Operational Support Master Plan for submittal to the California Legislature on or before January 1, 2009.

The Juvenile Justice Operational Support Master Plan must take into consideration evidence based programs and risk and needs assessment tools currently in use by the counties and provide cost estimates of implementing these strategies.

The master plan shall develop the following strategies for implementation by the counties:

1. Risk and needs assessment tools to evaluate the programming and security needs of all youthful offenders and at-risk youth.
2. Juvenile justice universal data collection elements, common to all counties.
3. Criteria and strategies to promote a continuum of evidence-based responses to youthful offenders.

In addition to the master plan, the contractor shall prepare an Interim Report for review and approval by the DJJ. The Interim Report shall include the status of the work of the commission and the strategies identified to date for submission to the California Legislature on or before April 1, 2008.

With the assistance of DJJ management and staff, the contractor shall coordinate with departmental staff, control agencies and outside stakeholders to provide planning, advice, and recommendations for implementing the Farrell Remedial Plans. The Contractor shall monitor and make quarterly reports on implementation of the remedial plans. Working with DJJ executive management and staff the Contractor may:

1. Provide an updated assessment of DJJ Facilities' staffing and programmatic activities and as necessary, assist with ward realignments and closures. Coordinate with DJJ and external stakeholders to develop a plan for continued redistribution of wards to various facilities during the population realignment.
2. Review each Farrell Remedial Plan with the Court Experts, Plan Monitors, and DJJ plan coordinators to identify issues and conflicts between the plans that require resolution. Assist in establishing and modifying project schedules and ensure that remedial project plan timelines are implemented and on schedule.

3. Develop a master project work plan and schedule that incorporates the key elements of all six remedial plans.
4. Coordinate with internal and external stakeholders to minimize or eliminate disruption to approved master project timelines. Identify and report any unforeseen barriers which may cause project timelines to be extended.

### **DELIVERABLES**

On or before April 1, 2008, the contractor shall provide for review, approval and revisions, an interim report to the California Legislature, which shall include the status of the work of the Division, Contractor and strategies identified to date.

On or before January 1, 2009, the contractor shall provide a fully developed Juvenile Justice Operational Master Plan with risk and needs assessment tools for evaluating and programming all youthful offenders and at-risk youth to the DJJ and the Farrell Court.

For the entirety of this contract, the contractor shall serve as the court appointed master planner and provide on-going management and coordination with CDCR, DJJ and external stakeholders to ensure that individual remedial plan implementation requirements and activities are tracked and to help CDCR and DJJ maintain remedial plan schedules. On a continuous basis, the Contractor shall:

1. Provide assistance with remedial plan schedule maintenance and management to:
  - Track progress against tasks;
  - Incorporate approved changes into remedial plan schedules;
  - Make recommendations to leverage DJJ resources as necessary;
  - Provide recommendations for remediation of schedule variances and slippage due to consolidations, realignments, and unforeseen contingencies.
2. As necessary, the contractor shall meet with CDCR/DJJ executive management regarding schedule variances and solutions.
3. In conjunction with CDCR/DJJ staff, provide assistance in the oversight of individual Farrell Remedial Plan Project plans, maintaining schedule dates according to the Contractors master project plan schedule by:
  - Advising CDCR/DJJ staff to help the agency ensure that good management practices are followed; staff responsibilities are performed; communication processes are effective; risk, issue, and change management processes are followed and integrated with the project management plan; and project schedules and budget are effectively managed.

- Assisting in the identification and resolution of all progress, planning, and work integration issues.
- Reporting on the project status, risks, and issues to the DJJ executive management team.

The Contractor shall provide services with regard to Farrell v. Tilton, as a master planner for DJJ that will assist the department in its effort to convert its facilities and manage the Farrell v. Tilton Remedial Plan due dates.

Master Planning services shall include, but not be limited to:

1. Providing information to DJJ Management, external stakeholders and court representatives as needed or required.
  2. document review
  3. written reports
  4. recommendations
  5. meetings
  6. other services as required
4. Contractor shall review and analyze each of the Remedial Plans for Farrell v. Tilton and provide recommendations and revisions to all six of the remedial plans as necessary:
5. Contractor shall consult with:
- Juvenile justice planning experts designated in the Farrell Remedial Plans;
  - Employees and representatives of the CDCR and DJJ; and
  - Others as mutually deemed appropriate by the contractor and agreed upon by the CDCR.
6. Based upon the review of each remedial plan, the contractor shall:
- Identify DJJ proposals inconsistent with principles enumerated in the Farrell remedial plans.
  - Identify issues for resolution where conflicts between remedial plans exist. Identify potential modifications or elaboration needed.
  - propose solutions to DJJ and the courts as necessary, to include but not limited to:
    - i. Obtaining current policy choices from DJJ
    - ii. Critiquing DJJ choices with which Contractor does not agree
    - iii. Clarifying options and recommendations for DJJ
    - iv. Developing implementation plans for DJJ
    - v. Presenting implementation plans to DJJ Executive Management for review and acceptance.
7. Contractor shall tour DJJ and/or other CDCR facilities as needed, in order to:
- determine the capacity of existing housing and programs
  - determine security levels of existing housing and institutions

- document staffing of existing housing, programs, and services
  - Provide a qualitative assessment of programs and operations.
8. Contactor shall meet and confer with internal and external stakeholders and parties hereto, and solicit input on draft work products in order to coordinate with each of the Farrell Remedial Plan Directors on concurrent planning efforts of:
- i. Mental Health Plan
  - ii. Education Plan
  - iii. Sex Offender Treatment Plan
  - iv. Plan for disabled wards
  - v. Health Care Plan
  - vi. Safety and Welfare Plan
  - vii. Others as needed.
9. Contractor shall provide revisions and additions to the timeliness, outcome measures, staffing, and responsibilities with regard to the following concerns:
- improving the process of accepting and placing youthful offenders
  - improving rehabilitative outcomes for all youthful offenders
  - addressing behavior problems
  - improving behavior management
  - youthful offender rights
  - ensuring success and sustainability
  - facility needs.
10. Contractor shall provide the services of these nationally-recognized juvenile justice experts:
1. Christopher Murray
  2. John Platt
  3. To be determined
  4. To be determined

**Reporting Requirements:**

All reports prepared for CDCR/DJJ shall be produced in Microsoft Word and/or Excel, Powerpoint, Access and/or Project for Windows 97/2003.

**PROJECT REPRESENTATIVES**

The project representatives during the term of this agreement will be:

State Agency: CDCR – Division of Juvenile Justice	Contractor: Christopher Murray and Associates
Name: David Hale	Name: Christopher Murray or designee
Phone: [REDACTED]	Phone: [REDACTED]
Fax: [REDACTED]	Fax: [REDACTED]
Email: [REDACTED]	Email: [REDACTED]

Christopher Murray and Associates  
California Department of Corrections & Rehabilitation (CDCR)  
Scope of Work

Agreement No. DJJ.07052

Exhibit A

Direct all inquiries to:

