

Joint Informational Hearing on the California Youth Authority, May 16, 2000

Joint Oversight Hearing of the Senate and Assembly Committees on Public Safety Regarding the California Department of the Youth Authority

Abstract

In response to recent disclosures concerning the California Youth Authority, on May 16, 2000, the Senate and Assembly Public Safety Committees held a joint oversight hearing. The Committees heard eleven witnesses concluding with testimony from Robert Presley, Secretary of the Youth and Adult Correctional Agency and Jerry Harper, the newly appointed Director of the Youth Authority. The opening testimony of Allen Breed, former director of the Youth Authority (1967 – 1976) and special master for several federal courts on juvenile detention cases across the country, framed the challenges that confront the Youth Authority historically, in terms of its mission, and today in terms of its operation and reform. Mr. Breed made the following points and recommendations:

- The majority of CYA staff are qualified and dedicated.
- Youth today are no more violent than in the past.
- California needs a youthful offender corrections program.
- If CYA is only for juvenile court cases, there is no need for a Youth Parole Board.
- Research of new programs and treatment options should be restored.
- CYA and local agencies should develop a strategic plan to reduce juvenile crime.
- CYA needs to develop a research-based, objective classification system.
- Medical, mental health and special ed. programs should be brought up to standards.
- Care and treatment of wards held in isolation should be brought up to standards.
- CYA should present the Legislature with a plan to assure adequate oversight.
- The requirements of the ward grievance statute should be reinstated.
- Charges to the counties should reflect the true cost of care.

Additional themes and recommendations emphasized by other witnesses included:

Wards now live in constant fear for their personal safety. The influence of gangs is prevalent. A research program into effective models of intervention should be established and "best practice" policies for reduction of gang involvement should be adopted.

A continuity of strong leadership at the CYA is essential. There is a confusion of purpose, whether to punish or to rehabilitate. Staff exhibit inconsistent standards of conduct. Standards of ethics and accountability should be established as well as effective ward grievance procedures. All staff should be trained and supported in the mission of rehabilitation. The salary structure should reward improvement and promotion.

Vital levels of funding should be restored. Programming is uneven and inadequate in some institutions. Programming should begin immediately upon a ward's arrival and increase if a ward has behavior problems. Policies should be adopted limiting the length of 23-hour isolation. CYA should view itself as a service provider to counties and counties should be given greater say in programming and parole decisions.

Executive Summary of the Joint Oversight Hearing of the Senate and Assembly Committees on Public Safety Regarding the California Department of the Youth Authority

May 16, 2000

Hon. John Vasconcellos

Hon. Carl Washington

Prepared by the Senate Committee on Public Safety

Overview

In response to recent public disclosures concerning the operations of the Department of the Youth Authority, on May 16, 2000, the Senate and Assembly Public Safety Committees held a joint oversight hearing regarding the Department. During more than three hours of testimony, the Committees heard from eleven witnesses on a variety of issues ranging from resource and staffing cuts to ward programming and abuse concerns. The Committees concluded with testimony from Robert Presley, Secretary of the Youth and Adult Correctional Agency and Jerry Harper, the newly appointed Director of the Youth Authority.

The opening testimony of Allen Breed, former director of the Youth Authority (1967 – 1976) and special master for several federal courts on juvenile detention cases across the country, framed the challenges that confront the Youth Authority today. Mr. Breed set forth the following twelve points summarizing the range of issues vital to understanding both the current condition of the Department, and the reforms necessary for the Department to fulfill its mission of rehabilitating California's most serious youthful offenders:

- The majority of CYA staff are dedicated, qualified individuals who want to provide training and treatment programs for delinquent youth.
- Youth today are no more violent than their predecessors of yesteryear; access to guns and drugs make them more dangerous but that is not a problem in the institutions unless we make it so by not providing adequate supervision and programs.
- There is a critical need in California for a youthful offender correctional program which used to be one of the major responsibilities of the Youth Authority but, by legislative

action, now falls on the shoulders of the Department of Corrections without providing the facilities or resources to carry out necessary programs.

