

Eighteenth Special Master Report (Filed July 5, 2011)

Area	Compliance*	Source	Page
VENTURA YOUTH CORRECTIONAL FACILITY (VYCF)			
Staffing Changes	-	"VYCF senior management openly discussed the challenges of integrating the very different philosophical approaches of the existing VYCF staff with the newly arrived HGSYCF staff. The VYCF staff was described as having a 'treatment' philosophy while the HGSYCF staff was described as being more 'punitive' in their approach... The lack of a unified approach to managing youth results in conflicting messages sent to youth."	5
Behavioral Treatment Program (BTP)/Out-of-Cell Time	Non	"...Program Service Day schedule for each BTP that ensures youth are engaged in 'out-of-room' activities for 40 to 70 percent of waking hours." "DJJ is clearly struggling in implementing the requirements outlined in the Safety and Welfare Remedial Plan ... DJJ fails to meet remedial plan as well as its own policy requirements in providing each youth [in BTP] a minimum of three hours out-of-cell time daily (These hours do not include required education, recreation and treatment activities)."	10
Out-of Cell Time	Non	"DJJ data systems clearly indicated problems with failure to meet mandated minimum services and violence rates that exceed other facilities...The lack of intervention [based on SM and Plaintiff inquiries from over a year ago] resulted in a failure to provide even the most basic elements of treatment in BTP and in the deprivation of the most basic rights of youth."	13-14
Special Education Students	Partial	"Failure to provide the required credentialed personnel to provide services to special education students [most notably at Joanna Boss, N.A. Chad, and Mary B. Perry high schools, and youth in restricted housing and high core units at VYCF] has resulted in an inability to achieve substantial compliance in these audit requirements."	15
Education Staff	-	"While the efforts of VYCF's school principle to find substitute teachers are commendable...with staff shortages resulting in constant staff turnover, there is little chance for youth to bond with educators or for educators to effectively be part of the interdisciplinary treatment team which is at the heart of the reform model."	16-17
Classroom Space	Partial	"Because these youth [in high core or BTP units] are restricted from attending classes in the school complex, the 'alternative' education services are provided on the unit....facility staff have been creative in their attempts to deliver educational services...using closets, showers, storage rooms, kitchen and dining spaces to deliver services."	17-18
Educational Services	Partial	"Educational staffing shortages combined with lack of classroom space and technology support have combined to create a situation where students with special needs are not receiving their full complement of educational services and those services received are sometimes substandard."	19
Provision of Medical Services	Partial	"...high levels of institutional violence at VYCF has resulted in the cancellation of medical appointments and the failure to reschedule youth for medical treatment for several months with multiple rescheduling of appointments."	19
USE OF FORCE**			
Rates of Violence/Fear Reduction	Partial & Substantial	17 th SMR (March 2011) – Section 3 of S&W remedial plan in 75% Substantial Compliance and 23% Partial Compliance. "While progress is being made in implementing the remedial plan's prescribed action steps, it is unclear whether sufficient progress has been made to reduce fear and violence to levels that support rehabilitative efforts." The decline in level of violence "is not a significant decline for such a period of time [Jan 08-June 10] and especially in light of the small unit size."	21
Policy and Procedures	-	"It is encouraging to note that the reports contain no disclosure of instances of misconduct or intentional abuse of youth on the part of the staff...The	25

