



# CALIFORNIA'S DIVISION OF JUVENILE FACILITIES: NINE YEARS AFTER FARRELL

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**Figure 1: Barbed wire at OH Close Youth Correctional Facility (CJCJ 2005)**

## History

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Since its inception, California's youth correctional system, the California Youth Authority (CYA), was an institution riddled with overcrowding, abuse, suicides, and high levels of violence.<sup>1</sup> In 2000, Inspector General Steve White testified that it was "impossible to overstate the dimension of the problem."<sup>2</sup> The system had a dismal record of rehabilitating its wards, more than 80 percent of whom returned to state custody within three years of release.<sup>3</sup>

In 2003, a coalition of advocates filed a lawsuit against CYA in *Farrell v. Harper*, alleging "inhumane conditions"<sup>4</sup> and pointing out that "rehabilitation is impossible when the classroom is a cage and wards live in constant fear of physical and sexual violence from CYA staff and other wards."<sup>5</sup> The following year, then-Governor Arnold Schwarzenegger signed a consent decree acknowledging the critical problems and pledging to implement significant reforms, including reducing levels of violence, providing more education, treatment, and rehabilitation, and improving medical and mental health care. In 2005,

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<sup>1</sup> See, e.g., Center on Juvenile and Criminal Justice (CJCJ), *Farrell Litigation Timeline*, at [http://www.cjcj.org/files/Farrell\\_Litigation\\_Timeline.pdf](http://www.cjcj.org/files/Farrell_Litigation_Timeline.pdf) (2012); Mark Gladstone, *Guards at Youth Prison Accused of Abusing Inmates*, L.A. Times, Sept. 26, 1999, at <http://articles.latimes.com/1999/sep/26/news/mn-14343>; James Rainey, *Court Orders Improvements in State Youth Prison Clinics*, L.A. Times, Dec. 2, 2000, at <http://articles.latimes.com/2000/dec/02/news/mn-60113>.

<sup>2</sup> Joint Oversight Hearing of the Senate and Assembly Committees on Public Safety Regarding the California Department of the Youth Authority (2000) (statement of Steve White, Inspector General of California).

<sup>3</sup> California Department of Corrections and Rehabilitation (CDCR), *2010 Juvenile Justice Outcome Evaluation Report: Youth Released from the Division of Juvenile Justice in Fiscal Year 2004-05*. (2010)

<sup>4</sup> *Farrell v. Harper*, No. RG 03079344 (Cal. Super. Ct. Alameda County, filed 2003) (now *Farrell v. Cate*).

<sup>5</sup> *Id.*

the agency was reconstituted as the Division of Juvenile Facilities (DJF)<sup>6</sup> and merged with the adult prison system in the California Department of Corrections and Rehabilitation (CDCR).

In March 2006, the Safety and Welfare Planning Team, a panel of state-approved correctional experts, found DJF was “not a system that needs tinkering around the edges, this is a system that is broken almost everywhere you look.”<sup>7</sup> Moreover, the team concluded that the state’s juvenile facilities had “[become] like adult prisons.”<sup>8</sup> Among its list of 17 significant problems, the team reported:<sup>9</sup> “high levels of violence and fear,” “antiquated facilities unsuited for any mission,” “an adult corrections mentality,” “hours on end when many youths have nothing to do,” and “poor re-entry planning and too few services on parole.”

Later that year, the team filed the Safety and Welfare Remedial Plan<sup>10</sup> (hereafter “Remedial Plan”) describing its requirements for a new state youth corrections system that would address these serious issues and be founded on a rehabilitative, rather than a punitive, model.

This publication reviews the progress DJF has made in implementing these Court-ordered reforms, using qualitative and quantitative data from the court-appointed expert in safety and welfare, the Special Master who oversees all Farrell reforms, and the CDCR. DJF now has fewer than 800 youth in three facilities — O.H. Close Youth Correctional Facility (OHCYCF), N.A. Chaderjian Youth Correctional Facility (NACYCF), and Ventura Youth Correctional Facility (VYCF) — down from approximately 10,000 youth in 11 facilities in 2000. Although overall levels of violence and abuse are down, CJCJ finds insufficient progress in nearly every area of reform. Seven years after DJF was ordered to implement the Remedial Plan, all of the above-listed problems remain significant concerns.

