

LITTLE HOOVER COMMISSION:
CALIFORNIA CORRECTIONS REORGANIZATION (1/27/05)

TESTIMONY OF DAVID STEINHART

“CORRECTIONS REORGANIZATION IN CALIFORNIA: WHAT BENEFITS CAN WE
EXPECT FOR YOUTH CORRECTIONS AND JUVENILE JUSTICE?”

I am David Steinhart and I am presently the Director of the Juvenile Justice Program at Commonweal—a Marin County-based nonprofit organization with programs in the areas of adolescent youth, health and the environment. We have worked closely with this Commission over many years on numerous projects related to youth crime and justice in California—and we have applauded your past efforts, particularly your very good 1994 report on the Juvenile Justice system, “Making Prevention a Priority.”

My expertise, and my comments today, are focused on the youth side, or the Youth Authority side, of the proposed Corrections Reorganization Plan. This is not our first engagement on the plan. We have met on more than one occasion with the staff for the Independent Review Panel; discussed their youth-related proposals in the Governor’s Juvenile Justice Working Group; and testified on the plan in the Senate Corrections Committee.

What will this Reorganization do to improve programs, services and outcomes for juvenile offenders in California?

Let me lay out, from the beginning, my central worry about this Reorganization Plan, from a juvenile justice perspective. And that is: that the Plan does little to help, and may actually harm the distinct mission of youth corrections in California-- which is to rehabilitate juvenile offenders within a context of community protection.

This is not to say that the Reorganization Plan lacks merit as a set of remedies for CDC and adult corrections. It does have merit in that regard. But we are troubled by the manner in which the youth correctional system has been dragged and dropped into a Reorganization Plan that, for the most part, addresses dysfunctions in the adult system.

First of all, this global reorganization does not, in and of itself, promote the reforms we need in California to ensure that CYA wards will be housed in better facilities, suffer lower rates of violence and abuse, get better education and programs, and receive better parole services than they do now. In that respect, we need fundamental changes in youth programs, institutions and parole-- not a reorganization plan. In fact, this plan could actually

impede progress toward the youth corrections reforms so critically needed in California, for a couple of reasons. First, the up front cost and personnel time needed to implement the Reorganization Plan could simply become all-consuming, derailing current efforts to design and to fund vitally needed institution, program and parole reforms at CYA.

Furthermore, if this Reorganization Plan is adopted, we suspect there will be other roadblocks, due to the proliferation of shops within the new Department of Corrections and Rehabilitation, each handling a distinct area of corrections business (such as health care or risk management) for both youth and adult populations. The basic problem is that the youth corrections piece represents only a fractional share of the dollars and activity within each shop. For example, within the Office of Legal Affairs or the Office of Labor Relations, what will be the culture of management (between juvenile and adult caseloads), and what level of resources can we expect to see deployed to the youth correctional side? In short, when you merge a \$400 million dollar little guy into a \$6.5 billion dollar giant, you run the risk that the little guy will get the short end of the stick: fewer specialized personnel, fewer dollars, less attention, less action.

We know that this Reorganization is advertised as “not really a merger of CYA and CDC”—but rather as a consolidation of redundant operations. We appreciate that the Reorganization has legitimate objectives—among them, replacing correctional fiefdoms with lines of accountability, achieving economies of scale in administration and purchasing, and elimination of duplicate jobs. But I am not at all sure that this plan—to the extent it does collapse youth and adult operations—will ever produce better results for youth corrections, or for children and youth in California, or for citizens concerned about their safety.

Should youth corrections functions be consolidated into a department or division of juvenile justice?

In fact, as I look through the lens of what we should do to rebuild our crisis-ridden youth correctional system in California, I would not choose this approach. I would not divide and subdivide the functions of the Youth Authority and spread them into offices where the dominant concern was, in each case, adult corrections.

I would go the other way—to a consolidated model in which Youth Authority becomes part of a larger Division or Department of Juvenile Justice—a division or department that was exclusively dedicated to the principles of treatment, rehabilitation and safety that characterize our juvenile justice system. Such a division or department could also

address, in a comprehensive manner, critical state-local issues related to juvenile justice jurisdiction, caseloads, facilities and costs.

This is not a new idea. Little Hoover Commission recommended the creation of a state juvenile justice super agency in its 1994 report. Shortly thereafter, in 1996, the state Task Force on Juvenile Crime made a similar recommendation, and subsequently Senator Adam Schiff carried unsuccessful legislation to create such a Department. Neither of these recommendations proposed putting the Youth Authority within the Department of Juvenile Justice, but they recognized the need, in California, for coordinated, state-level management of policy, programs and supervision of juvenile offenders, including the critical component of crime prevention programming.

My recommendation for reorganization of youth corrections would be to establish a comprehensive youth division, or a division of Juvenile Justice, within YACA (or within the proposed Department of Corrections and Rehabilitation). I would not scatter the youth mission and state youth personnel through so many boxes-- parole, health care, institutions, risk management, training—as you have here, with the perplexing feature that each box, except institutions, has adult corrections as its main agenda. The consolidated youth division would include institutions, and it would address treatment and programs, ward parole, state-local revenue streams and responsibilities, juvenile justice training and technical assistance, local facility inspections and related juvenile justice functions.

This model would more closely resemble the consolidated juvenile justice models we find in other large states. For example: if you want to understand the juvenile justice system, from top to bottom, in Texas or Florida, you can go to the websites of the Texas Youth Commission or the Florida Department of Juvenile Justice for a comprehensive view. Where would you go find a comprehensive vision, program statement, and state-local plan in California, under this Reorganization proposal? To the website for the institutions? or to the Community Partnership site over on the other side of the Reorganization Chart? Or to the Corrections Standards Authority, or to the Office of Policy, Planning and Research? I am already confused.

