

**DJJ PROGRESS ON THE STANDARDS AND CRITERIA OF THE
SAFETY AND WELFARE REMEDIAL PLAN**

Barry Krisberg, Ph.D.

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Goal of this Report and Data Sources

The goal of this report is to offer my observations on the DJJ's progress in implementing the S&W Remedial Plan Standards and Criteria that were filed with the Court on October 31, 2006. This report covers the period from that date through June 30, 2007. My conclusions are based on two extensive meetings held at DJJ Headquarters on March 12, 2007, and April 9, 2007, and included many staff involved in the reform efforts as well as attorneys representing CDCR and the Attorney General's Office. After these verbal briefings I requested follow-up documentation or updates on key points that have been provided to me by Doug Ugarkovich, Michael Hanratty, Michele Angus, and Van Kamberian. Since these visits, I have requested and received extensive documentation and further data from DJJ staff, the AG's office, and the Office of the Special Master.

I conducted two general monitoring site visits lasting a total of three days to the Heman G. Stark (HGS) Youth Correctional Facility to learn about the progress being made there. The HGS facility is scheduled to be a major locus of reform efforts in the next 12 months. I visited HGS on March 16, 2007, and August 15-16, 2007, and was accompanied by Van Kamberian on both trips and Michael Hanratty for the first tour. In addition, Mr. Kamberian and I went to HGS on July 9-10, 2007, at the request of Bernard Warner to examine the issue of assaults on staff that have occurred there in 2007.

I also conducted on-site monitoring tours at the N.A. Chaderjian Youth Correctional Facility (Chad) on July 24-25, 2007, and the Preston Youth Correctional Facility (Preston) on August 6-7, 2007, accompanied by Mr. Kamberian. The DJJ staff at each of these facilities were very helpful and forthcoming in their comments. Superintendents at all three facilities provided me with all of the follow-up documentation that I requested from them after these site visits.

Where applicable, I have examined reports produced by the Office of the Inspector General (OIG) that were pertinent to the issues contained in the Safety and Welfare Remedial Plan.

Initial Monitoring Strategy

My approach to monitoring the Safety and Welfare (S&W) Remedial Plan has been to rely upon the detailed Standards and Criteria that were filed with the Court on October 31, 2007. These Standards and Criteria have been summarized in an Excel spreadsheet that lists the actions to be taken, the promised dates when these actions would occur, and the relevant sections of the S&W Plan that apply. My objective at both the Headquarters briefings and the DJJ facility site visits was to cover all actions that were to be completed by June, 30, 2007. I wanted to see what had been accomplished and collect information to permit me to judge if these steps were completed consistent with the intent of the S&W Remedial Plan in the Farrell case. If tasks had not been completed, I sought to find out what obstacles prevented their completion. I also attempted to determine if new dates had been established by DJJ to finish the promised reform activities.

In this report I have not attempted to report on every milestone in the S&W Remedial Plan that was to be completed by June 30, 2007. While I will cover these topics in later reports, I chose to focus on areas that I believe deserve immediate attention by DJJ, the plaintiff's attorneys, and the Court.

Building the Infrastructure for Reform

DJJ was to add central office resources, clarify lines of authority, and create a system for auditing and corrective action. DJJ was to improve its Management Information System capability and add resources as appropriate at each facility.

The S&W Remedial Plan emphasized the need for DJJ to establish or recreate a management structure that could plan, implement, and monitor the reform process. Not surprisingly, many of the early tasks were about putting the reform team in place and

solidifying the Headquarters' capacity to resolve issues in the Farrell case. The final version of the S&W Remedial Plan was filed by DJJ on July 10, 2006; the Standards and Criteria were filed on October 31, 2006. DJJ proposed that most of these "infrastructure building" tasks would be accomplished by the end of January, 2007, or before. DJJ has struggled with filling many of these headquarters positions, and some jobs have been filled only recently. Delays in creating the needed management resources and structure have delayed many aspects of the S&W Remedial Plan and have had cascading negative impacts on other downstream goals of the Plan.

This inability to build a complete and consistent management team to plan and implement the reforms has had adverse effects in many areas of rolling out aspects of the S&W Remedial Plan. The original timelines were mostly missed (see for example the DJJ memo from January, 2007, on Missed Deadlines). I would urge the parties to provide the Court with an amended schedule of the implementation of the S&W Standards and Criteria that would accurately reflect the current thinking on when various key reform goals will be accomplished.

In the last quarter of 2006, DJJ was scheduled to appoint a Director of Programs who would oversee a broad range of education, medical health, mental health, and rehabilitation services. This top position is central to the Farrell reforms. In addition, DJJ was to fill the position of Project Director for the implementation of the Farrell consent decree and agreements. Other staff were to be designated and assigned to fill three teams that would be responsible for (1) developing and implementing the needed reforms; (2) managing the transition of the required changes at designated facilities; and (3) setting up a compliance mechanism for the reforms. In addition, DJJ was to designate Community Court Liaison staff to work with judges and probation departments to implement clear admissions criteria for DJJ that were to be promulgated by its top management. A statewide coordinator for Performance-based Standards (PbS) implementation was to be designated. There was to be a headquarters staff member assigned to ongoing reviews of the Special Management Programs (SMP), and at least two staff from Headquarters were to be named as Security Service Specialists with duties specified in the interim plans to reduce institutional violence and to reduce the use of force. In addition, the S&W Remedial Plan called for the appointment of a Project Coordinator for the development of

capital master plans for the various facilities that were congruent with the goals and objectives of the S&W Remedial Plan. Finally, all of these new headquarters hires and reassignments were to be reflected in a new headquarters organizational chart by September 1, 2006.

As of this writing, only some of the anticipated personnel steps have been completed. DJJ still does not have a Director of Programs. In 2006 the DJJ filled the position of the Farrell Project Director who is to directly manage the various components of the consent decree, stipulated agreements, and the remedial plans. Unfortunately, the incumbent of this position resigned after a very brief tenure in this job. Only recently has the DJJ been able to refill this position. In terms of the ongoing work in the Farrell case, Doug Ugarkovich has stepped in and done a very good job of coordinating with the Special Master and the Experts in arranging meetings, processing information requests, and attempting to pay consultant bills in a timelier manner. Mr. Ugarkovich also has been working closely with the CDCR Accounting and Contracts units. But, the absence of a clearly defined senior manager to oversee the implementation of the various court-filed remedial plans has been a problem. While it is clear that Mr. Warner has overall responsibility for the operations of DJJ, it has often been unclear to the Subject Matter Expert in the S&W area as to who the lead DJJ manager is and which staff are regularly assigned to implementing the remedial steps in this particular domain. Because the S&W Remedial Plan covers a number of DJJ functions, it can be anticipated that several staff will be working in this area. This situation calls for close coordination among staff and the ability of DJJ management to establish work and resource priorities in this complex area of reform.

According to DJJ staff, the delays in filling these critical positions have occurred due to the cumbersome hiring and personnel practices in CDCR and the State Personnel Office and the very slow nomination processes in the Governor's Office. At least one candidate apparently turned down the position of Director of Programs. The Farrell Project Director position was filled very briefly, but the incumbent quickly resigned. This lack of key top managers seems to have led to an ad hoc division of tasks that has been taken over by Deputy Secretary Bernard Warner. The Deputy Secretary has been filling many reform roles in the near term, but the wide span of his ongoing organizational

responsibilities makes this task very challenging. The precipitous departure of Ed Wilder, who was the Acting Director of Juvenile Facilities, has led to additional anxiety and uncertainty by the facility superintendents about the future direction of reform efforts. While the position of Acting Director of Juvenile Facilities was filled within a month, the replacement of a well known and long term DJJ senior manager with a person coming in from outside of the Division sent an ambiguous message to institutional staff about the direction of reform.

Other tasks that should be managed by the unfilled leadership positions have been delegated to the Director of Juvenile Facilities, and other Headquarters staff, increasing the workload and pressure on remaining personnel who have other ongoing job responsibilities. Some DJJ staff in Headquarters are responsible for both monitoring and directing current day-to-day operations at all facilities, and they have been assigned to design and help implement various aspects of the reform agenda. This is reminiscent of the imagery of someone trying to drive a car and fix it at the same time—a very difficult job, if not an impossible one. The S&W Expert heard several concerns expressed by Headquarters staff about excessive workloads. There were concerns expressed that the focus on implementing the reforms was sometimes sidetracked by more routine operational concerns at the facilities. The initial S&W Remedial Plan envisioned dedicated staff that would plan and assist in the implementation of the Farrell reforms. It appears that DJJ has decided to reduce the number of dedicated reform staff, and the positive and negative consequences of this decision will be observed over the next several months. For now, it is clear that many milestones in the S&W Remedial Plan have been missed and rescheduled into the future. It will be important for DJJ to reestablish an updated and realistic schedule for the S&W reforms, and to communicate these revisions throughout the Division.

Headquarters staff that are assigned to the reform efforts complain that they are stretched very thin and are working long hours in multiple roles. This workload stress may have contributed to some important resignations of top DJJ staff. In particular, the loss of the Director of Policy Elizabeth Siggins was a major setback. Ms. Siggins was central to conceptualizing the S&W Remedial Plan, and she has led the DJJ reform

planning process over the past two years. As noted above, the first Farrell Project Director resigned after a very short stay.

Most important, the lack of a clearly defined and permanent reform leadership structure has led to perceptions by other members of the reform team and by some facility superintendents of ever-shifting policy and program directions and lack of clarity in terms of lines of authority. This Headquarters management problem has been compounded by the fact that most top managers at the DJJ facilities are “acting,” with uncertainty as to when regular appointments will be made.

DJJ was able to hire a highly respected Director of Youth Facilities, Sandra Youngen, from Washington State. However, the newness of this person to the California system necessarily created a period involving a steep learning curve. DJJ did assign Sue Easterwood, an experienced manager in information systems, to head up the statewide coordination of PbS, and Mark Blaser, who has capably maintained system-wide information of restricted housing programs, was assigned to continue in the role. DJJ has assigned Court Liaison staff to begin improving communication and liaisons with the counties.

Permanent DJJ Headquarters staff have not yet been assigned to coordinate the facility master plans that are needed to support the Remedial Plan. The staff person assigned to coordinate the development of new reform policies has been assigned to this job in the last 60 days. The S&W Plan called for dedicated staff for policy development and maintenance. Failure to meet this goal has slowed the development and promulgation of required new operating policies at the facilities. The S&W Remedial Plan filed by DJJ envisioned the creation of three Headquarters teams: (1) a program development and implementation team, (2) a temporary transition team to assist in the changes at the institutional level, and (3) a compliance team. The DJJ has recently filled 16 or 18 budgeted positions for the program development and implementation team. State personnel policies slowed this process down considerably. It appears that DJJ has decided not to create a special temporary transition team and to merge compliance monitoring of the Farrell reforms with general DJJ divisions. While these simplifications of the DJJ organizational structure may make sense in the long run, it is still unclear whether these changes will help or hinder the Farrell reforms.

I have also heard complaints that the DJJ Reform team has not been working closely enough with top management staff who are managing key aspects of operations such as Mental Health Services. The concern is that decisions are made without proper input from those who will be required to make these decisions happen. Further, the superintendents and other managers at HGS, Preston, and Chad all complained that they were not fully aware of the direction of the Reform team and that there seemed to be constant changes. Facility management personnel felt that they wanted to support the reform process but were not sufficiently included in the Headquarters planning process. Staff at HGS, Chad, and Preston wanted more opportunities to share their experiences and expertise with the Reform team.

Improve DJJ's Management Information Capacity

A major area of planned activity in the S&W Remedial Plan involved improving and upgrading various data gathering and reporting programs on issues such the incidence of institutional violence, the use of force, the DDMS system, and the use of restricted housing. DJJ has already executed a contract to implement Performance-based Standards (PbS) that was developed by the federal Office of Juvenile Justice and Delinquency Prevention and the Council of Juvenile Corrections Administrators. PbS is a highly structured data collection system that allows for comparisons to other facilities that voluntarily contribute to the national PbS program. PbS also has a well-defined system of helping implement facility-level quality assurance processes.

DJJ has designated Sue Easterwood as the Headquarters coordinator for implementing PbS, and staff at every facility have been designated as the PbS coordinators. Training on PbS has occurred at all included facilities, and DJJ has shared with me the results of early data collection. The first "test drive" of PbS worked quite well and, while it is "a work in progress," it is likely that the PbS system will be properly implemented. The superintendents at HGS, Chad, and Preston all commented that they found the early PbS data useful to them and looked forward to having this on a regular basis in the future.

A key part of this transformation is to use the standardized definitions from the PbS codebook rather than the more informal definitions used by DJJ in the past. DJJ staff report that the pilot testing of PbS is going well, but that it will likely take a year until the new data gathering and quality assurance are fully operational. PbS national staff assume that it will take most new sites up to 24 months to be certified as providing complete and accurate data into the PbS system. In the interim, DJJ will need to rely on other data systems such as COMPSTAT (required of all facilities in CDCR), the WIN system, the Lieutenant's reports, the Treatment Needs Assessment (TNA), the Offender Based and Information and Tracking System (OBITS), monthly summaries of UOF data, and other "stand alone" data systems to provide information to managers on how well reform objectives are being met. I have been given the latest versions of each of these data reports and convened a meeting with several DJJ staff to discuss the status of these various data systems.

The completion of the WIN Exchange has not yet occurred. It is long overdue in terms of the S&W Remedial Plan schedule. This data system contains the most detailed information on every individual youth in the DJJ system, providing a rich source of data on a range of operational questions. The WIN Exchange is intended to link these data across all DJJ facilities, along with common definitions and common data formats. It was to be online as of January 1, 2007. It is difficult to get a definitive answer as to when the WIN Exchange will be operational. There is an email from Bob Eaton promising that the system was to be online by June 30, 2007. According to DJJ staff, the WIN Exchange System is now being "Beta tested" at O.H. Close, but I have not been given a definite date when the system will be fully operational throughout the DJJ.

DJJ staff explain that problems in retaining programming staff who accept positions and shortly leave DJJ. A further exploration and corrective actions are needed to allow DJJ to recruit and retain the needed computer professionals to complete the WIN Exchange system. The WIN system is central to the implementation of many DJJ revised policies in the areas of restricted housing, DDMS, the classification system, religious services, and the grievance system. WIN Exchange is the only automated system that Headquarters and some of the institutions can utilize to efficiently monitor compliance with many promised S&W Remedial Plan goals. There will still be a need to upgrade

WIN by getting someone to write code to produce system-wide management reports using WIN data.

