

STILL BROKEN:

California's Failing Youth Prison System, Four Years After *Farrell v. Allen*

A report card and analysis from Books Not Bars,
an Ella Baker Center for Human Rights campaign

	Ventura	Stark	Preston	O.H. Close	Norwalk	Chad
Building Quality	D	F	F	D	F	F
Closeness to Home	F	F	F	F	D	F
Programming	D	F	F	C	D	F
Violence-Free Environment	D	F	F	D	B	C
Solitary Confinement	N/A	F	F	N/A	N/A	F
FINAL GRADE:	D	F	F	D	D	F

Introduction

California's Division of Juvenile Justice ("DJJ") youth prison system is an infamous failure. Young people incarcerated in its warehouse-like prisons regularly suffer violence, abuse and neglect. Its 74% recidivism rate is among the highest in the nation.ⁱ In 2003, the widely publicized youth prison crisis led to a lawsuit against DJJ alleging inhumane conditions. The lawsuit, *Farrell v. Allen*, was settled in 2004. But the DJJ has so dramatically failed to comply with court-ordered remedial plans that plaintiffs have sought a receiver to take over the reforms. California is nevertheless set to spend \$488 million this year on its failed system.ⁱⁱ This translates to an outrageous \$252,000 per youth.ⁱⁱⁱ

The sheer volume of waste, combined with DJJ's inability to become rehabilitative, has prompted unprecedented calls for drastic change. In the latest example, the bipartisan state watchdog Little Hoover Commission recommended that the state abolish the DJJ by 2011 and instead invest its resources in evidence-based, regionalized care^{iv}—a recommendation supporting the longstanding platform of the Books Not Bars campaign. In addition, in 2007 the California Legislature approved a plan to prohibit low-risk youth from DJJ, instead funding counties to treat them. The realignment plan, known as SB 81, will slash the DJJ population by 40%. It also triggered the closures of two youth prisons on July 31, 2008.

As DeWitt Nelson and El Paso de Robles Youth Correctional Facilities cease operation, we offer an evaluation of the remaining DJJ prisons. Each prison is graded on four or five categories, and a summary of the grades for each category is provided. Given the glacial pace of reform, this evaluation identifies where DJJ's misuse of the public's trust and tax money is at its worst. We conclude that California should shut down its two worst youth prisons next year, as part of its transition to a model system. Finally, we provide individual report cards for each youth prison.

California's juvenile justice crisis is at a critical crossroads. The notorious DJJ youth prison system has shrunk to the point where its elimination is feasible. At the same time, stakeholders are probing how best to ensure superior treatment at local and regional levels. The closures of these two youth prisons must be a first step toward an overhaul of the entire DJJ system. The crucial next step is to shut down *all* DJJ youth prisons and invest in a system of cost-effective rehabilitation that improves both public safety and youths' successful reentry.

Model & Grading System

Missouri's youth services system offers a standard for evaluating DJJ; it is a less costly, more effective model that California should follow. Treatment, not punishment, is the foundational principle underlying Missouri's system. Instead of massive, decrepit warehouse prisons, Missouri serves its youth in small rehabilitation centers that each hold no more than 30-40 youth. Instead of prison

guards, staff consists of teachers and counselors who are trained to build on the strengths of troubled youth.

Another key to Missouri's success is that it deliberately designed its system so that all families would be within driving distance of their children.^v This makes it in tune with decades of research showing that family connection during confinement leads to far greater success upon release.^{vi} Not surprisingly, and in stark contrast to California's dismal numbers, Missouri's recidivism rate is an impressive 7.3%, at almost ten times less the cost – \$28,000 per youth per year.^{vii}

Prisons that meet the standards of the Missouri model earn an “A.” An “F” grade signifies an inhumane prison that fails to meet minimal legal standards, including the Constitution, international human rights standards, and/or applicable court decrees.

Prisons are graded on the following categories:

- Building Quality
- Closeness to home
- Violence-Free Environment
- Programming
- Solitary Confinement

Prisons are referred to by the following shorthand:

O.H. Close: O.H. Close Youth Correctional Facility

Stark: Heman G. Stark Youth Correctional Facility

Preston: Preston Youth Correctional Facility

Chad: N.A. Chaderjian Youth Correctional Facility

Norwalk: Southern Youth Correctional Reception Center-Clinic

Ventura: Ventura Youth Correctional Facility

GRADES

Building Quality

We evaluated each prison not only for its physical condition, but also for its conformity to a rehabilitative model. With one exception, the prisons are at least 42 years old and in disrepair, earning most prisons a low grade.^{viii} The newest prison, Chad, was built in 1991, but is indistinguishable from adult prisons and therefore antithetical to a rehabilitative model. All of the prisons are bleak, drab institutions of concrete and razor wire. Preston, the oldest prison, and O.H. Close feature open dorms rather than individual cell units. Neither model, as it exists in DJJ, is conducive to rehabilitation. The bare, sterile dorms inhibit productive youth-staff interaction,

instead presenting security challenges. Equally bare and sterile single cells serve only to restrain youth, providing little to no opportunity for productive activity. Both situations contribute to youths' feelings of isolation and despair.

