

California Department of Corrections and
Rehabilitation

Office of the Ombudsman



Senate Bill 518 Report
2013

Executive Summary

Senate Bill 518 was signed into law by Governor Arnold Schwarzenegger on October 13, 2007. This bill created the Youth Bill of Rights and mandated the Office of the Ombudsman and the Division of Juvenile Justice (DJJ) to implement several services related to the Youth Bill of Rights. It required the Office to install a toll-free-number through which youth in DJJ Facilities could contact the Office directly. The Office was required to consult with various stakeholders, including youth advocates and support groups, to develop standardized information explaining the Youth Bill of Rights, and to disseminate this information to all facilities. The Office was required to post this standardized information, including the toll-free-telephone number, in all DJJ facilities by July 1, 2008.

The Office of the Ombudsman's DJJ Hotline was implemented on July 1, 2008. Upon implementation, the Youth Bill of Rights posters were placed in all DJJ Facility living units, visiting halls, school areas, libraries, administration buildings, and other areas deemed appropriate. To date, the DJJ Ombudsman continues to monitor and ensure the distribution and placement of posters and track all calls received on the hotline.

Senate Bill 518 also required that the Office of the Ombudsman compile and make available to the legislature, and to the public, all data collected over the course of the year, including but not limited to, the number of inquiries to the toll free number, the nature of the inquiries, the actions taken to address the inquiries, and the number of inquiries not resolved. Pursuant to this requirement the following report is a compilation of the data captured for the year 2013. This report includes all inquiries made to the Office of the Ombudsman's DJJ Hotline.

This is the sixth report issued by the Office of the Ombudsman. It contains data for inquiries received via the DJJ Hotline from January 1, 2013 through December 31, 2013. However, it should be noted that, in 2013, the DJJ Hotline experienced an interruption in services. In the month of August, the Office of the Ombudsman had not received any DJJ Hotline calls. The Ombudsman made a routine visit to the DJJ Stockton Complex to check the phone line system and discovered that the toll free feature of the Hotline was not functioning. The Ombudsman made an urgent telephone call to the Enterprise Information Systems Communication (EIS) Unit who has responsibility of the Inmate Telephone System, advising them of the issue. EIS was diligent in getting the Hotline reactivated; however, unfortunately when the Hotline was reactivated, the toll free aspect of the Hotline was not enabled at the DJJ Stockton Complex. A review of the Ventura Hotline determined the Ventura Facility Hotline was working properly. Youth at the Stockton Complex were not able to call the Hotline using the payphones, as required by Senate Bill 518. The Ombudsman made contact with EIS staff a second time to apprise them that the Hotline toll free function was not working at the DJJ Stockton Complex. EIS was able to work with the contractor, Global Tel Link, to reactivate the toll free function of

the DJJ Hotline at the Stockton Complex. The Hotline was not fully operational at the Stockton Complex from August 2013 through November 2013. In the interim youth continued to access the Office of the Ombudsman by requesting that calls be connected through staff phones, or family members. DJJ Staff readily provided assistance and reached out to the Office of the Ombudsman.