There is also an urgent need for Headquarters to establish a routine system for auditing these data. I found many cases in which WIN data did not accurately reflect practices in particular cases or in particular living units. Those staff who work with WIN every day are well aware of some of the current problems with the system, but it is all that they have to work with at present. While the current system will still need many improvements once it is operational at every facility, these upgrades require that the WIN Exchange be completed as soon as possible. This must become a priority of top DJJ management.

One rumor that is circulating around DJJ is that CDCR intends to drop the WIN system as the larger department creates an integrated inmate information system. In my view this would be a major setback for DJJ and its efforts to meet the goals of the S&W Remedial Plan.

As mentioned above, there are several other stand alone data systems such as COMPSTAT, which was designed by CDCR to help manage all of its facilities. COMPSTAT is currently a very useful tool to help assess some aspects of the various Farrell remedial plans. The superintendents that I met with all found it very helpful and found value in the meetings in which they had to present these data to other CDCR management. Someone at CDCR should invest in a modest effort to computerize the monthly COMPSTAT data, allowing for trend analyses, cross-facility comparisons, and other interpretive graphic presentations of the data.

The OBITS and the TNA data are older DJJ data systems that have been utilized by the Research Division for a range of planning studies, program evaluations, or descriptions of trends in the DJJ population. These data are essential for any competent planning for new and evolving treatment strategies. Effective programs must be both “evidence-based” and grounded in real data about youth who will be receiving these services. These data were proven to be very helpful in developing the custody classification system.

DJJ staff were working on automating and unifying the data that is being entered by staff at the end of their shifts. Once known as the “daily operations reports,” these

exist in various forms at each living unit, mostly in the form of handwritten log books. The standardized and automated “daily ops” are now referred to as the Lieutenant’s Reports. This system still has great potential to offer daily profiles of critical incidents that occur in every living unit. Absent a very sophisticated revamping of the WIN system, the Lieutenant’s Reports can provide very important data to management. At this writing, I have been unable to determine when the new Lieutenant’s Reports will be fully operational. DJJ states that the testing of the Lieutenant’s Reports are “in process” and that Headquarters staff will meet in the next two weeks to review the test results.

What is apparent from the above description of current or “in progress” data systems in DJJ, is that there is no clear written plan on how these disconnected systems can complement each other. I could find no staff at DJJ who could articulate to me how these various information sources would be integrated. Nor is there a formal plan for who needed to get what sorts of information, and within what time frames. Also, DJJ has not invested in teaching its managers how to use data to better manage current operations, or to plan future improvements. So what remains is an agency which is mostly driven by anecdotes and subjective impressions, with limited capacity to implement data-driven planning and management. While there are some DJJ staff who frequently use different parts of the various stand alone data systems, there does not appear to be a systematic strategy to improve how timely and objective information is utilized in DJJ. There is not necessarily a need for “one comprehensive management report,” but rather a thoughtful plan that includes a specification of who needs regular information and how the various stand alone data systems complement each other. The DJJ is rich with data, but poor in its ability to interpret and use that information to monitor the progress of the S&W Remedial Plan.

Reduce Fear and Violence

Implement a new custody classification system for living unit assignments. Separate high- and low-risk youth in general population living units, especially in dormitories. Revise use of force policies and create violence reduction committees at the facilities. Qualify 18 staff as crisis management trainers and train staff at two facilities in crisis management. Develop and use databases to track violence and the use of force, Implement a pilot to monitor the use of chemical agents. Develop strategies and

procedures to reduce gang and racial conflicts in DJJ facilities. Limit the use of restricted housing units and improve the conditions of confinement in these units.

Classification

One of the major reform tasks to be acted upon on a priority basis was the implementation of the interim custody classification system. The implementation of the new system was to be accomplished by January, 2007. Amy Seidlitz has informed me that the interim custody classification instrument has been applied to all new admissions to DJJ and has been used for all youth requiring a reclassification process. DJJ has also sent along data suggesting that they successfully separated high-risk and low-risk youth at each institution in DJJ by January, 2007. The interim classification system was applied only to youth in general population living units. Youth in mental health units or other specialized treatment programs were exempt from the classification system. It was agreed that the primary goal was to separate youth that scored high or low on the screening instrument. Youth scoring moderate risk could be housed in either type of living unit. The major goal of the initial use of the classification instrument was to separate youth who were residing in dormitory settings. The idea was to move high-risk youths into single rooms if possible, and to separate youth by risk levels in the remaining dorms.

I repeatedly requested formal documentation of the new classification process including a copy of the final instruments that were used at intake and at reclassification hearings. I requested documentation of any interim policies that were promulgated to guide the implementation of the new custody classification, or the content of any training given to staff. I also asked for a brief written description of how many transfers were needed to separate the high- and low-risk youth, or the methods utilized to affect these transfers. These requests were contained in series of 14 questions that were submitted to DJJ on June 6, 2007.

Answers for many of these questions were finally received via email on August 6, 2007, thanks to the help of Doug Ugarkovich, Dorene Nylund, and Van Kamberian. This information is important, because I was asked by the Special Master and the PLO to render a judgment as to whether the implementation of the new custody classification was done as envisioned in the S&W Remedial Plan. I was also asked to report whether the new custody classification system was being done consistent with nationally

recognized standards. At this point, my judgment is that DJJ has not complied with the spirit and intent of the S&W Standards and Criteria. The current state of the custody classification process in DJJ does not meet nationally-accepted professional standards. I reach this conclusion, in part, because the policies and procedures, underlying the new system are still being formalized, and there has been inadequate attention to the special staffing or programming of operating living units that contain a large percentage of high-risk youths. DJJ headquarters staff report that they are working on ways to respond to these concerns.

During site visits to HGS, Chad, and Preston, I spoke with relevant staff to understand the process of employing the new custody classification at each of these facilities. I asked about any issues that the facility may have experienced as a result of the implementation of the new system. In later site visits, I will examine the use of the classification tool at other DJJ facilities.

The actual instrument used in the classification process was developed by the DJJ Research Division with consultation from nationally-known experts Christopher Baird and myself. The development process and the instrument itself met the highest professional standards.

I do have concerns about the implementation of the custody classification instrument at the facility level. Guidance that was given to each facility was based primarily on verbal briefings, there was relatively little formal policy or written instructions to guide the use of the process. As a result of this lack of formality, each of the facilities applied a slightly different approach to implementing the new system. For example, at Chad the youth were assigned risk scores but there were no movements, since Chad now houses many youth who reside in exempt units including intake, sex offender and mental health units. The general population units at Chad consist entirely of single rooms, not dormitories. By contrast, HGS interpreted the new system as requiring that high-risk youth be separated from low-risk youth, even in living units that had only single cells. Preston created high- and low-risk living units that were mostly dormitories.

Another classification objective involved updating the classification scores of youth based on subsequent behavior. The initial scores assigned by the central office were based on factors that were primarily known at the youth's admission. The DJJ staff

expected that this reclassification process would be provided to them by a retained outside expert. At site visits to Preston and HGS, I learned that each institution had developed its own approach to reclassification. For instance, at Preston the PA III developed a point system that added or subtracted to the initial classification scores based on behavioral issues involving DDMS allegations. Preston staff made modest adjustments to the initial classification scores. At HGS revisions on classification scores were not based on a formal point system, and were determined by staff observations on how well youth were interacting with others in the various units. HGS also has instituted a policy of segregating almost all “Northern Hispanics” in the SMP unit, even though current behavioral indicators would not call for an SMP placement. It should be noted that DJJ staff believe that many of these youths had engaged in “violent or disruptive” behavior in the past. HGS staff felt that it was unsafe to house alleged Northern and Southern gang members together in General Population units. HSG also operates a unit in which youth may request placement without regard to their classification levels. This unit is variously described by some staff as a PC unit, as a place for youth who want to stop their involvement in gangs and violence, or youth who fear for their safety for a number of reasons. As noted earlier, Chad is not using the classification system for most of its living unit assignments, although all youth at Chad do receive custody classification scores. Chad does use the classification scores for all their youth who parole or transfer out of the facility.

DJJ reports that full implementation of a reclassification process will not be fully implemented until the delayed WIN Exchange System is operational. Further, DJJ staff state that the current classification process was always presented as an interim step, and is subject to further review and refinement. Since performance standards for the classification system have not been routinized as yet, it is difficult to determine which data will be utilized by DJJ to make the needed adjustments.

While there was a clear intent to coordinate living unit movements at a statewide level, the differences that I observed at individual facilities may have been due to the lack of clear written procedures guiding the use of the new custody classification system and the limited formal training offered to facility staff on how to implement the new classification system.

While it should be noted that a very small number of youth (approximately 66) were actually moved to new living units during the January, 2007, startup period, it is likely that there is wide variation in the application of new classification processes in each of the DJJ facilities. Further, there was insufficient guidance given to facility staff on how, if at all, they should alter procedures or practices in staffing or other daily operations for the living units that contained high concentrations of high-risk youth. While the management staff at HGS, Chad, and Preston indicated that the new classification system was not creating big issues, there were staff that expressed concerns about the safety of the new system. In effect, each facility seemed to be implementing some kind of “work around” the new classification process that made sense to them.

One concern that I have is that staff sometimes are using the terminology of “high-risk, low-risk” to refer to youth in their presence. Staff need to be trained that these custody classification designations are not certain predictions of future behavior, but rather group designations. This could lead to a self fulfilling prophesy that propels certain youth into high-risk behavior or lulls staff into a false sense of safety. I have always suggested that the custody classification process must be tied to the development of strategies of supervision for living unit staff, and the training of staff.

Another component of the custody classification system that I believe should be further refined in the near future is the application of a variation of custody classification for youth in special programs and for parole violators. The October 31, 2007, agreement left these groups out of the Interim Classification system, but ultimately DJJ will need to design some sort of objective and research-based screening system for these youths. This is particularly important to manage movements of these special program youth as they move into general population units or to other DJJ facilities.

Other classification tasks scheduled for completion were not completed as of the writing of this report. For example, DJJ was supposed to establish performance standards in consultation with the S&W Subject Matter Expert to measure the impact of the new custody classification system, especially in the high-risk dormitories, DJJ also was to implement “alternative risk management strategies for male youth in dormitories who are high risk of institutional violence.” These tasks were not done, or at least, no information

was presented to me to reach a conclusion on whether DJJ was in compliance with the S&W Standards and Criteria submitted to the Court on October 31, 2006.

DJJ made a commitment to issue an RFP for a new risk and needs assessment system to supplement the custody classification system by October 1, 2006. DJJ did release an RFP that has combined the development of a new risk and needs assessment system with consultation on evidence-based treatment models, as well as staff training. DJJ selected Orbis Partners to conduct this work. It was hoped that the contract would be finalized before the end of the 2006-2007 fiscal year. This contract was awarded in June of 2007.

According to DJJ, the primary holdup on the release of the risk and needs assessment RFP was the insistence of state automation people who demanded a feasibility study about the integration of any new risk and needs assessment system with other data systems. Moreover, the well documented problems at DJJ to get new contracts approved through the CDCR and State purchasing process led DJJ to combine the RFP on classification with other tasks related to building a model treatment approach. This decision probably limited the number of organizations who responded to the RFP, since the capacity to perform such a wide variety of functions might only be available for certain groups. Also, the time frame for responding to the RFP was relatively short. While the selected vendor, Orbis Partners, seems qualified to do all of the work that is called for in the RFP, this repertoire of consulting skills is pretty rare in the juvenile justice field. I am awaiting a copy of the final contract and work plan that will be negotiated by DJJ and Orbis Partners to get a better handle on the new schedule and resources to be devoted to the development of a new risk and needs assessment system.

DJJ had agreed to continue using the interim custody classification system until it could be integrated with the new risk and needs assessment system, or replaced by a new one. According to Amy Seidlitz, the interim custody classification system will be the main living unit assessment tool for the immediate future. It is very confusing to me how the new risk and needs assessment classification system will relate to work done at the DJJ clinics. Also, the risks that are designed to be managed by a custody classification system are different than those addressed by a risk and needs assessment system that is designed to drive case management and reentry planning. It is unclear to me whether DJJ

has thought through how these very different classification systems will be integrated. The danger here is that DJJ will end up with a series of overlapping, somewhat duplicative classification systems that may not be useful to line staff who are directly supervising the young people.

Development and Dissemination of New Policies Consistent with the S&W Remedial Plan

One crucial area in which very limited results have been achieved is in the updating and revising of DJJ policies to be consistent with the Standards and Criteria in the S&W Remedial Plan. In January of 2007, DJJ was to develop a table of contents for a new policy manual and to establish a master schedule for updating all relevant DJJ policies. This was not done. At the facility level, the superintendents and their staff are using Temporary Department Orders (TDOs) and policies that may date back 3-5 years. For example, the staff at Preston showed me the current policy on restricted housing that was from 2002. There is general awareness that many DJJ policies will change as part of the Farrell reform process. Indeed, we talked with staff at HGS, Preston, and Chad who worked on committees that were revising key policies. Managers at the facilities that I visited expressed the view that everything was on hold, awaiting decisions coming out of Headquarters. There is recognition at the facility that these new policies must be coupled with a plan for staff training and integration of the new policies with WIN Exchange. All of this suggests that fundamental changes in DJJ policies on issues such as use of force, restrictive housing, grievance policies, DDMS, access to religious services, among other topics, will be delayed into the future. More fundamentally, it is important to establish the importance of finishing and implementing new operational policies among the wide range of reform tasks being worked on by the understaffed DJJ Headquarters personnel. Prioritizing new policies will get even more complex as DJJ begins the implementation of new treatment programs and the realignment responsibilities for DJJ admissions with the counties. DJJ needs to avoid the situation of compounding delays that are already affecting the institutions. The pace of promulgating and training in new policies has contributed to the sense of facility staff (as measured by staff at HGS, Chad and Preston) that the direction of the DJJ is unclear to them, or that “things keep changing from week

to week.” An additional aspect of this uncertainty will be the expected declines in the DJJ population due to SB 81 and the anticipated closures of several current DJJ facilities.

In my view, there will be few sustained changes in the confinement conditions for the DJJ youth until new reform policies are in place. Many of the promised reforms in the S&W Remedial depend on significant changes in DJJ policies. Managers and staff at DJJ facilities must still depend on formal policies that are several years old. Moreover, in a government bureaucracy, new policies and formalized procedures provide concrete examples for staff at all levels of the organization of the new treatment and reform philosophy that DJJ wants to institute.

