

DIVISION OF JUVENILE JUSTICE
Chief Deputy Secretary
4241 Williamsborough Drive, Suite 201
Sacramento, CA 95823



November 1, 2007

Mr. Stuart Drown
Executive Director
Little Hoover Commission
925 L Street, Suite 805
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Dear Mr. Drown:

Thank you for your invitation to testify at the Little Hoover Commission hearing scheduled on Thursday, November 15, 2007. I look forward to providing the Commission with information on the realignment of the Division of Juvenile Justice (DJJ), as well as an overall assessment of our efforts to implement the reforms included in *Farrell v. Tilton*.

As requested in your recent letter, below is information requested with regard to our implementation of SB 81, which enacted the realignment of DJJ.

The intent of realignment and the major changes in the state juvenile system that are expected to result from the new policy.

The purpose of the realignment is to allow state and local partners in the juvenile justice system to fundamentally shift toward ensuring that juvenile offenders who have committed less serious offenses receive treatment closer to home and near family support. This is consistent with Governor Schwarzenegger's Juvenile Justice policy that a majority of offenders are better served on the local level so they can be closer to their families, community support and treatment resources. In keeping with this effort local counties and cities have been given additional resources for the treatment of juvenile offenders so that they may remain at the local level. Legislative and policy changes reducing the less serious and violent offenders to the DJJ will allow the State to focus on more violent youthful offenders, gang members, and sex offenders at more intensive and structured State facilities.

This shift in the State juvenile justice system results in the following changes effective September 1, 2007.

- Offenders that would have otherwise been referred to DJJ for a less serious offense other than those listed in WIC 707(b) or PC 290(d)(3) will remain under the jurisdiction of the local counties. (*WIC 733*)
- Local counties will also have the option of taking back non WIC 707(b) offenders currently in DJJ facilities or on parole. If counties recall their commitments, the state will compensate the county (*WIC 731.1*) to insure a seamless transition.

Mr. Stuart Drown
Executive Director
Little Hoover Commission

- Upon release to parole all non WIC 707(b) wards currently in DJJ facilities will revert to the county of commitment for community supervision after an initial 15 days of supervision by DJJ Parole. (*WIC 1766*)
- Any non WIC 707(b) offender currently under DJJ parole supervision that is detained for the purpose of suspending, canceling, or revoking their parole will be transferred to the custody and jurisdiction of the county of commitment. (*WIC 1767.35*)

As of September 30, 2007 there were 688 non WIC 707(b) offenders within DJJ facilities and 567 on DJJ Parole. A population shift will occur if local counties exercise their option to recall some or all of their cases prior to their planned parole dates. The counties also have the option to recall non WIC 707(b) parolees, which will effect how quickly that population is transitioned to the local jurisdictions.

As a result of this major change in the state juvenile justice system, the DJJ population of offenders will be significantly smaller. However it will include a higher concentration of youth who are sexual offenders, more violent, and/or gang entrenched. Therefore, DJJ is evaluating current facilities and determining the best utilization of each existing facility. Efforts are underway to develop a system-wide plan for appropriate long-term facilities. The remaining facilities are being planned and designed to address the specific risks and program needs of the population.

How Division of Juvenile Facilities will coordinate its efforts with those of the Corrections Standards Authority (CSA), given that CSA reviews the county implementation plans and Division of Juvenile Facilities (DJF) distributes the grant funds.

The DJF is not currently involved in the distribution of grant funds under this realignment. All funding as a result of this legislation is either administered through the Department of Finance or the CSA.

DJF is required to provide the Department of Finance monthly reports with information on any case recalled under WIC 731.1. That information would include the date the ward was recalled and the number of months the wards served in a state facility.

How the DJF institutions, education and parole branches will partner with local probation department to ensure smooth transfers of wards to county supervision.

The DJF Intake and Court Services (ICS) Section is the lead for coordinating the realignment process that occurred through SB81 and its partner bill AB191. The ICS Section's Community Court Liaisons are responsible for working directly with the counties, DJJ parole offices, and facilities to ensure a responsible transition of offenders to local jurisdictions.