Moreover, research shows that the congregate care model of corrections — the foundation of DJF — is ineffective for youth because it does not address individual needs, offers no continuity or continuum of care, and is inherently dangerous.<sup>11</sup> Local jurisdictions are better positioned to meet youths’ needs and to offer community-based services, and California’s counties have the capacity to do so.<sup>12</sup> As long as DJF retains its outdated, ineffective, and obsolete model of corrections, it will not provide its wards with an adequate level of rehabilitation or care.

### **Rates of violence and use of force remain high**

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The Remedial Plan stated, “reform is not possible if youth or staff fear for their safety...a situation that prevails throughout much of DJJ. Reducing violence and fear in DJJ facilities is therefore the first step to reform.”<sup>13</sup>

Six years later, the Safety and Welfare Expert, Dr. Barry Krisberg, wrote that “despite years of reform effort, the data show that there has not been significant decline in violence and fear among youth in the

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<sup>6</sup> Cal Wel & Inst Code §1000. DJF is commonly referred to as the Division of Juvenile Justice, or DJJ. This publication uses DJF except when quoting sources that use “DJJ.”

<sup>7</sup> Christopher Murray et al., Safety and Welfare Planning Team, *Safety and Welfare Plan: Implementing Reform in California* 1 (2006).

<sup>8</sup> *Id.* at 22.

<sup>9</sup> *Id.* at 1.

<sup>10</sup> CDCR, Division of Juvenile Justice, *Safety and Welfare Remedial Plan: Implementing Reform in California*. (2006).

<sup>11</sup> See, e.g., Annie E. Casey Foundation (AECF), *No Place for Kids: The Case for Reducing Juvenile Incarceration* (2011); Daniel Macallair et al., CJCJ, *Renewing Juvenile Justice* (A report to the Sierra Health Foundation, 2011).

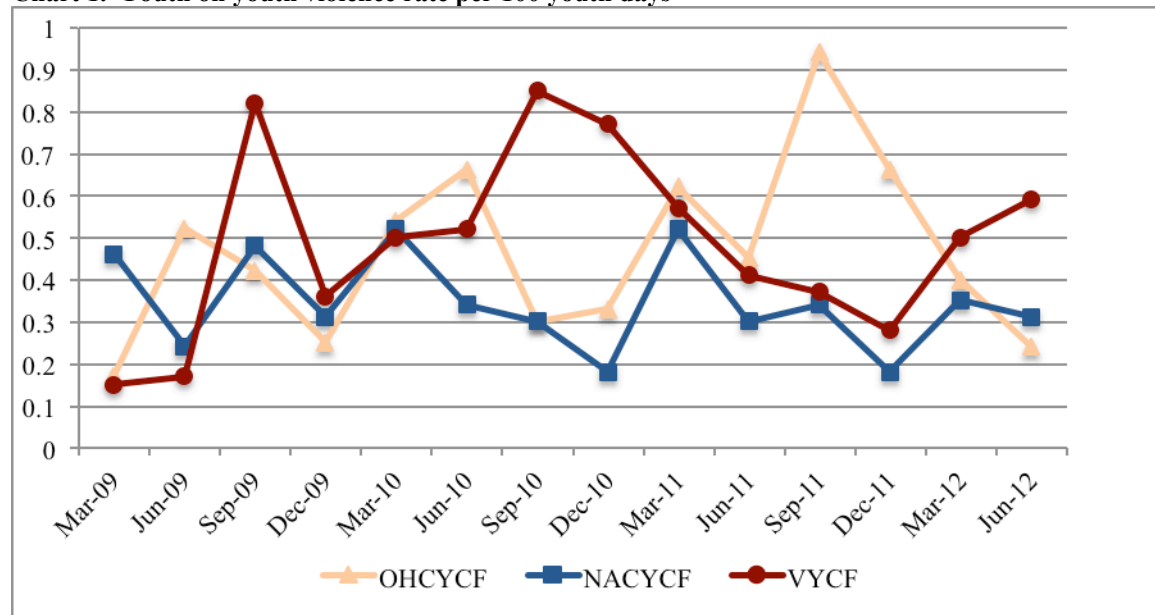
<sup>12</sup> See Daniel Macallair et al., CJCJ, *Closing California’s Division of Juvenile Facilities: An Analysis of County Institutional Capacity* (2009).