In the recent past, DJJ leadership moved fairly quickly to change practices through the use of TDOs. For example, the reforms of Temporary Detention at some facilities resulted from TDOs. There is a sense among both Headquarters and institutions staff that the TDOs process has become bogged down and is no longer an effective way to alter policies and practices in an expedited manner. Also, it is unclear what, if any, role the CDCR top management now plays in the vetting of new policies. Reconciling policies for the much smaller DJJ operations within the massive prison operations of CDCR is a complicated job and may be contributing to delays.

In March, 2007, DJJ appointed a dedicated Headquarters staff person, Susan Sonoyama, to lead this policy development effort. It is not clear how many staff are assigned to Ms. Sonoyama to complete this assignment. There were also a number of policies to be completed in connection with several interim S&W areas such as access to attorneys, administrative lockdowns, and use of temporary detention, family visitation, and custody classification. These policy revisions are still under review by top management. Temporary Departmental Orders in the area of restricted programs were to be produced and disseminated by April 20, 2007. According to DJJ Headquarters staff, there are as many as 300-800 new policies or policy revisions that are required by the various Farrell remedial plans. It does not appear that there are currently sufficient staff assigned to complete this work in a timely fashion. The Farrell monitoring team should receive a complete listing of the policies that DJJ believes should be revised to be consistent with the Remedial Plan. There needs to be a plan and timeline developed as to when these policies will be completed. In addition, DJJ must define a clear process of

review and approval of new policies so that progress in this area can be tracked. On several policy topics, I was told that the policy was virtually completed and was “awaiting approval by the executive team” or “it’s on Bernie’s desk.” A more precise system of tracking policy development is needed.

I have only recently received working drafts of some of these policies and received a request from Sandra Youngen to provide her with some informal feedback on these policies. The overall DJJ position on sharing draft materials with the S&W Experts remains unclear. I have repeatedly asked to see drafts so that I could offer suggestions to DJJ. If policies can be seen only after they are formally published, this creates the situation in which DJJ will have to reopen the policy process if the S&W Expert or other Subject Area Experts express concern with the policies. This creates additional delays in implementing needed policy revisions. I urge DJJ to share reasonably complete draft policies and plans with the Farrell Experts so that we can offer advice for improvements in a timely fashion.

The Use of Restricted Housing or Programs in DJJ

Earlier reports that I wrote spoke about the heavy reliance of DJJ staff on restricted housing, lockdowns, criminal prosecutions, and the DDMS system to manage the very high levels of violence in its institutions. In the past these tools were over-utilized by DJJ staff and may have made the violence situation worse.

DJJ has made some definite progress in reducing the use of restricted housing units. There are regular management reports produced by Mark Blaser that track the use of temporary detention and SMPs at all DJJ facilities. In general there has been a decline in the numbers of youth placed in restricted housing units, a reduction in the use of temporary detention living units. Placement in a restricted housing unit is no longer viewed as an automatic response to a fight or to defiance of staff orders. There have been attempts to limit the use of restrictive housing for youth who are primarily in “danger from others.” Staff are learning to utilize rooms on the living units to help defuse non-emergency situations and return youth to their regular living arrangements more quickly. DJJ has begun exposing staff to training on how to deescalate confrontations with youth through talking rather than resorting to chemical and physical restraints, and the use of

restricted housing. The time in temporary detention and the SMPs have been reduced, and DJJ has set up a good process in which Headquarters staff are working with facility managers to regularly review all youth in restricted housing and to attempt to prevent youth from getting lost in the process. Some of the successes may also be due to lower living unit sizes and much higher staff to youth ratios that allow for more dialog and interaction to resolve conflicts. It also appears that DJJ is housing youth facing new criminal charges for institutional behavior in local jails, or some are returned to regular living units if the staff determine that these youth do not pose a further violence threat. In the past, the youth facing criminal prosecution were routinely held in the SMP units, driving up the average length of stay in those units.

This progress, however, has not been fully uniform. For example, at Chad there were just 14 youth in TD and another 25 in the SMP program on the day of my visit. Of course, the overall Chad population is way down—about one-third of its size before admissions to Chad were closed off. The Chad restricted unit was primarily being used as a TD unit to manage problems that had emerged at the Dewitt Nelson facility. At Preston and HGS there were many more youths in restricted housing units than at Chad. In effect, all available beds in the restricted units were being utilized. HGS was housing a number of youth who were labeled as “Northern Hispanic” gang members in its restricted housing units. Although the HGS staff did not feel that all of these youth posed a serious danger to others or staff, they felt that the Northerners would be attacked by Southern Hispanic gang members. Several of the Northern youth complained to me and to staff that they wanted an opportunity to be in general housing units and to receive more programming time.

While admissions and length of stay in restricted housing units have declined, DJJ has made far less progress in reforming the operations of the restricted housing units. I made a physical inspection of restricted units at HGS, Preston, and Chad and generally found that the conditions in these units were deplorable. The cells were dimly lit, there was graffiti throughout the units, sanitation conditions were below standards of decency in the rooms and in the hallways, and plumbing in the cells worked intermittently or poorly. Some facility staff report being aware of these plumbing issues, but I informed each of the superintendents at HGS, Chad, and Preston of the problems

that I observed. The general living conditions in the restricted units were, in my opinion, oppressive and punitive—certainly not conducive to a treatment and rehabilitation approach. I have been informed by DJJ that Sandra Youngen has issued a directive to remove graffiti from the rooms in the restricted housing units.

There was some painting of a few rooms taking place at HGS but few visible improvements were being made at Preston and Chad. It was clear from comments of managers at these three facilities that substantial improvements of current restricted housing units were not a top priority, either for them or for Headquarters staff. There appears to be an effort at these institutions to make repairs and to paint rooms that will be designated in the future as Mental Health or BTP units, but the S&W Remedial Plan called for these improvements to be completed in the restricted housing units by March, 2007. This is problematic at several levels and may reflect that the fundamental thinking about the content of the restricted housing programs has not changed very much. Further, many of these same units may be designated to house the new Behavioral Treatment Programs. It is hard to envision how an innovative psychological intervention program can take place in these depressing, unsanitary, and inhospitable living units.

For the most part, the regimen in the TDs and the SMPs had not changed as yet. Youth still spend at least 20 hours in their rooms each day, with three hours of program time and one hour of school. There are still some youth in restricted housing that get less time out of their rooms, based on staff judgments that they cannot interact with any other youth without creating violent situations. Outside recreation for most youths in restricted housing is still limited to barren cage-like structures with virtually no recreational equipment. It is difficult to see how this programming time meets the legal standard for large muscle exercise. Out-of-room time is still well below that envisioned by the S&W Remedial Plan. I believe that the education hours are below the goals of the Education Remedial Plan. Staff operating the restricted housing units are trying to be creative in getting youth out of their rooms for more hours a day, but they are often constrained by the utter lack of program or education space in these units.

Many staff at HGS, Chad, and Preston are awaiting information about the new Behavioral Treatment Programs. They have been told that these programs will be alternatives to the existing SMPs, but have yet to receive even rudimentary training on

the new program. Staff assigned to the restricted housing units continue to guide their interactions with youth on the basis of presumed threats of gang or racial violence. They work to move youth back to regular housing units by attempting a sort of “shuttle diplomacy” among the youth, or their groups, to achieve promises of temporary halts in hostility. While I was not able to determine how frequently the youth in the restricted housing units were seen by the clinical staff, I rarely if ever witnessed the clinical staff working on the restricted housing units to assist the YCC’s in better managing the restricted housing units. This might be result of not assigning the clinical staff to the limited office space on the restricted housing units. In sum, the daily reality of the restricted housing units has changed little over the past year.

Monitoring the Use of Force

DJJ has established committees at each facility to review each instance of the use of force. These institutional force review committees (IFRC) meet on a monthly basis, and there are minutes of all these deliberations. In addition, there is a division-level force review committee (DFRC) that also reviews a sample of force instances. These groups go through a fairly thorough reading of incident reports and behavioral reports to reach a judgment about whether force was used appropriately and proportionately. There was a protocol developed by Headquarters that guides this review. Based on these reviews, there are recommendations about further actions including staff training, further inquiries, and other personnel actions.

My reading of the IFRC and DFRC meeting notes suggests that these reviews are usually completed in a thoughtful and serious manner. The main difficulty that the committees face is that the underlying reports written by line staff are incomplete or contradictory. Further, these reviews tend to focus on the amount and extent of force that was used as opposed to an analysis on what actions could have been taken to prevent the use of chemical or mechanical restraints. DJJ reports that there are also Joint Labor Management Staff Assault Committees that specifically look at preventive steps and corrective actions aimed at staff to avoid or minimize the use of force. I am unfamiliar with these committees and will request minutes on the content of these deliberations. It does seem that this particular focus on staff assaults should not remove the need of the

IFRC's to consider the appropriateness of alternatives to the use of force on a regular basis.

In the past, UOF reviews also covered statistical data on the time, location, and other aspects of the types of force being used. These statistical data are no longer routine parts of these more qualitative examinations of individual incidents. In the future, DJJ expects that the PbS data will be the main source of statistics on the use of force.

Besides these UOF reviews, DJJ has sent 18 staff to be trained in alternative strategies to manage facilities with reduced use of force. These staff are intended to be models and trainers for other DJJ staff. Also, at the request of the PLO the DJJ has instituted a pilot test program to examine methods of reducing the use of chemical agents. The launching of this pilot was somewhat delayed due to negotiations between the PLO and DJJ on how the pilot test program was to be implemented. It has been reinstated with the agreed upon changes. I have not seen the results of the revised pilot test program so far.

Other Significant Reform Milestones

Develop a request for letters of interest for contract services for DJJ girls programs. Define a training agenda to support the S&W Remedial Plan. Identify the rehabilitation and treatment model and lay the foundation for the new reform approach.

In the area of reforming programs for girls in the DJJ, there has been a bit more progress accomplished. A "letter of interest" (LOI) was sent around the country to determine which agencies might be interested in contracting with DJJ to operate programs for young women committed the Division. DJJ did send me a copy of the materials that were sent out to prospective contractors for girls' services, but DJJ has not shared with me the results of this LOI and how that might change plans for the future of girls' programming in DJJ. The DJJ has received legislative authorization and funding to enter into contracts for programs for young women. There has been consultation with nationally known experts on gender-responsive programming—Dr. Barbara Bloom and Dr. Stephanie Covington, who are also advising CDCR on the design of women's

programs in the adult corrections system. A letter of interest to bring on board contractors so that the young women at the Ventura facility could be transferred to these programs was released. I was told that the response to the LOI was very limited and that several potential contractors felt that the contract amount was not sufficient to adequately provide for medical and mental health services in these contracted programs. It is my understanding that DJJ has revised the LOI in response to these issues. The plan is to reissue the RFP very soon. To date, I have not received a copy of the revised solicitation, so I cannot comment on the new content. It is not clear to me at this point what the timeline is for further actions on the reforms of DJJ programs for young women. Now would be the time for DJJ to offer a plan of next steps in this area.

Difficulties of working through the CDCR contracting process have also led to delays in retaining the services of several external experts to provide consultation in areas such as motivational interviewing and normative culture. This, in turn, has delayed the scheduling of interim training schedules in these areas. DJJ has recently expanded the existing contract of the Change Company to offer consultation and training in Interactive Journaling. There is also a contract being developed with faculty at UC San Diego to obtain assistance in implementing Motivational Interviewing. Another contract has been issued on the topic of Aggression Replacement Therapy.

The DJJ also shared with me an analysis of DJJ training needs pertinent to the Farrell remedial plans, which was prepared by California State University at Chico. This report by faculty at Chico State was somehow tied to legislative requirements to release existing training funds. I reviewed that report and found it inadequate to serve as a real training plan for DJJ. My comments are limited to the fairly short final report that was submitted. I did not review the request given to Chico State by DJJ. It is also worth noting that the project advisors consisted entirely of DJJ staff and did not include the Farrell Subject Matter Experts. I believe that our involvement might have substantially improved the final product, for example, in determining how the Chico State team derived its estimates on how long each module should take to complete. Like DJJ training currently, the Chico State plan does not specify the competency measures to be used to determine if the training objectives were met. At least, in terms of the S&W Remedial Plan, I do not think that this plan is sufficient to design, budget for, and implement a

significant training effort. I have shared the Chico State plan with the Office of the Special Master, and I believe that it is their intent to gather reactions to the existing plan for improved DJJ training with Experts in other areas of the Farrell case.

The Chico State report contains a fair amount of generic language about training. The plan presented is mostly about training in the Academy and leaves out training of managers and clinical staff. DJJ since has tasked Orbis Partners to develop a training plan on classification, treatment, and rehabilitation issues as part of their new contract, and the Chico State plan will cover other aspect of the Farrell reforms. The Chico State plan does seem adequate to cover the needed new training needs under the existing Farrell remedial plans. Further, the Chico State plan contains substantial overlaps with the proposed training to be designed by Orbis Partners.

Impressions on the Progress of Reform at HGS, Chad, and Preston

My visits to HGS, Chad, and Preston were primarily intended to assess the progress on the S&W Remedial Plan that was to be accomplished by at each facility in the past 12 months.

One of my visits occurred shortly after the release of a highly critical report on HGS that was disseminated by the Office of Inspector General (OIG). This report generated considerable media coverage and led to harsh criticism of DJJ top management by some members of the legislature. Staff at HGS were unhappy with the report and believed that some of its recommendations were incorrect. It was felt that the OIG report was corrosive to staff morale at the facility. At this point, I will not comment directly on the OIG report except insofar as its findings shed light on the current progress of the S&W Remedial Plan.

There is little question that violence is still a major problem at HGS. During each of my visits, I was told about group disturbances, assaults on staff, and hundreds of youth who engage in individual fights. For example, the HGS COMSTAT report for the first three months of 2007 showed 632 individual youth involved in physical altercations or “mutual combat,” and there were 202 youth involved in similar incidents in April and May of this year. During my recent visit to HGS on August 15 and 16, there were serious

staff assaults that occurred each day. I was also told about a group disturbance that broke out during visiting hours, resulting in the spraying of chemical agents on relatives who were seeing their youth. Back in February and March of 2007, there was a rash of very serious assaults on staff. I was asked by DJJ top management to review the incidents of youth assaults on staff and to provide recommendations to curtail this violence.