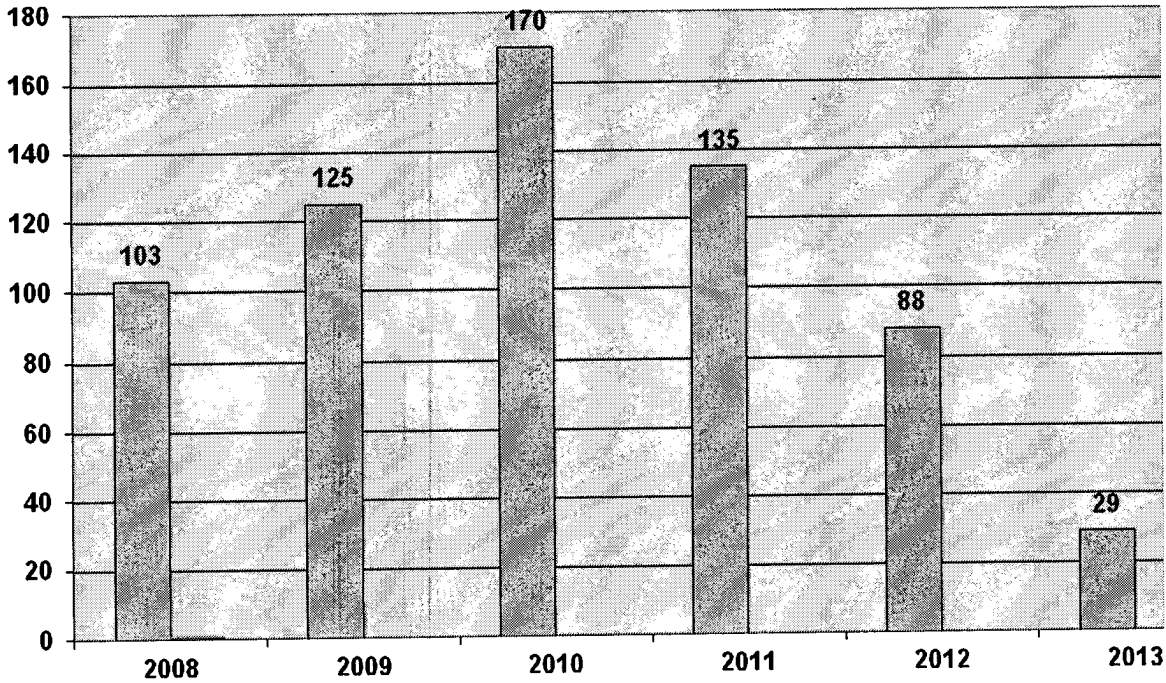


Table A. Hotline Inquiries received by the Office of the Ombudsman's DJJ Hotline, 2008-2013

From January 1, 2013 through December 31, 2013, the Office of the Ombudsman received a total of 29 inquiries; this is a decline from last year, when the Office received 88 calls.

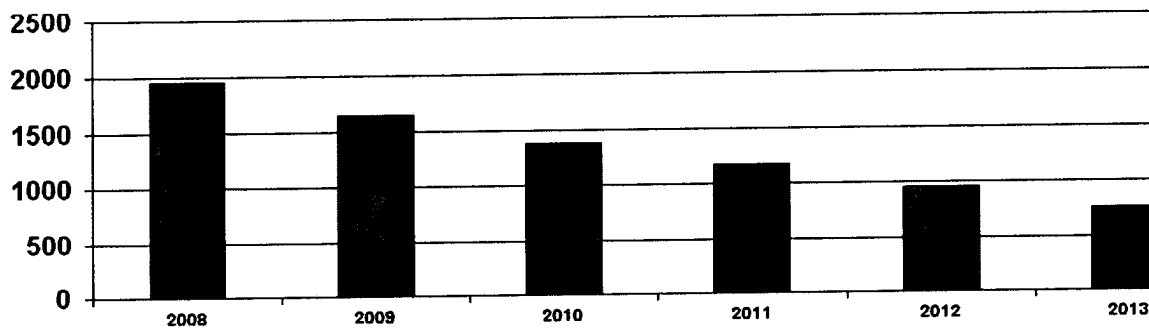


Table B. Average Daily Population for the Division of Juvenile Justice, 2008-2013

In calendar year 2013, DJJ continued to experience a significant population decline. Numerous legislative and regulatory changes have realigned the juvenile justice population to county

jurisdiction, including post-custody release supervision. Table B shows the steady decline in DJJ population from 2008 to 2013.

