



State of California

LITTLE HOOVER COMMISSION

February 23, 2005

The Honorable Arnold Schwarzenegger
Governor of California

The Honorable Don Perata
President pro Tempore of the Senate
and members of the Senate

The Honorable Fabian Núñez
Speaker of the Assembly
and members of the Assembly

The Honorable Dick Ackerman
Senate Minority Leader

The Honorable Kevin McCarthy
Assembly Minority Leader

Dear Governor Schwarzenegger and members of the Legislature:

The Little Hoover Commission has reviewed the Governor's plan to reorganize the Youth and Adult Correctional Agency, creating a new Department of Corrections and Rehabilitation. The Commission has concluded that the plan, if effectively and swiftly implemented, would enable the department to significantly improve the performance of correctional programs and enhance public safety. Part of this calculus relies on assurances of further improvements by Secretary Hickman during the Commission's public hearing. Consequently, the Commission recommends that the Legislature allow the plan to go into effect and continue to work to solve problems that are not solved by the reorganization plan. The Commission will review the progress of the reforms in one year, with a particular focus on improvements in youth corrections.

The Governor's Reorganization Plan addresses concerns that the correctional system's organizational structure contributes to persistent and serious problems, including egregious cost overruns, inmate abuse, and parolee failure. The plan strengthens an ambiguous chain of command, thus increasing accountability throughout the organization. It focuses the new department on performance assessment and rehabilitation – elements critical to improving outcomes. It also adds important new functions, including research to facilitate the use of evidence-based strategies; information technology to improve management; and, risk management to change practices that increase liabilities. Finally, the plan centralizes shared services to eliminate duplication, leverage spending and reduce costs.

The Commission's public process did identify shortcomings in the plan that should be addressed. Foremost, the plan would eliminate the Youth Authority as an independent department and integrate it into the larger and substantially different adult prison system. Many critical functions of the Youth Authority, including education, parole services and health care, would be merged with those of the adult system.

Youth advocates and others fear that efforts to improve the State's beleaguered juvenile justice system would be overwhelmed by the enormity and complexity of the adult system. Those fears are well-founded and have led some to suggest that the plan should be rejected. But rejecting a plan that represents the best chance in decades to improve the failing adult system is not the answer. Rejection of the plan would be no guarantee that the youth system would be improved and – at best – would delay long overdue improvements in adult corrections.

Under the reorganization statute, the plan cannot be amended without starting the process over. But the plan does not tie the hands of correctional officials and the Legislature or prevent them from working to continue the long-term evolution of the youth and adult correctional systems. The Legislature should allow the plan to go into effect and subsequently address – on a comprehensive statewide scale – long-standing juvenile justice issues. Those include the need for a statewide strategy for juvenile justice, a continuum of facilities, stable funding for county programs and a means to ensure that services are comprehensive, evidence-based and well managed. Efforts have already begun and the secretary should pursue them aggressively.

The administration has candidly acknowledged the most egregious problems in the correctional system and has taken credible steps to develop solutions. But the system is large, costly and by its physical nature hidden from public scrutiny. The correctional system needs an independent and expert advisory and oversight body to assess its progress and provide the factual information necessary for policy-makers and the public to hold it accountable. The Governor and Legislature should designate such a body to ensure that reforms are effectively managed and outcomes are publicly reported.

Importantly, the plan places a renewed focus on preparing inmates to return to their communities and parole reforms to reduce future crime and reincarceration. At the same time, the administration has decided to cut programs that would support those efforts as the easiest way to address the budget deficit. If the administration is serious about improving the performance of the correctional system, it would prioritize programs that reduce the number of offenders who fail parole and are returned to prison. It would reallocate funds from ineffective efforts, to support evidence-based strategies. For example, many parole violators returned to prison for drug use could receive more frequent testing and drug treatment in the community. Community-based halfway houses that are less costly and more effective could be expanded.

Similarly, the success of the department in better managing its efforts will hinge on the quality of information it has about offenders and programs. The agency lacks the information technology needed to manage inmates and employees, programs and institutions. The prisons only recently were equipped with e-mail. The plan calls for a comprehensive information technology system by 2010 – a timeline that may stifle the anticipated improvements. The Department of Finance and the State's Chief Information Officer should assist the secretary to accelerate the technology improvements.

In short, the reorganization plan, while not perfect, is a major step forward for California's correctional system. It provides an organizational structure that will enable its leaders to pursue the bold reforms they envision. Ultimately, however, success will depend on how well the plan is implemented. It will work only if the goals are clear, the leadership is committed and the culture is transformed. It will require continued support and oversight from policy-makers and stakeholders alike.

The Commission appreciates the assistance of the public officials, offender advocates and subject matter experts who contributed to this review.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Alpert". The signature is fluid and cursive, with a prominent initial "M".

Michael E. Alpert
Chairman

Reconstructing Government:
*A Review of the Governor's Reorganization Plan:
Reforming California's Youth and Adult Correctional Agency*

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Introduction

Under the law, the Governor has the obligation to periodically examine the organization of all agencies to determine the changes that are necessary to reduce expenditures, increase efficiencies and improve the management of public programs. The legal authority for the reorganization process is established in Article 5, Section 6 of the Constitution, and detailed in the Government Code.

The statute defines and limits the kinds of changes that can be made through the reorganization process. Plans, for example can transfer, consolidate and even abolish functions that “may not be necessary to the efficient operation of the state government.” But plans cannot, for example, include agencies “whose primary function is service to the Legislature or judicial branches of state government or to any agency that is administered by an elected officer.” The law requires that plans make provisions for transferring civil service employees, property records, and fund balances of the agencies affected by a plan.

The law provides for the Governor to pursue those changes through an accelerated and streamlined legislative process. The reorganization process calls for the Governor to propose a plan, for the Little Hoover Commission to review and make an advisory recommendation regarding the plan, and for the Legislature to either allow the reorganization to go into effect or to reject it by a majority vote in either house. The box below contains an excerpt of the reorganization statute.

The Reorganization Statute

Government Code Section 12080.1. The Governor, from time to time, shall examine the organization of all agencies and shall determine what changes therein are necessary to accomplish one or more of the following purposes:

- (a) To promote the better execution of the laws, the more effective management of the executive and administrative branch of the state government and of its agencies and functions and the expeditious administration of the public business;
- (b) To reduce expenditures and promote economy to the fullest extent practicable consistent with the efficient operation of the state government;
- (c) To increase the efficiency of the operation of the state government to the fullest extent practicable;
- (d) To group, consolidate and coordinate agencies and functions thereof as nearly as possible according to major purposes;
- (e) To reduce the number of agencies by consolidating those having similar functions under a single head and to abolish such agencies or functions thereof as may not be necessary for the efficient operation of the state government;
- (f) To eliminate overlapping and duplication of effort.

Governor's Reorganization Plan, Reforming California's Youth and Adult Correctional System, was submitted to the Commission on January 6, 2005. Under the reorganization statute, the Governor must submit the plan to the Commission 30 days prior to submitting it to the Legislature. The Commission, in turn, must make a recommendation regarding the plan within 30 days of the plan being submitted to the Legislature. On February 22, 2005, the Governor submitted the plan for reforming corrections to the Legislature as Governor's Reorganization Plan #1.¹

In reviewing the plan, the Commission conducted a public hearing on January 27, 2005, and received oral testimony from more than 30 witnesses. A list of the witnesses is in Appendix B. The Commission also reviewed written comments submitted by some 50 criminal justice experts, community-based service providers, former offenders and other stakeholders. The list of those who submitted written comments is in Appendix C. Additionally, the Commission relied on seven studies it has published in the past decade on youth and adult corrections as well as crime and violence prevention.

This introduction is followed by a summary of the plan, an analysis of the plan's strengths and weaknesses, the Commission's conclusions, and recommendations for pursuing additional reform opportunities.

Governor's Reorganization Plan

Reforming California's Youth & Adult Correctional Agency

The Governor's Reorganization Plan proposes to transform the Youth and Adult Correctional Agency and its related departments, boards and one commission, into a new Department of Corrections and Rehabilitation. In the plan, the administration asserts:

*"It is essential to have a unified management structure that improves accountability, eliminates duplication, generates leverage and shares best practices across the entire organization."*²

Major reforms of the plan include:

- **A stronger chain of command.** The secretary for the new department would be appointed by the Governor and confirmed by the Senate and will have authority over all activities in the department. Line managers would have day-to-day authority in their areas, but would be accountable to the secretary for their performance.

A Division of Adult Operations and Division of Youth Operations would replace the former Department of Corrections and California

Independent Review Panel

In response to the crisis in California's correctional system, Governor Schwarzenegger established the Independent Review Panel on Corrections, chaired by former Governor Deukmejian. In June 2004, the panel issued its final report, which included 237 recommendations for improving public safety. The findings and recommendations from this report provided the genesis for the reorganization plan.

The panel's key findings included:

No Accountability. The Secretary has no control over operations. The 32 prison wardens and eight juvenile institution superintendents operate independently.

No Uniformity. Critical management and support functions including budgeting, personnel and training, internal affairs, information technology and health care are decentralized and no uniform policies govern these functions.

No Transparency. Multiple layers of bureaucracy, culture and a pervasive "code of silence" that protects wrongdoers insulates the inner workings of the department from public scrutiny.

The panel described the reorganization of the agency as the "linchpin" of the panel's other recommendations and one that should be given high priority. The plan incorporates many of the panel's recommendations in the area of organizational change, with some minor variations. The plan does not, however, embed the panel's central recommendation to establish a Civilian Corrections Commission.

Source: www.report.cpr.ca.gov/indrpt/corr/execsum/execsumm.htm

Youth Authority. A Division of Parole Operations would be established. These new divisions would report to a Chief Deputy Secretary appointed by the Governor, on the recommendation of the secretary. The Governor, upon the recommendation of the secretary, also would appoint prison wardens, who would be exempt from civil service and subject to removal by the secretary. Warden appointees would no longer require Senate confirmation.

The reorganization also would create a Division of Community Partnerships; a Division of Education, Vocations and Offender Programs; and, a Division of Correctional Health Care Services. The heads of these divisions would report directly to one chief deputy secretary. The Prison Industry Authority and the Prison Industry Authority Board would become part of the Education, Vocations and Offender Programs division.

- **Consolidated administrative functions.** Common management and administrative functions, such as research and planning, information technology and labor relations will be consolidated in the Office of the Secretary, reducing duplication and providing uniformity in policies across departments and divisions. The reorganization also centralizes health care administration for all institutions.
- **Consolidated parole boards.** The reorganization eliminates the Board of Prison Terms, Youth Authority Board and Narcotic Addict Evaluation Authority and transfers their functions to a new Board of Parole Hearings. The new board would be composed of 17 members appointed to staggered three-year terms by the Governor and confirmed by the Senate. The board would perform all of the functions and procedures currently administered by the three boards. Additionally, the board would conduct studies to improve the parole system.