Closeness to Home

Grades are based on the percentages of youth who are from the same county as the prison in which they are held.^{ix} For example, O.H. Close prison is located in San Joaquin County, but of the 182 youth in O.H. Close, only 7 (3.8%) are from San Joaquin County. Norwalk, located in Los Angeles County, has the best percentage, with 39.7% of its population from the same county. Not coincidentally, Norwalk is the only prison located in an urban county. In each of the remaining prisons, 10% or less of the population is from the county in which the prison is located.

Programming

In evaluating each prison's program offerings, we considered the following questions:

- Are any of the available programs evidence-based (i.e., proven to reduce recidivism)?
- Are the programs offered regularly?
- Are most youth regularly participating in a program, or only a small minority?

We found that almost no evidence-based programming is available in DJJ. The sole exception is the Family Justice Model (La Bodega), a reentry program that is being piloted at O.H. Close.^x

Whether evidence-based or not, program regularity is at its worst in Stark and Preston, where daily chaos prevents most youth from participating in programs.^{xi}

Even where programs are administered with regularity, at many prisons only a small minority of youth participates.^{xii}

Violence-Free Environment

We graded the prisons based on several factors:^{xiii}

- Staff Use of Force
- Serious Infractions^{xiv}
- Physical Altercations
- Serious Misconduct

Stark and Preston posted the worst figures, landing in the top two for each factor. Disorder at most of the prisons has worsened since 2002. Preston stands out in its extremely high physical altercations and high serious misconduct rates. On the other hand, Chad and particularly Norwalk maintain relatively stable environments.

Solitary Confinement

DJJ refers to the solitary units where youth are placed for disciplinary or administrative reasons as Special Management Program (“SMP”) units. Stark, Preston, and Chad are the only prisons with Special Management Program units, so we limited our evaluation to them. DJJ recently modified its 23-and-1 standard for the minimum hours that a youth on SMP must receive outside of his/her cell. The practice is now 21-and-3, allowing youth three hours per day outside of their cells instead of one. Because this is still an unacceptably low amount of time, each youth prison with an SMP program received an “F” grade.

Conclusion

Four years later, violence and neglect still run rampant in California’s youth prison system. Stark and Preston youth prisons are the most severe examples of the DJJ’s continuing failures. They are the only two prisons to receive “F” grades in every category evaluated. By closing Preston, the state would save over \$57 million.^{xv} Stark’s closure would save over \$86.6 million.^{xvi} This money can be better used to build evidence-based, Missouri-like programs at the county and regional levels.

The state could partner with counties to build effective programs for youth in the most serious trouble for whom no viable, effective placements currently exist. Counties should be supported by the state to join together to analyze the needs of the youth going to DJJ from their region, work with rehabilitation experts to design regional programs to effectively serve these youth, and find the land and/or facilities locally. The state can partner with counties by funding, monitoring, and tracking the development of regional facilities, and thereby begin to replace the existing system with a new one.

In 2009, California should rid itself of the two worst prisons in a failing system. California can then move closer to a model that is fundamentally built on a philosophy of help, not isolation and harm.

ⁱ Brandon Bailey and Griff Palmer. October 17, 2004. “Where Hope is Locked Away: High Re-arrest Rate: Three-Fourths of Wards Released Over 13 Years Held on New Charges.” San Jose Mercury News.

ⁱⁱ Senate Budget and Fiscal Review Committee. April 17, 2008. “Agenda,” 2.

ⁱⁱⁱ California Department of Finance. 2008. “Summary of Adult and Juvenile Per Capita Costs and Staff Ratios,” CR 6.

^{iv} Little Hoover Commission. July 2008. “Juvenile Justice Reform: Realigning Responsibilities.”

^v Mendel, D. Spring 2003. “Small is Beautiful: The Missouri Division of Youth Services.” AdvoCasey, 30.

^{vi} La Vigne, N.G., Naser, R. L., Brooks, L.E., & Castro, J. L. 2005. “Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners’ Family Relationships.” *Journal of Contemporary Criminal Justice*, 21(4), 314-335.

^{vii} Missouri Department of Social Services, Department of Youth Services. 2007. *Annual Report: Fiscal Year 2007*.

^{viii} Legislative Analyst’s Office. May 2004. “A Review of the California Youth Authority’s Infrastructure.”

^{ix} California Department of Corrections & Rehabilitation, Division of Juvenile Justice. June 2008. “Characteristics of Population June 2008.” http://www.cdcr.ca.gov/Reports_Research/docs/research/JUNE2008-CHARACTERISTICS.pdf.

^x *Farrell v. Tilton*. Sixth Report of Special Master. January 2008. Attachment 1, “Report of Mental Health Experts.”

^{xi} *Farrell v. Tilton*. Seventh Report of Special Master. April 2008.

^{xii} For example, at Ventura only 39 young women were participating in residential mental health treatment programs, although 93 were identified as “mental health wards.” Al Palomino, Parole Agent III. May 10, 2006. E-mail communication. Ventura Youth Correctional Facility. October 2006. “Administrative Summary.”

^{xiii} Except for “Serious Infractions,” all data obtained from Department of Corrections and Rehabilitation, Division of Juvenile Justice pursuant to public records requests.

^{xiv} Krisberg, B. Chart Showing Rates of Disciplinary Infractions, 2002 and 2007.

^{xv} California Department of Finance. 2008. ”Governor’s Budget, 2008-09,” CR 8.

^{xvi} Id.