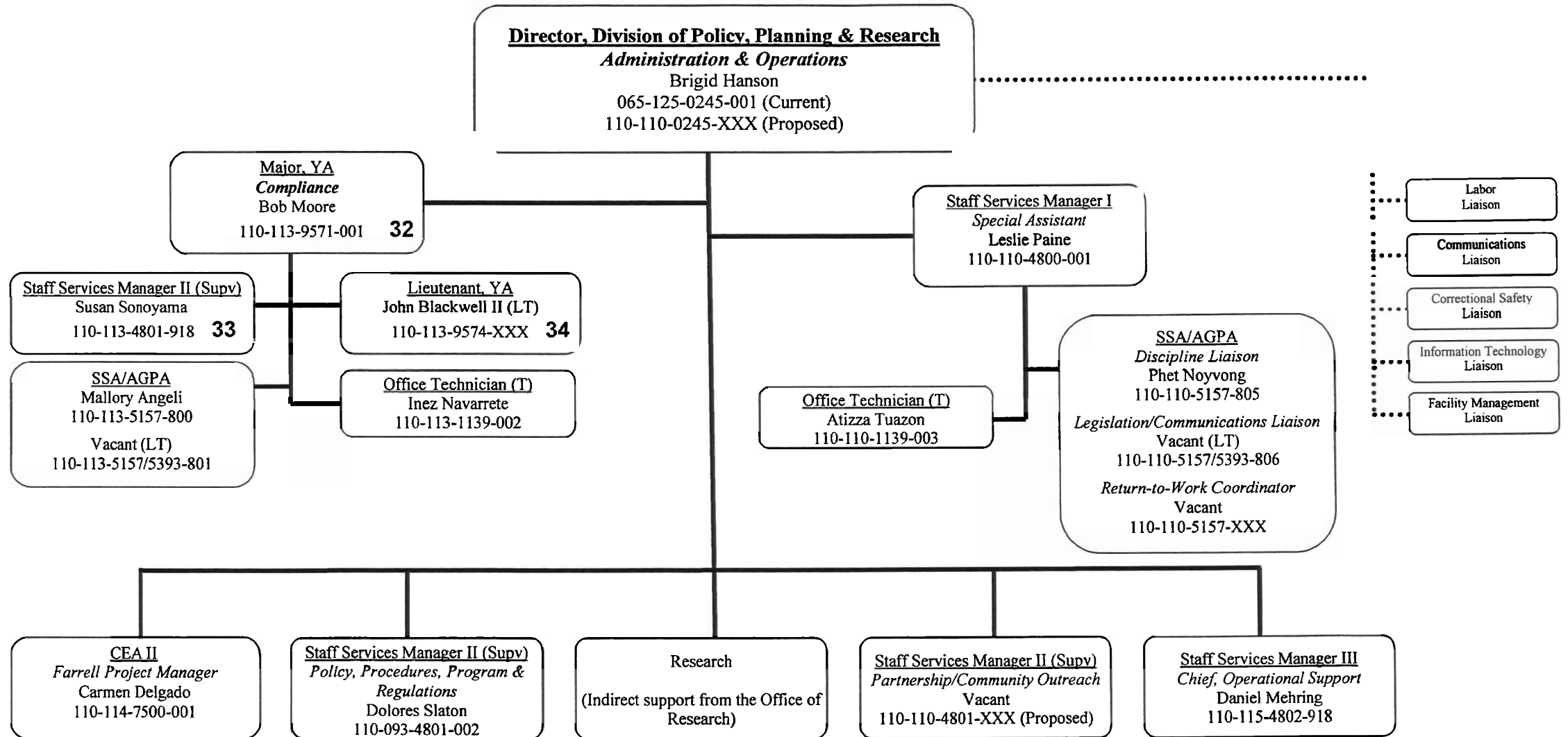
State Agency: CDCR	Contractor: Christopher Murray and Associates
Section/Unit: Division of Juvenile Justice	Section/Unit:
Attention: Doug Ugarkovich or designee	Attention: Christopher Murray or designee
Address: [REDACTED]	Address: [REDACTED]
City, St., Zip: [REDACTED]	City, St., Zip: [REDACTED] WA 98002
Phone: [REDACTED]	Phone: [REDACTED]
Fax: [REDACTED]	Fax:
Email	Email: [REDACTED]

**PROJECT BUDGET PROPOSAL  
CHRISTOPHER MURRAY AND ASSOCIATES  
Budget Period: FY 07/08 through FY 08/09**

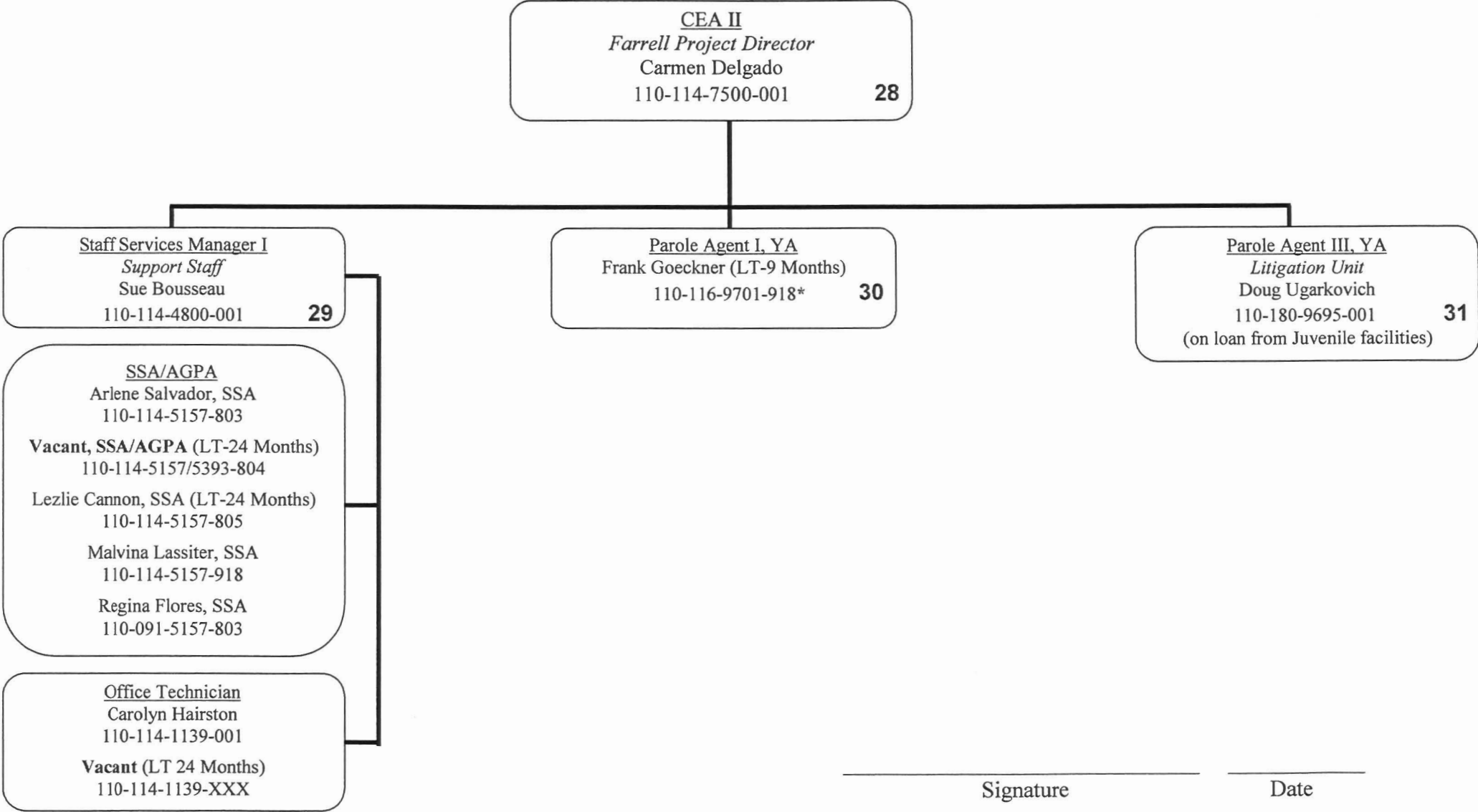
A. PERSONNEL	Role on Project	Hourly Salary	Hours Per Month FY 07/08	Hours Per Month FYs 08-10	6 Mo Year 1 FY 07/08	12 mos Year 2 FY 08/09	6 Mo Year 1 FY 09/10	24 mos Total
Christopher Murray	Principal	\$175.00	150	80	\$157,500.00	\$168,000.00	\$84,000.00	\$325,500.00
Karen Hennigan	Consultant	\$150.00	150	80	\$135,000.00	\$144,000.00	\$72,000.00	\$279,000.00
Suzie Cohen	Consultant	\$150.00	150	80	\$135,000.00	\$144,000.00	\$72,000.00	\$279,000.00
Kathleen Gookin	Consultant	\$150.00	150	80	\$135,000.00	\$144,000.00	\$72,000.00	\$279,000.00
	<b>Total Staff Salaries</b>				<b>\$562,500.00</b>	<b>600,000.00</b>	<b>300,000.00</b>	<b>\$1,462,500.00</b>
<b>TOTAL PERSONNEL COSTS (A)</b>								<b>\$1,462,500.00</b>
<b>B. Expenses - Travel and Per Diem</b>								
<b>Christopher Murray</b>	<b>Principal Consultant</b>							
Travel/Airfare - RT \$500 ea. (*12 visits per fiscal year)					\$3,000.00	\$6,000.00	\$3,000.00	\$12,000.00
Per Diem, Car & Hotel - **\$200 per day (2 days per visit)					\$2,400.00	\$4,800.00	\$2,400.00	\$9,600.00
TBD (3) - Travel/Airfare @ \$500 ea RT x 12 trips (not to exceed 12 trips per FY)	Consultant				\$14,400.00	\$36,000.00	\$14,400.00	\$64,800.00
TBD (3) - Per Diem & Hotel @ \$200 per day per Consultant. (not exceed 6 visits per FY).	Consultant				\$7,200.00	\$14,400.00	\$7,200.00	\$28,800.00
Monthly visits to Sacramento to meet with DJJ Executive Management, not to exceed more than 12 visits per fiscal year.								
**Based on approximately 12 visits per fiscal year to Sacramento for the Monthly Meetings.								
	<b>Total Expenses</b>				<b>\$27,000.00</b>	<b>\$61,200.00</b>	<b>\$27,000.00</b>	<b>\$115,200.00</b>
<b>TOTAL EXPENSES (TRAVEL &amp; PER DIEM) (B)</b>								<b>\$115,200.00</b>
TOTAL BUDGET AMOUNTS FOR FISCAL YEAR 2007/2008						\$589,500		
TOTAL BUDGET AMOUNTS FOR FISCAL YEAR 2008/2009						\$661,200		
TOTAL BUDGET AMOUNTS FOR FISCAL YEAR 2009/2010						\$327,000		
<b>TOTAL BUDGET FOR ALL FISCAL YEAR TOTALS =</b>								<b>\$1,577,700.00</b>