On the Web

Governor's Reorganization Plan, Reforming the Youth and Adult Correctional Agency

<http://www.cpr.ca.gov/pdf/GRP2.pdf>

Testimony from Little Hoover Commission's hearing on January 27, 2005

<http://www.lhc.ca.gov/lhcdir/Jan27.html>

The Commission's Report

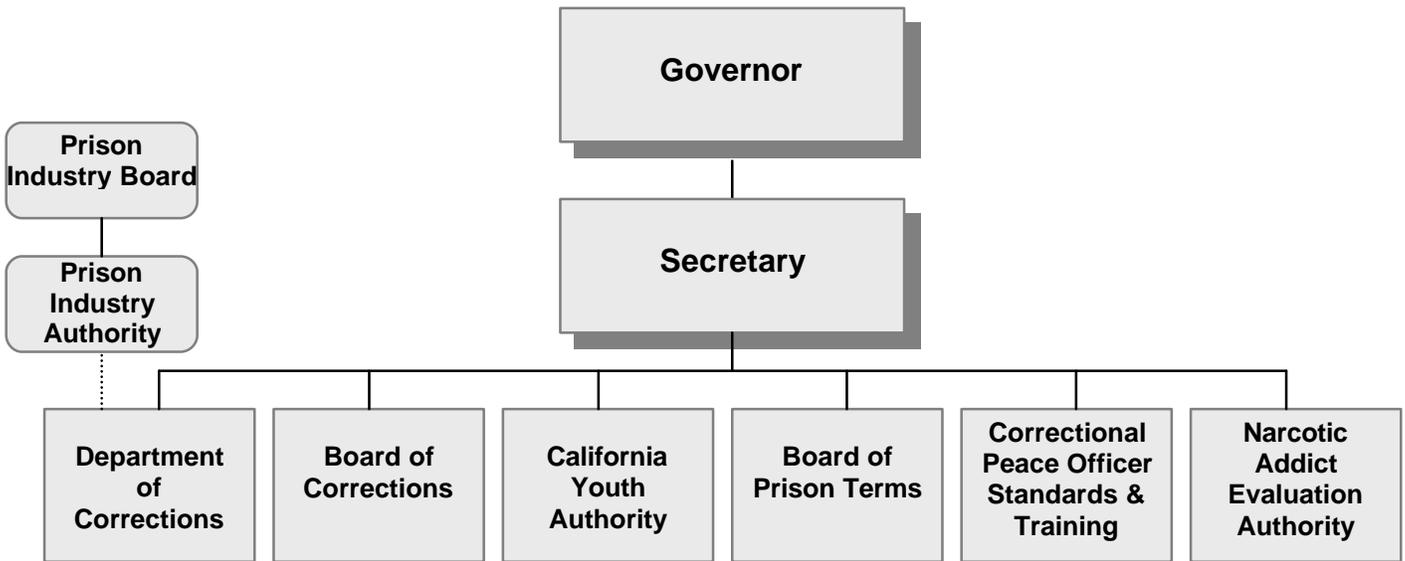
<http://www.lhc.ca.gov/lhcdir/report179.html>

- **Coordinated standards setting.** Currently the Board of Corrections develops and enforces standards for local correctional facilities and establishes training standards for local law enforcement. The plan eliminates the Board of Corrections, and a new Corrections Standards Authority will assume its functions. The Corrections Standards Authority also will develop, approve and monitor training standards for correctional peace officers. The Correctional Peace Officer Standards and Training (CPOST) will be eliminated.

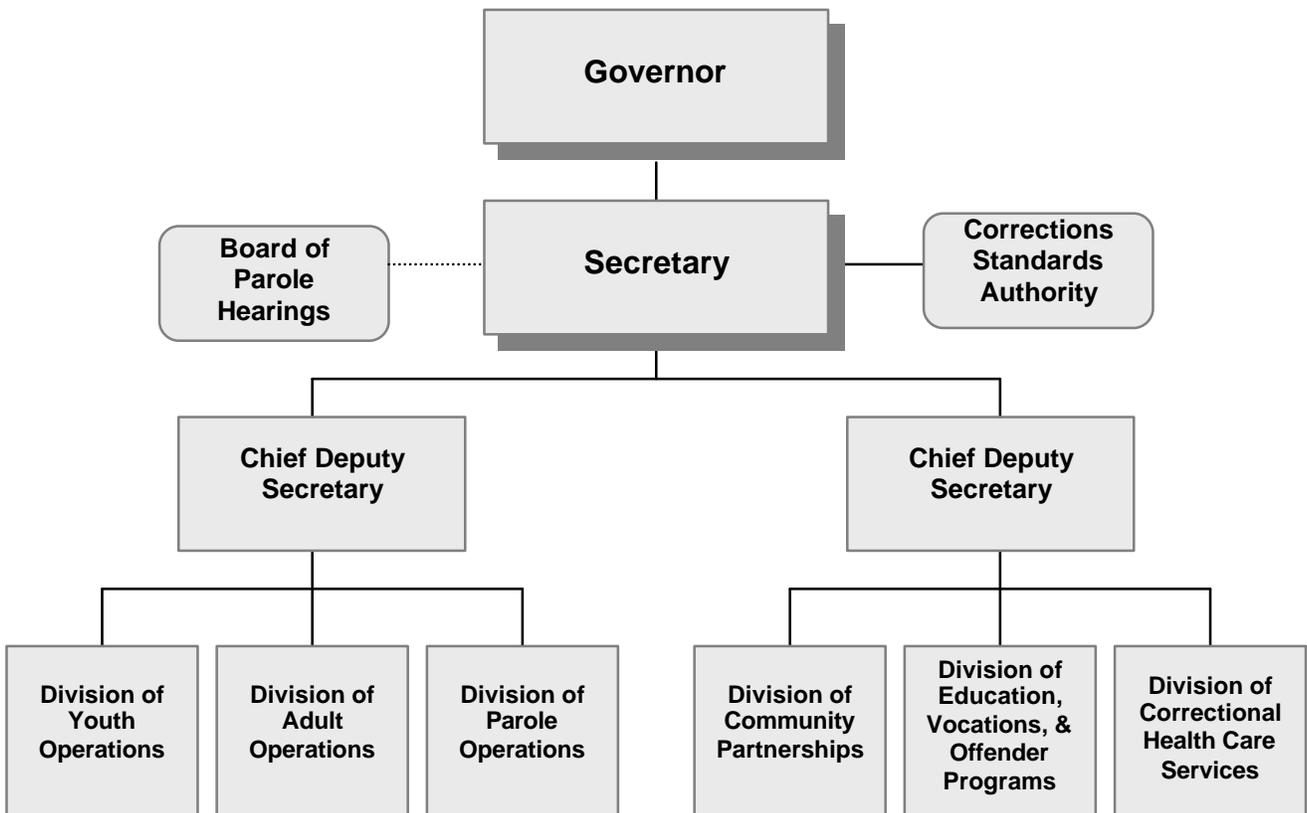
- ***Important new elements.*** The reorganization adds new functions including an Office of Risk Management to permit the department to identify and respond to potential legal or fiscal risks; Office of Policy, Planning and Research to enhance management's ability to implement evidence-based policies and programs; and, Office of Information Technology to centralize and modernize the department's capacity to use information to guide management decisions.

The charts on the following page depict the existing organizational structure of the Youth and Adult Correctional Agency and the proposed organizational structure of the Department of Corrections and Rehabilitation.

Current Organization – Youth and Adult Correctional Agency



Proposed Organization – Department of Corrections & Rehabilitation



Strengths of the Plan

The Commission identified the following major strengths of the proposed reorganization based on expert and public testimony from stakeholders and four examinations the Commission has conducted of the correctional system in the last decade. The plan:

Seeks to improve the performance of essential public goals. The plan acknowledges that the system's current organizational structure – designed for a smaller and more simple prison system – is inadequate and not focused on public safety outcomes. Importantly, the stated goal of the plan is to establish a foundation from which to significantly improve the performance of correctional programs, a goal which has long been ignored by the system.

There is concern that because the agency lacks a comprehensive, integrated data system to effectively manage its efforts, the reforms could be thwarted. But despite the data challenges, the secretary has directed the development of interim performance measures using available information until improved data can be obtained. The agency also is working at the national level to tap the expertise of researchers and practitioners in other states, networking and outreach it has not engaged in for decades.

Embraces evidence-based practices. In its 1998 and 2003 reports on the correctional system, the Commission recommended that the Department of Corrections adopt evidence-based practices and implement them faithfully to improve correctional outcomes. The addition of a policy, planning and research function high in the organization is an important first step to meeting that challenge. It will be essential that it is effectively staffed and managed to ensure that the department has the latest information about what works to reduce recidivism, assess how well programs are implemented and measure outcomes.

Is supported by strategic planning. The proposal is accompanied by a strategic plan that includes the development of specific goals and timelines for implementation. The development of short- and long-term outcome measures to track progress toward the goals is an exercise unprecedented in the history of the organization. The result of a year's worth of work involving agency staff, outside experts and community partners, the strategic plan is an important signal about the sincerity of the reform effort and the capacity of the agency.

Clarifies and expands authority. The plan clarifies and strengthens the chain of command from the secretary to the prison wardens and Youth Authority superintendents, who under the current system operate with little accountability to the secretary or loyalty to the organization. Wardens and superintendents will report to the secretary through a division director and chief deputy secretary and will not require Senate confirmation. The proposed reorganization would give the secretary necessary authority over all activities in the agency and its subordinate departments, thereby increasing the ability of the Governor, lawmakers and the public to hold the secretary accountable for the performance of correctional programs.

The secretary asserts that a stronger, centralized administration also will permit him to deploy limited resources where they are most needed to improve outcomes.

Increases accountability. The current organizational structure relies heavily on separate and independent departments, boards and a commission, diffusing authority and frustrating attempts by the public and policymakers to hold anyone accountable for the performance of correctional programs. The proposed structure would increase accountability by “flattening” the organization, empowering the secretary to develop and implement policies agency wide and providing direct reporting to the secretary from all areas of the organization.

Increases consistency and uniformity. The proposed structure would reduce fragmentation and inconsistency in the way essential management and support functions are carried out, creating uniformity of policies and practices in critical areas, including legal affairs, internal affairs investigations, information technology, labor relations and fiscal accounting. Similarly, the plan reduces duplication and increases consistency and uniformity by consolidating parole decisions for adults, youth and civil addicts in one board, rather than three and consolidates law enforcement training and standards setting functions in one board rather than two. Consistency and uniformity could generate improved outcomes and cost savings.

Improves internal accountability. Centralization of the Office of Internal Affairs (OIA) and implementation of vertical advocacy – where one attorney handles the case from beginning to end – in the Office of Legal Affairs will help the department address inmate abuse by correctional staff. The proposal to consolidate and coordinate labor negotiations and agreements in the centralized Office of Labor Relations is designed to better manage undue labor influence. Consistent with the

recommendation of the Independent Review Panel, the Inspector General is independent and its reports are public.

Reduces duplication and waste. The proposal to consolidate shared administrative functions within the Office of the Secretary was lauded as a way to leverage existing resources and achieve fiscal efficiency.

Elevates rehabilitation. The name proposed for the new department – Department of Corrections and Rehabilitation – signals an important, renewed focus on preparing offenders for return to the community. Importantly, the plan elevates health care, educational, vocational and treatment programs, and a new division of community partnerships to a level equal with custodial functions. These changes are viewed as critical in positioning the agency to address federal court findings regarding inmate health and mental health care and high parolee failure rates.

Elevates victims' services. The plan raises the visibility and enhances the importance of the agency's role in victim-related services by consolidating in the Office of the Secretary functions previously provided by departments and boards. As important as these issues are, this office also could assume the responsibility to provide timely and accurate responses to inquiries by the families of inmates regarding injuries or deaths in custody, medical treatment or changes in facilities or security status. Secretary Hickman personally assured the Commission that he would address these issues raised by families of inmates during the Commission's public review of the plan.