- If the CYA is to only provide correctional programs for juvenile court commitments, there is no use for a Youthful Offender Parole Board. Minimum lengths of stay could be better established by the committing court and the release and revocation decisions within that dictate could then be made by program persons. This is the model that is followed by the majority of states in the nation.
- Research operations should be immediately restored to develop creative and effective programs of treatment and to scientifically assess and evaluate existing programs.
- The CYA should resume its role as a statewide leader in delinquency prevention and juvenile justice. As part of this process the Legislature should require that the CYA develop, in cooperation with appropriate state, county and private agencies, a strategic plan to reduce juvenile crime in California.
- The CYA should be required to develop and implement a research-based objective classification system.
- Medical, mental health and developmentally disabled programs should be instituted throughout the CYA meeting at least the standards established by the courts for the Department of Corrections.
- If the CYA is to continue utilizing administrative segregation programs of indefinite duration and quite severe in their limitations on the inmates daily life, the Department should be required to provide adequate care and treatment for those confined meeting appropriate standards for juveniles.
- For the many correctional institutions operated by the CYA now, a plan should be presented to the Legislature which would assure adequate management and oversight of all those facilities.
- The Legislature formalized by statute a ward grievance procedure which is currently not being followed. The requirements of that statute should be reinstated.
- The current charges to the counties for commitment to the CYA should be eliminated unless a subvention program is adopted which allows counties to receive the true cost of care from the state based on their historical commitments and then the counties should make decisions whether they want to retain the youth in the community or pay to place him in a state program. Currently, the existing program is a one-sided saving for the state but requires local government to incur greater costs. Current commitments often represent a decision not based on the best interest of the youth.

Leadership

A theme repeatedly emphasized by the witnesses was the need for a continuity of strong leadership at the CYA. Allen Breed observed that the CYA has had 9 different directors in the last 20 years, compared to a total of 3 directors in its first 30 years. Inspector General Steve White cited "a leadership vacuum" at the CYA as the cause of many of the Department's current problems. Gary Maurer, former Superintendent at three CYA facilities, called for the appointment of chief administrators "knowledgeable in the treatment and education of youthful offenders," and stressed the importance of allowing them the opportunity to lead.

Specific leadership issues raised by witnesses included:

* A climate of fear. The testimony described an atmosphere in which wards live in constant fear for their personal safety. The Committees heard chilling testimony regarding the hazing process that wards experience when they first arrive at CYA institutions. For example, witnesses described how new wards often have some small item of their property stolen by another ward. If new wards are unable or unwilling to fight to get their property back, the thefts continue and escalate into physical violence that can result in rape. Although there was testimony that most of the violence at CYA institutions is not reported to staff, there also was testimony that some staff advise wards they must learn to be aggressive and fight back. Some witnesses also testified that some staff have set up situations where inmates known to be enemies were put in a room together with the expectation that they would fight. Steve White testified this was done both as part of an official policy and on an "ad hoc" basis.

Witnesses submitted that wards, quickly learning that staff will not or cannot protect them, often affiliate with gangs for a sense of protection. These institution-based affiliations, according to the testimony, contributes heavily to the problems of gang violence in CYA facilities. One witness testified that when he was a ward he was unable to concentrate in school because he had to constantly watch his back against attack from rival gang members. Another witness testified that staff threatened to transfer a ward to an institution in rival gang territory as a punishment for fighting, and to set an example to other wards.