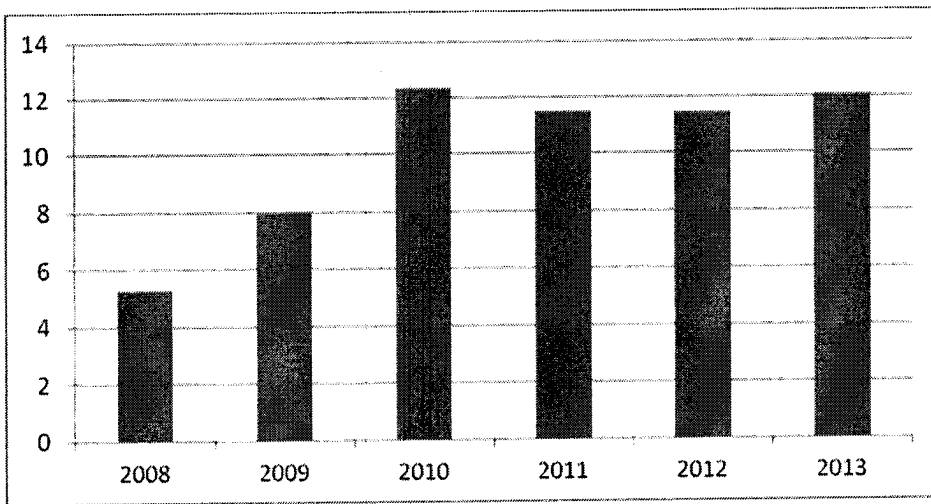


Table C. Cross-Year Comparison of Rate of Hotline Inquiries received per 100 youth, 2008-2013

Based on the population decline, a simple comparison of numbers of inquiries does not necessarily shed light on the youth’s use of the DJJ Hotline. However, a comparison of the rate of inquiries per 100 youth provides more insight into the youth’s access of Ombudsman services [see Table C]. In 2013, the youth accessed the Hotline at a rate of 12.09 calls per 100 youth. This is a slight increase rate from last year, when the Hotline received 11.43 calls per 100 youth.

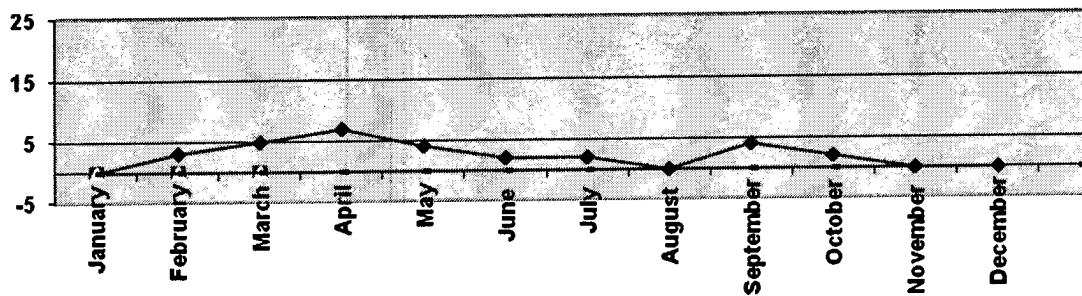


Table D. 2013 DJJ Hotline Inquiries per Month

The average number of inquiries received per month from the Office of the Ombudsman was 2.4. The highest number of inquiries was received in the month of April (7).