Adds new, critical functions. The Independent Review Panel found that the absence of risk-management capabilities in the Department of Corrections and California Youth Authority exposes the departments to unnecessary and costly litigation. The proposed Office of Risk Management, recommended by the IRP and widely supported, is designed to proactively identify and respond to policies, practices and conditions that represent potential legal or fiscal liabilities. Similarly, the proposed offices of Policy, Planning and Research and Information Technology are designed to provide management with sorely needed research and data to drive decision making and facilitate the agency's commitment to employ evidence-based correctional practices to improve outcomes.

Concerns and Opportunities

The secretary and his staff have been applauded by supporters and critics alike for putting forward a bold plan and long overdue vision for improving California's correctional system. At the same time, some serious concerns were raised. Among them:

Insufficient Focus on Youth

The positioning of the Division of Youth Operations in the proposed reorganization generated the most concern among individuals and organizations that advocate for youth and lawmakers who have scrutinized the Department of Corrections and Youth Authority.

The CYA has been intensely criticized in recent years. The department has experienced an increase in ward suicides; allegations of inappropriate conduct between wards and staff; highly publicized incidences of inappropriate use of force by staff against wards; and, inadequate special education, mental health, sex offender and drug treatment services. A recent settlement agreement in the Farrell v. Allen litigation resulted in the appointment of a special master to oversee the development of a remedial plan and the implementation of reforms.³

The CYA is a department within the Youth and Adult Correctional Agency – separate from CDC – with a director who reports to the secretary. The proposed reorganization would place the CYA within the new Department of Corrections and Rehabilitation. Institutional functions would be assumed by a Division of Youth Operations, while all other functions including parole, programs to prepare wards for release and management and support functions would be consolidated

Reforming the Youth Authority

In November 2004, California Youth Authority officials signed a consent decree to reform the youth authority in response to a lawsuit alleging serious ongoing problems at CYA facilities.

In the decree, the State agreed to provide wards with adequate and effective care, including improved medical and mental health care and educational programs. Officials also agreed to reduce lockdowns and the use of force. As part of the agreement, the youth authority will be overseen by an appointed special master.

In January 2005, youth authority officials set a timeline for providing remedial and interim plans to the court and the special master to address medical care, educational programs, mental health care, disability services, sex offender treatment and ward safety and welfare.

CYA officials also agreed to several immediate changes including implementing an "open programming" model at two facilities to ensure wards are out of their cells daily for educational, vocational and treatment programs as well as meals and recreation, and to extend this model to all facilities by May 2005.

While the consent decree does not mitigate the concerns of youth advocates about the new structure, it could be expected to provide additional assurances in the interim that the new structure will not be harmful to youth.

Source: Farrell vs. Allen Consent Decree. November 2004. Superior Court of California, County of Alameda. Farrell vs. Allen Stipulation Regarding California Youth Authority Remedial Efforts. January 31, 2005. Superior Court of California, County of Alameda. Prison Law Office. January 31, 2005. Press Release on Reform of California Youth Authority. www.prisonlaw.com Web site accessed February 16, 2005.

with those of CDC. The head of the Division of Youth Operations would report to a chief deputy who is also responsible for adult institutions and programs. Among the specific concerns:

- ***CYA will be functionally integrated into the adult prison system.*** The CDC is responsible for 161,116 inmates and 114,405 parolees. The Youth Authority is responsible for 3,358 incarcerated wards and 4,007 parolees.⁴ Critics predict that by “blending and blurring” youth operations with the more dominating adult system, youth operations will look even more like an adult correctional system than it does today, making goals for reform even more difficult to achieve. The plan does not reflect the efforts of an agency-sponsored juvenile justice reform group to reevaluate the roles of the CYA and local communities in providing juvenile justice services, including realigning parole supervision to counties. It also does not incorporate language in the Governor’s proposed 2005-06 Budget to reform the CYA, including incentives to limit the types of offenders that counties send to the CYA, focusing the State on the most serious juvenile offenders and those most in need of mental health and sex offender treatment. Fully developing and implementing the reforms may be frustrated if research, policy, educational, audit and other functions are merged with those of the much larger and different adult system.

The placement of the Youth Authority in the organizational chart separates institutional functions from those of programs to prepare wards for release and the community partnerships vital to successful reentry – just as it does for adult offenders. But the Welfare and Institutions Code clearly states that the goal of the Youth Authority is the correction and rehabilitation of young offenders.⁵ The plan, critics assert, spreads too many critical functions across too many areas dominated by adult corrections.

- ***Moves the State further away from a comprehensive juvenile justice strategy.*** Juvenile justice and prevention advocates assert that a plan to restructure the Youth Authority should include a state-level agency to coordinate and lead juvenile justice issues, including prevention opportunities. It should consider critical state-local issues related to juvenile justice jurisdiction, facilities and funding and the need for distinct treatment of juvenile offenders in custody and on parole.
- ***Reduces oversight.*** The proposal does not provide for a comprehensive set of standards and eliminates regular inspections of CYA facilities by an outside agency – a standard practice in local juvenile facilities. In the proposed statutory language, the state

juvenile justice commission and CYA regional oversight bodies are eliminated.

Some observers have said that the proposed integration of Youth Authority functions into the larger adult correctional system is so flawed as to make the entire plan untenable and have urged its rejection. Alternatives suggested to the Commission include a separate juvenile justice agency or placement in a human services agency. Placing Youth Authority functions in the division responsible for programs also was suggested.

Juvenile Corrections Alternatives: Missouri, Texas and Florida

Many states take a different approach to juvenile corrections than California. Three states highlighted below offer models that California could draw from to reform its youth correctional system.

Missouri's Department of Youth Services (DYS). Missouri's DYS, within the state's social services agency, is recognized as a correctional model for youth. The state struggled for decades with a beleaguered juvenile justice system that incarcerated youth in two large, remote, gender-based facilities. After successful pilot projects with small correctional programs, Missouri shut down these facilities and secured smaller sites – abandoned school buildings, large residential homes, a convent – and redesigned them to house juvenile offenders, the largest of which houses 36 teens. DYS staffs these facilities with college-educated youth specialists; it offers quality educational programs and wrap-around case management services for health and mental health care. Additionally, DYS utilizes community-based partners to monitor and support teens when they leave custody. Missouri now has a consistently low recidivism rate of 10 percent and spends less on its program than most other states.

The Texas Youth Commission (TYC). The TYC is a juvenile corrections agency serving violent and seriously delinquent youths. The commission operates a mix of facilities including secure facilities, community-based halfway houses and also contracts with private providers for secure and community-based residential and non-residential services. The TYC also oversees youth offenders on parole. TYC utilizes a comprehensive rehabilitation program including therapy, education, work and discipline training. Additionally, the TYC provides intensive treatment for violent offenders and sex offenders, and youth with substance abuse problems and mental health needs. The state's Special Needs Diversionary Program targets juvenile offenders with mental health needs by pairing probation officers with licensed mental health professionals to provide intensive case management. The goal is to keep these youth living at home and to avoid future involvement with the criminal justice system. In 2002, less than 10 percent of the youth in the program ended up in an out-of-home placement and the cost per day was significantly lower than placement in a TYC facility.

Florida Department of Juvenile Justice (DJJ). Florida's DJJ oversees a full continuum of crime and violence prevention services to youths, from victims services and prevention programs to probation, detention and correctional facilities. DJJ annually provides a comprehensive assessment of juvenile justice services in an outcome report that details recidivism for specific programs. DJJ utilizes this information to develop a statewide strategy to better address technical violations of probation, reduce reliance on residential programs and expand community-based services for youth offenders. In 2004, DJJ launched a pilot program to keep low-risk youth who violate probation at home instead of being placed in residential facilities. These youth receive intensive in-home support services through private providers using research-based wrap-around interventions.

Sources: National Center for Juvenile Justice. 2004. "State Profiles." Pittsburgh. <http://www.ncjj.org/stateprofiles/>. Also, www.dss.mo.gov/dys/, www.tyc.state.tx.us, and www.djj.state.fl.us. Web sites accessed February 3, 2005. Also, Dick Mendel. Spring 2003. "Small is Beautiful: The Missouri Division of Youth Services." *AdvoCasey* Volume 5, Number 1. Baltimore, MD. Annie E. Casey Foundation.

On the other hand, a well-respected criminologist said she is not concerned that the CYA will be overshadowed in the proposed reorganization. She asserts that other states have been able to maintain effective youth services within similar organizational structures.⁶ According to the National Center for Juvenile Justice, 11 states allow a branch of the adult corrections system to operate state juvenile institutions.⁷ The reality, she said, is that the current CYA population is more similar to the low-risk adult population than a typical juvenile offender population. Seventy-five percent of the institutional population in the Youth Authority are between 18 and 25 years old.⁸

The Commission shares the concerns of youth advocates that the needs of Youth Authority wards and goals for reform of the Youth Authority could be thwarted by the enormity of the reform challenges of the adult system. At the same time, the plan has much merit and the potential for a historic transformation of the fundamentally broken adult correctional system. The Commission publicly discussed this conundrum with the secretary. The secretary provided his assurance that if the Commission recommended in favor of the plan, he would consider the concerns raised, explore how the plan could be improved and continue efforts to provide appropriate services to youth.

No Independent Oversight

The Independent Review Panel recommended that a reorganized correctional department be led by a Civilian Corrections Commission, which would function as the department's board of directors. The commission, the panel said, would bring public scrutiny and a public voice to the correctional system, making it more transparent to the public. In testimony to the California Performance Review Commission, former Governor Deukmejian and the panel's executive director said that the agency does not have the capacity to "correct" itself and that without independent oversight, meaningful reform will not occur. The executive director reiterated this position to the Little Hoover Commission.

Secretary Hickman has said that the Administration does not believe the civilian commission is necessary, that the responsibility rests with the secretary. He said that concerns about public scrutiny are addressed by the Little Hoover Commission, Bureau of State Audits and Legislature.⁹ The Little Hoover Commission, in its reports on the correctional system, has advocated for an oversight mechanism that includes civilian and expert representation and has suggested the Board of Corrections perform that function. The Commission believes that it is in the public interest and the interest of the new department to have outside, independent and expert advice and oversight.

The Commission does not believe that the entity should have governance authority; that should rest with the secretary. An oversight body should serve in an advisory capacity and have “teeth” via a public venue to make the operations of the department transparent to the public and a reporting function to the Governor and Legislature. Such a mechanism would help institutionalize the reforms so that they transcend the leadership styles and ideologies of individual Governors and agency leaders. As one correctional expert said, with increased power and authority comes responsibility. At the same time, the performance of the system becomes more dependent on who holds the leadership position.

Bifurcates custody and program functions. The proposal organizationally separates institutional operations from programs and parole functions, making accountability for offender outcomes more difficult. As one sheriff pointed out, in jails custody and programs are delivered vertically, rather than horizontally. Separating custody and parole functions could thwart the goal of coordinated, seamless transition of inmates back to the community. The IRP recommended a regional structure that integrates custody and parole functions vertically. Secretary Hickman said the organizational chart – a matrix management model – cannot completely reflect the management structure he envisions where communication and integration are vertical and horizontal to accomplish system wide goals.

May limit health care improvements. Two federal courts have held that CDC prisoners are being subjected to cruel and unusual punishment, in violation of the eighth amendment to the Constitution.¹⁰ CDC and CYA are under court supervision to improve health and mental health care to offenders. Critics assert that the plan fails to give the health care manager adequate authority by placing the position too low on the organizational chart and requiring that the health care manager report through a chief deputy secretary who is unlikely to have a health background. Critics also assert that the plan fails to recognize the statutorily distinct

Reorganization Doesn't Change Culture

Reorganization alone cannot change the culture of an organization – but it can position the organization to address the knowledge, beliefs and behaviors that define an organization. The culture of the Department of Corrections has long been recognized as a primary deterrent to reform. The secretary has acknowledged the existence of a pervasive “code of silence” that allows misdeeds to go unreported and unpunished. He has implemented a “zero tolerance” policy concerning the code of silence. The Corrections Independent Review Panel concluded that positive change cannot take place in the correctional system until the culture is reformed from the very top and the code of silence is eliminated. The IRP outlined a series of steps to accomplish those goals.