* Inconsistent standards of staff ethics and conduct. Most witnesses stressed that the majority of CYA staff are dedicated to the rehabilitative mission of the Department. Nevertheless, the Committee heard testimony concerning very disturbing instances of unethical or abusive staff conduct. For example, written testimony was presented to the Committee describing how, within hours of his arrival at the CYA, a ward was addressed by a sergeant as "Jewboy," and that the sergeant then asked the ward, "Why are there two Jews in my place?" The Committees also heard a witness describe the sexual abuse of a 16-year-old female ward in which her teacher at CYA used her to produce pornographic video tapes. Witnesses also testified to the existence of a pervasive "code of silence" among staff who are aware of misconduct but fail to report it. Inspector General Steve White confirmed that the particular incidents of misconduct described to the Committees were not isolated incidents, and were consistent with the information he has received in the course of his investigations. He stated that there are CYA staff who witness outrageous things but fail to speak up because they have become inured to them. Researcher Katherine Larson from the University of California at Santa Barbara testified that research has shown that how staff treat wards translates directly into how wards treat the public when they are paroled. Craig Cornett of the Legislative Analyst's office suggested that, while staff must be held accountable, the focus of the leadership needs to be not only on staff misconduct but also on provision of rehabilitation services to wards.

* Confusion of purpose. Some witnesses asserted that staff have been confused as to whether the CYA's mission is to rehabilitate or to punish. Steve White described a "woeful lack of leadership" causing an "organizational schizophrenia," regarding the mission and purpose of the CYA. Several witnesses stated that strong leadership was needed to redirect the CYA back to its stated mission of rehabilitation.

* A culture of mediocrity. Gary Maurer described how the salary structure fails to provide incentives for staff to seek promotion, and stated that an attitude of "why should I" has developed among the lower level staff. While many of the staff at the CYA are dedicated, educated and well motivated, through lack of administrative support and leadership, a "systemic frustration" has set in.

Resources

Drastic budget cuts imposed on the CYA over the last ten years were identified as playing a large role in the deterioration of conditions and the reduction of services provided. Gary Maurer described the profound effects these budget cuts have had in reducing care in the Intensive Treatment Programs for psychologically disturbed wards; seriously impacting the training, casework supervision and counseling performed by youth counselor staff; reducing youth counselor staffing on already crowded living units; and losing administrative oversight of the ward grievance and disciplinary systems. Maurer stated that these budget cuts resulted in nothing short of a dismantling of the Youth Authority. Craig Cornett of the LAO estimated that the CYA needs a budget augmentation of nearly \$30 million just to provide adequate treatment for mental health, drug abuse and sex offender treatment beds, and parole services.

Programming

The level and quality of programming at the CYA varies widely between institutions. Steve White testified that programs within the CYA are "astonishingly uneven in terms of resources, expertise and geography." Former ward Armando Lopez testified that during his first two years at CYA, while at the Nelles facility, he received no programming whatsoever. However, Lopez also described the many excellent programs later provided to him at the Ventura facility. These included the Free Venture program, which taught him how to be competitive in the work force; the college program, through which he was able to complete his AA degree from Ventura college; the "187 Group," which helped him learn how to deal with anger and many important personal issues; and the victim awareness program, which while good, he submitted, also should be longer and enriched with more resources. While on parole, Lopez testified he was assisted by the Department's Parole Office, which helped him with vouchers to pay for his schoolbooks, and with Volunteers in Parole, which matched him with an attorney mentor.

Sue Burrell, attorney with the Youth Law Center, described how her firm sued the CYA in 1989 over its failure to provide adequate special education services. Although the suit was settled quickly in 1990, YLC has spent 10 years trying to secure CYA's compliance with the requirements laid out in the consent decree reached in the case. While compliance has reached acceptable minimum standards in 8 out of 10 institutions, Burrell testified that at Nelles and YTS, less than 50% of the legally required services are being provided.

A major problem with the delivery of special education services is in the "lock-down" units, where wards are confined to their cells for 23 hours a day, often for months at a time, Burrell stated. A U.S. Justice Department study was cited indicating that the CYA is among only 4% of youth training facilities nationwide that place no limit on how long wards may be held in isolation. She described how those wards in the lock-down units who are allowed out of their cells for education are brought out wearing only their underwear and receive their instruction in individual metal cages.