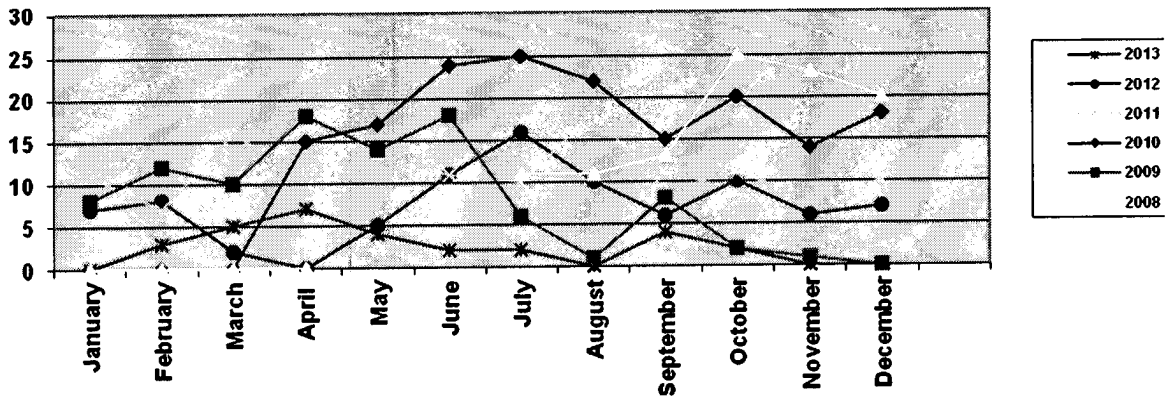


Table E. Comparison by Year of DJJ Hotline Inquiries per Month

A cross-year comparison of calls received per month demonstrates calls increased in the summer months in previous years.

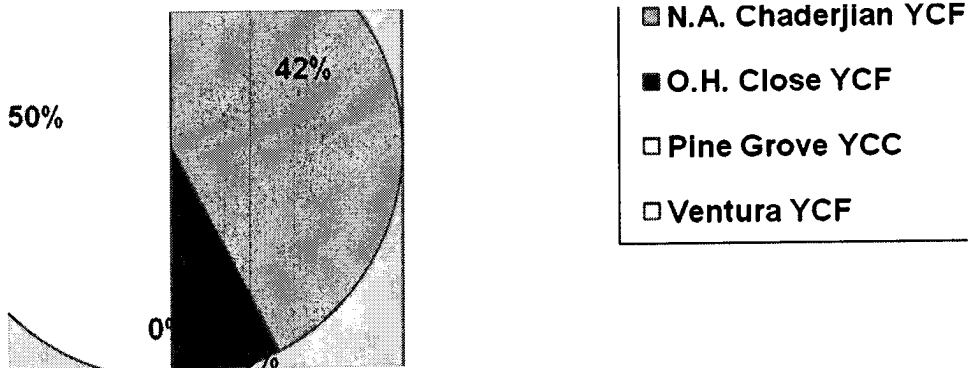


Table F. Percentage of DJJ Hotline Inquiries by Facility

The greatest number of total inquiries received were related to concerns at the Ventura Youth Correctional Facility (13 calls; 50% of total inquiries) and NA Chaderjian Youth Facility (11 calls; 42% of total inquiries). The least number of inquiries were received from O.H Close Youth Correctional Facility (2 calls; 8% of total inquiries). Zero (0) calls were received from the Pine Grove Youth Conservation Camp in 2013.

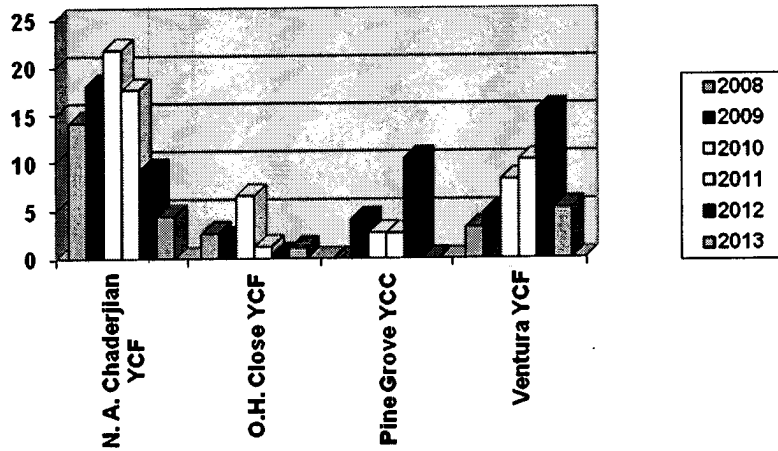


Table G. Cross-Year Comparison of Rate of Inquiries per 100 youth per facility.

Since 2011, the DJJ population began to decline, and because of the decrease in population the rate of inquiries per facility, not population, has decreased. During 2013, three of the Youth Facilities experienced a significant decrease of inquiries. N. A. Chaderjian had a decrease of inquiries by -4.77, Pine Grove Youth Correctional Facility by -10.45, and Ventura Youth Correctional Facility by -10.23. On the other hand, the rate of inquiries slightly increased by +.65 at the O.H. Close Youth Correctional Facility.