Senator Jackie Speier said that for meaningful reform – including culture change – to occur, the State’s memorandum of understanding with the California Correctional Peace Officers Association must be rewritten. The contract has been widely criticized for providing the union with undue influence over management prerogatives, including assignment of supervisory staff, sick leave policy and internal affairs investigations. The contract expires in 2006.

Los Angeles County Sheriff Lee Baca said an organization’s core values are more important than structure in defining culture. He said transforming the organization will require the right vision and mission and a recognition that core values lead to learning, leadership and the use of best practices.

missions of CDC and CYA and the differences between adult and adolescent medicine.

The larger concern should be the development of a managed care model to provide quality care and control spiraling costs. Once that function is established, the agency could revisit the organization chart to ensure that form does indeed follow function and that the health care manager has the proper authority.

No chief financial officer. Given the Department of Correction's history of poor fiscal management, resulting in hundreds of millions of dollars in cost overruns annually, the absence of a Chief Financial Officer to guide and oversee fiscal policies is a concern. A CFO becomes particularly important as the new department embarks on technology acquisition and enhanced inmate programming – efforts that will require estimating the costs of the reforms, working with the Department of Finance on the reallocation of existing resources and providing support for additional funding requests.

Too little focus on re-entry. In 2003, the Commission reported that California has the second highest parole failure rate in the country. Sixty-seven percent of California prison commitments are parolees returned to custody compared to a national average of 35 percent. The Commission recommended that the State cut costs and improve outcomes by using alternatives to prison for the large percentage of parole violators returned to prison for drug use and possession. The Legislature, in the 2003-04 Budget Act directed the department to implement a series of reforms, including alternatives to prison, to reduce the prison population.

Despite Secretary Hickman's assertion that technical violation and parole discharge reforms are progressing, the prison population has grown. Given overcrowding, reducing the prison population is critical to effectively implementing programs to prepare inmates for release. The Commission and the Independent Review Panel recommended that the State shift the responsibility for parolees to communities for certain non-violent offenders. Neither the reorganization plan nor the strategic plan address the parole reforms required by the Legislature or the recommendations for shifting parole to counties. In the strategic plan, expansions of evidence-based reentry and parole supervision strategies are not slated not to occur until 2007, but should be accelerated.

Doesn't address women offenders. The Commission in December 2004 reported that despite a five-fold increase in the number of women in California prisons over the past two decades, primarily for drug-related offenses, the State has not developed a strategy that effectively

reduces crime among this population. The Commission recommended that the Department of Corrections appoint a director of women's programs and develop a strategic plan for female offenders, consistent with the overall strategic plan. The Reorganization Plan and Strategic Plan do not mention California's 22,000 women offenders.

The cost of reform. The proposal, if enacted, would represent the most fundamental restructuring and philosophical shift in the State's correctional policies in four decades. It would require a substantial, yet unquantified investment in technology and educational, vocational and treatment programs alone. Yet the Governor's proposed 2005-06 Budget includes a \$95 million unallocated reduction in the CDC that the secretary indicated would result in a 28 percent reduction in programming.¹¹ If reducing the number of offenders who return to prison is the goal, programs to help them succeed cannot be the first to be cut.

When asked by the Commission whether funding would be forthcoming, the secretary said that he could not ask for additional resources prior to obtaining the data and conducting an analysis of where investments need to be made. He said that he is working with the Department of Finance to identify and make public the reallocation of existing resources, where appropriate. But the agency and the Administration should scrutinize how all resources are being spent – in custody and program areas – in deciding how resources could be reallocated to fund reforms.

The Commission commends the secretary for embracing a data-driven approach to management – one that has been conspicuously absent in the agency for years. But these reforms will likely require an up-front investment that will require the Administration and the Legislature to work closely with the secretary to facilitate cost estimates for technology and program goals and prioritize their implementation. Technology acquisition will be critical to improving the management of the new department, measuring the results of the reforms and modifying their implementation as necessary. Similarly, the laudable emphasis on preparing inmates for release and assisting parolees to successfully reintegrate into their communities will require that programs are available to those who can benefit from them. Priorities based on the department's goals for public safety, must be established and supported by agency leaders, the Governor and the Legislature.

A Critical First Step

Recommendation: The Legislature should permit Governor’s Reorganization Plan, Reforming California’s Youth and Adult Correctional System, to go into effect.

Reorganization is a critical step in addressing the myriad of problems that plague the Department of Corrections, Youth Authority and the agency’s other subordinate entities. While reorganization alone will not solve the problems in the Youth and Adult Correctional Agency, the internal structure of the agency has long been recognized as the source of many of the problems and a barrier to timely and effective solutions.

The lack of a unified structure for prison work and education programs has diminished their effectiveness. The long-standing practice of allowing prisons to operate independently has hindered accountability and hampered the standardization of policies, contributing to inmate abuse and expensive lawsuits. And fragmentation and contracting out for inmate health care has resulted in soaring costs and constitutionally inadequate care. The Corrections Independent Review Panel concluded that to a significant extent the problems in California’s correctional system stem from its structure. The panel described reorganization as the “linchpin” of its other recommendations and said that it should be given high priority.

The plan, while deficient in some areas, offers a vastly improved organizational structure that could position the agency to effectively address these fundamental, persistent problems. The Commission believes that the merits of the plan considerably outweigh its shortcomings and that its enactment is an important – if not historic – opportunity that should not be squandered.

The Legislature should allow the Governor’s Reorganization Plan for corrections to take effect. The Governor, Legislature and secretary should subsequently pursue opportunities to further improve the correctional system through legislation, the budget process or administrative directive. The secretary should prioritize goals for reform and develop performance measures to assess progress toward the goals.

Leadership Drives Change

Ultimately, success will hinge on the ability of the secretary and other agency leaders to translate the vision for the new department into reality. The secretary must build and sustain the participation and cooperation of employees and community partners, and develop a performance-based culture.

Senior managers with the knowledge and competencies to accomplish organizational goals must be put in place and leaders for the future must be grown.

The Governor and legislative leadership must be equally committed and provide the necessary political and financial capital to ensure the success of the reforms.

Additional Opportunities for Improvement

Following enactment of the plan, opportunities to further improve the correctional system in the following areas should be pursued.

1. The secretary should develop a proposal for a comprehensive, statewide juvenile justice system that provides an evidence-based continuum of services.

The Governor, in his proposed 2005-06 Budget, asserts that in the next several months the Administration will continue to work with juvenile justice stakeholders to develop a comprehensive plan to reform California's juvenile justice system and redefine the role of the CYA. Potential policy changes being considered include: shifting responsibility for supervising youth parolees to the counties; incentives for counties to limit the type of offenders they send to the State to permit the State to focus on the most serious offenders; and, evaluating state facility needs. The secretary should continue to work with stakeholders to address these and other issues, including:

- ✓ The need for a statewide strategy for juvenile justice.
- ✓ The appropriate roles of the State and California counties in providing juvenile justice services, including whether state juvenile justice functions should be administered by the proposed state corrections department, a health and human services department, a stand alone juvenile justice agency or by counties.
- ✓ The need for a continuum of facilities for youth wards and a stable source of funding for counties.
- ✓ A mechanism to ensure that juvenile justice services are comprehensive, evidence-based and well managed.

These efforts should resume immediately and be pursued aggressively. The secretary should make recommendations to the Governor and Legislature about how the State's juvenile justice system should be organized to improve outcomes.

2. The Governor and Legislature should establish independent, expert oversight of the reforms in the Reorganization Plan to ensure that they are effectively implemented, using evidence-based strategies and performance measures. Oversight could be provided by a multi-disciplinary panel or a joint legislative committee.

Based on the history of failed reform efforts in the Department of Corrections and the scale of the currently proposed reforms, it is

essential that an independent mechanism be established to guide, oversee, evaluate and publicly report on the reform efforts. The body should:

- ✓ Provide advice and oversight.
- ✓ Include criminal justice experts, local law enforcement, probation, community-based organizations, the faith community and general public.
- ✓ Identify and recommend best practices and ensure that they are faithfully replicated.
- ✓ Contract for independent evaluation of the performance of the correctional system and identify evidence-based ways to improve outcomes.
- ✓ Work closely with the agency to ensure the correct use of offender risk and needs assessments and performance outcomes.
- ✓ Review reports of the Inspector General and determine if the recommendations are being implemented.
- ✓ Annually recommend to the Governor and Legislature statutory changes, budget priorities and resource allocations that would improve public safety.
- ✓ Be reviewed by the Legislative Sunset Review Committee in five years.

3. The secretary should assess the effectiveness of all correctional strategies and reallocate resources from ineffective efforts to evidence-based reentry strategies that could reduce the size of the prison population and improve outcomes for parolees.

The success of efforts to better prepare inmates for release hinges in large part on the success of parole reforms in reducing the size of the prison population so that educational, vocational and treatment programs can be more effectively managed and delivered. The implementation of parole reforms to reduce the size of the prison population and improve efforts to prepare inmates for release to the community should be a high priority.

The secretary told the Commission that the \$95 million unallocated reduction in the Governor's proposed 2005-06 Budget for the

Senate Confirmation

In the plan, Senate confirmation would be retained for the secretary, but eliminated for prison wardens. The administration explained that the scope of responsibility and authority exercised by wardens would be significantly reduced, thereby eliminating the need for legislative consent. Senators who testified before the Commission said that they were not concerned about the proposal to eliminate confirmation of wardens. A question has been raised about whether Senate confirmation can be eliminated through the reorganization process; that issue should be discussed and if necessary resolved during the legislative review of this proposal.

Under the plan, the Senate would confirm the directors of the Division of Youth Operations and Division of Adult Operations, but would not confirm the undersecretary and two chief deputies who are in the line of authority between the Senate-confirmed secretary and division directors.

Given the size and complexity of the department, the Commission believes the Legislature should have consent authority for the top four to five appointees in the chain of command who comprise the core leadership of the department.

Department of Corrections would result in a 28 percent reduction in programs, despite the purported goal of the plan to refocus the new department on rehabilitation strategies. The agency assumes that the cuts can only be taken from inmate programs – rather than also from custody functions.

The secretary should assess the effectiveness of current custody and rehabilitation efforts and reallocate resources from ineffective efforts in all areas of the agency to evidence-based reentry programs. For example, it has been estimated that the State could save \$151 million in a year if it implemented a series of graduated sanctions for the large percentage of parole violators returned to prison for drug use and possession, including more frequent drug testing, outpatient treatment and residential treatment. Similarly, if the State reduced the length of parole revocation sentences for certain offenders from an average of 140 days to 100 days it could save \$300 million annually. Experts assert that neither of these reforms would jeopardize public safety.¹²

4. Efforts should be made to accelerate the development of a robust technology system to provide the department with information to effectively manage its efforts.