DJJ Chief Deputy Secretary and ICS staff continue to meet with local Probation Department Chiefs and other stakeholders to jointly develop a transition process for Intake, Recall, Parole and

Mr. Stuart Drown
Executive Director
Little Hoover Commission

Violations of non WIC 707(b) youth. Community Court Liaison staff attend local meetings with county officials, including Juvenile Court Judges, Public Defenders, District Attorneys and Probation staff to discuss the specific impact to particular counties. DJJ staff have also made presentations to the Judicial Council, California Probation Parole, Corrections Association and to Chief Probation Officers of California. Presentations are scheduled to the Public Defender's Pacific Juvenile Defender Center in November and the Judicial Council's "Beyond the Bench" symposium in December.

DJJ has placed a special emphasis on educating facility, education, and parole staff on realignment and partnership issues. ICS staff has prepared information packets to share with local counties that include lists of non WIC 707(b) offenders for each county both in DJJ facilities and on parole, lists of all facility and parole contact staff, general non WIC 707(b) population information, and negotiated implementation procedures. In addition, non WIC 707(b) youth and their families have been informed about the impact of the changes to the law. Youth were given a handout that contained frequently asked questions for youth.

Whenever the Community Court Liaison staff meet with local counties, they invite local DJJ parole agents, facility staff and victim services staff to attend. This collaborative effort allows for the sharing of case information and provides a more responsible and smooth transition.

What is the role of the newly re-cast State Commission on Juvenile Justice, including its responsibilities, its resources, its staffing and a timeline for appointing members, holding meetings and developing the reports required by the new law?

The charge of the State Commission on Juvenile Justice is to develop a Juvenile Justice Operational Master Plan by January 1, 2009. The Commission shall develop and make available for implementation by the Counties, the following strategies:

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

The Commission is to provide an interim report to the Legislature by May 1, 2008.

Members of the Commission are appointed by the Legislature, the Governor or statewide organizations. While several members have been appointed, some still remain to be filled. As a co-chair of this Commission, I intend to convene the appointed co-chairs for an organizational meeting in the next 30 days. A more formal meeting schedule will be determined at that time.

The legislature authorized 600,000 dollars for consultants and one management staff position to support the commission. A scope of work for the consultants is being finalized and will be reviewed by the co-chairs at the first organizational meeting.

Mr. Stuart Drown
Executive Director
Little Hoover Commission

***Farrell* Accomplishments**

The realignment of the state's juvenile justice program and the anticipated population drop has prompted DJJ to develop facility consolidation plans. An examination of projected population treatment needs and *Farrell* remedial plan activities has been completed. Consequently, we believe that our consolidation plans will have minimal impact on our *Farrell* remedial plan activities.

I am pleased to provide the Commission with the following highlights of the progress the DJJ has made in its implementation of the *Farrell* plan.

During the past year DJJ has added essential headquarters operational support resources to advance policy development, staff hiring, timely procurement of contracts, and information technology support. These actions include, but are not limited to:

- The key appointments of the Director of Administration and Operations and the *Farrell* Project Manager.
- Creation of a *Farrell* Project Compliance Unit to monitor remedial plan compliance and other legal obligations.
- DJJ has streamlined the policy process, resulting in a 145% increase of policies distributed over the last quarter, compared to the same timeframe last year.
- Implementation of a monthly reporting process identifying updated vacancy information for all institutions, paroles regions, and headquarters, including healthcare, education, safety and welfare, and mental health positions.
- Improved hiring process by streamlining pre-employment practices and increased targeted recruitment.
- An Information Technology Priority Board has been established to prioritize all current and future DJJ IT projects.
 - Implementation of five new electronic tracking features in the Ward Information Network (WIN). Those five features are Classification, Suicide Watch/High Risk Observation, Restricted Programming, Youth with Disabilities, and Incidents of Violence. These elements are being beta tested at O. H. Close Youth Correctional Facility. Successful completion of testing is a necessary step in the finalization of the WIN Exchange Program.
- Facility space needs for *Farrell* are being addressed in part, by modular units. Below are the completed and in progress modular for DJJ by facility.

Mr. Stuart Drown
Executive Director
Little Hoover Commission

NACYCF – Total of 16 modular units, 80% Design Development phase completed. Beneficial occupancy is expected by the end of August 2008.

SYCRCC – Total of 12 modular units, completed on 7/25/07.

DWNYCF – Total of 10 modular units, completed on 4/19/07.