<sup>13</sup> See Remedial Plan, *supra* note 10, at 23.

DJJ facilities.”<sup>14</sup> Between 2005 and 2010, the absolute number of violent incidents<sup>15</sup> dropped by more than half, but the drop was accompanied by a halving of the youth population — the rate of violent incidents per youth actually *increased* by about 19 percent over the same period of time.<sup>16</sup>

Since 2010, the rate of violent incidents has continued at similar levels through June 2012, although variability is high (see Chart 1). The rate of use of force shows similar results (see Chart 2), although DJF “has taken significant steps to ensure force is used only when necessary.”<sup>17</sup> There are several factors that may help explain the continued levels of violence and use of force. Most significantly, due to legislation passed in 2007,<sup>18</sup> only youth who have committed serious and violent felonies or registerable sex offenses are eligible for DJF. These youth may have more behavioral and mental health needs and a more significant history of violence and involvement with the juvenile justice system. Another factor is the closing of many DJF facilities during this time period,<sup>19</sup> which has resulted in youth relocating to new facilities. These movements disrupt programming and can increase tension between youth as social structures are reestablished.

**Chart 1. Youth on youth violence rate per 100 youth days**



Source: Krisberg, notes 14 and 20.

Since September 2011, there has been a dramatic and sustained decline in violence and use of force at OHCYCF, which may be due to the implementation of the Integrated Behavioral Treatment Model.<sup>20</sup>

<sup>14</sup> See Barry Krisberg, *Farrell v. Cate, Safety and Welfare Remedial Plan: Comprehensive Report* by Dr. Barry Krisberg, 6 (filed Jan. 2, 2012 as appendix to *Twentieth Report of the Special Master, Farrell v. Cate*, No. RG03079344).

<sup>15</sup> Violent incidents include fights, group disturbances, batteries on staff, gassings, and sexual assaults.

<sup>16</sup> See Barry Krisberg, *Farrell v. Cate, Safety and Welfare Remedial Plan: Comprehensive Report* by Dr. Barry Krisberg, 4 (filed Feb. 1, 2011 as appendix to *Seventeenth Report of the Special Master, Farrell v. Cate*, No. RG03079344).

<sup>17</sup> See Nancy Campbell, *Twenty-Fifth Report of Special Master, Farrell v. Cate*, No. RG03079344, 45 (filed Apr. 4, 2013).

<sup>18</sup> Sen. Bill No. 81 (2007-2008 Leg. Sess.)

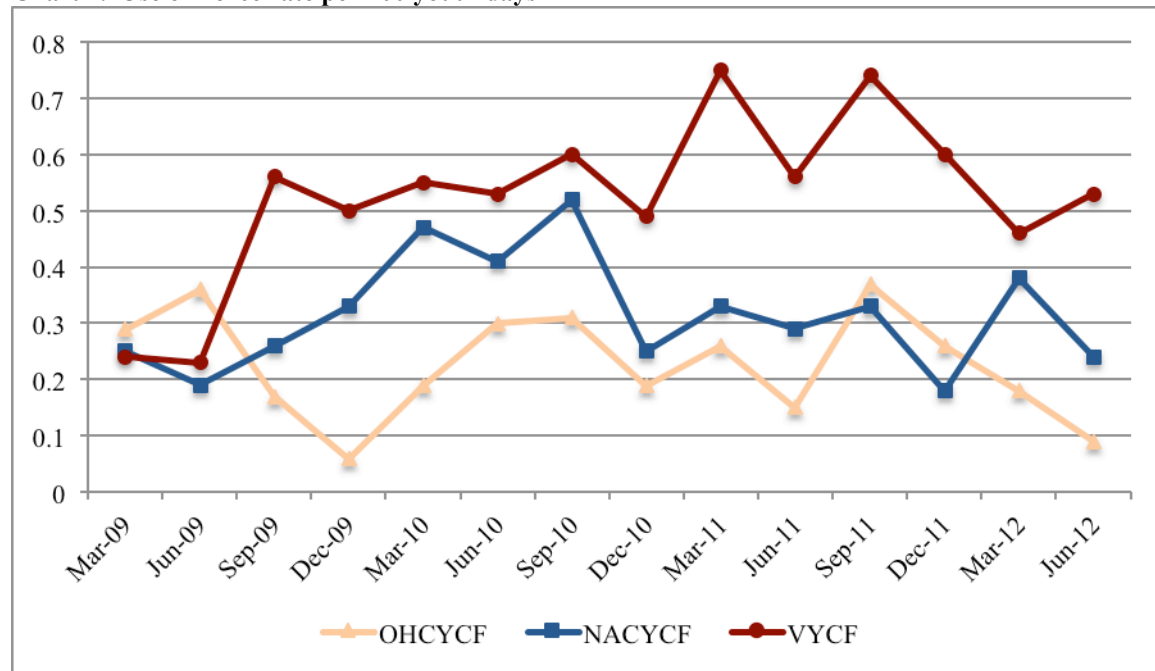
<sup>19</sup> El Paso de Robles YCF and De Witt Nelson YCF closed in July 2008, Heman G. Stark YCF closed in February 2010, Preston YCF closed in June 2011, and the Southern Youth Correctional Reception Center and Clinic closed in December 2011.