The departments in the Youth and Adult Correctional Agency do not have comprehensive, integrated data systems to manage their correctional programs. CDC maintains multiple information systems that do not work together, are two decades old and cannot be cost-effectively modified to meet current needs.¹³

The agency needs data to effectively manage the reforms described in the Reorganization Plan, such as targeting programs to high-risk offenders, improving inmate health care and implementing evidence-based parole strategies. The strategic plan calls for implementation of comprehensive business and offender-based management systems in 2010. The Department of Finance and the State's Chief Information Officer should assist the secretary to accelerate the technology reforms, including:

- ✓ Facilitating a thorough analysis of the agency's technology needs.
- ✓ Developing reliable cost estimates for the technology reforms.
- ✓ Identifying barriers to timely acquisition and implementation of the technology and ways to overcome the barriers.
- ✓ Identifying systems used by other states that have the capacity to meet California's needs.
- ✓ Informing policymakers about what is required to advance the implementation of the agency's technology goals.

5. Related management and support functions could be clustered in the Office of the Secretary to improve efficiency.

The Reorganization Plan establishes 12 separate management and support offices within the Office of the Secretary, each with a senior manager who would report to the secretary – a structure that could result in an excessive workload for the secretary. There also is concern that the reorganization does not include a chief financial officer to monitor and manage the financial activities of the department.

To address these concerns, related functions could be clustered under a single senior manager, bringing important focus to core functions. For example, Legislative Affairs and Public Affairs might be grouped together. A Chief Financial Officer could be responsible for managing all of the financial activities of the department.

6. The secretary should appoint a Director of Women's Programs to address the needs of the growing population of women offenders.

Women are the fastest growing portion of the California prison population, yet the correctional system has not developed a strategy to reduce recidivism among female offenders. The costs and consequences of this failure are borne not just by the criminal justice system, but by the child welfare, mental health and juvenile justice systems as well. A robust and widely accepted body of evidence exists to support the efficacy of correctional strategies that are tailored for women offenders. The secretary should appoint a director of women's programs to develop and guide the implementation of an evidence-based correctional strategy to improve outcomes for women offenders.

Appendices & Notes

- ✓ *Governor's Reorganization Plan*
- ✓ *Public Hearing Witnesses and Public Comments*
 - ✓ *List of Submitted Written Comments*
 - ✓ *Senator Charles S. Poochigian Concurrence*
 - ✓ *Senator Liz Figueroa Abstention*
- ✓ *Notes*

Appendix A

Governor's Reorganization Plan *Reforming California's Youth & Adult Correctional Agency*

THE DEPARTMENT OF CORRECTIONS AND REHABILITATION

I. SUMMARY

From the 1940s through the 1970s California was the model of an efficient correctional system. Over the last 25 years the size and needs of the system have grown but the organizational model has remained the same. Since 1980, the number of inmates has increased 554 percent and the number of adult correctional institutions has nearly tripled from 12 to 32. Today, California has the second largest state adult correctional system in the United States with 164,000 inmates (Texas has 167,000 inmates).¹ The state also detains 3,500 wards and monitors 114,000 adult and juvenile parolees, resulting in a total of more than 300,000 cases across the system.² Yet the State still operates a system in which heads of individual correctional institutions have almost complete control over operations. This might have made sense for a small system with a few prisons, but today it is essential to have a unified management structure that improves accountability, eliminates duplication, generates leverage and shares best practices across the entire organization.

To develop a plan for reforming California's correctional system, the Corrections Independent Review Panel was established in February 2004. The Panel, headed by former Governor George Deukmejian and staffed by senior law enforcement and corrections experts, undertook an extensive investigation of the current system and its problems before proposing a series of changes. Over the course of four months, the Panel interviewed members of the current correctional system, met with policymakers, consulted experts, and reviewed numerous reports on California's correctional system. In its report, the Panel gave highest priority to the reorganization of California's Youth and Adult Correctional Agency, writing:

*The system's organizational structure has not kept pace with the massive growth in inmate population or with the vast geographical spread of the institutions.*³

In line with the Panel's recommendation to restructure the current system, the following pages outline a comprehensive reorganization of corrections in California. It is aimed at establishing a basis from which to deliver significant performance improvement. The reorganization has two central elements.

First, the Secretary for the newly established Department of Corrections and Rehabilitation will have authority over all activities in the Department. Line managers will continue to have day-to-day authority over operations within their areas, but will be accountable to the Secretary for their performance.

Second, common functions will be shared and consolidated in the Office of the Secretary. These functions will include research and planning, risk management, information technology,

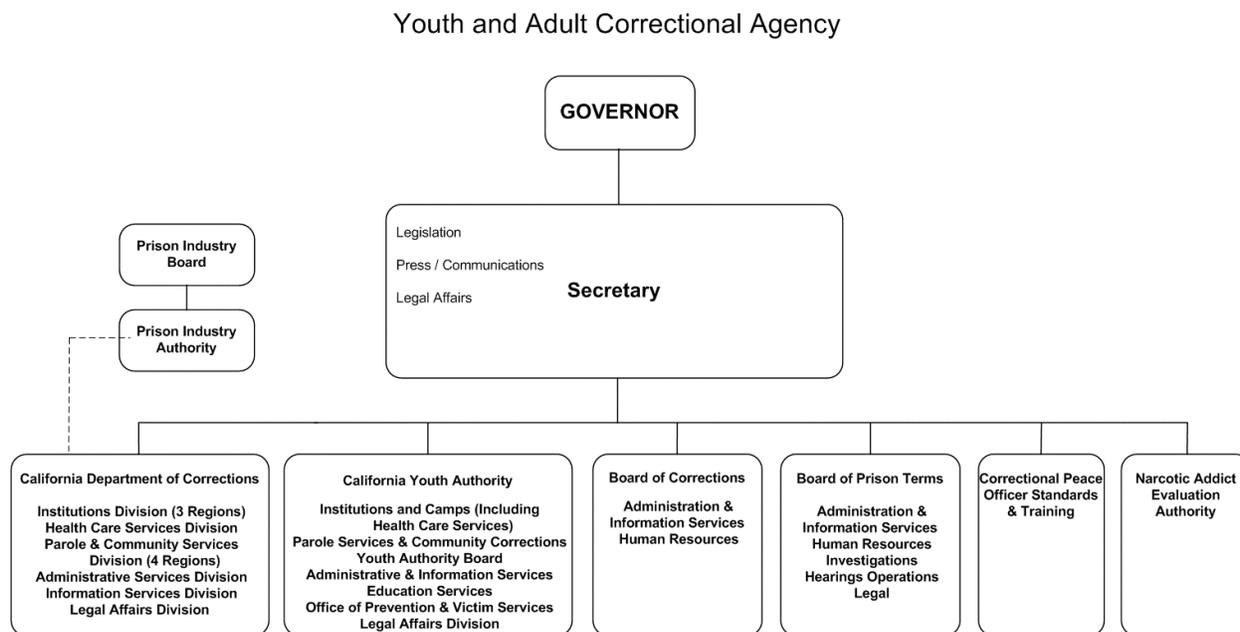
human resource training and development, internal affairs, labor relations, facilities management, finance and procurement.

Restructuring will establish clear lines of reporting, accountability and responsibility and performance assessment that will improve services, reduce the likelihood of repeat offenses and eliminate abuses within the current system. It will centralize services and activities to remove duplication and leverage the scale of the Department’s \$6 billion spending authority, thus reducing the cost of operations. The reorganization will deliver a safer society at less cost to the people of California.

II. EXISTING ORGANIZATIONAL STRUCTURE

California’s correctional system is made up of the Youth and Adult Correctional Agency (YACA) and seven departments, boards and commissions, the most critical being: the Department of Corrections, California Youth Authority, Youth Authority Board, Board of Corrections, Board of Prison Terms and the Narcotic Addict Evaluation Authority.

The Youth and Adult Correctional Agency was created in 1980. It is led by an Agency Secretary, who reports to the Governor and has oversight responsibilities but has no direct operational authority over YACA’s departments, boards and commissions. The Agency Secretary has a staff of 28.⁴



The Department of Corrections manages the state’s adult prison and parole systems. It operates 32 prisons and 38 camps with approximately 164,000 inmates and supervises another 110,000 adult parolees. The Department has approximately 45,200 employees.⁵

The California Youth Authority manages the youth facilities and parole system. It operates eight facilities and three conservation camps housing approximately 4,200 wards and supervises another 4,200 parolees. The Department has approximately 3,800 employees.⁶

The Youth Authority Board renders parole decisions on wards committed to the California Youth Authority. The Board is within the California Youth Authority and has six members, including the Director of the California Youth Authority, who serves as an *ex officio* member of the board. The remaining members are gubernatorial appointees.

The Board of Corrections is responsible for development and enforcement of standards for the construction and operation of county and city jails and juvenile halls, and for standard-setting and training of county and city corrections officers. It also administers grants and other funding programs for construction and operation of county and city corrections programs and gathers and reports information regarding county and city jails and juvenile correctional facilities. The board consists of 15 members, including the Secretary of the Youth and Adult Correctional Agency (who serves as its chairperson), the Director of the Department of Corrections, and the Director of the California Youth Authority.

The Board of Prison Terms conducts parole hearings for inmates sentenced to life terms and conducts parole revocation hearings for all parolees alleged to have violated parole terms and conditions. The board also conducts hearings involving sexually violent predators and mentally disordered offenders and reviews requests for reconsideration of good-time credit denials, to set parole length, and to process foreign prisoner transfer requests. The Board is comprised of nine commissioners appointed by the Governor.

The Narcotic Addict Evaluation Authority determines suitability for release of individuals committed into the “civil addict” program — a treatment program for adult offenders whom the court believes would be best served through this alternative to prison. The program currently serves approximately 1,500 civil addicts who are housed at the California Rehabilitation Center and an additional 2,200 parolees. The Narcotic Addict Evaluation Authority is composed of seven members appointed by the Governor.

III. THE CASE FOR REORGANIZATION

The current organization structure, focused around individual operating units, has weakened responsibility and accountability across the system, leading to costly duplication and failure to leverage scale. The following examples illustrate these problems, providing the impetus for organizational change.

The consequence of weakened responsibility and accountability

Under the current system, the Secretary reports to the Governor, but he does not have the actual power to change the operations of the Department of Corrections and the California Youth Authority that administer the correctional institutions. As a result, the Governor cannot truly hold the Secretary accountable for the performance of the correctional system or enact major reforms in the way prisons are administered. Nor can the Secretary dismiss a warden of

an institution. Currently the system's 32 wardens and eight superintendents do not report directly into the Secretary. Each warden employs different standards and different operating procedures. This decentralized framework, along with Senate confirmation of wardens, has helped create a system of operational silos with little accountability or sharing of best practices outside the facility walls.

Currently, many administrative functions are duplicated throughout both the Department of Corrections and the California Youth Authority. Often component entities of the existing departments duplicate other functions or organizational units elsewhere within a department. For example, the Department of Corrections has a legislative office located within the Field Operations section of the Parole Operations Branch within the Parole and Community Services Division. In Support Services, there is also a legislative liaison office. The California Youth Authority has its own legislative offices, as does the Youth and Adult Correctional Agency. In terms of institutional operations, the Department of Corrections regional entities each have separate health care services and parole services operational entities. There are four layers of organizational hierarchy between institutional operations and the director's office. In addition, there is no central legal services office within the agency. Each department and board has its own legal counsel and staff attorneys.

This lack of accountability and responsibility from the Secretary across the organization has also exacerbated failures in line management and officer roles. The Corrections Independent Review Panel noted,

*Layers of bureaucracy between managers and functions blur lines of responsibility. Accountability is conspicuously absent . . .*⁷

This is also evident in recent failures of responsibility in the care of wards within the California Youth Authority. A recent audit by the Office of the Inspector General found 9 percent of wards at 5 audited facilities spent 23 hours a day in their cells. This was not solely for disciplinary reasons. For example, at the Herman G. Stark Youth Correction Facility in Chino, 103 wards were confined because there were not enough teachers to run educational classes.⁸

In addition, evidence of the current structure's failure can be found in the rate at which adult inmates re-offend after being released from prison. Forty-three percent are likely to be back in prison within one year of their release and more than 60 percent will be back within three years.⁹ This is 3 in every 5 prisoners and speaks to a failure of the system to take responsibility and accountability for the rehabilitation of offenders and provide the training, counseling and support needed to prevent re-offending.