A site visit report by Sara Norman of the PLO confirmed the existence of these problems at HGS. I have also received phone calls from media representatives who have visited HGS and noted the high levels of violence and tension among youth and staff.

Superintendent Ramon Martinez is well aware of the violence issue at HGS and is actively trying to reduce the problem. His response to recent incidents seems more measured than past Stark administrations. For example, he has tried to limit the duration and extent of lockdowns and temporary detention to the minimum, attempting to restore normal programming as soon as possible. Mr. Martinez recognizes that some of the violence is a result of racial and ethnic conflicts. He is trying to institute activities among the youth to reduce these tensions, building more inter-group cultural understanding. His staff are trying to model this cooperative spirit for the youth. Martinez had also recognized that idleness is a contributory factor to the violence. He is working hard to increase school offerings, recruitment of more teachers, and reducing class cancellations, which are still a significant problem at HGS. There also is a concerted effort to immediately identify as many as 200 work assignments that could be filled by youth at HGS and to encourage the residents to sign up for these work opportunities. Martinez has begun training his staff in a version of cognitive behavioral therapy to help his YCCs reduce the violence at the institution.

All of these steps have been initiated by Mr. Martinez on an ad hoc basis in advance of more formal and structured direction coming from DJJ Headquarters, but the HGS superintendent told me that he is regularly communicating with the Director of Institutions and her staff about his plans and actions. Headquarters staff want to be helpful to Mr. Martinez without trying to micromanage the daily activities at HGS. Managers at HGS are eager for training and consultation on how best to defuse the extremely racialized violence that is impacting the facility. There is a perceived need for

more clinicians to assist in the management of the most violent youths at HGS, even though these youth are not assigned to formal mental health units.

Mr. Martinez has put in place an ad hoc organizational chart for the facility that placed individuals in various positions at the facility consistent with the S&W Remedial Plan. It is hoped that these assignments will be formalized as soon as the Headquarters reform teams are filled. Further, Mr. Martinez is hopeful that the planned increases in budget, staffing, teaching staff, expanded training, and reduced living unit populations will help stem the violence at HGS. But, it is important to note that the current conditions at HGS are not conducive to the massive transformation in the culture and operation of that facility that is envisioned in the S&W Remedial Plan.

A few more observations relative to the OIG report are in order. The frustration by Headquarters and HGS staff about inaccurate findings in that report underscore the lack of reliable data that DJJ managers now possess to anticipate problems or to respond objectively to adverse reviews by others. Second, the OIG report highlights the urgent need to respond to significant issues in the capital plant at HGS that are likely to frustrate the planned reforms. The OIG report raises questions about how well staff at HGS understand the planned phase-out of the more traditional operational norms at restricted housing units at one of the most historically troubled DJJ facilities. Finally, the OIG report identifies concerns of sexual misconduct by youth and the presence of contraband at the facility. However, the OIG recommendations appear to endorse a return to past DJJ harsh security practices that are not necessarily in keeping with the philosophy guiding the sweeping reforms being undertaken by DJJ. While safety and security issues are crucial to a successful treatment model for DJJ, the Headquarters staff need to clearly articulate how they plan on responding to custody concerns as the reforms evolve. At a minimum, DJJ staff should offer a fuller briefing of the OIG staff as to the direction and status of reform efforts.

There is also great uncertainty among the staff at HGS as to the future of the facility. There is a possibility that the institution will be closed as part of the realignment of DJJ population. There is the rumor that Headquarters will not invest in fixing or enhancing the physical plant at HGS because it is slated to be closed. On the other hand, HGS is scheduled to become the first model treatment facility under the existing S&W

Remedial Plan. There seems to have been limited preparation for managers or line staff about what it might mean for them to become the prototype intensive treatment facility.

Staff at HGS are anxious to hear about the direction that DJJ reforms will take at their facility. They are not standing pat and are brainstorming ways to reduce the violence at HGS, but there is very much the sense that the future of HGS is uncertain.

Preston is another facility at which uncertainty about the future is palpable. Preston staff feel that they were the hardest hit in terms of the closing of admissions to Chad. Historically, Preston used transfers of its most disruptive youth to Chad as a sort of safety valve. Although the population at Preston has declined somewhat from previous years, there is still a serious problem in terms of youth assaulting each other and group disturbances. Data from COMPSTAT show an average of approximately 120-130 fights per month. While staff at Preston report that they have been able to contain about 60% of these fights without resorting to the use force, this level of youth-on-youth violence is still too high. When calculated based on the resident population, Preston actually possesses a higher violence rate per capita than HGS.

A particular problem, according to Preston staff, have been fights and attacks at the school. Staff report that most of these fights take place outside the classroom as part of either school movements or class changes. Whereas Preston managers believe that the new classification system is helping reduce problems at the living units, they feel that there is a need to strategize about how this classification approach can be used to reduce school-located violence. The superintendent and custody staff at Preston are seeking ways to have more communication with the education staff (who have a separate chain of command) on how to jointly solve some of the violence problems at Preston.

The current S&W and MH Remedial Plans call for the transfer of Preston youth in their mental health units to Chad. It is unclear whether the Preston staff that are assigned to these units will be following the youth to Chad. However, in November, staff at Preston were instructed to halt the plans for transfer of their youth to Chad. The superintendent told me that everything is “on hold” even though they have worked through detailed transition plans for the mental health units. Preston now operates the Reception Center and Clinic for Northern California, but it is unclear if the clinic function will remain at Preston. At this point is frustrating for Preston staff to envision

what their new mission will be under the changing reform plan. This has implications for staffing, facility repairs, and program planning. There appears to be less than a free flow of information between Preston and Headquarters staff. Preston staff are committed to working collaboratively with Headquarters staff, but the mechanisms of effective communication are being developed on both sides.

As with HGS, the Superintendent at Preston, Tim Mahoney, is continuing to find ways to improve their operations. Most impressive has been the launching of the Conflict Resolution Teams (CRT), under the supervision of Elaine Stenoski. The CRTs, in effect, provide additional staff that have been trained in defusing violence and conflict situations, who can be dispatched to living units that are experiencing the most problems. The CRTs can provide some respite for regular living unit staff, and offer one-on-one counseling and guidance for those youth that have special difficulties in avoiding violent situations. Preston has introduced Project Impact, which is designed to reduce gang-related violence in the institution. The very early results from Project Impact are promising.

Even though new reform policies have not been officially released, Preston staff have been adjusting their operations in the areas of Grievances, DDMS, and access to religious services to be able to quickly comply with the new mandates. There is clear support for the general thrust of the reform direction at Preston. They need and want to know their new role in the DJJ plan. A related issue is a shortage of psychologists at Preston. There have been issues recruiting and retaining clinicians, given the increase competition for these personnel from CDCR. Preston could use several additional psychologists to help manage their current population.

Staff at Preston also expressed concerns about vacancies that the facility experienced in plant operations and a range of facility repairs that have been requested over the past three years. Preston has been able to somewhat reduce the size of the living units in the SMP unit, but is still awaiting new recreation areas for these restricted housing units that have been requested since 2004. Preston managers note that the closing of intake at Chad has meant that Preston staff have been working hard to reduce the level of institutional violence without the option of moving youth to another facility. Preston

staff take pride in the youth from that facility that have been transferred to DJJ camps and seem to be performing well in those programs,

On my site visit in August, 2007, Chad presented a very different picture than the two facilities discussed above. The youth population at Chad was at 227, but staffing ratios were maintained at the levels when the population was higher. The institution that has been notorious for its violence and harsh security regime was much calmer and more relaxed. There were just 14 youth in the TD unit (mostly short-term placements from Dewitt Nelson and approximately 25 youth in other restricted housing programs). The number and severity of violent incidents were down. The staff reported that there were fewer gang fights, group disturbances and assaults on youth or staff. It was reported to me that both staff and youth felt much safer, and it was obvious to the observer that there was far more interaction between the staff and the youth than in previous days. The overall tone of Chad was much more focused on rehabilitation versus violence issues.

In my view, many of these positive changes were a product of the lower institutional population and the much higher staff-to-youth ratios. Living unit sizes at Chad were currently lower than what was envisioned in the S&W Remedial Plan. Some of the calm at Chad was purchased at the expense of increased tension at HGS, because some of the disruptive youth at Chad had been transferred down to HGS. Further, the leadership at Chad was working hard to change the organizational culture at the facility.

Some of the remaining concerns at Chad involved balancing various programs that were being made available to the youth. In the view of the superintendent, education, counseling, vocational programs, and other options were competing for the same limited daytime hours. The education staff wanted to maintain the regular school hours as defined by their union contract. This forced clinical programs, volunteer efforts, case work time, and other programs to be packed into the late afternoons, evenings, or weekends. Superintendent Umeda suggested that Chad experiment with a limited night school program, to reduce the “competition” for scarce daytime programming hours.

Another concern at Chad was a shortage of clinical staff. Superintendent Umeda felt that he was understaffed by at least five psychologists and one psychiatrist. While he believed that there were plans in the future to fill these positions, Chad may still be short-handed in the clinical positions needed to serve its population. The current shortage of

clinical staff at Chad is concerning, because current DJJ plans call for the transfer of a number of mental health programs and sex offender treatment programs to Chad. There is a question of whether the clinical team at Chad will be at full strength to handle this new mission.

As with Preston and HGS, Chad staff had many questions and uncertainty about how the reforms would impact their facility. There are some concerns that the declining population at Chad may place that facility on the list of DJJ institutions that will be closed or transferred to CDCR adult programs. The present halt in plans to move youth from Preston to Chad creates further uncertainty. As with the other facilities, the top staff at Chad are eager to embrace a new reform mission, but they feel that they lack sufficient information to help them plan for the needed changes. Similarly, staff at Chad would like greater dialog and exchange with DJJ Headquarters and the Reform Team to help shape several operational details of the transition process.

Concluding Observations

The DJJ has faced significant staffing and state bureaucratic obstacles in establishing the infrastructure of Headquarters management that was believed to be essential to enact the S&W Plan. Many deadlines have been missed, and DJJ will face an uphill battle to get back on schedule with the dates specified in the S&W Standards and Criteria. Also, it is somewhat unclear to me and to the leadership at several DJJ institutions as to the precise directions that reform will take over the next several months.

While it is essential that DJJ pick up momentum in the reform process over the next few months, it is equally important that the scope and direction of reform efforts be further clarified. For example, at a meeting with the Special Master and all of the Farrell Experts on Feb. 16, 2007, the DJJ management presented a complex plan to move youth among various living units, open units that were presently closed, and to begin the conversion of programming at Chad and HGS. The assembled Farrell Experts raised many questions about how these changes would be accomplished, and what staff preparation would be conducted. The DJJ indicated that there were “action plans” being developed and reviewed for each facility. The S&W and MH Experts offered to review

these draft action plans and to provide DJJ with timely feedback. To date, no action plans have been shared with this S&W Expert. I do not know if the other Farrell Experts have had the opportunity to review these transitional action plans.

I remain concerned that DJJ is behind schedule on several milestones of the reform effort. While some delays in the first 9-12 months of the S&W Remedial Plan may have been anticipated, it is unknown if the next reform deadlines will be met. Delays have a way of snowballing and impeding future progress towards needed reform. It may well be that the parties, the pertinent Subject Matter Experts, and the Court should review this situation and propose solutions to get the S&W Remedial Plan back on schedule.

The contractor who will guide DJJ in the development and implementation of the new intensive treatment model and behavior treatment programs has only recently been hired. We do not know the nature of the programs that will be recommended, or how long implementation of those programs will actually take. One can assume that change at DJJ will not be immediate and that the agency faces substantial challenges of changing the organizational culture, both at Headquarters and at the institutions to accommodate these reforms. It is also important to assess whether the new rehabilitation programs are adequately funded in future budgets.

This is a time of great uncertainty for DJJ. The Governor and Legislature seemed poised to adopt a “realignment” of state and county responsibilities that will profoundly affect the population to be served by the DJJ. For example, if DJJ will be serving a smaller population of youthful offenders that are principally charged with 707B offenses, this has implications for the sorts of services to be offered, living unit sizes, staffing ratios, and the kinds of evidence-based rehabilitation services that will be needed. The current Governor’s budget anticipates the closing of at least two DJJ facilities in the next two years. We will need to understand the implications of these closures on existing operations and for changes in the specifics of the S&W Standards and Criteria. It seems likely that DJJ and the plaintiff’s attorneys will very soon need to redefine key portions of the current Farrell agreements in light of changed circumstances at DJJ.

Recap of Recommendations of S&W Expert

1. DJJ needs to immediately recruit and hire a highly qualified Director of Programs.
2. The organizational roles of various Headquarters staff in the development and implementation of the S&W Remedial Plans need to be clarified, especially relative to overlapping issues with the Mental Health, Medical, and Education staff.
3. DJJ must complete the WIN Exchange System and develop a management strategy to integrate its several stand alone data systems. DJJ should make greater use of its research staff to analyze data to assist other DJJ managers in their planning and monitoring activities.
4. The custody classification process needs to be further refined, performance measures developed, and further refinements in policy and procedure be implemented.
5. DJJ must place a high priority on implementing an efficient process and timetable for developing and finalizing new policies that are central to the S&W Remedial Plan. Policies once promulgated must be supported by high quality staff training and effective monitoring of compliance with new policies.
6. DJJ must continue to substantially improve the conditions of confinement and the treatment of youth in its restricted housing units.
7. DJJ management should place renewed emphasis on reducing the unacceptable levels of violence at some DJJ facilities, especially HGS and Preston, including expanding the deployment of the Conflict Resolution Teams and consultation with national experts on reducing gang and racial violence in juvenile facilities.
8. DJJ needs to move quickly to prepare facility staff for the likely directions that will be part of the model rehabilitation and treatment programs, including the Behavioral Treatment Programs.
9. In this time of great uncertainty about the future of DJJ, it is imperative that Headquarters staff are in close contact with DJJ institutions and that there is two-way communications between staff and youth.
10. Due to the likely impact of SB 81 and facility closures, the parties in the Farrell case should begin evaluating certain aspects of the existing Remedial Plans and Standards and Criteria and whether they will require significant modifications.