<sup>20</sup> See Barry Krisberg, *Farrell v. Cate, Safety and Welfare Remedial Plan: Comprehensive Report* by Dr. Barry Krisberg, 10-16 (filed Nov. 29, 2012 as appendix to *Twenty-Fourth Report of the Special Master, Farrell v. Cate*, No. RG03079344).

However, according to Krisberg, “the overall amount of violence and the use of force...is still too high.”<sup>21</sup>

A recent report by the DJF-commissioned expert on youth correctional gangs, Dr. Cheryl Maxson, found that “both youth and staff feel safe in DJJ facilities. However, youth report that violence happens fairly frequently.”<sup>22</sup> This divergence between the youth perceptions of safety and the amount of violence they actually experience indicates “violence may be normalized for youth in this setting.”<sup>23</sup> Indeed, as one youth assessed, “the safety’s pretty good here...could get into a fight for three to four seconds, then get sprayed.”<sup>24</sup>

**Chart 2. Use of Force rate per 100 youth days**



Source: Krisberg, notes 14 and 20.

### *Behavior Treatment Program*

The Behavioral Treatment Program offers intensive treatment for youth exhibiting dangerous or other significant problem behavior. The Safety and Welfare team wrote that it is to be “based primarily on skills training and positive reinforcement for improvements in behavior.”<sup>25</sup> According to the Remedial Plan, the BTP “is not punishment,”<sup>26</sup> and youth “will receive treatment/rehabilitation services in the least restrictive manner possible.”<sup>27</sup> However, recent reports indicate that DJF is not meeting these requirements at VYCF. For example, in 2012:

- Staff members “are reluctant to interact with youth due to safety concerns,”<sup>28</sup> and, due to special programming statuses for the youth, “it is logistically impossible to provide meaningful treatment

<sup>21</sup> *Id.* at 11.

<sup>22</sup> See Cheryl Maxson et al., *Gangs and Violence in California’s Youth Correctional Facilities: A Research Foundation for Developing Effective Gang Policies*, 5 (2012).

<sup>23</sup> *Id.* at 6.

<sup>24</sup> *Id.*

<sup>25</sup> See Murray et al., *supra* note 7, at 64.

<sup>26</sup> See CDCR, *supra* note 10, at 49.

<sup>27</sup> *Id.*

<sup>28</sup> See Nancy Campbell, *Twenty-First Report of Special Master, Farrell v. Cate*, No. RG03079344, 30 (filed Apr. 12, 2012).





and services.”<sup>29</sup>

- Youth “have been provided with very little meaningful treatment and counseling services as most of the out-of-room ‘program time’ consists of unstructured activities in the dayroom or in the exercise cage with minimal staff interaction. Youth interviewed consistently complained of boredom and insufficient activities.” Moreover, the staff “struggle with the belief that some of the longer-stay youth can and will change.”<sup>30</sup>
- Although the staff “no longer routinely place all youth in restraints” when moving from their cells, “restraints are still a part of daily life.”<sup>31</sup>
- “Some staff members appear to have a belief system that the youth do not deserve ‘rewards.’ This likely indicates that some unit staff still believes the BTP units are for punishment and not units to treat aggressive behavior.”<sup>32</sup>

These observations are in direct contrast with the expectations presented in the Remedial Plan.