We have witnessed the well-documented decline of youth corrections in California. Commonweal predicted as much in four investigative reports on CYA that we published beginning in 1982. Now, more than twenty years later, the Inspector General and the Prison Law Office continue to reaffirm this sorry state of affairs in their audits, expert reports and

settlement documents. If I now wanted to assure mission, program and success for our youth corrections system, I would assemble the best minds, the best programs and the best strategies under one roof-- not in multiple units, each dominated by the business of adult corrections. Even if you unfold the banner of "rehabilitation" over the adult prison system, and over each new box on the new reorganization chart, fundamental differences between the youth and adult systems will call for different perspectives, strategies and skills, well into the foreseeable future.

Can the current reorganization plan be improved, from a youth corrections perspective?

Now, let's assume that you are not inclined to go in this direction—toward a counter-proposal that puts youth corrections and state-local juvenile justice operations into one consolidated division. What could be done to improve the existing proposal?

- *Positive features.* First of all, let's say something positive about the Reorganization Plan: many of the youth corrections glitches that were in the Deukmejian report, and in the attached statutory change proposal sent to the Governor last year, have been fixed. Someone has done a pretty good job of redrafting the Penal Code and the Welfare and Institutions Code, so that important elements of current law are retained. The former plan, perhaps inadvertently, omitted the code qualifications of the new Youth Division Director—now those (at WIC Sec. 1713) have been restored (with the existing-law quirk that the Director is not required to have experience in juvenile or youth corrections). The important provisions of SB 459—Senator John Burton's key 2003 legislation adjusting the functions of Youth Authority, Youth Authority Board and local courts-- now appear to have been properly incorporated into the proposed Reorganization Statutory Revision. Senate confirmation—a critical component—is restored to the current proposal for hearing officers and for the director of the Youth Division.

A few problem areas

With the limited time available, I would like to suggest a couple of areas that need work or remain troubling.

- *Splitting institutions from programs in the new Reorg Chart.* There is a needless fracturing, in the new organization chart, of youth custody and youth program operations. The new chart adds a second Deputy Secretary, essentially for programs, overseeing three new divisions: Community Partnerships, Education/Vocation programs, and Correctional

Health Care. This underscores our fear that, in the new scheme, youth programs are separated from youth institutions. We would much rather see the institutions—so desperately in need of programmatic reform—housed in the same place as programs and community partnerships affecting juvenile caseloads.

- *Confusion as to how the plan will address state-local caseload issues.* We will only stumble into the future unless we can inject some structural stability into the state-local juvenile justice relationship. That means more direct control by local courts over wards who go to, and who come back from, the Youth Authority. That means a stable funding stream and fiscal relationship between state youth corrections and local probation departments and courts. That means a reliable mechanism for inspecting local juvenile facilities and assuring their quality and safety. That means providing diverse local jurisdictions with in California with juvenile justice best-practice models and information. In real-world terms today, the Board of Corrections does most of this work—administering state funds for local juvenile justice programs, inspecting local facilities, and generating information on accepted practices and standards. But the Board of Corrections is terminated by this proposal, and is replaced by the Corrections Standards Authority. Descriptions of the state-local or community-corrections role of the Corrections Standards Authority have shifted with each draft of the Corrections Reorganization Plan. Now, there is a new box on the new chart, for a Community Partnership division—but we have precious little information on what this division will do. Once again, we believe that a consolidated juvenile justice agency could address these state-local issues more sensibly and comprehensively than the present Plan.
- *Parole reform.* The new structure consolidates youth and adult parole hearing operations in to a single Board of Parole Hearings. SB 459 (Burton bill) qualifications for youth hearing officers are retained, and that is good. But I must say that this reorganization proposal is no substitute for the major reforms we need in this area. We look ahead to a future in which counties and courts have greater control over juvenile sentencing, parole and aftercare. Under the current system, too many wards still have time added to sentence because programs are not available within CYA or for disciplinary infractions. We need to shift the current balance of institution and community time for Youth Authority wards— more limited stays in the institutions, and more aggressive supervision

and service upon release. This goal is consistent with previous Little Hoover recommendations on juvenile justice and parole reform. We all have the same ultimate objectives here: better outcomes for youth, and more public protection as measured by behavior on release. The reorganization plan does nothing to promote these outcomes.

Conclusion

We retain grave doubts about the value of this Reorganization Plan for youth corrections and juvenile justice in California. There is a palpable risk that the Plan itself, if implemented, will consume energy and resources we need for more fundamental reforms of the California juvenile justice system. This Plan does not deal with the fact that we are spending eighty or ninety thousand state dollars per ward per year, for a youth correctional system that (according to the Inspector General) is still locking wards down 23 hours a day with a 75 percent rate of re-arrest within three years of release. This plan does not reconfigure our state youth institutions—with smaller-scale facilities and better programs. This plan does not improve the supervision or services we offer to 19 and 20 year olds who go back home, with no home, no job and no real guidance.

In reorganization terms, we need a government structure that fortifies and promotes the recovery of youth corrections in California. The present Plan offers a structure that blurs and blends youth operations with much more dominating adult corrections problems, box by organizational box.

I am not even sure this plan—with so many new boxes—will save money in the long run. From the perspective of what we should be doing to reinvigorate our discredited youth corrections system, this plan is truly a roll of the dice. At best, it will do little harm—but it also presents some risk of interfering with our efforts at core reform. If it is adopted, speaking as a juvenile justice advocate, we will live with it, and work with it, and hope that it does not get in the way.