Inmate incidents have also been on the rise.¹⁰ In 1993 there were 6,200 incidents across the adult corrections system, a rate of 5.7 per 100 inmates. However in 2003 the number of incidents had almost doubled to 12,000 and inmates were 40 percent more likely to be involved an incident, with a rate of 8.0 per 100.¹¹ Again, this is indicative of a lack of accountability for safeguarding the prison population on the part of the corrections system.

The consequences of duplication and failure to leverage scale

California spends more than \$6 billion on correctional and rehabilitation services every year. The very size of the amount spent provides the state with an opportunity to leverage scale. Scale allows the state to negotiate better rates and contract terms in the procurement of goods and services. Scale also allows the state to reduce the cost of fixed assets by making a one time purchase and using the same good or service across the state, so sharing the costs widely and not paying for duplicative systems. Sharing common assets and improving procurement will both leverage scale and reduce costs, creating a more productive state government.

Information Technology: Currently, each correctional institution has its own information technology team. There is little consultation or coordination between different institutions on IT initiatives and systems are either not jointly developed or built to sufficient scale to be used by the entire system. For example, within the Department of Corrections there are more than 100 employees assigned to the Department's 32 institutions. However, they each report to their respective correctional institutions, not the Department's Information Systems Division. This impedes the sharing of best practices and development of new, cost-saving initiatives across the Department and makes the entire system vulnerable to security breaches.¹²

Consolidating and centralizing all information technology investments within one organization would ensure a consistent implementation of information technology policies and procedures. It would also allow for the prioritization of information technology needs and expenditures as well as the development of agency-wide solutions.

Health Services: The Department of Corrections and the California Youth Authority each maintain their own organizations for providing health services to inmates. These services include medical, dental, and mental health. The organizations are responsible for selecting services, managing contracts, and litigating disputes as to legally required care. Despite a two percent decrease in the prison population between 1999-2000 and 2002-2003, overall health care expenditures increased from \$566 million to \$879 million, and pharmaceutical expenditures increased by 111 percent.¹³ In 2002, California spent \$133 million on pharmaceuticals while Texas, which has roughly the same prison population, only spent \$36 million.¹⁴ The cost of health care in the U.S. is rising. However, the current fragmented organization does not allow the State of California to effectively leverage its scale and deliver the economies that its spending merits.

Centralizing health care administration for all correctional institutions would allow the Department to take advantage of its scale in purchasing. It would also allow the Department to attract top talent and to spread best practices across the correctional system.

Recruitment: The Department of Corrections and the California Youth Authority each maintain their own recruitment and training schemes. However, this fragmented approach is not proving to be effective. Indeed the California Youth Authority has assigned no staff and allocated no budget to recruitment for 2004-05.¹⁵ This is despite the fact that more than 37percent of current employees are currently eligible for retirement.¹⁶ The Department of Corrections fares little better. It has actually allocated \$4.2 million for recruitment.¹⁷ However,

it is still operating with a vacancy rate of nine percent and more than 26 percent of employees are currently eligible to retire.¹⁸

The proposed reorganization will create a central personnel and training office that will work to share best practices in attracting qualified new employees. Budgets and recruitment staff will be combined to deliver one clear image of opportunities to potential hires and bring recruitment expertise together in one place. The flatter overall organizational structure will also reduce the high demand for managers.

The reorganization will also eliminate the Commission on Correctional Peace Officers Standards and Training (CPOST), which has been an obstacle to effective training. CPOST was set up to ensure uniformity by approving training materials. In practice CPOST has often delayed needed training, rejecting training materials without clear guidance as to what changes are necessary. The Corrections Independent Review Panel observed, CPOST is "bureaucratic in its operations, and has become a hindrance to the training of state correctional peace officers."¹⁹

The reorganization will consolidate the different training academies used by the different departments into a single academy, reducing duplication and leveraging scale and creating a common body of knowledge for all officers. The standard setting functions of CPOST will be moved to the new Corrections Standards Authority.

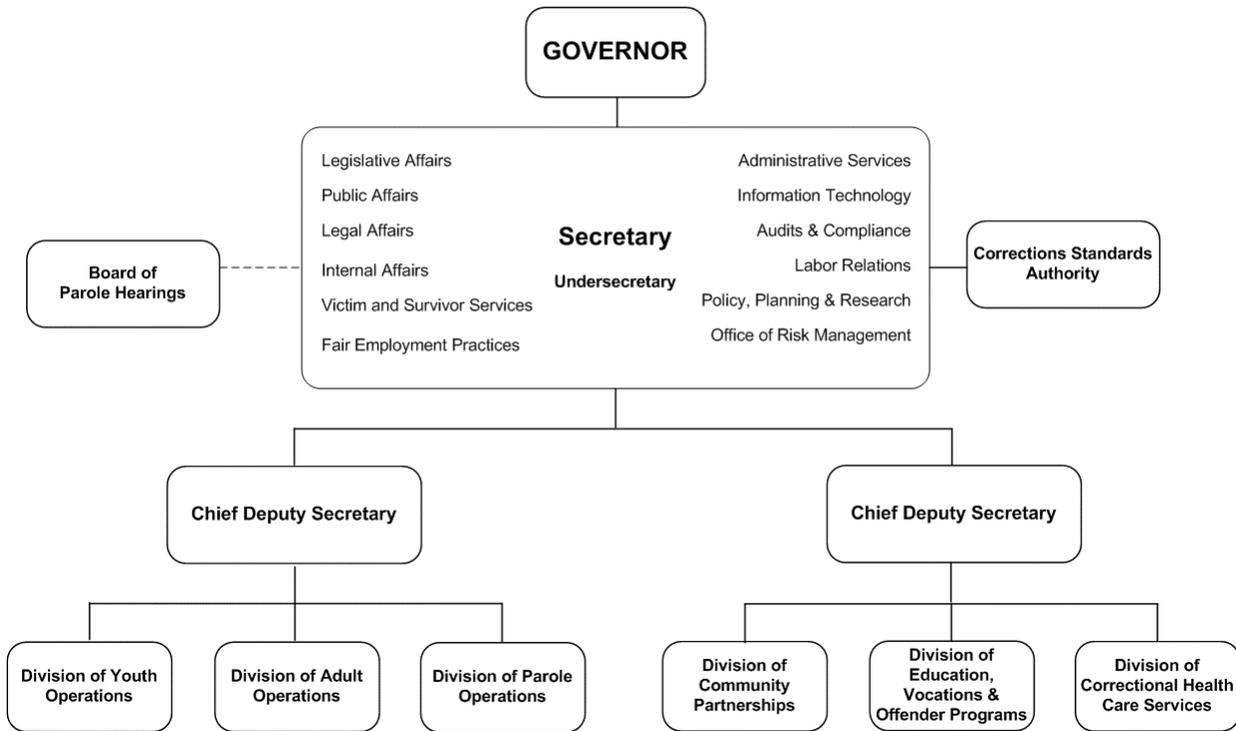
The proposed reorganization is a vital first step. But it will not in itself accomplish an improvement in performance. Changing the organization will not in itself change the way it operates. What it will do is set the basis for reform. From here the new Department will be able to move to deliver changes in processes, policy, technology, capabilities, accountabilities and culture that will improve overall performance. This is a long journey. It will require significant investment of time and resources to secure the full performance improvements. However, the potential prize is significant: improved services to make life safer for the people of California and at a reduced cost.

IV. THE NEW ORGANIZATION

As a result of the reorganization, the Youth and Adult Correctional Agency will become the new Department of Corrections and Rehabilitation. The new department will have a flatter organizational structure and a clearly defined command structure to ensure that the top layer of management has a direct reporting relationship with every aspect of the organization's performance. This change is essential to integrate productivity improvements and best practices into line operations. Consolidation and centralization at the level of the Secretary will leverage scale, reduce duplication and ultimately reduce the cost of operations.

The proposed organizational structure of the new Department is depicted in the following organization chart::

Department of Corrections and Rehabilitation



The Office of the Secretary

Management Goal:

The Secretary will report directly to the Governor and serve as the primary point of accountability for the management of all correctional and rehabilitation programs. The Office of the Secretary will consolidate functions that cut across program areas to create a unified, enterprise-wide approach to policy and operations.

Functions:

The Secretary will fulfill all current Agency Secretary roles. In addition, the Secretary will advise and assist in the implementation of major policy and program matters and be the principal communication link between the Governor and the constituent units of the Department.

The Secretary is a cabinet-level position, appointed by the Governor and confirmed by the Senate.

Crosscutting and coordinating responsibilities will be consolidated in the Office of the Secretary.

These include:

1. Office of Legislation

The Office of Legislative Affairs will respond to information requests from the Legislature, analyze federal and state legislation affecting the Department, coordinate the development of Department-sponsored legislation and monitor legislatively mandated reports required of the Department.

2. Office of Public Affairs

The Office of Public Affairs will act as the Department's liaison to employees, the news media, community groups and other organizations.

3. Office of Legal Affairs

The Office of Legal Affairs will coordinate the Department's legal activities, provide the Secretary with legal counsel and review policy drafts.

4. Office of Internal Affairs

Investigations into allegations of serious misconduct by Department staff will be conducted by the Office of Internal Affairs to ensure uniformity and fairness in the investigative and discipline process. This Office will coordinate with the Office of Legal Affairs' attorneys who will serve as legal advocates on behalf of the Department in employee disciplinary matters. In addition, under the direction of the Office of Internal Affairs, an investigative team will be assigned to each of the regions in youth and adult operations to investigate serious use-of-force incidents or other serious allegations of staff misconduct at youth facilities and adult prisons.

5. Office of Victim and Survivor Services

The Office of Victim and Survivor Services will be responsible for all victim-related services previously provided by Departments and Boards under the Youth and Adult Correctional Agency. These responsibilities include, but are not limited to: training on victims' rights and issues, coordinating notification to victims of the release, death, or escape of an inmate or ward, notification to victims of parole consideration hearings and collection of restitution fines from inmates and for forwarding the funds to the Victim Compensation and Government Claims Board.

6. Office of Fair Employment Practices

The Office of Fair Employment Practices will be responsible for developing and implementing Department policy and strategies to prevent discrimination and retaliation in the workplace. The Office will also respond to complaints of discrimination and work cooperatively with the Equal Employment Opportunity Commission and the Department of Fair Employment and Housing.

7. Office of Administrative Services

The Office of Administrative Services will manage typical administrative functions, including human resources and training; financial management; business services; information technology; and physical plant construction and maintenance. Specifically:

The Human Resources Section will be responsible for staff selection and personnel management. Its high placement in the organizational structure underscores the vital importance of these functions to department goals. The Section will be responsible for recruitment, health and safety awareness programs, pre-employment screening examinations, background checks and other related duties. It will also develop and coordinate training throughout the Department, including core academies and in-service training. It will also provide management with succession planning to provide a path for employee career advancement.

The Financial and Physical Resources Section will be responsible for the financial accountability of departmental operations and for ensuring fiscal responsibility. As such, it will have responsibility for contract processing and procurement; budget and accounting management; and facility planning. It will use existing financial management systems and will develop additional systems as necessary to direct the development of the budget and monitor its compliance.