### **Facilities remain antiquated and prison-like, no significant progress in sight**

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All three DJF institutions are large, congregate care facilities, meaning they are designed to efficiently manage and contain large numbers of people. Their design is based on a 19<sup>th</sup> century model of juvenile corrections; modern facilities are smaller and do not resemble adult prisons to best facilitate individualized treatment and rehabilitation. Thus, as reported in the Remedial Plan, “none of DJJ’s existing facilities meets the long-term programmatic needs set forth in this plan.”<sup>33</sup> OHCYCF and VYCF, moreover, “have long exceeded their useful life.”<sup>34</sup> The Remedial Plan mandated that “planning for replacement of these facilities needs to begin now.”<sup>35</sup>

The Safety and Welfare Committee called for a 10-year master plan to replace the “obsolete old buildings”<sup>36</sup> and base them on contemporary standards of care for juvenile correctional populations. Seven years later, due in large part to budget limitations, the conditions that gave rise to the consent decree remain largely the same, and there is no plan for the construction of new buildings or facilities.

One of the top priorities for compliance with the Remedial Plan is smaller living units. Smaller living units enhance relationships between wards and staff and encourage flexibility, creativity, and innovation in addressing individual wards’ concerns.<sup>37</sup> The Remedial Plan mandates that the “living unit size in new facilities...will be guided by national standards...and will be in the range of 16 to 25 youth for general core program living units,”<sup>38</sup> in accordance with the latest standards published by the American Correctional Association (ACA). The ACA also calls for the total capacity of juvenile institutions not to exceed 150 juveniles.<sup>39</sup>

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<sup>29</sup> *Id.*

<sup>30</sup> See Nancy Campbell, *Twenty-Third Report of Special Master, Farrell v. Cate*, No. RG03079344, 29 (filed Oct. 8, 2012).

<sup>31</sup> See Krisberg, *supra* note 20, at 7.

<sup>32</sup> See Campbell, *supra* note 30, at 28.

<sup>33</sup> See CDCR, *supra* note 10, at 68.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> See Murray et al., *supra* note 7, at 38.

<sup>37</sup> See American Correctional Association (ACA), *Standards for Juvenile Correctional Facilities*, 35 (2003).

<sup>38</sup> See CDCR, *supra* note 10, at 46.

<sup>39</sup> See ACA, *supra* note 34, at 35.

According to the latest data from the CDCR, as of January 31, 2013, none of the DJF institutions met



**Figure 2: Open dormitories at OHCYCF (CJCJ, 2005)**

these requirements and standards. At OHCYCF and NACYCF, most of the living units were housing 30 or more wards each, with several units housing 35 or more wards each. The average size of the living units in VYCF was 26 wards. The total youth population of each institution was 174, 282, and 259, respectively.<sup>40</sup>

Moreover, because the facilities have not been replaced, “the deteriorated physical condition of many of the buildings”<sup>41</sup> and the “dark dreary rooms and corridors”<sup>42</sup> remain largely unchanged. Youth

continue to be housed in “prison-like cells or dorms”<sup>43</sup> in “antiquated”<sup>44</sup> facilities. According to Krisberg, “nothing about these facilities would support a model treatment approach.”<sup>45</sup> The gray walls are largely bare, youth have few personal belongings in their living spaces, and the furniture is spartan. OHCYCF houses many of its wards in open dormitories, most of which contain 30 or more youth and look like large military bunkers (see Figure 2).

DJF has made some improvements to its facilities in the past year. OHCYCF has converted one living unit into a recreation area for youth who have exhibited exemplary behavior. The area has carpeting, the walls are decorated and warmly colored, and is furnished more like a college dorm room than a prison.<sup>46</sup> VYCF has new modular units to provide space for programs and services, and “measures are being taken to...repair fire alarms and extend security fencing.”<sup>47</sup> Further, razor wire has been installed around the recreation yard to prevent youth from jumping over the fence.<sup>48</sup>

However, extended fencing and razor wire may be counter to rehabilitative efforts — as Krisberg has noted, “therapy behind ‘razor wire’ has not proven to be an effective method of reducing recidivism rates.”<sup>49</sup>

As of the most recent Safety and Welfare update, “the outmoded and deteriorating DJJ facilities continue to be a problem that impedes reform”<sup>50</sup> and “frustrate efforts to improve the quality of care.”<sup>51</sup> Even small changes and repairs will be extremely slow to come, due to budget limitations. According to documents provided to the Special Master by DJF, only 3 percent of the capital outlay projects and 15 percent of the special repair and deferred maintenance projects have been funded.<sup>52</sup> There is, unfortunately, “no solution in sight.”<sup>53</sup>

<sup>40</sup> See Division of Juvenile Justice, CDCR, *Living Unit Breakdown* (2013).