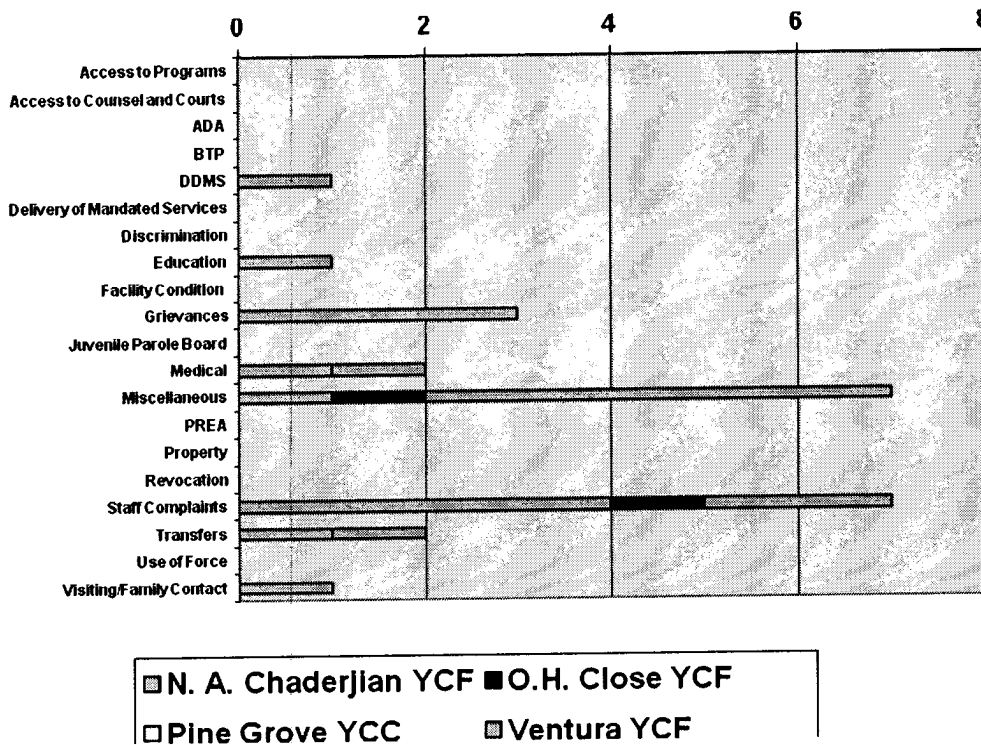


Table H. DJJ Hotline Inquiries by Issue Category and by Facility

The greatest number of inquiries were in the areas of Staff Complaints and Miscellaneous, which combined received fourteen (14) calls; seven (7) calls in each area. The Staff Misconduct Complaint System is similar to the Youth Grievance System in that the Youth can receive assistance from the Youth Grievance Clerk, Facility Youth Grievance Coordinator, and Staff Assistant with filing a complaint against a DJJ staff member. The complaint includes a written statement of allegations when the Youth perceives a staff member violated policy. Staff Complaints are taken very seriously and after a thorough review the Youth will receive a written response of the decision. The Miscellaneous Category include calls in which not enough information is provided by the youth regarding the nature of their concern, or items that do not fall under any other specific category in this report; such as calls received regarding meals, or extra privileges. Face to face interviews are completed with the youth to determine the issues and they are resolved.