**DEPARTMENT OF CORRECTIONS AND REHABILITATION  
DIVISION OF JUVENILE JUSTICE  
ADMINISTRATION AND OPERATIONS ORGANIZATION**



**DEPARTMENT OF CORRECTIONS AND REHABILITATION  
DIVISION OF JUVENILE JUSTICE  
FARRELL TEAM**

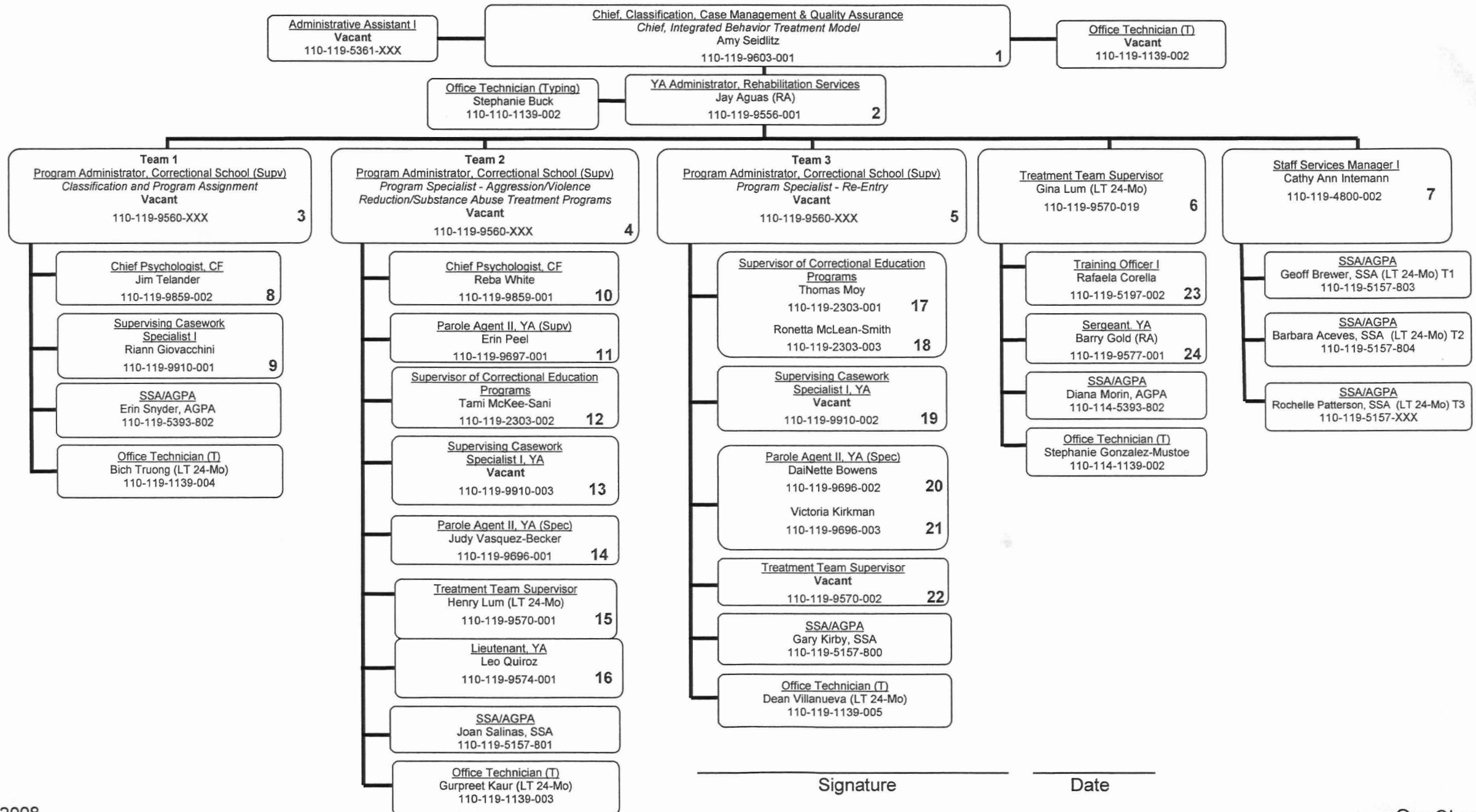


\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*LT position to complete work on WIN Project.

**DEPARTMENT OF CORRECTIONS AND REHABILITATION  
DIVISION OF JUVENILE JUSTICE  
INTEGRATED BEHAVIOR TREATMENT MODEL**



Signature

Date

AGREEMENT NUMBER <b>DJJ 06019</b>
REGISTRATION NUMBER <b>52100807241784</b>

- This Agreement is entered into between the State Agency and the Contractor named below:  
 STATE AGENCY'S NAME  
 California Department of Corrections and Rehabilitation  
 CONTRACTOR'S NAME  
**ORBIS PARTNERS, INC**
- The term of this Agreement is: July 1, 2007 through June 30, 2009
- The maximum amount of this Agreement is: \$ 1,877,340.00  
 One Million Eight Hundred Seventy-Seven Thousand Three Hundred -Forty Dollars and No
- The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.
 

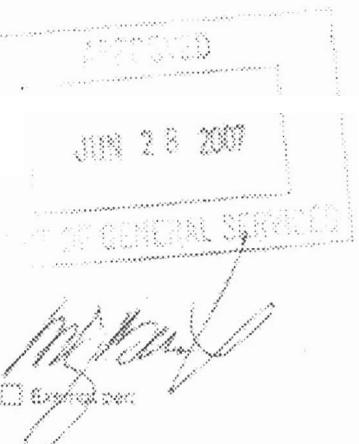
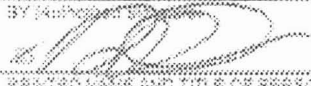
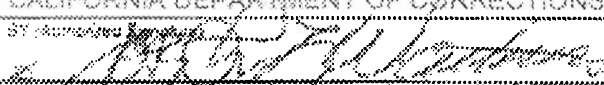
Exhibit A – Scope of Work –	Pages 6
Exhibit B – Budget Detail and Payment Provisions	Pages 8
Exhibit B-1 – Contractor Rate Sheet	Pages 4
Exhibit C* – General Terms and Conditions	

Check mark one item below as Exhibit D:

<input checked="" type="checkbox"/> Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement)	Pages 12
<input type="checkbox"/> Exhibit - D* Special Terms and Conditions	
Exhibit E – Additional Provisions	Pages 7

Items shown with an Asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at [www.cis.dcs.ca.gov/Standard+Language](http://www.cis.dcs.ca.gov/Standard+Language)

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

<b>CONTRACTOR</b>	<i>California Department of General Services Use Only</i>
CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.) <b>ORBIS PARTNERS, INC</b>	
BY:  DATE SIGNED (in full) June 14, 2007	
PRINTED NAME AND TITLE OF PERSON SIGNING Alexander P. Stringer, M.A., <i>TREASURER</i>	
ADDRESS [REDACTED]	
<b>STATE OF CALIFORNIA</b>	
AGENCY NAME <b>CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION</b>	
BY:  DATE SIGNED (in full) 6/15/07	
PRINTED NAME AND TITLE OF PERSON SIGNING Debra Jones, Chief, Institutions Contract Services Section	<input type="checkbox"/> External per:
ADDRESS [REDACTED]	

**Integrated Behavior Treatment Model: Risk Needs Assessment, Interventions and Training**

**1. Introduction**

The Contractor, is to develop and implement an Integrated Behavioral Treatment Model (IBTM) based on a valid, objective risk/needs assessment and interventions that align with the assessment results. The assessment instrument(s) must be sensitive to the needs and responsivity issues presented by youth in Division of Juvenile Justice (DJJ) facilities and/or on parole, which include youthful offenders, both male and female, ages 12-25. The assessment(s) will determine the youthful offenders' risk to re-offend, identify criminogenic needs, identify protective factors and strengths, assess skills, and assist in identifying responsivity factors. The assessment process will also include components for predicting risk for institutional violence and readiness for release. The IBTM must include specific interventions and skills training for staff, to address the criminogenic needs identified through the assessment process, in a manner consistent with a Motivational Interviewing approach. The Contractor, is to build staff expertise and capacity within the Division, through a Train the Trainers model. The participants selected for the Training For Trainers shall be trained and certified to conduct the assessment and deliver the interventions and to train other DJJ staff, statewide, to conduct the risk/needs assessment and deliver the relevant interventions, using motivational enhancement techniques, in a responsive manner.