Selected Safety and Welfare and Mental Health Remedial Plan Audit Items: Report of Findings

October 2007

Monitor Cathleen Beltz

Between May and August 2007, the monitor conducted site visits to all eight DJJ facilities.¹ Items monitored on site include (1) all Safety and Welfare Remedial Plan and Mental Health Remedial Plan action items designated to be monitored by the Office of the Special Master (“OSM”) and with deadlines through May 2007 at the Stockton facilities and through June 2007 at Preston and the southern facilities; (2) additional mental health plan action items, at the request of the mental health experts for their review and with deadlines through May 2007 (Stockton facilities) and June 2007 (Preston and the southern facilities); and (3) updates to certain central office action items discussed in the fourth special master’s report.

As always, DJJ facility administrators and staff were very accommodating during site visits. Facility staff provided invaluable assistance in scheduling staff and youth interviews, preparing for and assisting in document review, interpreting facility vernacular, and accompanying the monitor to housing units. The OSM is grateful for their assistance, and for the assistance of Doug Ugarkovich, DJJ *Farrell* Litigation Coordinator, who has been diligent in arranging for responses to the OSM’s requests for information and coordinating site visits.

I. Safety and Welfare Remedial Plan

Dr. Barry Krisberg, *Farrell* Safety and Welfare Expert, Dr. Eric Trupin and Dr. Terry

¹ The monitor visited O.H. Close on May 22, 2007, N.A. Chaderjian on May 23, 2007, DeWitt Nelson on May 30, 2007, Southern Reception Center on July 30, 2007, Ventura on July 31, 2007, Stark on August 1, 2007, Preston on August 9, 2007, and El Paso de Robles on August 17, 2007.

Lee, *Farrell* Mental Health Experts, and the OSM share the responsibilities for monitoring and reporting on DJJ's compliance with the safety and welfare plan. This section of the report concerns only those items from the Safety and Welfare Remedial Plan Standards and Criteria designated for on site monitoring by the OSM as well as updates on certain information contained in the June 2007 report of findings attached as Appendix A to the Fourth Report of the Special Master.

A. Management Information Systems (S&W 2.3.1, 2.3.3a, 2.3.3b and 2.3.3c)²

To date, DJJ has not completed the WIN exchange.³ DJJ is not in compliance with safety and welfare audit item 2.3.1.

As previously reported, DJJ successfully contracted with PbS and assigned a state-wide PbS coordinator.⁴ The monitor reviewed PbS coordinator, AGPA (assistant government program analyst) and SSA (staff services analyst) duty statements and interviewed the PbS site coordinators and/or facility AGPAs or SSAs at all DJJ facilities. All of the facility PbS coordinators and analysts interviewed demonstrate an understanding of PbS and all report that they have sufficient time to perform all duties in PbS duty statements.⁵ DJJ is in substantial compliance with safety and welfare audit items 2.3.3a, 2.3.3b, and 2.3.3c.

B. Violence Reduction Committees (S&W 3.3b)

The safety and welfare plan requires that DJJ facilities create violence reduction committees to review and evaluate incidents of violence quarterly and to develop plans to reduce violence and use of force.⁶ The implementation deadline for this requirement was

² "S&W 2.3.1, 2.3.3a, 2.3.3b and 2.3.3c" refers to specific sections/items of the Safety and Welfare Remedial Plan Standards and Criteria. All "S&W" citations refer to the Safety and Welfare Standards and Criteria.

³ Staff interviews, 2007 site visits.

⁴ See, Fourth Report of the Special Master, Appendix A (Beltz Report) p. 6.

⁵ Staff interviews, 2007 site visits.

⁶ See, Safety and Welfare Remedial Plan, pp. 24-25 and 31.

January 1, 2007.⁷ A pilot violence reduction committee was established at El Paso de Robles in October 2006 and by April 2007 six additional facilities had created committees that met at least once.⁸ On May 2, 2007, Sandra Youngen, Director, Division of Juvenile Facilities, issued a memorandum to facility superintendents outlining the violence reduction committees' monthly and quarterly requirements and goals and directing them to establish committees at all DJJ facilities by May 18, 2007.⁹ DJJ central office provided meeting minutes from El Paso de Robles, Heman G. Stark, N.A. Chaderjian, Preston and O.H. Close as well as two emails that reference committees at DeWitt Nelson and the Southern Reception Center.¹⁰ The monitor spoke with violence reduction committee members at all DJJ facilities and was provided additional meeting minutes during some site visits.

El Paso de Robles created the first violence reduction committee pursuant to the safety and welfare plan in October 2006. Minutes provided during the August 2007 site visit at El Paso de Robles indicate its committee has met seven times.¹¹ Earlier, in February 2006, Heman G. Stark created a "Special Committee on Violence and Racial Hate Reduction," which met five times in 2006.¹² In March 2007, this committee became the Heman G. Stark "Violence Reduction Committee" and by August 1, 2000, it had met three times.¹³ N.A. Chaderjian's violence reduction committee was established in March 2007, DeWitt Nelson's in April 2007 and O.H. Close's in May 2007. Minutes provided during the May 2007 site visits indicate that N.A. Chaderjian's committee had met monthly in March, April and May,

⁷ *Id.* at 31.

⁸ Violence Reduction Committee meeting minutes and emails, Liam Cowan and Dan Valdez, May 2007.

⁹ See Attachment 1 (violence reduction committee memorandum, May 2007).

¹⁰ Violence Reduction Committee meeting minutes and emails, Liam Cowan and Dan Valdez, May 2007.

¹¹ Meeting minutes for El Paso de Robles were provided for October 24 and November 16, 2006 and for January 18, March 15, April 19, June 21 and August 16, 2007.

¹² Meeting minutes for Heman G. Stark's Violence and Racial Hate Reduction Committee were provided for February 28, March 16, April 13, May 23, and October 25, 2006.

¹³ Violence reduction committee meeting minutes were provided for March 9, May 24 and June 22, 2007.

DeWitt Nelson's committee had met twice in April and twice in May and O.H. Close's committee had met once.¹⁴ Ventura's committee met first in March 2007 and again in May 2007 and has conducted two "Quarterly Reviews" of DDMS and use of force cases for the first and second quarters of 2007.¹⁵ Southern Reception Center's committee was created in April 2007 and met once in April 2007 and once in July 2007.¹⁶ Finally, Preston's violence reduction committee was established in March 2007 and as of August 9, 2007, had met four times.

Facility superintendents and violence reduction committee members interviewed understand the goal generally of reducing violence in their facilities and believe that committees have been helpful in beginning to reduce violence and use of force.¹⁷ Interviews and meeting minutes indicate that each committee is devising its own system in efforts to meet the quarterly expectations outlined in the May memorandum and every member interviewed described successes they have had in identifying trends or reducing violence in their facilities.¹⁸ At the time of the monitor's site visits, seven of eight DJJ facilities had sent meeting minutes to DJJ central office.¹⁹

Committee members interviewed report that additional guidance would be helpful in creating quarterly reports and violence reduction plans and that they do not understand exactly how the central office intends to measure the committees' progress.²⁰ Finally, committee

¹⁴ N.A Chaderjian administrators provided committee meeting minutes for March 15, April 25 and May 16, 2007, DeWitt Nelson administrators provided minutes for April 11, April 26, May 1, and May 15, 2007, and O.H. Close administrators provided minutes for May 14, 2007.

¹⁵ The OSM was provided meeting minutes from Ventura dated March 29 and May 16, 2007 and "Quarterly Reviews" for the first and second quarters of 2007.

¹⁶ During the monitor's July site visit, staff at the Southern Reception Center reported that the committee has met at least once since the initial meeting April 26, 2007; however minutes were not provided for either meeting.

¹⁷ Staff interviews, 2007 site visits.

¹⁸ *Ibid.*

¹⁹ Staff interviews, 2007 site visits.

²⁰ *Ibid.*

rosters reflect multidisciplinary membership and some members interviewed report that meetings provide a much needed forum for staff across disciplines to strategize together.²¹ A few members interviewed report (and some meeting minutes reflect) waning attendance at meetings, which these members fear may indicate that committees are not yet well established²²

C. Tracking Violence And Use Of Force (S&W 3.5 and 3.6a)

The OSM previously reported that by the end of June 2007, DJJ expected to modify its daily security operational reports to begin tracking injuries to youth, injuries to staff, injuries to youth by other youth, assaults on youth and assaults on staff.²³ This will allow DJJ to record daily data for PbS safety outcome measures 2-4, 11 and 12. On June 11, 2006, DJJ provided a draft “Daily Operations Report” that standardizes tracking of these outcome measures across facilities. In July, DJJ reported that the tracking system was in beta testing and anticipated implementation in August 2007 to coordinate with its activation of the WIN exchange.²⁴

D. Conversion Of DJJ Facilities To The Rehabilitative Treatment Model (S&W 6.1b, 6.6, 6.4a, 6.4b, 6.4c and 6.4d)

The safety and welfare plan requires DJJ to begin its conversion to a rehabilitative treatment model by reducing youth populations and increasing housing unit staffing.²⁵ Heman G. Stark was the first facility scheduled for population and staffing changes by January 1, 2007, followed by Preston July 1, 2007.²⁶ Initial changes require that housing units converting to core programs not exceed 36-38 youth per unit and that they meet the

²¹ *Ibid.*

²² *Ibid.*

²³ See, Fourth Report of the Special Master, Appendix A (Beltz Report) p. 6.

²⁴ DJJ Quarterly Report, July 2007, Safety and Welfare Remedial Plan Matrix p. 6.

²⁵ See, Safety and Welfare Remedial Plan pp. 45, 46 and 49 *and* S&W 6.1b.

²⁶ *Ibid.*

staffing standards outlined on pages 45 and 46 of the safety and welfare plan. Population has declined and many of what will become core program units are within the safety and welfare plan population guidelines.

DJJ provided the OSM with “administrative summaries” for Heman G. Stark that show facility population data.²⁷ From May 7, 2006 to June 5, 2007 Heman G. Stark’s population declined from 830 youth to 757 youth. The facility has four general population units in two wings (each identified as a “company”), “E&F company” and “W&X company.” From May 7, 2006 to June 5, 2007, E&F company declined from 106 youth assigned to 75 youth assigned and W&X company’s population went from 96 assigned to 77 assigned.

DJJ youth are currently housed according to risk classification and administrative summaries do not detail the number of youth on each “side” of a company. During the August 1, 2007 site visit, Heman G. Stark administrators provided an exact count of youth present on each unit.²⁸ E&F company had 73 youth present, 24 on E side and 49 on F side. W&X company had 71 youth present, 37 on W side and 34 on X side. Facility administration reports that general population units are currently staffed commensurate with remedial plan requirements.²⁹ Four additional units, “O & R Company” and “U & V Company,” will also transition to core programs once DJJ implements the treatment model at Heman G. Stark. Populations on those units on August 1, 2007 were, 34 on O side, 34 on R side, 42 on U side and 28 on V side.

²⁷ Heman G. Stark administrative summaries, May 8, 2006 and June 6, 2007.

²⁸ Administrative summaries provide two population counts, one of youth assigned to a given unit and one of youth actually present on a unit. Youth assigned, but not present are being temporarily housed on another unit such as facility medical or temporary detention units or are off facility grounds. Administrative summaries are updated daily to reflect “assigned” and “actual” counts.

²⁹ Units are staffed with mental health clinicians, youth correctional counselors, senior youth correctional counselors and youth correctional officers commensurate with plan requirements. Facility administration reports that case manager positions, which are intended to be filled with casework specialists, are currently being filled by youth correctional counselors.

During the August 9, 2007 site visit, Preston provided administrative summaries for June 15, 2006 and August 5, 2007. From June 2006 to August 2007, Preston's population declined from 435 youth to 382 youth. Preston currently has six units ("lodges") that will transition to core programs. On August 5, 2007, all but two lodges met the population guidelines outlined in the safety and welfare plan.³⁰ In addition, Preston administrators report that all but two core program lodges are staffed consistent with the remedial plan requirements. The monitor did not review staffing documentation for Preston's general population units; however, unit staff interviewed report that there are more staff and fewer youth on the units.³¹ DJJ is in partial compliance with safety and welfare audit item 6.1b.

The safety and welfare plan requires DJJ to eliminate all of its "special management programs" and establish "behavior treatment programs" for youth exhibiting violently disruptive behavior.³² By January 1, 2007 DJJ was required to develop a Program Service Day Schedule for Heman G. Stark's behavior treatment program unit to, "maximize out-of-room time and to ensure structured activity based on evidence based principles for 40 to 70 percent of waking hours. . ." and to begin operating the program in accordance with the approved schedule.³³ The implementation deadline for the program service day schedule at Preston was July 1, 2007.³⁴ Development and implementation of the program service day schedules has been delayed.³⁵ DJJ has not provided an anticipated implementation date for this item. DJJ is not in compliance with safety and welfare audit item 6.6.

³⁰ Preston core program lodges (and populations on August 5, 2007) include, Buckeye (33 youth), Evergreen (35 youth), Fir (40 youth), Greenbriar (35 youth), Hawthorne (37 youth) and Manzanita (46 youth).

³¹ Staff interviews, August site visit.

³² See, Safety and Welfare Remedial Plan, p. 49

³³ See, Safety and Welfare Remedial Plan, p.57 and S&W 6.6 audit criteria.

³⁴ S&W 6.6.

³⁵ Statements of DJJ staff, DJJ central office meeting, May 2007 and DJJ Quarterly Report, July 2007, Safety and Welfare Remedial Plan Matrix p 9.

The safety and welfare plan requires that DJJ fill or assign staff to several key positions and create conflict resolution teams at DJJ facilities.³⁶ The implementation deadline for these requirements was January 1, 2007 for Heman G. Stark and July 1, 2007 for Preston.³⁷ DJJ reports that it has not yet filled the facility Administrator of Programs or Program Manager positions at any DJJ facility.³⁸ DJJ is not in compliance with safety and welfare audit items 6.4a and 6.4b.

DJJ provided an AGPA “Positive Incentive/Volunteer Coordinator” duty statement and documentation showing it filled the Heman G. Stark coordinator position in October 2006.³⁹ DJJ filled the position at Preston ahead of schedule in September 2006. Other facilities have filled volunteer/positive incentives coordinator positions as well. DeWitt Nelson hired a coordinator on September 18, 2006 and N.A. Chaderjian hired its coordinator on May 23, 2007.⁴⁰ The monitor spoke with volunteer/positive incentives coordinators at Heman G. Stark, Preston and DeWitt Nelson. All three coordinators demonstrate an understanding of facility ward incentive programs and report that they are motivated to plan activities that reward youth for positive behavior.⁴¹ Coordinators report generally that they have sufficient time to perform all tasks in their duty statements, but need more time for recruiting and coordinating volunteers.⁴² Coordinators at Heman G. Stark and Preston are assigned only volunteer positive incentives coordinator duties. As of May 2007, DeWitt Nelson’s coordinator was assigned only incentive program duties. She was, however,

³⁶ See, Safety and Welfare Remedial Plan, p. 57.