Burrell submitted that the problems with delivery of special education services are related to the system-wide failure to provide regular educational services. She cited rigid rules at the

CYA which result in wards being held out of school because, for example, they are in Phase One or orientation.

Burrell also testified that Youth Law Center recently has filed another suit against the CYA for its failure to obtain State licensing of its medical facilities, as required by law since 1996. She also stated that in 1996, five Youth Authority wards committed suicide; four of these wards were waiting for intensive treatment program beds.

Research

Several witnesses, including Allen Breed, Gary Maurer, and San Luis Obispo County Chief Probation Officer John Lum cited the need for the CYA to develop a research component to continuously explore new programming and treatment options. Researcher Katherine Larson testified that implementing successful research-based models of intervention could both reduce recidivism, increase security in the institutions and would save money in the long run.

Dr. Larson suggested that in the short term, CYA should work with outside experts and design a research-based model program in one institution or perhaps divide an institution and implement it in half an institution, and rigorously evaluate this program. If CYA piloted a model program, Dr. Larson submitted, it would help convince staff and leadership, and the public, that habilitation is possible. In the long term, Larson stated, one institution should be turned into a research and training institution. Before programs

are distributed throughout the other institutions, they could be tested, fine-tuned and used as a model institution to foster innovative, cultural changes in institutional programming and staffing approaches.

Witness Recommendations

In addition to providing the Committees with first-hand observations concerning conditions at the Youth Authority, many witnesses offered recommendations on how the Department should be reformed to better fulfill its mission. These recommendations are in addition to those offered by Allen Breed, listed previously on pages one and two. Key witness recommendations included:

1. Strong, consistent leadership should be asserted in renewing the CYA's commitment to its mission of rehabilitation. This includes establishing ethical standards and accountability for staff.
2. Every member of the CYA staff should be trained and supported in the mission of rehabilitation with the recognition that good rehabilitation programs are the best security.

3. Resources which are critical to the mission of rehabilitation should be restored.
4. The salary structure should be revised to provide staff with an incentive to improve and promote.
5. Effective ward grievance procedures should be established.
6. The CYA should view itself as a service provider to the counties. Counties should have greater say in lengths of stay at the CYA. Counties should be involved in the assessment of programming needs for wards at the CYA including their parole services upon release.
7. The CYA should institute a policy limiting the amount of time a ward may be held in 23 hour lockdown.
8. The CYA should identify and implement "best practice" policies for addressing, reducing and preventing gang affiliation and involvement in CYA institutions.
9. A research-based classification system should be developed and implemented.
10. Educational services and rehabilitation programs should begin as soon as possible upon a ward's arrival at the CYA and should not be interrupted or withheld as a matter of policy. Wards who exhibit disciplinary or behavior problems should be given more programming, not less.
11. Research programs should be instituted regarding effective forms of intervention with troubled youth.
12. Medical facilities should be licensed and staffed with adequate numbers of properly trained personnel.

TRANSCRIPT

Joint Informational Hearing on the

California Youth Authority

Senate and Assembly Committees on

Public Safety

State Capitol, Room 4203

May 16, 2000

SENATOR JOHN VASCONCELLOS: We'll convene this Joint Hearing of the Assembly and Senate Public Safety Committees on the California Youth Authority. We're conducting this hearing today to take a look at the status and future of the Youth Authority.

My colleague, Carl Washington, Chair of the Assembly Public Safety Committee and I called for this hearing because of recent public disclosures regarding the operation of the Youth Authority, to publicly discuss whether and how we can assure ourselves that the Authority is going to live up to its original charter and purpose in preserving public safety for Californians.