**2. Contractor Responsibilities**

The Contractor shall designate a Project Manager to be responsible for ensuring the terms, conditions, and provisions of this Agreement are met. The Contractor shall notify the CDCR within five (5) working days of a change in Project Manager. The continuation and subsequent replacement of this position is subject to the provisions contained in the section entitled "Personnel".

**a. Request for Services**

Deliverable	Estimated Hours	Estimated Completion Date	Vendor's Projected No. of Hours	Hourly Rate	Cost Proposal
<b>Deliverable 1: Develop Project Plan for IBTM</b>	80	9/10/2007	160	\$335	\$53,600
1.1 Consult with Project Manager/SMEs to determine needs	40		80		

1.2 Submit Project Plan for development of IBTM	40		80		
<b>Deliverable 2: Develop Assessments</b>	600		960	\$335	\$321,600
2.1 Consult with Project Manager /SMEs to obtain info needed to develop Assessments	40		40		
2.2 Develop Risk-to-Re-Offend Assessment	320		360		
2.3 Develop Risk for Institutional Violence Assessment/Incorporate DJJ Assessment with Risk-to-Re-Offend	40		80		
2.4 Develop Scoring Methodology/Process	80		80		
2.5 Access and Submittal of Assessments and Process for final results	80		240		
2.6 Develop Reports	40		80		
2.7 Produce draft Assessment Manual	??		80		

Deliverable	Estimated Hours	Estimated Completion Date	Vendor's Projected No. of Hours	Hourly Rate	Cost Proposal
<b>Deliverable 3: Train Trainers</b>	280	1/15/2008	464	\$335	\$155,440
3.1 Consult with Project Manager	20		24		
<b>3.2 Create T4T Training Curricula/Materials</b>	40		80		
3.3 Approval of Curricula	20		20		
3.4 Develop Certification Process	??		20		
3.5 Conduct Training For Trainers	40		40		
3.6 Certify Trainers on Assessment/Scoring	40		160		

3.7 Submit Trainer Evaluations	40		40		
3.8 Finalize Assessment Manual	80		80		
<b>Deliverable 4: Define Use of Assessments in DJJ's System</b>	380	3/1/2008	480	\$335	\$160,800
4.1 Norm Assessments	160		160		
4.2 Develop Pre-Screen Assessment	80		120		
4.3 Define/Evaluate Placement Process	40		80		
4.4 Develop Prioritization Process	40		40		
4.5 Consult on Policy/Procedure Development	40		40		
4.6 Changes/Updates to Assessment Manual	??		40		

Deliverable	Estimated Hours	Estimated Completion Date	Vendor's Projected No. of Hours	Hourly Rate	Cost Proposal
<b>Deliverable 5: Train Staff</b>	860	8/30/2008	1,000	\$335	\$335,000
5.1 Create Implementation Plan	40		40		
5.2 Develop Curricula	160		160		
5.3 Develop QA Process	80		80		
5.4 Train Trainers	40		80		
5.5 Staff Training	320		320		
5.6 Submit Trainee Evaluations	20		20		
5.7 Certify Trainers	40		40		
5.8 Submit Trainer Evaluations	20		20		
5.9 Implement QA Process	80		120		
5.10 Certify Staff	40		80		

5.11 Submit Staff Evaluations	20		40		
<b>Deliverable 6: Develop Interventions</b>	800	12/30/2008	580	\$335	\$194,300
6.1 Consult with Project Manager/SMEs	40		40		
6.2 Submit Evaluation of Assessment results	20		60		
6.3 Develop Interventions that address assessment results	640		320		
6.4 Create Case Plan Process to Document Interventions	40		40		
6.5 Submit Draft Curricula/Training Manual	60		120		
<b>Deliverable 7: Train Trainers</b>	220	2/15/2009	580	\$335	\$194,300
7.1 Create T4T Materials	40		120		
7.2 Develop QA Process	20		40		
7.3 Train Trainers	80		200		
7.4 Certify Trainers on Interventions/Case Planning	40		100		
7.5 Submit Trainer Evals	20		40		
7.6 Submit Finalized Curriculum	20		80		

Deliverable	Estimated Hours	Estimated Completion Date	Vendor's Projected No. of Hours	Hourly Rate	Cost Proposal
<b>Deliverable 8: Train Staff</b>	640	6/15/2009	880	\$335	\$294,800
8.1 Develop Implementation Plan	40		80		
8.2 Staff Training	420		400		
8.3 Submit Trainee Evaluations	20		40		
8.4 Certify Trainers	40		120		
8.5 Submit Trainer Evaluations	20		40		
8.6 Implement QA Process	40		80		



8.7 Certify Staff	40		80		
8.8 Submit Staff Evaluations	20		40		
<b>Deliverable 9: Validate Assessments</b>	180	6/15/2009	300	\$335	\$100,500
9.1 Submit Plan	20		20		
9.2 Conduct Evaluation	80		120		
9.3 Validate Assessments	80		160		
<b>Deliverable 10: Final IBTM Recommendations</b>	120	7/30/2009	200	\$335	\$67,000
10.1 Provide Consultation Regarding Changes Needed to IBTM	40		80		
10.2 Submit Recommendations on changes/adjustment/future enhancements	40		80		
10.3 Project Evaluation/Closeout	40		40		
<b>Total Cost Proposal</b>		7/01/2007-6/30/2009			<b>\$1,877,340</b>

**3. Résumés, Job Descriptions and Duty Statements**

The Contractor must provide and maintain résumés, duty statements and/or job descriptions for all staff paid through this Agreement. In addition, all contracted staff personnel files must indicate the date of employment, rate of pay and benefits, funding source, pay increases, promotions and status changes, and, if applicable, the date and reason(s) for employment termination.

**Staff List/Personnel Résumés/Qualifications**

When applicable, this subsection is used to request the following:

- (1) Copies of personnel licenses (NOTE: Do Not request for registry type agreements), certifications, permits, if required
- (2) Minimum qualifications
- (3) Experience

**4. Standard Conditions**

- a. **Accidents and Damages to CDCR equipment**

The Contractor shall be liable for damages arising out of injury to a person and/or damage to the property of the State, employees of the State, and any other person(s) other than agents or employees of the Contractor, designated by the State for any purpose, prior to, during or subsequent to delivery, installation, acceptance and use of the deliverables either at the Contractor's site or at the State's place of business, provided that the injury or damage was caused by the fault or negligence of the Contractor.

**5. CDCR Contact Information**

Should questions or problems arise during the term of this Agreement, the Contractor should contact the following offices:

- Billing/Payment Issues:  
Headquarters Accounting Services  
[REDACTED]  
[REDACTED]
- Scope of Work/Performance Issues:  
Cathy Ann Inteman  
Reform Unit, Division of Juvenile Justice  
[REDACTED]
- General Contract Issues:  
Office of Business Services  
[REDACTED]  
[REDACTED]

## **SUMMARY OF REMEDIAL PLAN POLICY REQUIREMENTS**

### **Education Remedial Plan, filed March 1, 2005**

**Plan requirements regarding policies and procedures:** DJJ had relatively comprehensive educational policies and procedures when it was preparing its education remedial plan in consultation with the education experts. Statements of Tom O'Rourke to the special master, March 14, 2007. The plan requires DJJ to update its policy, regulations and procedures by December 2005. Education plan, pp. 29. The education standards and criteria make a number of references to particular policies and procedures.