8. Office of Information Technology

The Office of Information Technology will centralize information technology policies and operations and bring about consistency and modernization in the Department's information technology capabilities. It will coordinate the Department's information technology functions, including customer support, project management and the development and maintenance of computer applications.

9. Office of Audits and Compliance

The Office of Audits and Compliance will be responsible for conducting internal audits at the direction of the Secretary to ensure that legal, administrative and operational policies and directives are properly implemented. The Office of Audits and Compliance will provide the Secretary with the ability to closely monitor the management and financial activities of the Department and provide the information needed to implement necessary corrective action.

10. Office of Labor Relations

This Office will act as the Department's representative on matters involving management authority and practices and on employee grievances related to union contracts. This includes responsibility of all labor relation matters delegated by the Department of Personnel Administration.

11. Office of Policy, Planning and Research

Filling a critical gap in the existing correctional system, the Office of Policy, Planning and Research will provide management with the research, data analysis, evaluation, and assessment necessary for effective planning and decision making. The Office will

also develop policy for the Department and provide Department management with the ability to respond to changing conditions. This office is placed high in the organizational structure to emphasize the importance of this vital resource.

12. Office of Risk Management:

The Office of Risk Management adds a much-needed function to the correctional system by identifying practices, policies, and conditions that represent potential legal or fiscal risks to the Department. The Office will carry out this function in part by reviewing and analyzing performance reports from each region and making recommendations to alleviate risk. The Office will also identify trends in inmate/ward/parolee appeals and grievances to identify issues and patterns to be addressed. In addition, the Office will include a policy compliance unit to ensure that policies are followed.

The Corrections Standards Authority will report directly to the Secretary. The Divisions of Adult Operations, Youth Operations, and Parole Operations will report directly to the Secretary through a Chief Deputy Secretary. The following three additional divisions will report to the Secretary through a second Chief Deputy Secretary: Division of Community Partnerships; Division of Education, Vocations and Offender Programs; and the Division of Correctional Health Care Services. The Office of the Secretary will also provide administrative support to the independent Board of Parole Hearings, and ensure that it coordinates effectively with the Divisions of Adult Operations, Youth Operations and Parole Operations.

Board of Parole Hearings

Management Goal and Responsibilities:

The management goal of the Board of Parole Hearings is to promote public safety through parole processes and decisions that are fair. The reorganization will allow the Department to more closely link parole decisions with its rehabilitation programs. The Board will also promote efficiency and consistency in parole decisions by consolidating all parole decisions within the new Board. The Board of Prison Terms, Narcotic Addict Evaluation Authority and Youth Authority Board will be eliminated and their existing procedures and functions will be transferred to the Board of Parole Hearings.

Transferred Functions:

The Board of Prison Terms now functions as California's adult parole decision-making authority, which includes parole consideration hearings for all inmates sentenced to life terms with the possibility of parole. The Youth Authority Board is the decision-making authority for wards committed to the California Youth Authority. The Narcotic Addict Evaluation Authority evaluates whether certain drug offenders who were civilly committed to the Department of Corrections and are sufficiently recovered from addiction and are ready for release.

Under the proposed reorganization, these entities will be eliminated; however, their functions and procedures will be maintained and transferred to the new Board of Parole Hearings. The Board will be composed of 17 members appointed to staggered three-year terms by the

Governor and confirmed by the Senate. The Executive Officer of the Board will be appointed by, and serve at the pleasure of, the Governor. The Board will conduct parole hearings, review related matters pertaining to inmates and wards, and will conduct studies to improve the parole system.

Corrections Standards Authority

The Corrections Standards Authority will assume the functions of the Board of Corrections and the Commission on Correctional Peace Officer Standards and Training (CPOST), both of which will be eliminated as a result of this reorganization plan.

The Board of Corrections works with officials in state and local corrections to coordinate efforts and to establish training standards for local correctional personnel. CPOST is responsible for developing, approving and monitoring selection and training standards for California's correctional peace officer apprentices, as well as the training standards for advanced rank-and-file and supervisory state correctional peace officers. The functions of CPOST to oversee peace officer apprenticeship programs and to encourage career-long education will also be transferred to the Corrections Standards Authority.

The following operational divisions will report to the Secretary through a Chief Deputy Secretary:

1. Division of Youth Operations

Management Goal and Responsibilities:

The goal of this Division will be to efficiently operate and manage youth facilities and to rehabilitate youthful offenders. The Division will be more effective at achieving these goals because it will allow the Secretary to implement reforms throughout youth facilities.

Transferred Functions:

The Division will provide for the secure custody of wards, while providing the environment for carrying out its statutory mission of providing training, treatment, and rehabilitative services designed to protect public safety by returning wards to society better equipped to lead law-abiding lives. These functions will be transferred from the California Youth Authority.

2. Division of Adult Operations

Management Goal and Responsibilities:

The management goal of this Division will be to effectively operate and manage adult correctional institutions to confine and rehabilitate offenders.

The Division will have overall responsibility for the line operations at each of the facilities that house inmates. It is important to note, however, that although prison wardens will continue to

serve at the institution level, the degree to which these institutional supervisors operate autonomously will change significantly. In the first place, the new Department installs a streamlined chain of command that flows directly to the Secretary. Secondly, many of the responsibilities for programs formerly delegated to wardens, such as health care, risk management, and personnel services, will no longer be handled at the institutional level. Health care, education, and vocational training will be provided by the Division of Services and Programs. These changes will allow the wardens to focus their efforts to inmate supervision. Because the wardens no longer have such broad program responsibility, their appointments will no longer be subject to Senate confirmation.

The Division will enhance the ability of the Department of Corrections and Rehabilitation to fulfill its institutional management responsibilities by placing all institutions under a common leadership. All correctional institutions will be under the ultimate authority of the Secretary. The Division will oversee all adult prison operations and hold line managers accountable for preparing inmates for eventual return to the community.

Transferred Functions:

The Division of Adult Operations will provide for the secure custody of inmates, while providing the environment for effective programming to improve success upon release on parole. These functions are now carried out within the Department of Corrections.

3. Division of Parole Operations

Management Goal and Responsibilities:

The Office of Parole Operations will supervise inmates and wards who are released on parole, and will help parolees successfully reintegrate into their communities. The economies of scale brought about by this consolidation of parole services will allow more effective focus on reentry programs for the youth and adult parolees, while recognizing the unique needs of each population.

Transferred Functions:

The parole functions of the Department of Corrections and the California Youth Authority will be transferred to this Division.

The following operational divisions will report to the Secretary through another Chief Deputy Secretary and relevant functions will be transferred from the Department of Corrections and the California Youth Authority:

1. Division of Health Care Services

Management Goal and Responsibilities:

The Division of Health Care Services will oversee the efficient delivery of quality health and mental health care throughout the Department. The chain of command for medical personnel will be through this division.

2. Division of Education, Vocations and Offender Programs

Management Goal and Responsibilities:

The education, vocational and offender programs branch will house programs designed to enable offenders to successfully reintegrate into the community. This includes academic education, vocational training, substance abuse and counseling programs. The Prison Industry Authority will also be part of this division, integrating the Authority more closely with the rest of offender programs.

The Prison Industry Authority Board will be retained, but its functions will be changed. It will continue to hold public forums to review whether proposed changes by the Authority, such as establishing, expanding, scaling back, or eliminating industrial, agricultural and service enterprises: (1) will provide diversified work activities and (2) will not displace private industry.²⁰

3. Division of Community Partnerships

Management Goal and Responsibilities:

The Division of Community Partnerships will establish, maintain and expand cooperative agreements with local law enforcement and community-based organizations and other entities that can aid in the rehabilitation and reintegration of inmates, wards and parolees.

V. CONCLUSION AND NEXT STEPS

The sheer size and complexity of the correctional system, the critical nature of its mission, and the severity of the current problems dictate the need for wholesale reform, and that reform should begin with the system's reorganization. While the restructuring alone will not produce the necessary reforms, it will serve as the foundation for cleaning up the prison system, reining in costs, curbing misconduct, holding correctional administrators accountable for the system's performance, and making communities safer by doing more to ensure that inmates and youth wards leave custody better prepared to function in society.

This proposed reorganization of the Youth and Adult Correctional Agency is a strong first step in making the state government more productive for the people of California. The reorganization will increase the responsibility and accountability of the current corrections

system and reduce the cost of operations by removing duplication and leveraging California's scale. Based on best practice experiences in other states, eliminating duplication and leveraging scale could amount to significant savings in operational costs.

A program team will be established as part of the California Performance Review. This program team will consist of a small number of highly talented individuals committed to facilitating the reorganization of California state government. The program team will be available to work with the new Department of Corrections and Rehabilitation to provide consultation and advice to the Department's implementation team. Updates to the People of California, the Governor, and the Legislature on the progress of the reorganization will be provided on an on-going basis. The program team will also compile best practices and lessons learned from this reorganization to be used by other departments as they engage in their own reorganizations and productivity improvement initiatives.

The Governor's Reorganization Plan includes a Youth and Adult Correctional Agency Strategic Plan. The strategic plan is available at <http://www.cpr.ca.gov/pdf/GRP2.pdf>.

NOTES FROM GOVERNOR'S REORGANIZATION PLAN, REFORMING CALIFORNIA'S YOUTH AND ADULT CORRECTIONAL AGENCY

1. Bureau of Justice Statistics, Prisoners under the jurisdiction of State authorities, December 2003.
2. CDC and CYA data, December 29, 2004, State of California.
3. *Reforming California's Youth and Adult Correctional System*, Independent Review Panel, 2004, available at <http://www.report.cpr.ca.gov/indrpt/corr/index.htm>.
4. YACA Personnel.
5. State Personnel Board as of 30 June 2004.
6. Ibid.
7. *Reforming California's Youth and Adult Correctional System*, Independent Review Panel, 2004, available at <http://www.report.cpr.ca.gov/indrpt/corr/index.htm>, p. 1.
8. California Office of the Inspector General, "Accountability Audit: Review of Audits of the California Youth Authority 2000-2003," January 2005, <http://www.oig.ca.gov/pdf/AccountabilityAudit-CYA.pdf>.
9. Department of Corrections, Policy and Evaluation Research, March 8, 2004.
10. Incidents include inmate-on-inmate assaults, inmate-on-staff assaults, controlled substance possession, weapons possession and attempted suicide.
11. Department of Corrections, Offender Information Services from Inmate Incidents 2003, October 2004.
12. Dan Marshall, Staff Information Systems Analyst, California Department of Corrections, San Quentin, California.
13. Office of the Inspector General, *Survey of Pharmaceutical Expenditures*, July 2003, p.3.
14. PowerPoint presentation provided by E. J. Pederson, President, University of Texas Medical Branch, Texas Department of Criminal Justice, *What is Correctional Managed Care?*, May 26, 2004.
15. CYA personnel department.
16. State Personnel Board as of 30 June 2004.
17. CDC personnel department.
18. State Personnel Board as of 30 June 2004.
19. *Reforming California's Youth and Adult Correctional System*, Independent Review Panel, 2004, available at <http://www.report.cpr.ca.gov/indrpt/corr/report/5.htm>.
20. See Penal Code § 2808.