³⁷ S&W 6.4a-d.

³⁸ Statements of DJJ staff, DJJ central office meeting, May 2007 and staff interviews, August site visits.

³⁹ DJJ “Request for Hire” and “Notice of Personnel Action” and staff interviews and document review, August site visit, *and see*, Attachment 2 (duty statements for SSA and AGPA Youthful Offender Incentive/Volunteer Coordinator Facility). DeWitt Nelson’s position was filled in September 2006 and N.A. Chaderjian’s in May 2007.

⁴⁰ Staff interviews, May 2007 site visits.

⁴¹ Staff interviews, 2007 site visits.

⁴² *Ibid.*

responsible for coordinating programs for all three Stockton facilities until N.A Chaderjian and O.H. Close filled their positions. N. A. Chaderjian administrators report that they filled the coordinator position on May 23, 2007.⁴³

At the time of the 2007 site visits, the remaining facilities had not yet been authorized to fill volunteer/positive incentives coordinator positions; however, O.H. Close, Ventura and Southern Reception Center administrators have assigned the volunteer/positive incentives coordinator duties to one or more program managers and/or youth correctional counselors.⁴⁴ These staff generally report that they spend a portion of their time planning activities for youth, although their work does not conform to the volunteer/positive incentives duty statements.⁴⁵

El Paso de Robles has filled the coordinator position with a retired annuitant to plan and coordinate the El Paso de Robles Ward Incentive Program and to supervise three additional retired annuitants who coordinate recreational activities for youth.⁴⁶ Youth in DJJ are assigned to one of three incentive levels, “A” (the highest level), “B” and “C.” Youth move among incentive levels based on institutional behavior and other factors. Youth and staff interviewed at El Paso de Robles report a substantial increase in incentive and recreational activities for youth at A and B incentive levels.⁴⁷ The acting coordinator at El Paso de Robles provided copies of detailed monthly memoranda and incentive, recreational and “special activity” schedules as well as youth rosters that detail activities offered on a weekly rotation for all eligible youth.⁴⁸ At O.H. Close, the facility manager and DDMS

⁴³ Follow-up phone conversation, May 2007.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Staff interviews, August 2007 site visit.

⁴⁷ *Ibid.*

⁴⁸ Site visit, August 2007.

coordinator who is assigned the bulk of the positive incentives coordinator duties provided a schedule of incentive activities that shows several activities are scheduled each month.⁴⁹

Generally, coordinators and staff interviewed report that the incentive program activities are reserved for youth at A and B incentive levels.⁵⁰ A few coordinators, however, report that they plan activities for C level youth to motivate them to advance in the program.⁵¹ Preston's coordinator spends time on living units talking with C level youth to address behavior problems and provides them with small rewards (such as pizza) for improved behavior.⁵² DJJ is in partial compliance with safety and welfare audit item 6.4c.

On April 27, 2007, Sandra Youngen issued a memorandum authorizing five facilities to recruit and interview applicants for facility conflict resolution teams, but directed them not to commit the positions to applicants pending further notice.⁵³ The Conflict Resolution Team Program Statement is attached.⁵⁴ In May 2007, DJJ central office reported that implementation deadlines for the conflict resolution teams were delayed pending labor negotiations.⁵⁵ In June, facility superintendents were authorized to appoint current facility staff to conflict resolution teams.⁵⁶ Heman G. Stark identified five of its conflict resolution team members on July 2, 2007 and in August 2007, administrators told the monitor that they expected to complete team assignments in the near future.⁵⁷ The team currently consists of two youth correctional counselors and three parole agents.⁵⁸ Duty statements for "Conflict

⁴⁹ Document review, May 2007 site visit.

⁵⁰ Staff Interviews, 2007 site visits.

⁵¹ *Ibid.*

⁵² Staff interviews, August 2007 site visit.

⁵³ *See*, Attachment 3 (conflict resolution team memorandum, April 2007).

⁵⁴ *See*, Attachment 4 (conflict resolution team program statement).

⁵⁵ Statements of DJJ staff, DJJ central office meeting, May 2007.

⁵⁶ Staff interviews, August 2007 site visits. Five facilities were authorized for conflict resolution teams: Heman G. Stark, El Paso de Robles, DeWitt Nelson, Preston, and O.H. Close.

⁵⁷ Staff interviews, August 2007 site visits.

⁵⁸ Staff interviews, August 2007 site visits.

Resolution Team Leader” and “Conflict Resolution Team Member” are attached.⁵⁹ In August, two team members attended the first of two three-week crisis intervention and conflict resolution training sessions.⁶⁰

Preston’s conflict resolution team was essentially in place on July 1, 2007.⁶¹ It is currently staffed with four youth correctional counselors and four parole agents. Preston administrators expect to assign one additional parole agent to the team.⁶² Three team members attended the crisis intervention and conflict resolution training sessions in August 2007.⁶³ Preston administrators expect that they, in turn, will provide needed conflict resolution training to remaining team members.⁶⁴ Preston’s program administrator responsible for supervising the conflict resolution team has developed a statement identifying the team’s role and an outline for responding to group disturbances that is based on the needs of youth at that facility.⁶⁵ Implementation deadlines for conflict resolution teams at the remaining facilities are January and July 2008.⁶⁶ DeWitt Nelson, O.H. Close and El Paso de Robles are expected to have teams in place ahead of schedule.

E. System Reform For Females (S&W 7.1 and 7.4)

The safety and welfare plan requires that DJJ issue a request for letters of interest from local government entities and qualified private parties to provide “secure residential and rehabilitative” contract services to DJJ’s female population.⁶⁷ The implementation deadline

⁵⁹ See Attachment 5 (duty statements for conflict resolution team leaders and members).

⁶⁰ Staff interviews, August 2007 site visit.

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ Document review, August 2007 site visit.

⁶⁶ S&W 6.4d.

⁶⁷ See, Safety and Welfare Remedial Plan p. 58.

for this requirement was July 1, 2006.⁶⁸ Also by July 1, 2006, DJJ was required to request legislative authority and funding to contract for those services.⁶⁹

In April 2006, DJJ sent a formal “Request for Information” regarding contract services for girls and young women to approximately 150 stakeholders and potential bidders.⁷⁰ DJJ received 24 responses to its request for information, 10 from private and non profit entities and 14 from county probation departments.⁷¹ DJJ also received legislative authorization and funding for contract services. Specifically, the Governor’s budget for fiscal years 2005-06 and 2006-07 proposed \$5.2 million and \$47.5 million respectively for implementation of the safety and welfare plan over five years. DJJ is in substantial compliance with safety and welfare audit item 7.4.

Since the request for information and receipt of responses, DJJ has consulted with national experts on gender-responsive programming and issued a “Request for Proposals” to contractors. The *Farrell* safety and welfare expert reports that responses from potential contractors indicate that DJJ underestimated the cost of contract services for women.⁷² As a result, DJJ will issue a revised request.⁷³

F. Designation Of Community/Court Liaison Staff (S&W 8.1.2)

The OSM previously reported that by November 2006, DJJ had filled three of four community/court liaison positions.⁷⁴ Liaisons are responsible for improving “communication, relationships, and collaboration with community, courts, probation and law

⁶⁸ S&W 7.1

⁶⁹ *Ibid.*

⁷⁰ DJJ provided the OSM a copy of a cover letter to “Juvenile Justice Stakeholders/Potential Bidders” from Bernard Warner, dated April 17, 2006, and a formal “Request for Information” regarding contract services for girls and young women as well as an “RFI Master Mailing List” with 154 recipients.

⁷¹ DJJ provided copies of responses to its request for information.

⁷² *See*, Fourth Report of the Special Master, Appendix A (Krisberg report, August 2007) pp. 22-23.

⁷³ *Ibid.*

⁷⁴ *See*, Fourth Report of the Special Master, Appendix A (Beltz Report) p. 7.

enforcement.”⁷⁵ DJJ has since provided documentation that it filled the fourth liaison position in June 2007, which it anticipates will allow for additional outreach to counties. DJJ is in substantial compliance with safety and welfare audit item 8.1.2.

G. Changes To DJJ’s Disciplinary Decision Making System And Procedure For Review Of Eligibility To Restore Time (S&W 8.4.2a, 8.4.2b and 8.4.6b)

The safety and welfare plan requires that DJJ reduce the maximum time allowed for disciplinary fact finding hearings from 24 to 14 days after youth are notified and, for cases sustained at fact finding, reduce the maximum time allowed for disposition hearings from 14 to seven days.⁷⁶ The implementation deadline for these requirements was March 31, 2007.⁷⁷ DJJ has not completed a policy on its Disciplinary Decision Making System (“DDMS”) and provided neither a draft policy nor projected completion or implementation dates for a new policy. Staff at all DJJ facilities are, however, aware of the 14 and seven day requirements of the safety and welfare plan and some facilities are implementing guidelines proactively.

At O.H. Close, N.A. Chaderjian and DeWitt Nelson, the monitor reviewed DDMS documentation for the month of April 2007. At O.H. Close, all 19 DDMS fact finding hearings in April 2007 were held within the required 14 days and most were completed within 7 days.⁷⁸ Of the 14 cases sustained at fact finding, all disposition hearings were completed within 7 days.⁷⁹ At N.A. Chaderjian, all nine DDMS fact finding hearings in April 2007 were completed within 14 days.⁸⁰ All nine were sustained at fact finding and disposition hearings were held within three days.⁸¹

⁷⁵ See, Safety and Welfare Remedial Plan, p. 61.

⁷⁶ *Id.* at 70

⁷⁷ S&W 8.4.2a and 8.4.2b.

⁷⁸ Document review, May 2007 site visit.

⁷⁹ *Ibid.*

⁸⁰ Document review, May 2007 site visit.

⁸¹ *Ibid.*

At the Southern Reception Center, the monitor reviewed DDMS documentation for May 2007. The Southern Reception Center issued 58 level three disciplinary write-ups in May 2007. Of those, five went to fact finding.⁸² All five fact finding hearings were completed within 14 days of youths' notification of the write-ups and three of the five were completed within seven days of notification.⁸³ Two DDMS actions were sustained at fact finding and both disposition hearings were completed within seven days.⁸⁴

At Preston, the monitor was provided DDMS documentation available in Preston's WIN system for July 2007. Of the 173 level three DDMS write-ups issued in July 2007, 34 went to fact finding.⁸⁵ Fact finding hearings for 22 of the 34 cases were completed within 14 days.⁸⁶ Twenty-nine cases were sustained at fact finding and of those, 10 were completed through disposition within seven days.⁸⁷ The remaining cases at Preston as well as cases reviewed at all other DJJ facilities were generally adjudicated within current 24 and 14 day policy guidelines.⁸⁸ Typically, where deadlines exceeded current requirements, extensions were requested and relevant notes were made and/or documentation was attached.⁸⁹ Some facility administrators express concern that the new guidelines will be difficult or impossible to meet unless additional staff are allocated to assist with the processing of DDMS cases.⁹⁰ DJJ is in partial compliance with safety and welfare audit items 8.4.2a and 8.4.2b.

The safety and welfare plan requires that DJJ ensure that youths' eligibility for time restoration to sentences lengthened by DDMS serious misconduct/violations is reviewed at all

⁸² Document review and staff interviews, July 2007 site visit. The rest were either dismissed or youth admitted to the behavior and fact findings hearings were unnecessary.

⁸³ Document review and staff interviews, July 2007 site visit.

⁸⁴ *Ibid.*

⁸⁵ Document review and staff interviews, August 2007 site visit.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ Document review and staff interviews, 2007 site visits.

⁸⁹ *Ibid.*

⁹⁰ Staff interviews, 2007 site visits.

case conferences and that reviews are noted in WIN.⁹¹ The implementation deadline for this requirement was March 31, 2007.⁹² The monitor spoke with both DJJ central office staff and parole agents at all DJJ facilities.. Parole Agents review youth sentences for time restoration eligibility and make recommendations accordingly. Currently, if a youth is eligible for time restoration (if a youth has “earned back” time according to automatic WIN calculations), a notification pops-up on the WIN screen directing staff to confirm eligibility.⁹³ Most parole agents interviewed report following this procedure in preparation for case conferences.⁹⁴ DJJ is revising its policy to incorporate requirements for systematic review and documentation of time restoration eligibility.⁹⁵

Review of time restoration eligibility is one of many important procedures that will be streamlined with the WIN exchange. Currently, WIN only calculates time restoration eligibility for each youth by facility after one year.⁹⁶ Youth who transfer between facilities may be eligible for time restoration, or have write-ups making them ineligible, based on behavior at previous facility assignments that is not systematically reviewed at current facility case conferences.⁹⁷ The only way to accurately evaluate the eligibility for time restoration for youth who have transferred between facilities is to manually review youth “field files” that contain DDMS information from previous facility assignments.⁹⁸ Parole agents interviewed report that they review field files upon youths’ requests (pursuant to current policy) or when

⁹¹ See, Safety and Welfare Remedial Plan, p. 71, and S&W 8.4.6b audit criteria

⁹² *Ibid.*

⁹³ Staff interviews, 2007 site visits.

⁹⁴ *Ibid.*

⁹⁵ Statements of DJJ staff, DJJ central office meeting, May 2007, and staff interviews, 2007 site visits.

⁹⁶ *Ibid.*, and follow-up telephone conversations, June 2007.

⁹⁷ Staff interviews, 2007 site visits and follow-up telephone conversations, June 2007. However, youth also receive annual case conferences during which time restoration is always calculated manually.

⁹⁸ Staff interviews, 2007 site visits.

they believe youth may be eligible for time restoration.⁹⁹ With the WIN exchange, eligibility for time restoration will be automatically calculated to account for facility transfers and the information will be readily accessible to housing unit staff.¹⁰⁰ DJJ is in partial compliance with safety and welfare audit item 8.4.6b.