**Status:** The education experts have monitored practices rather than policies and procedures. They will monitor the policies and procedures by or before the end of summer 2008. They believe that the policies and procedures were up-to-date as of December 2005. Statements of Tom O'Rourke to the special master, March 14, 2007.

### **Ward With Disabilities Remedial Plan, filed May 31, 2005**

**Plan requirements regarding policies and procedures:** The disabilities plan, filed in May 2005, requires DJJ to have drafted a comprehensive policy for implementation of the wards with disabilities program by August 1, 2005. Disabilities plan, p. 58. It must assure that disability is not the direct or indirect reason for a youth's placement into restrictive programs. Disability Audit Tool (standards and criteria), p. 4. The plan contemplates agency approval of the comprehensive policy after August 1, 2005, and staged implementation thereafter. The plan also requires a protocol and procedures for youth with disabilities during emergencies by December 2005. Disability Audit Tool (standards and criteria), p. 1.

**Status:** The comprehensive policy was developed and put in the form of a temporary departmental order, TDO 06-71, and signed by the Chief Deputy Secretary in September 2006. The TDO expires September 2008. In 2006, it was distributed to the facilities for their use in planning, and it was promulgated as official policy in November 2007 and implemented in early 2008. Defendant's Amended Case Management Conference Statement, October 19, 2007 case management conference, p. 17 (scheduled for implementation November 13, 2007); statements DJJ staff during February 29, 2008 meeting of parties, special master and expert Logan Hopper, clarified by DJJ's comments on the draft of this report and appendix, p. (staff policy training, a pre-requisite for implementation, was completed in January and February 2008). The TDO covers restrictive programs (p. 58-59). The comprehensive policy was developed in consultation with expert Hopper and he advised DJJ that it was an appropriate statement of policy required by the disabilities remedial plan. Statements of Logan Hopper during meeting with special master and parties, February 29, 2008. The protocol and procedures for emergencies and youth with disabilities is on the schedule for block/off-post training for March 2008. Email, Ugarkovich, DJJ Training Plan For 2008, Status as of

03/06/2008, March 7, 2008. DJJ did not consult the disabilities expert as it developed the protocol and he believes that it should be more specific. Email, Logan Hopper to the special master, March 18, 2008.

### **Sexual Behavior Treatment Plan, filed May 16, 2005**

**Plan requirements regarding policies and procedures:** The sexual behavior treatment plan, also filed in May 2005, requires comprehensive policies and procedures for the sexual behavior treatment program, including screening and assessment, confidentiality and informed consent, and suspension and termination from the program. Sexual Behavior Treatment Plan, Standards 1, 3, 14, and 16. The sexual behavior treatment plan itself prescribed almost no deadlines, relying on DJJ to establish an implementation plan, and the plan set no deadline for these policies. DJJ's sexual behavior treatment task force initially set July 2006 as the date by which the policies and procedures manual would be completed.

**Status:** The sexual behavior task force has been working on sexual behavior treatment policy since late 2005 or early 2006, and policy writer has worked with the task force since June 2006. The executive management team instructed them to put the work on hold in March 2007, when it was re-evaluating its processes for the development of policies and procedures. Email, Susan Sonoyama-Jenkins, October 30, November 1 and November 5, 2007. The work was picked up again by the multi-disciplinary work groups, first the program work group and then the classification and assessment work group. In March 2007, DJJ provided a draft to the sexual behavior treatment expert. The sexual behavior treatment expert has met with DJJ staff and provided her extensive comments and concerns. Statements of staff to special master during meeting with program and classification and assessment work groups, February 27, 2007; statements of Dr. Barbara Schwartz, sexual behavior treatment expert, to Monitor Cathleen Beltz, March 20, 2008.

### **Health Services Remedial Plan, filed February 24, 2006 (essentially complete by September 2005)**

**Plan requirements regarding policies and procedures:** The health services plan requires the development of 24 specified initial policies, additional policies addressing National Commission on Correctional Health Care standards for juvenile facilities, other policies as deemed necessary by the health care services leadership and a nursing protocol manual. Health Care Services Remedial Plan, pp. 51-52. As to the first policies to be developed, it requires DJJ to identify and draft "key" policies by March 13, 2006, submit those for review by the medical experts, and finalize the key policies in writing by June 15, 2006. Health Care Services Remedial Plan, pp. 61-62. It requires a comprehensive list of policies identified for development. Plan, p. 51.

**Status:** DJJ identified 32 key policies and developed 29 of them in the form of temporary department orders by June 2006; the last 3 were under legal or executive

review (credentialing, peer review and organizational structure). By September 2006, 26 of the policies had been adopted formally, i.e., the TDOs were signed. Three more were adopted by November 2006. The 29 policies were sent to facilities for facilities to develop consistent local operating procedures in September and November 2006. They were “finalized” or promulgated as official binding policy in September 2007. These were among the first policies that were promulgated after DJJ appointed a new director of administration and operational support, Brigid Hanson. *See*, Third Report of the Special Master (November 2006), p. 13; *and* Fifth Report of the Special Master (October 2007), pp. 23-24. Two of the last three key policies have been finalized since October 2007, the credentialing (March 10, 2008) and peer review (November 28, 2007) policies. DJJ PPP&R Unit tracking report, March 11, 2008. The organizational structure policy is under executive review. The medical experts have requested that DJJ provide a list identifying health care policies to be developed in the next 12 months. In its comments on the draft of this appendix, it states that it has a short list of policies and procedures to develop, as follows: immunizations, housekeeping procedures related to infection control and disaster drills. It further states that it will have new medical records staff review medical records policy and that it is preparing nursing protocols in consultation with the experts.

**Mental Health Remedial Plan, filed August 25, 2006, with standards and criteria filed December 15, 2006**

**Plan requirements regarding policies and procedures:** The mental health plan requires DJJ to follow the model of its health services plan, to develop a comprehensive set policies and procedures for the delivery of mental health services, in consultation with the mental health experts. The requirements of the health services plan apply to mental health policies. The plan specifies 22 mental health issues to be covered by policies and procedures. Mental Health Remedial Plan, pp. 62-63. It requires a table of contents and a schedule for updating mental health policies by March 1, 2007. MH 8.1.a.

The standards and criteria for the mental health plan gives a few deadlines for individual policies, including sharing behavioral and assessment information with counties (MH 4.3, June 1, 2007) forensic evaluation (MH 5.3, June 1, 2007), levels of care (MH 5.6.a and 5.9, July 31, 2007), treatment plans (MH 5.8, June 30, 2007), long term licensed care (MH 5.19, December 31, 2006), and screening and assessment for licensed and unlicensed mental health facilities (MH 5.25b, June 30, 2007). The plan also requires DJJ to revise policies on use of force and restraints and the disciplinary process to take appropriate account of mental illness by December 31, 2006. Mental health plan, p. 66. Pursuant to the consent decree (para. 7.c.), by December 2005, DJJ developed a new policy for the management and treatment of youth at risk of self-harm pursuant to the consent decree in 2004. After unsuccessful attempts to implement it, it decided to revise the policy in late 2006. *See*, Fourth Report of the Special Master, pp. 15-17.

**Status:** In the fall of 2007, DJJ provided an adequate table of contents for mental health policies. It has not provided a schedule for policy development. *See*, Sixth Report of the Special Master, p. 3; *and* Exhibit B, Attachment 1, pp. 8 (MH 8.1). The delay in

provision of the table of contents resulted from someone within CDCR/DJJ, not DJJ's mental health management, sticking for months to a position that the table of contents should be nothing more or less than the list of 22 policy areas at pages 62-63 of the Mental Health Remedial Plan. Contemporaneous statements of DJJ staff. The position was unreasonable. At page 62, for example, the plan introduces the list of 22 items by "DJJ will develop policies and procedures that cover the following mental health care issues." The list did not include policies that other parts of the plan specifically required, for example a policy for counties and DJJ to share mental health information (MH 4.2.b), a policy for forensic evaluations (MH 5.3), and a policy for youth requiring long term care in a licensed facility (MH 5.19). DJJ's mental health unit prepared a table of contents that it and the mental health experts considered appropriate but, for months, DJJ's official position was that pages 62-63 supplied the table of contents.