<sup>41</sup> See CDCR, *supra* note 10, at 67.

<sup>42</sup> *Id.*

<sup>43</sup> See Barry Krisberg, *Farrell v. Cate, Safety and Welfare Remedial Plan: Comprehensive Report by Dr. Barry Krisberg*, 14 (filed Oct. 23, 2009 as appendix to *Thirteenth Report of Special Master, Farrell v. Cate*, No. RG03079344).

<sup>44</sup> *Id.* at 15.

<sup>45</sup> *Id.* at 14.

<sup>46</sup> Barry Krisberg, personal communication, February 20, 2013.

<sup>47</sup> See Nancy Campbell, *Twenty-Fourth Report of Special Master, Farrell v. Cate*, No. RG03079344, 42 (filed Jan. 3, 2013).

<sup>48</sup> See Krisberg, *supra* note 20, at 7.

<sup>49</sup> See Krisberg, *supra* note 43, at 22.

<sup>50</sup> See Krisberg, *supra* note 20, at 18.

<sup>51</sup> *Id.*

<sup>52</sup> See Campbell, *supra* note 47, at 19.

<sup>53</sup> *Id.*

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**Behavioral treatment model has some success but remains a work in progress**

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The key to converting DJF to a rehabilitative model is the creation of an overarching therapeutic environment in which wards could develop and strengthen pro-social skills. To support this paradigm, the Remedial Plan called for DJF to develop an integrated, comprehensive treatment model that would unite screening, assessment, case planning, treatment and rehabilitation, transition, and aftercare.

The Integrated Behavioral Treatment Model (IBTM) begins with a risk and needs assessment, which helps staff assign youth to housing and drives case management, including assignment to cognitive-behavioral therapy curriculum, anger management program, gang intervention program, and other services. The assessment also identifies behaviors the youth must develop or strengthen to address his or her problem behaviors and, through a reinforcement system, how staff can reinforce and support these desired behaviors.

The Remedial Plan specifies this assessment “must be developed based on research findings and... established through a validation study by a competent researcher.”<sup>54</sup> However, DJF uses the California Youth Assessment Screening Instrument (CA-YASI), which has not been proven reliable or valid. Krisberg opined that CA-YASI “seems a poor investment,”<sup>55</sup> and further, that “there is still little real understanding by DJJ staff at OHCYCF of the CA-YASI and how it could be utilized to drive effective treatment programs.”<sup>56</sup> He recommended that DJF “quickly replace CA-YASI with a truly evidence-based assessment process,”<sup>57</sup> yet DJF plans to continue using the assessment.<sup>58</sup>

Despite this limitation, by the end of 2012, IBTM had been fully implemented at OHCYCF, with notable success. Behavior has improved, including increases in school attendance and reductions in violence, which the Special Master said were “truly remarkable results in such a short time.”<sup>59</sup> Progress, she wrote, was “easily recognized and highly commendable,”<sup>60</sup> and “the amount and level of work that has been completed by the staff cannot be stressed enough.”<sup>61</sup>

Implementation at NACYF began February 1, 2013 and is making “rapid progress.”<sup>62</sup> However, at VYCF, the Special Master said it was “hard to imagine how the implementation can begin as scheduled. This facility has barely any experience with the IBTM, is removed physically from IBTM resources, has fewer staff trained in key programs, and has historically had greater problems with violence and use of force.”<sup>63</sup>

Krisberg, too, showed concern for the implementation at VYCF, where DJF will have to “overcome the apprehensive and negativity expressed by youth and staff.”<sup>64</sup> The facility is “a work in progress”<sup>65</sup> that continues to be confronted by serious challenges.

Another significant impediment to the rehabilitative model is the sharing of positions, including

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<sup>54</sup> See CDCR, *supra* note 10, at 38.

<sup>55</sup> See Krisberg, *supra* note 20, at 16.