H. Time Adds And Program Credits (S&W 8.6.3a, 8.6.3b, 8.6.4b and 8.6.4c)

The safety and welfare plan requires that DJJ revise existing time restoration policies to (1) allow for time restoration to eligible sentences after six months of good behavior rather than the current 12 months and (2) round up rather than down the number of months restored to sentences where youth parole board dates are extended an odd number of months.¹⁰¹ The implementation deadline for these requirements was March 31, 2007.¹⁰² Time add policy revisions have been delayed and DJJ has not provided projected revision/implementation dates for these policy provisions. DJJ is not in compliance with safety and welfare audit items 8.6.3a or 8.6.3b.

The safety and welfare plan also requires that DJJ revise current policy to (1) ensure youth receive full program credit if their absence from school or failure to participate in work or treatment occurs through no fault of their own and (2) develop standards for awarding incentive points for youth participation in restorative justice projects.¹⁰³ On April 10, 2007, Jay Aguas, Deputy Director of Juvenile Facilities, sent a memorandum to facility superintendents reminding them to provide youth with full program credit when non-

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ *See*, Safety and Welfare Remedial Plan, pp. 73-74.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

participation is not the youths' fault.¹⁰⁴ Most youth interviewed are generally aware that they are entitled to full program credit if they are unable to participate in facility activities through no fault of their own.¹⁰⁵ Some youth interviewed report receiving this information from their youth correctional counselors or parole agents.¹⁰⁶ Some youth were unable to remember how they received the information and some were unaware of the requirement.¹⁰⁷ At units observed, the information was not yet posted on unit information boards.

The monitor spoke with parole agents and/or youth correctional counselors at all DJJ facilities who, along with representatives from education and other facility departments, make up youth treatment teams. Treatment teams are responsible for assigning program credits and making recommendations for time "cuts"/credits to DJJ Youth Authority Administrative Committees (YAAC) and parole boards.¹⁰⁸ The number of program credits a youth accumulates is considered to reflect a youth's progress toward rehabilitation and is a determining factor in his or her eligibility for parole. Treatment team members interviewed report providing full program credit whenever youth are unable to participate in treatment, work or educational programming through no fault of their own.¹⁰⁹ Most report that this is not a new practice, but rather a procedure that was already in place prior to the April 2007 memorandum.¹¹⁰ DJJ is in partial compliance with safety and welfare audit item 8.6.4b.

Sandra Youngen issued a memorandum, effective June 1, 2007, to facility superintendents and facility incentives coordinators detailing points standards for eight restorative justice activities and individual achievements for which youth may earn incentive

¹⁰⁴ See, Attachment 6 (program credit memorandum, April 2007).

¹⁰⁵ Youth interviews, 2007 site visits.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ Staff interviews, 2007 site visits.

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

points.¹¹¹ Youth interviewed after June 1, 2007 appear to understand that they are to receive “credit” for participating in restorative justice activities or for completing certain individual achievement activities or educational goals, but none had seen the memorandum and were not aware specifically of the eight achievements listed or the points values for each.¹¹² At units observed after June 1, the information was not yet posted on unit information boards.

Facility administrators have generally assigned the planning of restorative justice activities and the rewarding of points for those activities to facility volunteer/positive incentives coordinators or other staff allocated incentive coordinator duties.¹¹³ Individual achievement points for educational successes, such as earning a high grade point average, a high school diploma or a GED are automatically entered in each youth’s record via the automated ward incentive program. The seven remaining restorative justice or individual achievement goals must be observed and noted by facility staff, submitted to the superintendent for review and tracked manually.¹¹⁴

Coordinators at facilities visited after June 1, 2007 had begun the planning needed to incorporate the requirements into their ward incentive programs. Most coordinators and acting coordinators report they need additional time or staff support in order to plan and assign points for restorative justice or other individual achievement activities.¹¹⁵ By the August 9, 2007 site visit, Preston had begun to make substantial progress toward providing incentive points for restorative justice and other activities pursuant to the restorative justice memorandum.¹¹⁶ Preston’s positive incentives coordinator has conducted block training on

¹¹¹ See, Attachment 7 (restorative justice and individual achievements memorandum, May 2007).

¹¹² Youth Interviews, 2007 site visits.

¹¹³ Staff interviews, 2007 site visits.

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ Document review and staff interviews, August 2007 site visit.

the ward incentive program for unit staff and spends time on each unit orienting youth to the ward incentive program generally and to the individual achievement and restorative justice opportunities specifically.¹¹⁷ For English language learners, the coordinator enlists help from Spanish speaking staff to ensure youth understand the program requirements.¹¹⁸ Preston's coordinator plans restorative justice activities at least quarterly, holds regular student council meetings and has implemented a peer counseling/mentoring program that allows youth to earn incentive points.¹¹⁹ The coordinator reports that participation in these activities is giving youth a sense of accomplishment and is already resulting in improved behavior.¹²⁰ DJJ is in partial compliance with safety and welfare audit item 8.6.4c.

I. Grievance System (S&W 8.5.1, 8.5.2, 8.5.3, 8.5.4 and 8.5.5a)

The safety and welfare plan requires that DJJ revise the existing Ward Grievance and Staff Misconduct Complaint policies to ensure, among other provisions that: (1) grievance forms are accessible on all living units without the assistance of a grievance clerk or facility staff; (2) lock boxes are installed on all units for submission of forms to prevent loss; (3) grievance clerks will be trained to ensure adequate supplies of grievance and staff misconduct forms are available and will assist youth in the grievance process; (4) youth are notified upon receipt of a grievance or allegation of staff misconduct form; and (5) facility grievance coordinators prepare monthly reports summarizing prior months and identifying long term trends and possible areas for corrective action. The implementation deadline for these items was March 31, 2007.¹²¹

DJJ did not provide the OSM with a copy of its draft grievance policy, but in May

¹¹⁷ *Ibid.*

¹¹⁸ Staff interviews, August 2007 site visit.

¹¹⁹ Document review and staff interviews, August 2007 site visit.

¹²⁰ Staff interviews, August 2007 site visit.

¹²¹ *See*, Safety and Welfare Remedial Plan p.71.

2007, it reported that the policy was being prepared for executive review in mid June 2007.¹²² Pending necessary negotiations and other procedures, DJJ was unable to estimate when the policy would be finalized or implemented. DJJ has not provided updated information or an anticipated completion date for the new grievance policy. The grievance coordinators at all DJJ facilities are, however, aware of anticipated policy revisions.¹²³ Coordinators at DeWitt Nelson have prepared “preliminary” information packets and have conducted orientations to new policies for grievance clerks and facility managers.¹²⁴

DJJ provided a memorandum from Sandra Youngen, dated December 20, 2006, to facility superintendents requiring facilities to install lock boxes on all units by March 1, 2007 and instructing them to order locks and provide keys to facility grievance coordinators.¹²⁵ It also states new policies would be implemented in March 2007.¹²⁶ In May 2007, the monitor observed that lock boxes had been installed on living units in all three Stockton facilities and by the end of the rounds of site visits in August 2007, lock boxes were in place at all facilities. All boxes observed are clearly stenciled “Grievances” and all youth interviewed are aware of them.¹²⁷ DJJ is in substantial compliance with safety and welfare audit item 8.5.2.

By the August 2007 site visits, one facility had begun implementing portions of the new grievance policy. At El Paso de Robles, grievance forms are available to youth without assistance and youth insert grievance forms onto lock boxes rather than handing them to unit staff for processing.¹²⁸ At remaining DJJ facilities, youth were still required to request grievance forms from (and submit completed grievances to) grievance clerks or living unit

¹²² Statements of DJJ staff, DJJ central office meeting, May 2007.

¹²³ Staff interviews, 2007 site visits.

¹²⁴ Staff interviews and document review, May 2007 site visit.

¹²⁵ See, Attachment 8 (grievance policy memorandum, December 2006).

¹²⁶ *Ibid.*

¹²⁷ Site visits and youth interviews, May 2007.

¹²⁸ Youth interviews, August 2007 site visit.

staff.¹²⁹ As of the August 2007 site visit, DJJ was not in compliance with safety and welfare audit item 8.5.1.

None of the facilities have implemented new procedures for monthly reporting and notification of receipt of grievances and staff misconduct allegations.¹³⁰ Facility administrators indicate that they are not implementing new grievance policy provisions pending their completion and further instruction from DJJ central office.¹³¹ At some facilities, staff expressed relief that grievances would be processed by facility grievance coordinators instead of unit staff.¹³² On one intake unit, there seemed to be some confusion about whether or how much of the grievance policy was implemented.¹³³ Staff reported that they instructed the youth to use the lock boxes to submit grievances and believed that youth were following their instructions.¹³⁴ They expressed that their workload had been reduced now that they no longer “have to deal with grievances.”¹³⁵ Grievance forms, however, were not available to youth without assistance from grievance clerks and youth interviewed report that they never received instruction from staff or youth grievance coordinators.¹³⁶ Most youth interviewed on that intake unit were unaware of who unit grievance clerk or facility grievance coordinators were or how to obtain grievance forms.¹³⁷ This confusion will presumably be eliminated once the grievance policy is finalized and unit staff, grievance coordinators and unit clerks receive training in the new policy. DJJ is not in compliance with safety and welfare audit items 8.5.3, 8.5.4 and 8.5.5a.

¹²⁹ Staff and youth interviews, 2007 site visits.

¹³⁰ Staff interviews, 2007 site visits.

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ Staff and youth interviews, 2007 site visits.

¹³⁴ Staff interviews, 2007 site visits.

¹³⁵ *Ibid.*

¹³⁶ Youth interviews, 2007 site visits.

¹³⁷ *Ibid.*

II. Mental Health Remedial Plan

Dr. Eric Trupin, Dr. Terry Lee and the OSM share monitoring and reporting responsibilities on DJJ's steps toward compliance with the Mental Health Remedial Plan. This section of the report concerns items from the Mental Health Remedial Plan Standards and Criteria designated to be monitored by the OSM that require on site monitoring as well as updates to certain information reported in the June report of findings attached as Appendix A to the Fourth Report of the Special Master.

A. Screening And Assessment (MH 4.4 and 4.5)¹³⁸

The mental health plan requires that DJJ administer the Massachusetts Youth Screening Instrument-Version 2 ("MAYSI-2") and the Suicide Risk Screening Questionnaire ("SRSQ") to all youth within 24 hours of their arrival at a DJJ facility.¹³⁹ The implementation deadline for this requirement was September 1, 2006. Currently, DJJ does administer the MAYSI (version 1) as part of a three part "treatment needs assessment" completed for all youth within 21 days of intake, consistent with current policy.¹⁴⁰ Current DJJ policy requires that youth are administered the SRSQ within 24 hours of intake. The monitor reviewed documentation showing SRSQ administration at all DJJ facilities. All DJJ facilities currently administer the SRSQ within 24 hours of intake.¹⁴¹

B. Reduce Size Of Mental Health Treatment Units (MH 5.14a and b)

As part of the conversion to a rehabilitative treatment model discussed in section D above, the mental health plan requires that DJJ reduce the population assigned to its Intensive Treatment Programs (ITP) and Specialized Counseling Programs (SCP) to no more than 30

¹³⁸ "MH 4.4 and 4.5" refers to those sections/items of the Mental Health Remedial Plan Standards and Criteria. All "S&W" citations refer to the Safety and Welfare Standards and Criteria.

¹³⁹ See, Mental Health Remedial Plan, pp. 16-17 and 19.

¹⁴⁰ Statements of DJJ staff, DJJ central office meeting, May 2007 and staff interviews, 2007 site visits.

¹⁴¹ Document review, 2007 site visits.

youth and reduce the population assigned to its Intensive Behavior Treatment Programs (IBTP) to no more than 20 youth (exclusive of youth mentors).¹⁴² The implementation deadline for this requirement was June 30, 2007.¹⁴³ Currently, all but two of the eight DJJ facilities have an ITP and/or SCP and an SBTP (Special Behavior Treatment Program): N.A. Chaderjian has an ITP and SCP; Southern Reception Center has an ITP; Ventura has an ITP and SCP; Heman G. Stark has an ITP and SCP; Preston has an ITP, SCP and SBTP and Paso has an SCP.

At the time of the site visits, the treatment model and facility transitions/movements had not yet been implemented. Each of DJJ's residential mental health programs, however, was populated according to safety and welfare plan guidelines. Some unit populations were reduced ahead of schedule: on May 22, 2007, N.A. Chaderjian's ITP had 16 youth assigned and its SCP had 31 youth assigned and 29 present on unit; on July 29, Southern Reception Center's ITP had 24 youth assigned; on July 1, Ventura's ITP and SCP had 15 and 18 youth assigned respectively; Heman G. Stark's ITP had 28 youth assigned and its SCP had 29 youth assigned and 30 present on unit; on August 5, Preston's ITP and SCP had 27 and 18 youth assigned respectively and Preston's SBTP had 20 youth assigned and 18 present on unit; finally, on August 16, El Paso de Robles' SCP had 26 youth assigned to the unit. In July, DJJ reported that it would conduct daily monitoring of residential mental health program populations.¹⁴⁴ DJJ is in substantial compliance with mental health audit items 5.14a and 5.14b.

C. Collaboration With California Department Of Mental Health (MH 5.20)

The safety and welfare plan requires that DJJ begin meeting periodically with the

¹⁴² See, Mental Health Remedial Plan, pp. 28 and 44.

¹⁴³ MH 5.14a and 5.14b.

¹⁴⁴ DJJ Quarterly Report, July 2007 Mental Health Plan Matrix, p. 6.

Department of Mental Health (“DMH”) to “strengthen communication, expedite transfers to DMH of youth who are appropriately referred for inpatient mental health services, and facilitate transition of youth no longer in need of such care back to DJJ facilities.”¹⁴⁵ The implementation deadline for this requirement was November 30, 2006. The OSM previously reported that DJJ provided documentation that its staff met with DMH staff in October 2006 and January 2007 and created a “DJJ Coordinated Clinical Assessment Team (‘CCAT’) Process” to resolve issues with DMH referrals.¹⁴⁶ In July, DJJ reported that it held a third meeting in May 2007.¹⁴⁷ DJJ is in partial compliance with mental health audit item 5.20.

D. Par Parity With Comparable Adult Division Staff (MH 7.1)

By September 1, 2006, DJJ was required to ensure pay parity for DJJ mental health care providers with comparable staff employed by CDCR adult operations.¹⁴⁸ The OSM previously reported that DJJ provided a pay letter from the Department of Personnel Administration, issued April 16, 2007, “(i)n accordance with the *Farrell v. Allen* consent decree”. . . “(d)irecting DJJ to implement the health care services remedial plan. . .” The letter identifies pay differential and salary range amendments that include key mental health positions.¹⁴⁹ DJJ is in substantial compliance with mental health audit item 7.1.