In 2010, the Office created a new category to capture inquiries relating to the Behavior Treatment Program (BTP). BTP is a program designed to meet the mandates of *Farrell v. Cate* by providing “intensive treatment interventions for youth who demonstrate violent, disruptive aggressive behavior and who do not meet the criteria for intensive mental health treatment or a higher level of mental health care.”¹ One of the main functions of the DJJ Ombudsman is responding to concerns regarding the BTP at the DJJ Facilities. The Ventura Youth Correctional Facilities (VYCF) had two (2) BTP Living Units and each BTP Unit could house up to twenty-four (24) Youth for a total population of forty-eight (48) Youth living on the BTP. As of late (2013), one BTP Living Unit was converted into a High Core Living Unit, therefore decreasing the Youth population housed within the BTP. The reduction of the BTP population is a huge accomplishment as it equates to less Youth in need of the more intensive treatment because of their violent or aggressive behavior. The Youth who are housed on the High Core Unit are appropriately placed based upon their core treatment/rehabilitation program needs, consistent with the Youth’s custody classification. The High Core Unit also consists of Youth who have successfully transitioned from the BTP.

In January of 2012, the Office received calls from youth regarding conditions of confinement, as well as allegations of excessive use of force at the Ventura BTP. During this time, the BTP was placed on numerous modified programs due to a wave of assaults on staff. To respond to these calls, and at the request of the Undersecretary, DJJ Ombudsman Rosalez and Chief Ombudsman Malone visited the Ventura Youth Correctional Facility January 17-18, 2012, to interview the youth and provide feedback to the Superintendent of Ventura and to Director Mike Minor regarding the allegations.

At the request of the Undersecretary and Director, this visit was to become a regular occurrence. In February of 2012, the Division of Juvenile Justice submitted a Corrective Action Plan (CAP)

¹ Behavior Treatment Program Guide, submitted by the BTP Charter Workgroup, July 15, 2009.

to the *Farrell* court stipulating that “On a monthly basis, the CDCR Ombudsman will visit VYCF”. Pursuant to the CAP, the DJJ Ombudsman visited the BTP’s monthly, issuing regular reports to the Ventura Superintendent, Director Minor, and the Undersecretary. Initial reports documented various concerns received from the Youth regarding mandated services (school, recreation, counseling, food, and clothing) and included allegations regarding excessive use of force and group punishment. Every month the reports covered the concerns of the Youth and the steps staff were making towards improvement and resolution of the issues. The reports progressively improved each month. By July of 2012, the Ombudsman was able to document an informed and educated youth population on the verge of making the shift from an entrenched attitude regarding incarceration towards a collaborative, albeit guarded, step toward rehabilitation. During 2013, the Ombudsman continued to make regular visits to the BTP. The Ombudsman checked in with youth on the BTP and each trip the youth did not report any major complaints, and the incidents of staff assaults on the BTP had significantly decreased. Although the youth on the BTP continue to display aggressive behavior characteristic of the kind of offender housed within the BTP, the staff at Ventura must be commended for transforming the culture of this unit so profoundly. During 2013, the DJJ Hotline received no phone calls related to the BTP.

All inquiries received via the Youth Hotline were resolved. One (1) of the inquiries remained unresolved because the Youth did not provide sufficient information so the Youth could be identified.

The DJJ Ombudsman continues to visit all DJJ facilities. During these visits the Ombudsman monitors the placement of the Youth Bill of Rights Posters and educates and informs the youth, individually and in group settings, of the Youth Bill of Rights and their right to contact the Office of the Ombudsman.

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Appendix A Glossary of Terms

Definitions of Actions

Resolved—shall include any inquiry in which the Ombudsman has conducted a review of the inquiry, made any necessary recommendations, responded to the youth, and no further action is necessary.

Referral—shall include any referral that is made to an entity or agency outside of DJJ. This shall include internal CDCR matrix entities such as Office of Internal Affairs, and also includes external state or county agencies, such as Department of Mental Health or Public Defenders.

Unresolved—shall include any inquiry in which a youth's concern is following the administrative process, in which not information has been received to resolve the concern, or any inquiry in which a recommendation was made but not addressed at the facility level.

Definitions of Categories

Access to Programs—shall include any complaints about youth access to programs, including but not limited to: religious services, substance abuse treatment program, free venture, fire camp, etc. This category also includes complaints from youth who are not on alternate programs and are concerned about access to programs or inquiries regarding Program Service Day.