In December 2007, DJJ adopted the policy for the management of youth at risk for self-harm (SPAR policy), after consultation with the mental health experts. The experts approved the policy as meeting contemporary standards for the management of self-harming youth, though they made suggestions to be considered after implementation when the policy comes up for review. *See*, Sixth Report of the Special Master, pp. 1-3. Since adoption of the policy, DJJ has modified it in the course of labor negotiations which have not been completed. DJJ comments on the draft of this appendix, p. 9. The policy is being piloted at Chaderjian. *Ibid*. In February, DJJ intended to implement the policy system-wide by April 30, 2008, after DJJ provides a policy training to staff. Email, Riley, February 26, 2008. The experts believe that clinicians should be trained on a treatment approach for youth at risk for self-harm, and on guidelines for the judgments that they are responsible to make under the policy. They are in discussion with DJJ about what further training DJJ will provide to clinicians. DJJ has extended the date for full implementation.

DJJ consulted the mental health and sexual behavior treatment experts over two drafts of a forensic evaluation (civil commitment) policy from September through December 2007. *See*, Sixth Report of the Special Master, Exhibit B, Attachment 1, p. 2. DJJ provided the experts with an improved draft in March 2008. The experts are still recommending that the be more specific. Email, special master to DJJ counsel and Ugarkovich, March 18, 2008. DJJ requested that the experts reconsider that opinion. Email, Anderson to special master and experts, April 8, 2008. In its comments on the draft of this appendix, DJJ indicates that it has met the concerns of the experts.

In the summer of 2007, staff provided the mental health experts with a draft of a policy defining levels of mental health care. Email, Doug Ugarkovich to experts and special master, June 13, 2007. The experts were very dissatisfied with it and DJJ provided a more satisfactory draft that the experts and DJJ discussed during the experts site visit to central office August 30, 2007. Special master's memorandum of meeting, emailed to experts and DJJ representatives September 11, 2007. In December, the experts found that DJJ was making progress, and that the levels of care policy was somewhat dependent on finalization of the standards for the program service day. *See*, Sixth Report of the Special Master, Exhibit B, Attachment 1, pp. 2-3.

On March 8, 2008, DJJ provided the mental health experts with an impressive draft of a policy on psychopharmacology. Psychiatrist expert Dr. Lee reviewed the draft and provided DJJ with his comments on April 9.

DJJ has not completed any others of the policies required by the mental health plan, nor has it provided the mental health experts with drafts of any of them. *See*, Sixth Report of the Special Master, Exhibit B, Attachment 1, pp. 3 (MH 5.8 and 5.10), 4 (MH 5.19), 6 (MH 5.25) and Attachment 2, p. 2 (MH 4.2b). Staff have reported that work is in progress on several of them. Statements of Elaine Stenoski, Jim Telandar, GERALYN FREELAND, to the special master, February 27, 2008. It appears that all of them are on DJJ's tracking list of 90 Farrell-related policies with the exception of sharing behavioral assessment information with counties.

**Safety and Welfare Remedial Plan, filed July 10, 2006, with standards and criteria filed October 31, 2006**

**Plan requirements regarding policies and procedures:** The safety and welfare plan explicitly requires that DJJ develop and promulgate policies and procedures as follows: custody reclassification (SW 3.1.i, May 14, 2007); use of force (SW 3.2, August 1, 2007); acceptance and rejection (S&W 8.1.1, September 1, 2006); clarified policies about appropriate youth for DJJ facilities (S&W 8.1.3a, February 28, 2008); access to courts (Oct 1, 2007) and restricted housing (S&W 9.1.4, 9.2.1, 10.5, January 1, 2007). By implication, it requires that DJJ develop and promulgate policy in the following areas: DDMS and time-adds (S&W 8.4a, 8.6, March 31, 2007); grievances and staff misconduct complaints (S&W 8.5, March 31, 2007); positive incentives (S&W 8.4b, March 31, 2007); and statewide standards for the program service day (S&W 6.2.a, October 1, 2006).

**Status:** DJJ developed and adopted the acceptance/rejection protocol by September 2006. TDO # 06-70, email, Riley, October 4, 2006. DJJ has used the standards to limit admissions. *See, e.g.*, Fourth Report of the Special Master, Appendix B (Trupin/Lee report), p. 3. The protocol is still on the PPP&R "Farrell Open Case Report" tracking list of 90 Farrell-related policies, with a note that the policy unit had not received a formal policy referral of draft policy.

DJJ has developed and adopted restricted housing policies. TDOs 07-82, 07-83, 07-84, 07-85, 07-86. It appears that DJJ is about to implement them in that it has scheduled them for off-post/block training in March 2008. DJJ Training Plan for 2008, Status as of 03/06/2008, email, Ugarkovich, March 7, 2008. The new version of WIN that is scheduled to be implemented by April 1 includes features for these new policies. Statements of Bob Eden to the special master, February 29, 2008.

DJJ has developed the policy setting forth statewide standards for the program service day. It is under executive review. Email, Ugarkovich, March 11, 2008. It will be piloted

at the Preston facility beginning in August 2008, the beginning of a new school year. Preston needs to hire certain staff that it does not have currently in order to implement a program service day that is consistent with the standards. DJJ comments on the draft of the Seventh Report of the Special Master, pp. 4-5,10

DJJ has developed and adopted two policies on youth grievances and youth complaints of staff misconduct. Adoption was on October 1, 2007. TDOs #07-92 and 07-93. DJJ is planning to implement these policies in July. Implementation is dependent on additional revisions to the WIN system which are scheduled to be completed in July. Email citing Tammy McGuire, Ugarkovich, March 6, 2008.

DJJ developed and adopted a policy revising its disciplinary system, TDO # 06-72, in October 2006, but the policy has not been implemented. DJJ is re-drafting the policy. *See*, Sixth Report of the Special Master, Appendix B (Beltz report), p. 14.

Members of the interdisciplinary work groups reported work on policies concerning custody reclassification and use of force. Statements of staff February 27, 2008.



**Policy Title: POLICY DEVELOPMENT AND REVISION STANDARDS**



California  
Department of  
Corrections and  
Rehabilitation  
  
**Division of  
Juvenile Justice**

**Manual:**

Administrative Manual (YAM)  
Education Manual  
Institutions and Camps Manual  
Parole Services Manual

**Revision #:**

49  
2  
83  
6

**Section #:**

1200-1205  
1350  
1060  
1170

<b>Chief Deputy Secretary:</b>  Bernard E. Warner	<b>Effective Date:</b>  03/10/08	<b>Revision Date(s):</b>  N/A	<b>Section:</b> <ul style="list-style-type: none"> <li>• 1200-1205, YAM;</li> <li>• 1350, Education Manual;</li> <li>• 1060, Institutions and Camps Manual;</li> <li>• 1170, Parole Services Manual</li> </ul> <b>Replaces:</b> N/A
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**Subject:**  
  
Development and Review of Policies and Procedures

<b>Authority:</b>  Section 1712, Welfare and Institutions Code	<b>Attachments</b>	
	<b>Forms:</b> 8	<b>Local Procedures:</b> None

**Policy Statement:** This policy establishes the standards and processes for the development of all new or revised policies and procedures within the Division of Juvenile Justice (DJJ).

**Scope:** Applicable to each DJJ employee.

**Goal(s) & Outcome Measure(s):** To achieve efficient operations throughout DJJ Facilities, Administration and Operations, Programs, and Parole Operations by providing clear, consistent, and uniformly written policies.

**Related References:** Forms Management Policy

**Required Supplies and Equipment:**

- Computer
- Printer
- Scanner

**Requirements:**


This policy has a training requirement:  Yes  No

This policy has an audit requirement:  Yes  No

This policy has restricted distribution:  Yes  No

This policy requires annual review:  Yes  No

This policy requires a local procedure:  Yes  No

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## DEFINITIONS

**Authority** – A governing statute [law] that allows the DJJ to establish a policy. This includes but is not limited to any related federal and/or state statutes, or regulations that the policy will implement, interpret, and/or make more specific.

**Chief Deputy Secretary (CDS)** – An individual appointed by the Governor and subject to Senate confirmation. The CDS of the DJJ is authorized by the Secretary of the California Department of Corrections and Rehabilitation (CDCR) to make and enforce all rules necessary to accomplish the duties and functions of the DJJ.

**Division of Juvenile Justice (DJJ) Policy Manual** – A manual where all DJJ statewide policies and procedures are maintained.

**Executive Policy Review Team (EPRT)** – A team of DJJ executive staff selected by the Director of Administration and Operations to review and approve DJJ policies.