Our goal today is three-fold:

First, to publicly explore and discuss the allegations of abuse, neglect, and mismanagement at the Youth Authority;

Second, to remind ourselves of the unique, precious mission of the Youth Authority;

Third, to identify a smart, comprehensive, common-sense and effective strategic plan for reforming it so that it can operate for the public safety of Californians.

The reports have been disturbing. Today is meant to use this public process and forum as a fact-finding and policy-oriented discussion, not so much a witch hunt -- it's not a witch hunt at all -- but to give us a direction in transforming the Youth Authority into what the public expects and deserves, a state-of-the-art system of rehabilitation of youthful offenders that truly is humane and designed to achieve our goal of long-term safety for all Californians.

So I urge each person today testifying to join us, commit yourselves in the common goal to think collaboratively and creatively regarding how we can together redesign and reform the institution into what we want and ought to have for all Californians.

Mr. Washington, do you have any opening comments you wish to add? Assemblyman Washington.

ASSEMBLYMEMBER CARL WASHINGTON: Thank you, Mr. Chair. I'm delighted to be here this morning.

One of the things that we have as an obligation as legislators, and certainly as the Legislature, is to ensure public safety for everyone, and today I believe that we will embark on hopefully innovative ways that we can ensure that the safety of our young people are our top priority and I'm delighted to be here in this hearing.

SENATOR VASCONCELLOS: Thank you.

We have invited to be present and at the end, after the hearing, after the testimony, before the hearing concludes, to hear from the Secretary of Youth and Adult Corrections, former

colleague, Senator Presley, and the Youth Authority Director, Mr. Jerry Harper, out of Los Angeles, with long experience in the field.

So we will begin the hearing, first with the testimony of a nationally recognized and revered expert in juvenile justice, the Youth Authority, and detention facilities and matters, Allen Breed, the Director of the Youth Authority when I was first here in the Assembly in 1967 to 1976. We've asked him to give us an historical perspective on the origins and mission of the Youth Authority and with his sense of how we might re-orient it back towards that and give us a better operation in the future.

Welcome, Allen.

MR. ALLEN BREED: Thank you, Mr. Chairman, and Members of the Joint Hearing.

When I retired from the Youth Authority, I decided that my shadow would never influence my successors. Consequently, I left the state for over eight years, never returned to any of the offices or institutions, and have never spoken or written about the Youth Authority. When asked by Senator Vasconcellos to appear before this hearing, it seemed to me that enough time had gone by – some nine directors had followed me – and I would no longer, could no longer, avoid my professional responsibilities.

I was given two topics to discuss: What was the Youth Authority's original mission? Being the oldest living director, I'm qualified to comment on history and perhaps its importance, remembering the old adage, that if you don't know the past, you are condemned to repeat it. Secondly, is the Youth Authority mission relevant today? Here I am going to speak from a national perspective and one knowledgeable about the California Youth Authority only through media accounts, professional articles, and studies that have been made.

Historically I find that the origin and the evolution of the Youth Authority fall into five periods, separated by changes and activities and focus but not by dates.

The first was a period that might be entitled "The Early History of Juvenile Corrections in California", I'll highlight only three or four. In 1859, the Legislature conducted a study which concluded that too many boys under 18 were in prisons. In 1860, the Legislature created the first reform school in Marysville and charged counties for the cost of care. In 1869, the Marysville reformatory was closed because of lack of commitments and because of the high costs. In 1907, after another study, the Legislature decreed that all inmates under 18 were to be removed from prison.

Two lessons can be learned from this first period. Counties could not afford to pay for the cost of institutional care and it became a state responsibility. And secondly, policy-wise, the Legislature, at least at that time, was opposed to placing juveniles in prisons. California also faced another serious problem that was nationwide in nature: What should be done with youthful offenders, those between 18 and 21, most of whom were too young for prison and all of whom needed rehabilitative services? At the national level, a very prestigious group of judges, lawyers, correctional experts, under the auspices of the American Law Institute, had been working diligently at addressing this problem and developed a model act in 1940. Thus began the second period in the evolution and might entitle that as "The Blueprint is Adopted".