OHCYCF - Total of 6 modular units, completed on 2/28/07

Safety and Welfare Remedial Plan Accomplishments

- DJJ has implemented an assessment process to determine a youth's risk for institutional violence. Housing unit placement is determined by youth's risk level resulting in high risk youth being separated from low risk youth in facilities.
- DJJ has hired Conflict Resolution Teams at each designated facility.
- Fourteen staff have completed a six week training for trainers in Conflict Resolution and Mediation through LETRA, Inc. An additional fourteen staff will begin the certification process in January 2008.
- DJJ has consulted with experts regarding staff and youth climate surveys.
- DJJ has contracted with Orbis Partners, Inc to develop a Risk Needs Assessment, assist in the development and implementation of Cognitive Behavioral Interventions that correlate to the risk and needs of the DJJ population.
- An overview of Aggression Replacement Training was provided to DJJ managers and executive staff in October. Training for direct care staff will occur in December.
- Eighteen staff have been certified as Safe Crisis Management trainers by JKM Training, Inc. Training for direct care staff began in October.
- DJJ has contracted with U.C. San Diego to provide Motivational Interviewing training to all direct care staff. Training for executive staff will begin in December and direct care staff training will begin in January.
- DJJ is partnering with The Family Justice, Inc. to pilot the La Bodega Model of family engagement at O.H. Close.
- DJJ is developing a Request For Proposal to assist with development and establishment of a Normative Culture model throughout DJJ.

Performance Based Standards

- In November 2006, the DJJ entered into a contract with Council of Juvenile Correctional Administrators (CJCA) to implement PbS in all California youth correctional facilities.

Mr. Stuart Drown
Executive Director
Little Hoover Commission

- The first data collection occurred in December 2006, the second in April 2007, and the final collection will be completed by the end of October 2007.
- Confirmation is pending that DJJ has become a PbS certified state agency.
- Individual Facility Improvement Plans (FIP) were created following the April 2006 PbS data collection. The FIPs focus on areas of improvement identified during the collection period.
- The October 2007 data collection is projected to be the most accurate baseline for future comparison of performance measures. Once this baseline is established, DJJ will use PbS data to track and report *Farrell* outcome measures on a biannual basis upon certification.

Education Remedial Plan Accomplishments

- All DJJ academic schools are accredited by the Western Association of Colleges and Schools.
- Implementation of the standardized academic calendar and the five period school day has occurred. This provides an increased number of courses to meet the needs of the student population.
- Written cooperative agreements are in place at each facility detailing how custody, treatment and education staff are to work together to ensure that all youth receive necessary service including a full school day are in place.
- Education curriculum guides enhance the alignment of core academic and vocational courses with the California Education code for Public Schools.

In 2006-2007 school year:

- 172 students received their high school diploma. This demonstrates a gain of 11 students from last year.
- 414 received vocational certificates. This demonstrates a gain of 136 students from last year.
- 170 students received GED certificates. This demonstrates a gain of 52 students from last year.
- 313 students were enrolled in college programs. This demonstrates a gain of 153 students from last year. 241 students passed the CAHSEE in English Language Arts. This demonstrates an increase of 69 students from last year.

Mr. Stuart Drown
Executive Director
Little Hoover Commission

- 180 students passed the CAHSEE in mathematics. This demonstrates an increase of 78 students from last year.

During the 2006-2007 school year, test scores in reading showed the following gains:

- a. Basic Skills students – a gain of 1.32 points
- b. ESL students – a gain of 1.93 points
- c. GED students – a gain of 2.0
- d. Older Adult students – a gain of 3.50 points
- e. Other programs – a gain of 2.08 points

Mental Health Remedial Plan Accomplishments

Accomplishments achieved by the Mental Health Remedial Plan this past year, include, but are not limited to:

- Achieving pay parity in April 2007 with CDCR adult institutional clinical mental health positions, a step was critical to address difficulties in filling DJJ clinical vacancies.
- Significant gains have been made in filling vacancies as well as recruiting for vacant psychiatrists and psychologists positions.
 - Recruitment for clinicians at the California Psychology Association (CPA) April 12 -15, 2007 and at the California Coalition of Sex Offending May 2007.
 - Recruitment at San Diego, American Psychiatric Association, May 2007.
 - American Psychological Association's Annual Conference in San Francisco, August 2007.
 - Job Fair at the Stockton Complex in September 2007.
 - Chief Psychologists have been hired for the Northern and Southern regions and over NA Chaderjian and Heman G. Stark facilities.
 - A Nurse Consultant III has been assigned to be the dedicated Mental Health lead to work with the Policy Unit to coordinate the support the MH Remedial Plan.
 - A Mental Health Specialist has been hired to focus on collection of data and coordination of quality assurance measures for Mental Health services.
- Identification of all Mental Health policies required to implement the Mental Health Remedial Plan.