Appendix B

Little Hoover Commission Public Hearing Witnesses

***Witnesses Appearing at Little Hoover Commission Public Hearing
on the Governor's Reorganization Plan, Reforming California's Youth and Adult
Correctional Agency
January 27, 2005***

The Honorable Lee Baca
Sheriff, County of Los Angeles

Craig Brown
Lobbyist, Robinson & Associates

Sue Burrell
Staff Attorney, Youth Law Center

The Honorable Michael S. Carona
Sheriff, Orange County

Matthew Cate
Inspector General
Office of the Inspector General

Cindy Fonseca
Prison Educator
California Department of Corrections
SEIU Local 1000

Joseph A. Gunn
Executive Director
Independent Review Panel

Roderick Q. Hickman
Agency Secretary
California Youth and Adult Correctional
Agency

The Honorable Curtis J. Hill
Sheriff-Coroner, San Benito County

Elaine M. Howle
California State Auditor
Bureau of State Audits

Soo Kang
Executive Director
Orange County Youth & Family Services

The Honorable Tim Leslie
Member of the California State Assembly

Nancy Lyerla, RN
California Department of Youth Authority
SEIU Local 1000

Linda Mitcham
Victim/Witness Program Manager
Placer County District Attorney's Office

Calvin Remington
Chief Probation Officer
Ventura County

The Honorable Gloria Romero
Member of the California State Senate

The Honorable Jackie Speier
Member of the California State Senate

Don Specter, Director
Prison Law Office

David Steinhart, Director
Commonweal Juvenile Justice Program

***Witnesses Providing Public Comments at Little Hoover Commission
Public Hearing on the Governor's Reorganization Plan – January 27, 2005***

Glenn Backes
Director
Drug Policy Alliance

Cayenne Bird
Director
United for No Injustice, Oppression or
Neglect (UNION)

Beverly Bloom, Teacher

Sarah Chappell, MFT, Ph.D.

Rodney Brooks
Chief of Staff to Alameda County Supervisor
Keith Carson

Susan Burton
Executive Director
A New Way of Life

James Harris
Chair
Southwest Neighborhood Council

Everett Red Hodges
President
Violence Research Foundation

Donald A. Miller, M.D., J.D.
Miller Paralegal

Dorsey Nunn
Program Director, Legal Services for
Prisoners with Children and Co-Founder,
All of Us or None of Us

Sean South
Member
Coalition for Effective Public Safety

Pastor Bill Woodard
President & CEO
Unity in the Community

Bill Lane
Educational Consultant

Appendix C

List of Written Comments to Little Hoover Commission

Cindy Marie Absey Victim/Witness Director San Luis Obispo County District Attorney's Office	Bob Kenagy
Nancy Ayana	Joanne McCarthy
Karla Bean	Donald A. Miller, M.D., J.D. Miller Paralegal
Kathi Bevan	Gary P. Miller
David Bittner	Karen Morrissett
Linda Braun, Ph.D.	Paul Mullinger
Matson Breakey	Dorsey E. Nunn Program Director, Legal Service for Children
Jacqueline Catala	Caroline Nye
Doug Chiappetta, Lobbyist Union of American Physicians and Dentists	Brian Piper
Lucy Cole	Wayne Powers
Mitzi Copenhaver	Charles Rand
Lance Corcoran, Executive Vice President California Correctional Peace Officers Association	James C. Rego
Francis Courser	James Rowland, Former Director California Department of Correction and California Youth Authority
Thomas Current	Linda Sereda
Steve Daniel	Service Employees International Union, Local 1000
Eugenia Dillard	Sean South Coalition for Effective Public Safety
Judith M. Duckhorn	Lara Stemple, Executive Director Stop Prisoner Rape
Linda Evans, Organizer All of Us or None	Grover Trask District Attorney, County of Riverside
Lynn Harrill	Sterling Watkins
Don Harris	Keith Wattle, Staff Attorney Prison Law Office
Gretchen Heidemann, MSW A New Way of Life	Carl Watts
Everett Red Hodges, President Violence Research Foundation	Nicole Wheldon
Terri Kan	Connie Williams
Mike Kaplan Advisory Board Member Second Chance Program	George Williams
J. Clark Kelso California Chief Information Officer	Pastor Bill Woodard, President & CEO Unity in the Community
	Dr. Norman Zucker

Appendix D

Senator Charles S. Poochigian Concurrence

February 23, 2005

The Honorable Arnold Schwarzenegger
Governor of California

The Honorable Don Perata
President pro Tempore of the Senate
and members of the Senate

The Honorable Fabian Núñez
Speaker of the Assembly
and members of the Assembly

The Honorable Dick Ackerman
Senate Republican Leader

The Honorable Kevin McCarthy
Assembly Republican Leader

Dear Governor Schwarzenegger and members of the Legislature:

I join with my fellow Commission members in recommending that the Legislature permit the Governor's plan to reorganize the Youth and Adult Correctional Agency to go into effect.

The focus of the Governor's reorganization plan and the report of the Little Hoover Commission are changes proposed to address shortcomings within the existing correctional structure. It is implicit in this effort, and essential to me, that it be made express, that the primary function of corrections continues to be the protection of the public and that, in many cases, that function that can be achieved only through incarceration. I agree that the objectives of public protection through incarceration and treatment of offenders with rehabilitative capacity are compatible. However, caution must be exercised to ensure that public safety is not compromised in pursuit of fiscal efficiency.

A reading of the commission report reflects the fact that members recognize that the more perplexing problems facing corrections will be resistant to change. Given the complexity of the

reorganization plan itself and the wide range of strategic and philosophical implications for the future, the Commission's report can be characterized as a summary of the positive responses and concerns most consistently expressed by its members. The diversity of member perspectives makes unanimity on every issue within the plan almost impossible. Nonetheless, I concur that the structural reorganization proposal, while not perfect, is a major step forward for California's correction system.

I agree with particularity with the assessment that "reorganization is a crucial step in addressing the myriad of problems that plague the Department of Corrections, Youth Authority and the agency's other subordinate entities. While reorganization will not solve the problems in the Youth and Adult Correctional Agency, the internal structure of the agency has long been recognized as the source of many of the problems and a barrier to timely and effective solutions." Moreover, "the plan, while deficient in some areas, offers a vastly improved organization structure that could position the agency to effectively address these fundamental, persistent problems."

For the foregoing reasons the Governor's plan to reorganize the Youth and Adult Correctional Agency presents as opportunity that should be pursued. There is simply no evidence that systemic deficiencies within corrections will improve absent structural reform.

Sincerely,

Charles S. Poochigian

Appendix E

OFFICE OF SENATOR LIZ FIGUEROA

February 23, 2005

Michael Alpert, Chair
Little Hoover Commission
925 L Street, Suite 805
Sacramento, CA 95814

Dear Chairman Alpert,

I am writing to clarify my position for the record regarding the report and recommendations of the Little Hoover Commission on the Governor's Reorganization Proposal #2 – Reforming California's Youth and Adult Correctional Agency.

GRP #2 promises a great improvement over the current structure, and I congratulate the Governor for his leadership on this important issue. However, I remain deeply concerned with two aspects of the plan and those concerns prompted me to refrain from joining my fellow commissioners in recommending that the Legislature adopt it as it is.

First, I worry that by replacing the California Youth Authority with a "Division of Youth Operations" in a new Department of Corrections and Rehabilitation, the different needs and objectives of juvenile justice will be overwhelmed by the much larger adult correctional system. Second, under the plain text of this plan, wardens might still wield enormous discretionary power over inmates. I am not prepared to endorse eliminating Senate confirmation of wardens until I know with far more specificity than has been provided to me at this time what discretionary powers wardens will or will not have under the GRP. Additionally, there are legal questions about whether eliminating Senate confirmation of wardens may legally be accomplished through a reorganization process. I fear that this one issue could cause a delay in implementing the rest of the proposal, if this issue is litigated.

The nature of the reorganization process means that I cannot ask for amendments. I feel I must vote on the basis of what is before me, no more or less. My experience with term limits has taught me to be wary when someone asks for my vote now on the promise of a future fix. Institutional memory in Sacramento is now almost a contradiction in terms.

Likewise, the Consent Decree currently in force will not always be in force, and Secretary Hickman will not always be the Secretary. Yet, the structure in GRP#2 will endure beyond both of them. For this reason too I do not feel I can vote to recommend this GRP to my colleagues in the Legislature on the bases of current but temporary court intervention or promises of future refinements or clarifications as yet unseen.

Rather than recommend that the Legislature vote for a plan that I believe has identified flaws, I would have preferred that the Governor withdraw this proposal, and quickly submit a new proposal that retains an independent juvenile corrections department separate from adult corrections, and that retains Senate confirmation of wardens. Given that no new analysis would be necessary, this proposal could have been rapidly considered and approved by the Commission, without substantive qualification. It would have received my vote.

I was pleased that the report and recommendation was amended to incorporate a review of the reorganization after a year's time, with special emphasis on youth corrections. I believe, however, that this future review is an acknowledgement that there is discomfort about the plan as it is now, where its treatment of children is concerned.

I chose not to oppose the recommendation. I abstained with the hope that the Governor will work with the Legislature in crafting a bill that addresses and fixes the problems I and the Commission have identified. At the end of the day, what matters is not whether our corrections system is reformed through a bill or through a reorganization process. What matters is that the reform be the right reform, for our State and for our children.

Sincerely,

Liz Figueroa
Senator, 10th District

Notes

1. On January 6, 2005, Governor's Reorganization Plan #2, Reforming California's Youth and Adult Correctional Agency was submitted to the Commission as Governor's Reorganization Plan #2. Also on January 6, 2005, Governor's Reorganization Plan #1, Reforming California's Boards and Commissions was submitted to the Commission. On February 17, 2005, Governor's Reorganization Plan #1, Reforming California's Boards and Commissions was withdrawn. On February 22, the administration submitted the plan to reform corrections to the Legislature as Governor's Reorganization Plan #1, Reforming California's Youth and Adult Correctional Agency.
2. Governor Arnold Schwarzenegger. January 6, 2005. "Governor's Reorganization Plan, Reforming California's Youth and Adult Correctional Agency." p. 1. Sacramento, CA.
3. Margaret Farrell, Plaintiff, v. Walter Allen III, Director, California Youth Authority, Defendant. No. RG 03079344. Consent Decree. Superior Court of California, County of Alameda.
4. California Department of Corrections. February 3, 2005. "Monthly Report of Population as of midnight January 31, 2005. Sacramento, CA. Also, Julio Calderon, Information Officer, California Youth Authority. February 8, 2005. Written communication.
5. Welfare and Institutions Code Section 1700.
6. Joan Petersilia, Ph.D., Professor, Criminology, Law and Society, School of Social Ecology, University of California, Irvine. January 14, 2005. Personal communication.
7. Sue Burrell, Staff Attorney, Youth Law Center. January 27, 2005. Written testimony to the Commission.
8. California Youth Authority. "Characteristics of the CYA Population 2002." Sacramento, CA.
9. Roderick Q. Hickman, Secretary, California Youth and Adult Correctional Agency. January 7, 2005. Press briefing conference call.
10. Donald Specter, Director, Prison Law Office. January 27, 2005. Written testimony to the Commission.
11. Roderick Q. Hickman, Secretary, California Youth and Adult Correctional Agency. January 27, 2005. Testimony to the Commission.
12. Little Hoover Commission. November 2003. "Back to the Community: Safe & Sound Parole Policies." Sacramento, CA. Citing Michael P. Jacobson, Ph.D., Professor, John Jay College of Criminal Justice, New York. January 23, 2003. Testimony to the Commission.
13. Little Hoover Commission. November 2003. "Back to the Community: Safe & Sound Parole Policies." Sacramento, CA. Citing Christy Quinlan, Chief Information Officer and Wendy Still, Chief Financial Officer, Department of Corrections. August 6, 2003. Written testimony to the California Assembly Select Committee on Prison Construction and Operations.