**Policy** – A formal document signed by the CDS that expressly conveys the official position, defines acceptable procedures, and establishes standards of best practices for a particular subject.

**Policy Originator** – A DJJ employee who identifies a need for policy development or revisions. This includes the Secretary of the CDCR, CDS, Division Directors, Office of Legal Affairs (OLA), Office of Labor Relations (OLR), Office of Audits and Compliance, or their designees as well as the Policy, Procedures, Programs, and Regulations (PPP&R) Unit.

**Policy, Procedures, Programs, and Regulations (PPP&R) Unit** – The DJJ staff responsible for the standardization of the process by which regulations, policies, and procedures are developed, revised, and maintained.

**Policy Writer** – A DJJ employee designated to work collaboratively with a multi-disciplinary team and/or the SME to develop or revise draft policy language.

**Regulation and Policy Analyst** – A PPP&R Unit analyst whose technical assistance enables the DJJ to develop and revise regulations and policies.

**Subject Matter Expert (SME)** – An individual with extensive knowledge on a specific subject matter.

**Temporary Departmental Order (TDO)** – A directive issued by the CDS that serves as a temporary policy.

**Policy Title: POLICY DEVELOPMENT AND REVISION STANDARDS**



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**Division of  
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**FORMS**

1. Policy, Procedures, Programs, and Regulations Referral, DJJ 6.200
2. Notice to Review, DJJ 6.202
3. Policy Template, DJJ 6.204
4. Local Procedures Policy Template, DJJ 6.205
5. Fiscal Impact Statement, DJJ 6.206
6. Statement of Understanding, DJJ 6.207
7. Routing and Accountability Log, DJJ 6.208
8. Policy Manual Revision Record, DJJ 6.209

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### GENERAL POLICY STATEMENT

The PPP&R Unit will provide the methodology, policy and form templates, and support to all division staff responsible for the development, revision and implementation of DJJ policies and procedures that govern DJJ operations. The policies and procedures will be structured as follows:

- Presented in a uniform format
- Approved by the CDS
- Maintained for easy access in a central location
- Updated under an organized system of control
- Distributed to all relevant stakeholders in a timely manner


A policy will satisfy all of the following criteria:

- Is based on applicable laws and statutes
- Supports facility-wide application
- Provides a system of accountability and quality assurance
- Ensures compliance with the DJJ mission, goals, and vision

Policies will be administered statewide in accordance with state and federal legislation along with identified best practices when and where applicable. All policies, both new and revised, will be reviewed by the PPP&R Unit for consistency, readability, and format. Policies will be approved by the EPRT prior to submission to the Office of CDS for signature.

Policies:

- Provide employees with clear and concise direction for program implementation
- Align with the principles of reform
- Provide a system of accountability for operational processes and contractual relations
- Create and maintain a system of uniformity throughout the DJJ operations

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### **RESPONSIBILITIES AND DUTIES**

#### Chief Deputy Secretary (CDS)

- Sets and enforces all rules for the proper accomplishment of the duties and functions of the DJJ as authorized pursuant to Section 1712 of the Welfare and Institutions Code
- Reviews and approves each new or revised DJJ policy and procedure
- Establishes, on rare occasions, an emergency policy or procedure without going through the EPRT

#### Division Director or Designee


- Ensures employees understand the policy process
- Designates a Policy Writer
- Designates a SME when requested by the Policy Originator
- Ensures designated staff participate on a multi-disciplinary team

#### Policy Originator

- Schedules and facilitates meetings with the Policy Writer, a multi-disciplinary team, and/or the SME during the development and revision process
- Works collaboratively with the Policy Writer, a multi-disciplinary team, and/or the SME to develop and revise policies and procedures
- Completes the Policy, Procedures, Programs, and Regulations Referral and the Fiscal Impact Statement
- Submits proposed policies and procedures for review to the PPP&R Unit
- Participates in the development and/or revision of a policy throughout the drafting and review process

#### Policy Writer

- Works collaboratively with the Policy Originator, a multi-disciplinary team, and/or the SME to draft new policy language or revise existing policy language
- Develops or revises all forms necessary for policy implementation

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Policy, Procedures, Programs, and Regulations (PPP&R) Unit

- Works collaboratively with a multi-disciplinary team, the SME, and the Policy Originator to finalize policies, procedures, and forms
- Reviews statutory changes in law on an annual basis to determine if revisions to existing policies are required
- Schedules and facilitates policy review meetings, when appropriate, to discuss concerns and recommendations for revisions to draft policy language received during the policy review process
- Submits policies and TDO(s) to the CDS for approval and signature
- Duplicates and disseminates each policy and TDO
- Maintains the forms database
- Maintains the policy distribution list
- Provides the EPRT with annual training on the policy development and revision process

Executive Policy Review Team (EPRT)


- Ensures each Executive Policy Review is completed and returned to the PPP&R Unit within five (5) business days
- Attends policy review meetings to discuss concerns and recommendations for revisions to the draft policy language received during the policy review process as facilitated by the PPP&R Unit

Subject Matter Expert (SME)

- Works collaboratively with the Policy Originator, the Policy Writer, and the PPP&R Unit to develop and/or revise the DJJ policies and procedures

Facility Superintendent, Chief Medical Officer, Chief Psychologist, Principal, and Parole Administrator

- Ensures the policy manual is updated with the policy package
- Ensures the Policy Manual Revision Record is complete
- Distributes new or revised policies to each facility, office, or employee
- Ensures posting of the new or revised policy within each facility or office
- Verifies each employee has read the new or revised policy and that each employee has signed the Statement of Understanding
- Retains the Statement of Understanding in the personnel file for each employee

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## PROCEDURES

### Policy Draft Development

#### Policy Originator

1. Identifies a need for new or revised policy
2. Completes and submits the Policy, Procedures, Programs, and Regulations Referral (<http://intranet/DJJ/forms/docs/ya6200.pdf>) to the appropriate Division Director
3. Contacts the PPP&R Unit with any questions during the drafting process
4. Obtains a Division Director signature on the Policy, Procedures, Programs, and Regulations Referral

**NOTE:** All original signatures must be in blue ink.


5. Completes the Fiscal Impact Statement
6. Attaches a hard copy of the proposed draft policy language and all relevant forms to the Policy, Procedures, Programs, and Regulations Referral with the original signature in blue ink
7. Submits to the PPP&R Unit Coordinator
8. Provides draft policy language and all relevant forms to the PPP&R Unit Coordinator electronically

#### Division Director or Designee

1. Determines if request for new or revised policy language is appropriate
2. Determines if new or revised policy language can be accomplished by designating a Policy Writer or requires a multi-disciplinary team and/or a SME
3. Designates a Policy Writer to draft new or revised policy language
4. Designates a SME and/or staff to work on a multi-disciplinary team, when necessary

#### Multi-Disciplinary Team, Subject Matter Expert (SME), or Policy Writer

1. Works collaboratively with the PPP&R Staff to identify existing and/or impacted policies
2. Works collaboratively to draft new or revised policy language and all relevant forms necessary for policy implementation
3. Requests a Policy Originator to submit new or revised draft policy and forms to the PPP&R Unit

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**NOTE:** Policy language shall be drafted in an underscore/~~striketrough~~ format using any existing relevant policies as the original document. All new proposed policy language shall be indicated using underscore and existing policy language proposed for deletion shall be indicated using ~~striketrough~~.

**Request for Policy Review and Approval**

Policy, Procedures, Programs, and Regulations (PPP&R) Unit Coordinator

1. Date stamps the Policy, Procedures, Programs, and Regulations Referral
2. Assigns a number for tracking purposes
3. Submits the Policy, Procedures, Programs, and Regulations Referral to the PPP&R Unit Manager for review within one (1) business day of receipt

Policy, Procedures, Programs, and Regulations (PPP&R) Unit Manager

1. Reviews the Policy, Procedures, Programs, and Regulations Referral and the draft policy language
2. If accepted, assigns a Regulation and Policy Analyst and a due date for submission to the CDS - 30, 60, or 90 days as appropriate for the priority level
3. If denied, returns a copy to the Policy Originator with reason of the denial within ten (10) business days of receipt
4. Signs the Policy, Procedures, Programs, and Regulations Referral


**NOTE:** The Policy, Procedures, Programs, and Regulations Referral may be rejected if the DJJ has no statutory authority to issue the policy requested.