E. Implementation Of The Mental Health Plan (MH 12.1, 12.2 and 12.3)

By February 29, 2007, DJJ was required to appoint a “senior administrator with experience in implementing mental health programs to oversee and direct implementation of [the mental health] remedial plan and its coordination with other remedial plans.”¹⁵⁰ In July

¹⁴⁵ See, Mental Health Remedial Plan, p. 45.

¹⁴⁶ Emails, agenda and meeting minutes, Katie Riley.

¹⁴⁷ DJJ Quarterly Report, July 2007 Mental Health Plan Matrix, p. 2.

¹⁴⁸ See, Mental Health Remedial Plan pp. 56 and 60.

¹⁴⁹ *Ibid.*

¹⁵⁰ See, Mental Health Remedial Plan, pp.75-76.

2007, DJJ reported that this position has not been filled because it is “on hold.”¹⁵¹ DJJ is not in compliance with mental health audit item 12.1.

By October 31, 2006, DJJ was required to hire or appoint four senior clinicians and/or senior administrators, “with expertise in mental health services” to the Program Development and Implementation Team (or “Reform Team”).¹⁵² The OSM previously reported that as of May 31, 2007, there were two senior clinicians on the team.¹⁵³ In July 2007, DJJ reported that a third position had been filled.¹⁵⁴ DJJ is in partial compliance with mental health audit item 12.2.

By January 31, 2007, DJJ was required to create a “dedicated mental health training team consisting of three or more licensed clinicians plus an instructional designer and office technician.”¹⁵⁵ As of May 31, 2007, the office technician position was filled with a staff support analyst.¹⁵⁶ No other team members have been identified.¹⁵⁷ In July 2007, DJJ reported that these positions have not been filled because they are “on hold.”¹⁵⁸ DJJ is not in compliance with mental health audit item 12.3.

F. Family Involvement—Mental Health Expert Monitoring Of Safety And Welfare Action Items (S&W and MH 8.3.2a, 8.3.2b and 8.3.3)

The safety and welfare plan requires that DJJ facilitate phone contact between a youth and his or her family within 24 hours of arrival at DJJ reception centers, “to assist youth in early adjustment to his/her confinement.”¹⁵⁹ The implementation deadline for this

¹⁵¹ DJJ Quarterly Report, July 2007, Mental Health Plan Matrix p. 2.

¹⁵² See, Mental Health Remedial Plan, pp.75-76.

¹⁵³ See, Fourth Report of the Special Master , Appendix A (Beltz Report) p. 7.

¹⁵⁴ DJJ Quarterly Report, July 2007, Mental Health Plan Matrix p. 2.

¹⁵⁵ See, Mental Health Remedial Plan, pp.75-76.

¹⁵⁶ Statements of DJJ staff, DJJ central office meeting, May 2007.

¹⁵⁷ *Ibid.*

¹⁵⁸ DJJ Quarterly Report, July 2007, Mental Health Plan Matrix, p. 4.

¹⁵⁹ See, Safety and Welfare Remedial Plan, pp. 62 and 70.

requirement was November 1, 2006.¹⁶⁰ DJJ provided a September 11, 2006 memorandum from Ed Wilder, former Director of Juvenile Facilities, sent to Ventura, Preston and Southern Reception Center (DJJ's reception centers) instructing them to ensure all youth have phone contact within 24 hours of arrival and to document the calls in phone logs.¹⁶¹ The memorandum did not specify whether youth were permitted direct dial calls (free of charge to youths' families) or collect calls using DJJ collect call phones.¹⁶²

On June 11, 2007, Sandra Youngen issued a memorandum to all facility superintendents directing them to ensure youth receive a direct dial phone call to their families or guardians within 24 hours of arrival at any DJJ facility.¹⁶³ The June directive includes youth entering DJJ as parole detainees and also requires that facilities permit youth to make second direct dial calls within 24 hours of their permanent assignment to a DJJ facility or upon parole revocation.¹⁶⁴ Generally, all youth and staff interviewed report that youth are permitted to call their families upon arrival.¹⁶⁵ In order to ensure youth make initial phone contact, the supervising casework specialist at Southern Reception Center issued a memorandum and the Preston administrators have prepared a draft facility policy tailored to their facilities' needs.¹⁶⁶

Most youth and staff interviewed report that youth have always been permitted to make direct dial calls upon arrival at DJJ reception centers.¹⁶⁷ Some staff interviewed report that prior to the June directive, policy was unclear and some youth were only allowed access

¹⁶⁰ *Id.* at 70.

¹⁶¹ *See*, Attachment 9 (initial call memorandum, September 2006).

¹⁶² *Ibid.*

¹⁶³ *See*, Attachment 10 (family phone contact memorandum, June 2007).

¹⁶⁴ *Ibid.*

¹⁶⁵ Staff and youth interviews, 2007 site visits.

¹⁶⁶ Memorandum, "Follow-up of 24 Hour Phone Contact Procedure at SYCRCC" dated July 17, 2007 and "Initial Notification of Parent or Guardian" (draft), Preston, provided during July and August site visits.

¹⁶⁷ Staff and youth interviews, 2007 site visits.

to collect call phones. However, staff interviewed report that the June directive made clear DJJ's policy on initial calls and all youth and staff report that youth now receive initial calls to their families consistent with DJJ policy.¹⁶⁸ Nearly every youth interviewed reported that they were permitted to make an initial direct dial call to his or her family within the first day.¹⁶⁹

DJJ staff report, and review of manual tracking systems indicates, that tracking of initial calls is inconsistent and lacks uniformity across facilities. Staff interviewed report that tracking phone calls, including each attempt by youth to reach unavailable family members, is burdensome and a simplified tracking system would reduce workload.¹⁷⁰ Southern Reception Center staff provided a print out of a current WIN system palette for a "phone log" for each youth that identifies dates each call is placed, the number called, the recipient's relationship to the youth, whether the call was completed and the staff facilitating the call.¹⁷¹ The palette is, however, currently inoperative and staff interviewed did not know if they will be using WIN to track phone calls in the future.¹⁷²

The safety and welfare plan requires that DJJ ensure youth have phone contact with families or guardians on "a regular basis."¹⁷³ The implementation deadline for this requirement was December 1, 2006.¹⁷⁴ DJJ central office as well as facility staff and youth interviewed report that youth have regular access to collect call phones based on ward incentive levels and points earned.¹⁷⁵ Staff and youth interviewed report that many youth

¹⁶⁸ *Ibid.*

¹⁶⁹ Youth interviews, 2007 site visits.

¹⁷⁰ Staff interviews, 2007 site visits.

¹⁷¹ WIN 2006 "Ward Phone Log," provided during July 2007 site visit.

¹⁷² Staff interviews, 2007 site visits.

¹⁷³ *See*, Safety and Welfare Remedial Plan pp. 62 and 70.

¹⁷⁴ MH 8.3.2b.

¹⁷⁵ Staff and youth interviews, May 2007 site visits.

cannot contact their families on DJJ collect call phones.¹⁷⁶ Among other reasons, many families have “collect call blocks” on their phones and are unable to receive calls from DJJ collect call phones.¹⁷⁷ Some youth interviewed report being allowed to make direct dial calls on housing unit phones.¹⁷⁸ Others report that they are never permitted to make direct dial calls to their families.¹⁷⁹ Most unit staff interviewed report allowing youth to make some direct dial calls.¹⁸⁰ Youth and staff report that the frequency and duration of these calls may vary depending upon the facility, the unit or the staff member. Some staff interviewed report never providing direct dial calls. Others report that they must receive authorization from youths’ parole agents when providing direct dial calls to families. Still others report using their own discretion in allowing youth to contact families. At Southern Reception Center, youth are allowed to make direct dial calls to families during visits to facility chaplains. Chaplains report that they allow all you to make calls on a rotating basis. All staff interviewed report monitoring calls carefully and ensuring that the youth are actually calling their families or guardians when making direct dial calls.

The safety and welfare plan requires that DJJ arrange for “family visiting days” at least four times a year.¹⁸¹ The implementation deadline for this requirement was March 1, 2007.¹⁸² Facility staff report that DJJ central office has not issued a directive regarding this requirement.¹⁸³ However, most facility administrators interpret the family visiting days to include family visits in addition to those provided during DJJ’s regular weekend and holiday

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

¹⁷⁸ Youth interviews, 2007 site visits.

¹⁷⁹ *Ibid.*

¹⁸⁰ Staff interviews, 2007 site visits.

¹⁸¹ *See*, Safety and Welfare Remedial Plan pp. 62 and 70.

¹⁸² S&W 8.3.3.

¹⁸³ Staff Interviews, 2007 site visits.

visiting schedule.¹⁸⁴ Most facility administrators report that facilities are beginning to hold regular “family nights” that range from extending weekend visiting hours to planning weeknight events with families that include dinner and movies.¹⁸⁵ O.H. Close held a “family night” in November 2006. N.A. Chaderjian held two family nights in March and May 2006 and DeWitt Nelson held family visiting days in February and May 2007.¹⁸⁶ Southern Reception Center had a family night in June 2007, Ventura scheduled family events in April and June 2007 and Heman G. Stark arranges family nights monthly.¹⁸⁷ Preston held two family nights in May.¹⁸⁸

Most staff report planning family nights based on the ward incentive program allowing youth on “A” or “B” incentive levels to participate. Heman G. Stark administrators report scheduling family nights for all youth on a rotating basis.¹⁸⁹ Chad administrators report that all youth from participating units were invited to attend a pizza party regardless of incentive level and even if youth had no family members present.¹⁹⁰ Ventura administrators report inviting all family members to a facility concert and a youth high school graduation ceremony regardless of youth incentive levels.¹⁹¹

Mental Health Review Of Youth On Mental Health Caseload Facing Disciplinary Time Add (MH 8.6.1a and 8.6.1b)

The mental health plan requires that a non-treating mental health professional review all write ups for infractions subject to disciplinary hearings that are committed by youth on

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

¹⁸⁶ Staff interviews and document review, site visits, May 2007.

¹⁸⁷ Staff interviews, July and August 2007 site visits.

¹⁸⁸ Staff interviews, August 2007 site visit.

¹⁸⁹ *Ibid.*

¹⁹⁰ Staff interviews, July 2007 site visit

¹⁹¹ Staff interviews, 2007 site visits.

the mental health caseload.¹⁹² Reviewing mental health professionals will ensure that infractions committed are not the result of youths' mental health diagnoses or treatment plan's and ensure that disciplinary dispositions are appropriate given youths' diagnoses and treatment.¹⁹³ The plan requires that disciplinary hearing committees include a mental health professional with no clinical relationship to youth whose dispositions are being determined.¹⁹⁴ The implementation deadline for these requirements was September 1, 2006.¹⁹⁵

The monitor spoke with administrators and mental health clinicians at five of eight DJJ facilities regarding this requirement.¹⁹⁶ Staff interviewed report that they have not yet received directives specific to the requirements but some facility administrators were aware of them.¹⁹⁷ El Paso de Robles administrators report that mental health clinicians are involved in every DDMS adjudication involving youth on the mental health caseload.¹⁹⁸ They provided documents regarding that facility's three "most recent" disciplinary dispositions for mentally ill youth. Each set of DDMS documents was initialed by a mental health clinician.¹⁹⁹ Administrators were not sure whether the reviewing mental health professional had a clinical relationship with youth involved in the disciplinary proceeding.²⁰⁰ Some facility administrators interviewed report that for residential mental health programs, clinicians review all write-ups, but that clinicians do not yet systematically review write-ups for all youth on the mental health caseload.²⁰¹

G. Implementation Plan For Offices And Mental Health Treatment Rooms (MH 11.1)

¹⁹² See, Mental Health Remedial Plan, p. 24.

¹⁹³ *Ibid.*

¹⁹⁴ *Id.* at 66.

¹⁹⁵ MH and S&W 8.6.1a.and 8.6.1b.

¹⁹⁶ This requirement was not addressed during site visits to the Stockton complex in May 2007.

¹⁹⁷ Staff interviews, August 2007 site visit.

¹⁹⁸ *Ibid.*

¹⁹⁹ Document review, August 2007 site visit.

²⁰⁰ Staff Interviews, August 2007 site visit.

²⁰¹ Staff interviews, 2007 site visits.

The mental health plan requires that DJJ create a plan for renovating existing structures and using modular buildings to create additional office and mental health treatment space.²⁰² Specifically, the plan requires that mental health clinicians be given sufficient office space that is appropriate for treatment, provides a therapeutic milieu and areas for confidential conversation.²⁰³ Additionally, the space must be sufficient so that no regular mental health programs must be cancelled due to lack of space.²⁰⁴ The implementation deadline for this requirement was January 31, 2007.²⁰⁵

DJJ provided email communication dated April 25 and 26, 2007 reflecting the monitor's request for the implementation plan and a responsible staff member's brief response.²⁰⁶ The monitor was not able to interview the responsible staff person. DJJ has commenced some projects to add mental health office and treatment space, and some facility administrators interviewed report that they were told they would receive additional space.²⁰⁷ Two facilities showed the monitor copies of plans for additional space.²⁰⁸ Some projects have been temporarily halted due to regulatory issues.²⁰⁹ Most staff and clinicians interviewed report that clinicians do not have sufficient treatment space.²¹⁰ The Farrell Sexual Behavior Treatment Expert, Dr. Barbara Schwartz, observed that one sexual behavior treatment group met regularly held in a busy corridor.²¹¹ DJJ has not yet provided a coherent plan for the necessary renovations or anticipated completion dates for this requirement.

²⁰² See, Mental Health Remedial Plan pp. 72-73.

²⁰³ *Ibid.* and MH 11.1 audit criteria.

²⁰⁴ MH 11.1 audit criteria.

²⁰⁵ MH 11.1

²⁰⁶ Email, Keith Beland, April 26, 2007.

²⁰⁷ Staff interviews, 2007 site visits.

²⁰⁸ *Ibid.* and document review, 2007 site visits.

²⁰⁹ Staff interviews, 2007 site visits.

²¹⁰ *Ibid.*

²¹¹ SBTP site visit, May 2007.

Dated: October 24, 2007

Cathleen Beltz
Monitor