On July 8, 1941, the Legislature enacted the Youth Corrections Authority Act. Its mission and objectives remain in statute today. The Authority basically was a three-person commission who were to plan and to administer programs for youth, committed from both the juvenile and the criminal courts. Indeterminate sentences were to be followed. The commission was not to operate facilities but rather to be a broker for services at both the state and county level. They were to provide statewide leadership of juvenile justice and they were to emphasize delinquency prevention. Within a year, this period also went and a new one came which might be entitled "A Blueprint Dramatically Altered".

Serious problems existed in all the state institutions for juveniles and particularly at the Whittier Reformatory. In 1942 the Legislature transferred the three schools – Preston, Whittier, now Nelles, and Ventura – to the Youth Authority. This act forever changed the basic mission of the Youth Authority, from diagnosis and planning for what kind of treatment delinquents needed to operating correctional facilities.

The new youthful offenders that were coming to the Department, were placed in two army joint Youth Authority state camps, one at Stockton and one at Benicia and three forestry camps. The Youth Authority Board took over the release and revocation responsibilities that historically had been carried out by institution superintendents. California's exploding population and the post-war baby boom caused commitments to skyrocket.

It was necessary at that time to build the Fricot Ranch School, the Los Guilucos School for Girls, the Paso Robles School, the Northern Reception Center, the Southern Reception Center, and another camp. Fridays became an actual nightmare because that was the day you had to decide where the crowded conditions in juvenile halls and jails in California were going to be placed on the next Monday. So the Legislature authorized continued building a 1,200-bed youth training school, the O.H. Close School, the Karl Holton School, the DeWitt Nelson School, and there were plans on board to build eight more institutions, and it became evident that California was going to be paved from border to border with juvenile institutions.

Now the Youth Authority did an excellent job of managing this expansion but really little more. And from this period, two lessons were learned. You can't build yourself out of a population problem. And secondly, courts will commit to the extent that beds are available. And so the fourth period in the evolution in the Youth Authority came, and it's entitled, say, "Alternatives to More Building".

Large amounts of money were provided by the Legislature at that time to develop a research unit within the Youth Authority to provide necessary answers to problems. Delinquency prevention efforts were emphasized for the first time. Classification strategies were developed to make wiser decisions regarding placements. Probation subsidy, which was a partnership between state and county on a performance basis, allowed for the first time a sharing of state costs and expenditures with county government.

Well, what happened as a result of all of these efforts?

Fricot Ranch School was closed, Los Guilucos School was closed, half of Paso (de) Robles was closed, half of Preston was closed, and we moth-balled the DeWitt Nelson School. With the savings that came about from that, the Legislature allowed us to beef up parole, which

reduced revocations, allowed us to increase staff in institutions which reduced violence. The youth Authority became a national leader involved in the development of all standards in the area of juvenile justice nationwide. They coordinated all federal dollars coming into California for juvenile justice. They provided leadership and coordination in California for its law enforcement, probation, and the courts in all juvenile matters. But then a fifth period came and this might be entitled "Juvenile Corrections Became Politicized".

Historically, there had been little interest in juvenile corrections in California but crime increased dramatically across the nation. The amount of money that was being appropriated for state correctional programs became a significant part of the state budget. The availability of huge amounts of federal dollars, (through) LEAA, resulted in political leadership becoming very interested in corrections and in doing so began making piecemeal changes in the operation of juvenile justice in California.

Criticism of adult corrections washed over on the Youth Authority, probation subsidy was attacked by law enforcement as blood money, although no data was ever developed that there was a higher rate of failure on probation or parole as a result of probation subsidy. Conservatives wanted people locked up longer and more of them, and liberals believed that nothing works and became opposed to all correctional programs.