**Review and Research**

Regulation and Policy Analyst

1. Reviews the draft policy language and forms for consistency, readability, and format
2. Researches regulations and statutes of authority applicable to DJJ, other California state agencies, and federal government to ensure draft policy contains correct citations of authority and is in compliance with all applicable laws
3. Contacts Policy Originator within ten (10) business days of receiving the assignment to finalize the draft policy and forms



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4. Forwards copies of draft policies and forms to the Office of Training and Professional Development and to the DJJ Training Unit.
5. Initiates the Routing and Accountability Log
6. Submits the final draft language to the PPP&R Unit Manager for review and approval

### **Policy Review**

#### Policy, Procedures, Programs, and Regulations (PPP&R) Unit Manager

1. Requests the Director of Administration and Operations to designate EPRT members

#### Director of Administration and Operations

1. Selects the members of the EPRT
2. Determines if a policy has any labor impact prior to submission to the CDS

**NOTE:** If labor impact is indicated, the PPP&R Unit Manager will prepare the Labor Negotiation tool after CDS approval and submit to the OLR.

#### Regulation and Policy Analyst

1. Prepares the Notice to Review Package for distribution to the EPRT and the OLA

#### Policy, Procedures, Programs, and Regulations (PPP&R) Unit Coordinator

1. Distributes the Notice to Review Package to the EPRT and the OLA


#### Executive Policy Review Team (EPRT)

1. Reviews the proposed draft policy language and forms
2. Submits any recommendations for revisions to the PPP&R Unit within five (5) business days

**NOTE:** If a response is not returned by the due date, the policy will go forward.

#### Legal Policy Review

1. Reviews the proposed policy draft and forms
2. Submits a Legal Opinion to the PPP&R Unit within 15 business days

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Regulation and Policy Analyst

1. Analyzes recommendations received during the review process
2. Prepares a Policy Review Matrix, when appropriate
3. Schedules and facilitates a meeting with the EPRT, OLA, and Policy Originator to discuss all recommendations and the Legal Opinion received during the review process, when appropriate
4. Makes revisions to draft policy language after consensus is reached regarding particular text between the EPRT, OLA, and Policy Originator during the policy review meeting
5. Elevates unresolved issues to the Office of the CDS if consensus is not reached

**NOTE:** Every effort should be made by the stakeholders that are assembled to resolve any outstanding issues related to the policy being reviewed during the EPRT meeting.

**Approval**

Regulation and Policy Analyst

1. Drafts a cover memorandum addressed to the Office of the CDS
2. Attaches a copy of the final draft policy and relevant forms
3. Submits to the PPP&R Unit Manager for approval and signature

Policy, Procedures, Programs, and Regulations (PPP&R) Unit Manager


1. Approves and signs the cover memorandum addressed to the Office of the CDS
2. Requests the PPP&R Unit Coordinator to prepare the final policy package

Policy, Procedures, Programs, and Regulations (PPP&R) Unit Coordinator

1. Prepares and submits the final policy package to the Director of Administration and Operations for review and approval

Director of Administration and Operations

1. Submits the final policy package to the Office of the CDS for review, approval, and signature

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 <p>California Department of Corrections and Rehabilitation</p> <p><b>Division of Juvenile Justice</b></p>	<b>Manual:</b>	<b>Revision #:</b>	<b>Section #:</b>		
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	<input checked="" type="checkbox"/>	Education Manual	2	1350	
	<input checked="" type="checkbox"/>	Institutions and Camps Manual	83	1060	
	<input checked="" type="checkbox"/>	Parole Services Manual	6	1170	

**Notice to Employee Organizations/Negotiations**

Policy, Procedures, Programs, and Regulations (PPP&R) Unit Manager

1. Prepares Labor Negotiation tool after the CDS approval, if the policy demonstrates labor impact, and submits to the OLR.-
2. Provides a copy of the approved and signed version of the policy to the OLR

**NOTE:** If there is no labor impact, the policy is immediately disseminated.

Office of Labor Relations (OLR)

1. Notices employee organizations and conducts negotiations, as appropriate
2. After negotiations are completed, notifies and provides the PPP&R Unit a copy of the closure letter

**Dissemination**


Policy, Procedures, Programs, and Regulations (PPP&R) Unit Coordinator

1. Scans the signed policy package into PDF and distributes via e-mail to each person on the Policy Distribution List within three (3) business days of signature
2. Mails the signed policy package to any person on the Policy Distribution List who does not have e-mail access within five (5) business days of signature

**NOTE:** The dissemination of a policy may be restricted to specific stakeholders by the CDS when specific safety and security procedures are required, including but not limited to hostage and escape situations or agency plans in the event of an employee walkout.

Facility Superintendent, Chief Medical Officer, Chief Psychologist, Principal, and Parole Administrator

1. Ensures the policy manual is updated with the policy package
2. Ensures the Policy Manual Revision Record is complete
3. Distributes the new or revised policy to each facility, office, or employee
4. Ensures posting of the new or revised policy within each facility or office
5. Verifies each employee has read the new and revised policy and each employee has signed the Statement of Understanding
6. Retains the Statement of Understanding in the personnel file for each employee

Policy Title: <b>POLICY DEVELOPMENT AND REVISION STANDARDS</b>					
 <p>California Department of Corrections and Rehabilitation</p> <p><b>Division of Juvenile Justice</b></p>	<b>Manual:</b>	<b>Revision #:</b>	<b>Section #:</b>		
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**Additional Requests for Copies of Policy Package**


Requestor

1. Sends a request for additional copies to the PPP&R Unit Coordinator

Policy, Procedures, Programs, and Regulations (PPP&R) Unit Coordinator

1. Distributes to the requestor in PDF or hard copy within five (5) business days

**NOTE:** Public access to policies related to the implementation of emergency procedures in the event of an escape, disturbance, or hostage situation shall be restricted by the CDS on a need to know basis.

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### TRAINING

#### Policy, Procedures, Programs, and Regulations (PPP&R) Unit

1. Provides the EPRT with annual training on the policy development and revision process

### QUALITY ASSURANCE

#### Policy, Procedures, Programs, and Regulations (PPP&R) Unit

1. Maintains documentation to ensure accountability
2. Conducts annual policy review in partnership with Program Operations

#### Executive Policy Review Team (EPRT)

1. Evaluates the policy review process every three (3) years to ensure it is meeting the operational needs of the DJJ

#### Facility Superintendent, Chief Medical Officer, Chief Psychologist, Principal, and Parole Administrator

1. Audits the DJJ Policy Manual for compliance with DJJ requirements one (1) month prior to a scheduled division audit
2. Documents findings using an approved audit form

**NOTE:** Any corrective action required must be completed prior to the scheduled annual audit of DJJ policies.

#### Employees

1. Completes a Statement of Understanding affirming the employee has read and understands each new or revised policy and/or procedures

*Original signed by:*

\_\_\_\_\_  
BERNARD E. WARNER  
Chief Deputy Secretary

**Approved and Signed Policies by the Chief Deputy Secretary  
 October 2007 to March 10, 2008**

<b>NO #</b>	<b>Current Policy Name</b>	<b>Section #</b>	<b>Manual</b>	<b>TDO/PRP #</b>	<b>Effective Date</b>
1	Youth Grievance	7005-7140	I&C	TDO #07-92	10/1/2007
2	Staff Misconduct Complaint	7141-7150	I&C	TDO #07-93	10/1/2007
3	Public Records	1650-1665	YAM	PRP 41	11/3/2007
4	Youth with Disabilities Emergency Announcemnet Protocol	6158.3	I&C	TDO #07-94	11/27/2007
5	Peer Review	6249.75	I&C	TDO #07-95	11/28/2007
6	Suicide, Prevention, Assessment and Response	6263-6272	I&C	PRP 42	12/18/2007
7	Confidential Youth Visitation	5765	I&C	PPB 08-01	1/30/2008
8	Confidential Telephone Access to Youth	5775	I&C	PPB 08-01	1/30/2008
9	Youth Request for Confidential Telephone Calls	5780	I&C	PPB 08-01	1/30/2008
10	Policy Development and Revision Standards	1200-1205	YAM	PPB 08-02	3/10/2008
		1350	EDU	PPB 08-02	3/10/2008
		1060	I&C	PPB 08-02	3/10/2008
		1170	PSM	PPB 08-02	3/10/2008
11	Safety and Security Standards	1800-1848	I&C	PPB 08-04	3/10/2008
12	Health Care Credentials Procedures Manual	TBD	I&C	PPB 08-05	3/10/2008