<sup>56</sup> *Id.*

<sup>57</sup> See Krisberg, *supra* note 14, at 12.

<sup>58</sup> See Krisberg, *supra* note 20, at 16.

<sup>59</sup> See Campbell, *supra* note 47, at 5.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* at 4.

<sup>62</sup> See Campbell, *supra* note 17, at 11.

<sup>63</sup> *Id.*

<sup>64</sup> See Krisberg, *supra* note 21, at 16.

<sup>65</sup> *Id.*

psychologists and correctional officers, between the adult and juvenile corrections systems. The Special Master called this conduct “penny wise and pound foolish,”<sup>66</sup> as it “severely hamper[s]”<sup>67</sup> the effectiveness of DJF. “The notion that the expertise, skills, abilities and perhaps, most importantly, the interests of the people holding these positions are sufficiently alike to make them interchangeable flies in the face of current evidence-based research and practice.”<sup>68</sup> This habit is evidence of a failure to heed the Remedial Plan’s warning that California’s juvenile facilities had already become “like adult prisons”<sup>69</sup> and would have to “transform...into something quite different.”<sup>70</sup>

The implementation of IBTM will suffer further unless DJF improves its training procedure. Its trainings in 2012 “were literally policy pasted into PowerPoint slides that were read verbatim for hours by trainers,”<sup>71</sup> which the Special Master noted was “not an effective training strategy.”<sup>72</sup> Not only did the trainers lack a well-designed and engaging curriculum, but they also “did not fully understand the principles or application of the [reinforcement system] program” themselves.<sup>73</sup>

### **Youth spend more time out of cells but lack structured activities**

The goal of DJF’s reforms was not simply to protect youth from violence and psychological harm, but also to provide programs and education that can help these youth succeed when they return to their communities. The Remedial Plan established a “Program Service Day,” a coordinated schedule that would maximize the amount of time spent out of their cells and dorms and to ensure “structured activity based on evidence-based principles for 40 to 70 percent of waking hours.”<sup>74</sup> Lack of structured activities that include adult interactions is thought to contribute to violence and other problem behaviors.<sup>75</sup>

In 2012, all three facilities experienced significant increases in out-of-room time, which improved by an average of 70 percent over the year to between 55 and 67 percent of waking hours.<sup>76</sup> However, by March 2013, progress had reversed at VYCF, where “despite their best efforts, [management and staff] could not meet the [minimum 40 percent of waking hours in out-of-room activities] because treatment and services have been curtailed.”<sup>77</sup>



**Figure 3: Day room at OHCYCF (CJCJ, 2005)**

One important concern is that the increase in out-of-room time for all three facilities was primarily due to more time spent in “organized recreation” activities, which “almost exclusively consisted of youth in

<sup>66</sup> See Campbell, *supra* note 17, at 12.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> See CDCR, *supra* note 10, at 11.

<sup>70</sup> *Id.*

<sup>71</sup> See Campbell, *supra* note 30, at 7.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.* at 8.

<sup>74</sup> See CDCR, *supra* note 10, at 56.

<sup>75</sup> See, e.g., Campbell, *supra* note 47, at 39: “A chronic complaint ... has been the very real concern that part of the reason for problem behavior and violence is the lack of activities that constructively engage youth in desired behavior. The adage ‘Idle Hands are the Devil’s Tools,’ attributed to Chaucer, is a well-recognized concept.”

<sup>76</sup> See Krisberg, *supra* note 20, at 8.

<sup>77</sup> See Campbell, *supra* note 17, at 39.



dayroom watching television or working out in exercise yards with very limited interaction with any staff member.”<sup>78</sup> Although being outside the cell is certainly an improvement from locked inside, these activities are not founded on “evidence-based principles.” Further, the dayrooms are the primary sites for fights between youth, which are more likely to occur when youth are idle.<sup>79</sup>

Additionally, the Safety and Welfare Committee recognized that the overarching focus of DJF should be reentry, writing, “ultimately, all of the programs and services a youth receives in DJJ facilities will be geared toward preparing the youth for successful transition to the community.”<sup>80</sup> Reentry planning was to “begin upon entry to the system,”<sup>81</sup> with ongoing communication between the youth’s case manager and parole agent.