Access to Counsel and Courts—(previously categorized as Access to Legal Counsel and Court/Hearings & Representation) shall include inquiries regarding seeking legal advice, requesting new hearings of case and /or commitment to DJJ, complaints about attorneys such as public defenders or CalPAP.

ADA—shall include inquiries relating to meeting youth's needs as identified in the Ward with Disabilities Program, such as providing accommodations for vision, hearing, or learning disabilities.

Behavior Treatment Program (BTP)— (formerly categorized as Restrictive Program; the terminology was modified to be consistent with DJJ terminology) shall include all calls related to conditions of Alternative Programs, Temporary Detention (TD), TIP (Temporary Intervention Program), BTP (Behavior Treatment Program), Program Change Protocol Status (PCP).

DDMS—shall include any calls regarding the Disciplinary Decision Making System, including calls about appeals, behavior reports, and allegations of due process violations.

Delivery of Mandated Services—shall include basic necessities such as clothing, food, bedding, access to showers, etc.

Discrimination—shall include allegations that youth are being discriminated against based on race, gender, sexual orientation or religion. This category also includes allegations based on protected classes, such as youth with mental health diagnoses or ADA requirements.

Education—shall include any inquiries regarding education services.

Facility Condition—shall include any inquiries regarding the physical plant of the facilities, to include the structure, the plumbing, air conditioning, etc.

Grievances—shall include any inquiries where the specific complaint is that the youth is not receiving responses to his grievances, or feels that the responses are being appropriate. If the youth calls about a specific issue, and mentions that he has filed a grievance, the inquiry is categorized under the specific issue.

Juvenile Parole Board—shall include any hearings, actions, or decisions of the JPB, including Parole Consideration Hearings and all proceedings related to the LH lawsuit, such as Probable Cause Hearings or the setting of Revocation Release Dates, and hearings and actions relating to AB 1053 or AB 1628.

Medical—shall include any issues relating to access to medical care and/or receiving medical attention.

Miscellaneous—shall include calls in which not enough information is provided by the youth regarding the nature of their concern; calls where the issues that fall under multiple jurisdictions; or items that do not fall under any other specific category in this report.

PREA—Prison Rape Elimination Act shall include calls in which sexual misconduct is being reported.

Revocation—shall include any Ward returned to custody for a parole violation these calls include Wards who have concerns regarding their revocation release date or the revocation process.

Staff Complaint—shall include any complaint against staff that is not regarding discrimination (see Discrimination) or use of force (see Use of Force). This category shall also include allegations of abuse by staff that does not occur in documented situations where chemical or physical force was used.

Transfers—shall include any calls regarding inter- or intra-facility transfers to another facility, program, or living unit. This category shall also include calls regarding transfers to the Division of Adult Facilities.

Use of Force—shall include any allegation of excessive or unnecessary use of chemical or physical force that is reported to the Office of the Ombudsman. Please note that any allegation of excessive or unnecessary chemical or physical force made to the Office of the Ombudsman is reported immediately to the Superintendent or designee upon receipt of the allegation.

Visiting/Family Contact—shall include any phone call regarding contact with family via mail, telephone or through the Visiting Program.