		problems with use of force appear to stem more from flawed policy and procedure..."	
Vision	-	"there continues to be a profound lack of understanding by the Defendant of current correctional best practices and research findings....staff are being told to change without concrete and clear direction about what to change and why. A clearly articulated vision with well articulated guidelines for behavior is desperately needed."	27
Training and Skills	Beginning	Safe Crisis Management training appears to be a necessary tool... as of June 20, 2010, only 38% of required staff completed training. "There apparently is no immediate plan to provide SCM training on a more accelerated timeframe because of budgetary and staffing considerations."	29-30
Immediate Force vs. Controlled Force	-	"The experts recommend that the entire system of immediate force be suspended until appropriate safeguards can be effectively implemented to control current tendencies of staff to apply immediate force [staff use force when non other options are available, this is the practice in 99% of use-of-force cases, vs. controlled force."	32
Use of Force among Mental Health Units	-	"In the quantitative analysis...it was found that 80% of cases involved at least one youth with disability and/or mental health designation... by counting multiple cases involving the same youth as one, ...42% involved youth with disability and/or mental health designation." "...sense of urgency for the Defendant to take action immediately to address this issue."	33 35
Force Review Committees	Partial	"The design of the force review process is excellent." "...it is not as effective as a management and teaching tool to prevent and reduce force incidents...adds little value to the goal of reducing violence and fear at DJJ facilities."	35 38
Use of Chemical Agents	-	"There were a total of 111 'correctional sites' that participated in PbS [Performance-based Standards] during the April 2010 collection cycle. Of the 11 correctional sites, 12 reported the use of chemicals, six of which were from California (DJJ)." In report: - 18% of use-of force incidents involved a single youth not involved in assaultive behavior, and chemical agents were used in 18% of use-of-force incidents. -12% of cases involved female youth (female youth comprise less than 5% of DJJ).	40 41 42
INTEGRATED BEHAVIORAL TREATMENT MODEL (IBTM)			
Phase 1	Substantial	By April 1, 2011 Phase 1 deliverables were successfully completed. These included creating a headquarters team, subcommittees and organizational measures to track and implement IBTM.	43
Staff engagement	Non/Partial	"The consultant team from the University of Cincinnati raises two notable examples of the lack of engagement by senior leaders...groups were cancelled for a wide range of issues...some staff appear resistant to facilitating the groups." "It is time to include the YCO staff in the training. They are central to effective reinforcement of desired behavior by youth."	45-6 46
Overall Pilot Implementation	Non	"...learning from the pilot could be useful to the challenges discussed in this report regarding failure to implement the BTP model and needed revisions on how force is used throughout institutions."	46
SEXUAL BEHAVIORAL TREATMENT PROGRAM (SBTP)			
Overall SBTP	Partial & Substantial	"That DJJ has received a combined 70 percent rating in substantial and partial compliance is excellent for the first monitoring process/audit using a new measuring tool."	47
Program	Partial &	"DJJ achieved a high number of 'substantial compliance' ratings at the Central	47

Training and Curricula	Substantial	Office level, which indicates the action plan to implement the curricula and other required program elements is being effectively planned and prepared for implementation in the facilities."	
SBTP Coordinator	Substantial	"...most noteworthy success is the appointment of a full-time SBTP Coordinator ...official appointment in October 2010."	47-48
Program Adequacy	Partial	"SBTP Residential Program Operating Guide is implemented in three facilities ...unfortunately ...was not being implemented on non-SBTP living units, despite youth on those units being in need of SBTP treatment."	50
Treatment Hours	Non	"..required number of treatment hours is not being met....[due to] insufficient treatment space, insufficient custody staff to transfer youth to treatment, youth refusal to treatment, and that the Program Service Day does not allow for it."	50-51
WIC 1800	-	"Dr. Schwartz reviewed three DJJ cases that had been petitioned successfully under WIC 1800 for extensions to youths' sentences... Dr. Schwartz is particularly concerned with the second two cases in which WIC 1800 petitions were granted solely based on non-completion of all phases of the SBTP." "Training on WIC 1800 process was provided for all staff in NCYCC on May 17, 2011 and training for VYCF and SRCYCC ...postponed due to travel freeze..."	51 52
PRESTON CLOSURE			
Closure	Substantial	"closure of PYCF has been timely, orderly , and problem free." "Organizational changes including the transfer of the reception functions, revising of units at OHCYCF and NACYCF, and training staff at OHCYCF how to operate a BTP were successfully completed by the end of May 2011."	52-53
RECOMMENDATIONS			
Special Master's Recommendations	-	13 recommendations focused on these areas: <ul style="list-style-type: none"> • Crisis Prevention and Management Policy • Use of Force review & implementation • Reduce/prohibit use of chemical agents • Mental health • Education for BTP, TD, TIP youth, Training for BTP staff • Training for IBTM at headquarters <p>The "current audit approach places heavy emphasis on literal compliance with specific provisions of the remedial plan and not enough focus on whether the purpose, intent, and objectives of the plan had been accomplished."</p>	53-54 55
Conclusion	-	"...without a deeper understanding of effective behavioral management strategies, there will continue to be vast discrepancies between how programs such as a BTP are implemented compared to how they are designed."	55

*Honorable Judge Tigar's comment regarding compliance ratings at July 7, 2011 *Farrell* Hearing: Four years ago he requested of both parties to agree on 10-20 different items to rate for compliance, but currently they are "all on different measurement metrics...It doesn't help the court to tell me DJJ is in 80% compliance until items are weighted. The number 80%, 20%, or 1% might make for good internal memos...but it doesn't help the court." ** The use-of-force report did not lend itself to a careful analysis and statistically valid analysis. the sample size was inhibited due to missing cases and a poorly defined methodology. However, "it was ample to provide a reasonable basis for making observations and reaching conclusions regarding practices at DJJ" (23).