However, on January 31, 2011, new legislation<sup>82</sup> transferred responsibility for post-release supervision from DJF Parole to county probation departments. This move seriously impeded the possibility of having continuity of care between the youth’s stay at DJF and aftercare in his or her community. During a 2012 visit to VYCF by CJCJ, Mental Health staff expressed frustration that they could not provide or influence aftercare. Even if they make recommendations, they have no authority to impose them on counties. Thus, DJF went from a system with “poor re-entry planning and too few services on parole”<sup>83</sup> to one with even less reentry planning and non-existent parole.

## Conclusion

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DJF has made progress over the past decade, with significant reductions in overall levels of violence and use of force and progress on implementing an integrated behavioral treatment model. Youth generally feel safe and are spending less time shackled and confined to their cells.

However, this analysis finds DJF has failed to meet many of the standards promised and required by the Safety and Welfare Remedial Plan. Rates of violence and use of force are largely unchanged since 2005. The youth do not spend sufficient time in structured activities that involve positive interactions with adults. DJF is not using an evidence-based assessment for risks and needs, which is the foundation of its behavioral treatment model. In many respects, DJF continues to struggle with its deeply entrenched punitive framework.

While DJF offers evidence-based programs, such as cognitive-behavioral therapy and anger management, this programming takes place while the youth are confined in a custodial, institutional environment that is antithetical to rehabilitation. Best practices suggest life in a correctional facility should approximate life in the community so wards can learn responsible behavior that helps them thrive upon return — which is not possible in a large, isolated, congregate institution where a high rate of violence is “normalized.”<sup>84</sup>

DJF’s “antiquated,”<sup>85</sup> “deteriorating,”<sup>86</sup> “prison-like”<sup>87</sup> facilities still fall short of even national standards, and will continue to do so for the foreseeable future. No matter how many fire alarms are repaired or modular units erected, OHCYCF, VYCF, and NACYCF will remain congregate care institutions.

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<sup>78</sup> *Id.*

<sup>79</sup> See Maxson et al., *supra* note 22, at 65.

<sup>80</sup> See CDCR, *supra* note 10, at 56.

<sup>81</sup> *Id.* at 4.

<sup>82</sup> Assem. Bill No. 1628 (2010-2011 Leg. Sess.)

<sup>83</sup> See Murray et al., *supra* note 7, at 1.

<sup>84</sup> See Maxson et al., *supra* note 22, at 6.

<sup>85</sup> See, e.g., Krisberg, *supra* note 43, at 15; Murray, *supra* note 7, at 1.

<sup>86</sup> See, e.g., Krisberg, *supra* note 20, at 18; CDCR, *supra* note 10, at 67.

<sup>87</sup> See, e.g., Krisberg, *supra* note 20, at 18; CDCR, *supra* note 10, at 11.

Nationally, there is a shift away from this archaic infrastructure, which sacrifices the needs of individual youth for the sake of efficiency, and which are inherently dangerous due to the difficulties in monitoring and supervising such large numbers of youth.

Moreover, the facilities are located far from youths' families, in either San Joaquin County (OHCYCF, NACYCF) or Ventura County (VYCF), which together are home to less than 5 percent of all DJF youth. The ACA recommends youth correctional facilities be located "in or adjacent to communities from which population is drawn,"<sup>88</sup> which allows continued contact between youth and family and facilitates the use of community-based services. These contacts and services allow the youth to reintegrate more easily into their communities upon reentry.

In addition to smaller facilities located close to home communities, best practices entail a continuum of care, in which youth have a range of programs, services, and custody levels that meet their changing needs as they transition from adjudication, through placement or treatment, to discharge from parole or probation. This continuum is best facilitated by a continuity of care, with the same case manager handling the youth throughout his or her entire experience with the justice system. DJF offers neither and is not likely to do so in the future. Nine years after Farrell, DJF's underlying model of care remains inadequate.

Years of research have rendered the congregate care model for youth corrections dangerous, ineffective, and obsolete.<sup>89</sup> CJCJ advocates for a 21<sup>st</sup> century juvenile justice system for California, rooted in unconditional, coordinated case management and a continuum of community-based services that will prepare youth for successful lives in their communities.

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[www.cjcj.org](http://www.cjcj.org)

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<sup>88</sup> See ACA, *supra* note 37, at 36.

<sup>89</sup> See AECF and CJCJ, *supra* note 11.