Appendix A: All 2013 DJJ Hotline Inquiries

<i>Institution</i>	<i>Date Received</i>	<i>Issue</i>	<i>Contact Mode</i>
	9/18/2013	Grievance	Hotline
CHAD	2/14/2013	Staff Misconduct	Hotline
CHAD	2/22/2013	Grievance	Hotline
CHAD	3/22/2013	Grievance	Hotline
CHAD	3/22/2013	Staff Misconduct	Hotline
CHAD	4/16/2013	Misc.	Hotline
CHAD	4/29/2013	Medical	Hotline
CHAD	4/29/2013	Staff Misconduct	Hotline
CHAD	5/1/2013	Transfers	Hotline
CHAD	6/7/2013	Grievance	Hotline
CHAD	6/28/2013	Staff Misconduct	Hotline
CHAD	7/3/2013	Staff Misconduct	Hotline
CHAD	7/9/2013	Visiting/Family Contact	Hotline
CHAD	10/3/2013	Misc.	Hotline
OHCLOSE	3/8/2013	Misc.	Hotline
OHCLOSE	5/1/2013	Staff Misconduct	Hotline
VENTURA	3/22/2013	Grievance	Hotline
VENTURA	4/19/2013	Grievance	Hotline
VENTURA	2/19/2013	Misc.	Hotline
VENTURA	4/16/2013	Misc.	Hotline
VENTURA	4/16/2013	Restricted Program	Hotline
VENTURA	4/18/2013	DDMS	Hotline
VENTURA	5/22/2013	Medical	Hotline
VENTURA	5/22/2013	Misc.	Hotline
VENTURA	9/15/2013	Staff Misconduct	Hotline
VENTURA	9/19/2013	Staff Misconduct	Hotline
VENTURA	9/23/2013	Education	Hotline

VENTURA

3/20/2013

Transfers

Hotline

VENTURA

10/23/2013

DDMS

Hotline

Appendix B: DJJ Inquiries by Issue and Facility 2013

<i>Issue</i>	<i>Institution</i>	<i>Date Received</i>
DDMS	VENTURA	4/18/2013
	VENTURA	10/23/2013
Education	VENTURA	9/23/2013
Grievance	Unknown	9/18/2013
	CHAD	2/22/2013
	CHAD	3/22/2013
	CHAD	6/7/2013
	CHAD	3/22/2013
	VENTURA	4/19/2013
Medical	CHAD	4/29/2013
	VENTURA	5/22/2013
Misc.	CHAD	4/16/2013
	CHAD	10/3/2013
	OHCLOSE	3/8/2013
	VENTURA	2/19/2013
	VENTURA	4/16/2013
	VENTURA	5/22/2013
Restricted Program	VENTURA	4/16/2013
Staff Misconduct	CHAD	2/14/2013
	CHAD	3/22/2013
	CHAD	4/29/2013
	CHAD	6/28/2013
	CHAD	7/3/2013
	OHCLOSE	5/1/2013
	VENTURA	9/15/2013

	VENTURA	9/19/2013
Transfers	CHAD	5/1/2013
	VENTURA	3/20/2013
Visiting/Family Contact	CHAD	7/9/2013

Appendix C: DJJ Hotline Inquiries by Action, Facility and Issue 2013

<i>Action</i>	<i>Institution</i>	<i>Date Received</i>	<i>Issue</i>
		9/18/2013	Grievance
Resolved	CHAD	2/14/2013	Staff Misconduct
	VENTURA	2/19/2013	Misc.
	CHAD	2/22/2013	Grievance
	OHCLOSE	3/8/2013	Misc.
	VENTURA	3/20/2013	Transfers
	CHAD	3/22/2013	Grievance
	VENTURA	3/22/2013	Grievance
	CHAD	3/22/2013	Staff Misconduct
	CHAD	4/16/2013	Misc.
	VENTURA	4/19/2013	Grievance
	VENTURA	4/16/2013	Disciplinary
	VENTURA	4/16/2013	Misc.
	VENTURA	4/18/2013	Misc.
	CHAD	4/29/2013	Medical
	CHAD	4/29/2013	Staff Misconduct
	OHCLOSE	5/1/2013	Staff Misconduct
	CHAD	5/1/2013	Transfers
	VENTURA	5/22/2013	Misc.
	CHAD	6/7/2013	Grievance
	CHAD	6/28/2013	Staff Misconduct
	CHAD	7/3/2013	Staff Misconduct
	CHAD	7/9/2013	Visiting/Family Contact
	VENTURA	9/15/2013	Staff Misconduct

VENTURA	9/19/2013	Staff Misconduct
VENTURA	9/23/2013	Education
CHAD	10/3/2013	Misc.
VENTURA	10/23/2013	DDMS
VENTURA	5/22/2013	Medical