Mr. Stuart Drown
Executive Director
Little Hoover Commission

- In late October, contracted training began in Understanding and Preventing Suicide and Youth with Mental Health Disorders.
- The census on all mental health units was reduced, to no more than 16 in Intensive Behavior Treatment Programs, no more than 24 in Intensive Treatment Programs and no more than 30 in Specialized Counseling Programs.
- Through a contract with Columbia University, DJJ has implemented the Voice-Diagnostic Interview Schedule for Children at each of the Reception Center Clinics.

Sexual Behavior Remedial Plan Accomplishments

- The Sex Behavior Treatment task force continues to meet on a quarterly basis;
- Sex Behavior treatment staff have been trained in the Juvenile Sex Offender Assessment II.
- Sex Behavior Treatment staff have been attending workforce development training during the past year such as the California Coalition on Sexual Offending Conference in La Jolla in May 2007 (60 staff attended).
- DJJ SBTP representation has continued in the California Association of Sex Offender Management meeting.
- A contract, with an expert consultant, Dr. Cellini, was executed to develop curriculum to enhance the SBTP.
- The SBTP Coordinator continues to meet with representatives from the CDCR Office of Workforce Planning to collaborate on strategies for hiring psychologists and other professionals for the SBTP.
- An additional sex behavior treatment program was opened at Heman G. Stark to meet the needs of youth on the sex offender treatment waiting list.

Ward with Disabilities Program Remedial Plan Accomplishments

- Provided Disability Awareness and Staff Assistance Training at all facilities. This training certifies staff to provide assistance to youth at hearings to ensure their comprehension and understanding. Training has been provided to approximately 300 staff.
- All authorized WDP coordinator positions in Headquarters and at the facilities are currently filled.

Mr. Stuart Drown
Executive Director
Little Hoover Commission

- The WDP policy package that has been signed and approved by the Chief Deputy Secretary of DJJ has been submitted to the relevant unions for labor negotiations.
- The Office of Training and Professional Development is in the process of integrating the Disability Awareness training into the Basic Cadet Academy. The in-service training version of the Disability Awareness Training is currently awaiting final sign-off and approval.
- In the first year of expert Audits (2006) of the Wards with Disabilities Program remedial plan achieved a 44% substantial compliance rate. The second audit conducted in 2007 resulted in a 66% substantial compliance rating. This is a 22% increase.

Health Care Remedial Plan Accomplishments

- Thirty essential policies have been adopted and training is currently in progress
- All facility Health Care Administrator positions have been filled.
- A Correctional Treatment Center at Heman G. Stark YCF was approved for a two year license from the Department of Health Services.
- Pharmacy Services Manager was filled on March 2007.
- Quarterly meetings of all Health Care management and supervisors staff includes the provision of continuing Medical Education.
- Chief Medical Officer has completed peer review of all medical doctors in DJJ.
- A Quality Management Program has been implemented at all DJJ facilities including:
 - Training of all appropriate health care staff.
 - Development of monitoring tools, documentation, reporting formats, and calendar of monitoring activities including health care management meetings.
- A Protocol for the prescribing and administration of benzodiazepines and quetiapins has been implemented.
- Facilities are in the process of replacing/upgrading medical and dental equipment.

I am extremely proud of the accomplishments DJJ staff has achieved as we move into our second year of funding for reform. We acknowledge there is much work yet to be done in the course of the four year schedule for implementation of the remedial plans. I appreciate the continued support of the Executive Office, Secretary Tilton, as well as many juvenile justice stakeholders, as we move forward in providing the appropriate level of care to youth committed to DJJ.

Mr. Stuart Drown
Executive Director
Little Hoover Commission

Should you have any questions or concerns regarding this written testimony, please do not hesitate to contact me at (916) 799-9763.

Sincerely,

BERNARD E. WARNER
Chief Deputy Secretary
Division of Juvenile Justice