The result was a politicization in public attitudes which caused the following: The probation subsidy program was destroyed and counties were forced to commit more to the state. Proposition 13, the state revenue problems, dried up local programs and seriously reduced state programs. Research was almost totally eliminated and delinquency prevention was reduced to a single victim-service program. Parole caseloads were increased with the result in higher recidivism rates. The Department of the Youth Authority and the Youth Authority Board were separated, and the historical, close, working relationship was lost, resulting in a tripling of the length of stay and a significant increase in technical parole violations.

Commitments increased dramatically necessitating the opening of the DeWitt Nelson School, the building of the Chaderjian School, and the serious crowding of all institutions. State leadership in delinquency prevention in juvenile justice matters was significantly reduced, technical assistance, training and subventions in county government were removed from the Youth Authority. There was almost a total absence of continuity of leadership in the Youth Authority with some nine directors having served in the last 20-some years compared to three directors in the first 30 years.

The entire emphasis shifted from statewide leadership in the entire juvenile justice arena to concentration on the operation of correctional institutions and a parole system with significantly reduced resources. And yet interestingly, the mission of the Youth Authority remains today substantially as set forth in the original act written back in 1941. Into this void also has moved a very strong prisoner officers' union which has introduced uniforms, philosophy, and procedure normally found in a prison setting. Finally, the Legislature's changes have prohibited most youthful offenders from being committed to the Youth Authority.

My second responsibility was to address, is the Youth Authority concept relevant today? It can't be effectively answered as part of a 20-minute statement. It would be hoped that the Legislature, in it's oversight responsibilities, won't simply look at some of the Youth Authority's management problems which have recently surfaced but rather make an

intensive review of what the mission, organization, structure, and operational needs were at the time the Youth Authority was created and during the formative and successful years and determine to what extent they should be continued. Because of the limited time, I will set forth my opinions in this regard without any supporting documentation but we'd be happy to flesh out any of these positions, should it be helpful.

First, the majority of Youth Authority staff are good, well-qualified individuals who want to provide training and treatment programs for delinquent youth and have dedicated their professional lives to this pursuit.

Second, youth today are no more violent than their predecessors of yesteryear, but their access to guns and drugs make them more dangerous. But that dangerousness is not a problem within the institutions unless we make it so by not providing adequate supervision and programs.

Third, there is a critical need in California for a youthful offender correctional program, which used to be one of the major responsibilities of the Youth Authority, but by legislative action now falls on the shoulders of the Department of Corrections without providing the facilities or resources to carry out necessary programs. If the Youth Authority is to only provide correctional programs for juvenile court commitments, there's no use for a youthful offender parole board. Minimum lengths of stay could be better established by the committing court, and the release and revocation decisions within that dictate could then be made by program persons. This is a model that is followed by the majority of the states in this nation. Research operations should be immediately restored in order to develop creative and effective programs of treatment and to scientifically assess and evaluate existing programs.

Seventh, the Youth Authority should resume its role as a statewide leader in delinquency prevention and Juvenile Justice. As part of this process, the Legislature should require that the Youth Authority develop, in cooperation with appropriate state, county, and private agencies, a strategic plan to reduce juvenile crime in California.

Eighth, the Youth Authority should be required to develop in implementing a research-based objective classification system.

Nine, medical, mental health, and developmentally disabled programs should be instituted throughout the Youth Authority meeting at least the standards established by the courts for the Department of Corrections.

Tenth, if the Youth Authority is to continue utilizing administrative segregation programs of indefinite duration and quite severe in their limitations on the inmate's daily life, the Department should be required to provide adequate care and treatment for those confined, meeting appropriate standards for juveniles.

Eleventh, with the many correctional institutions operated by the Youth Authority now, a plan should be presented to the Legislature which would assure adequate management and oversight of all those facilities.

Twelve, the Legislature formalized by statute a ward grievance procedure which is currently not being followed. The requirements of that statute should be reinstated.

And last, the current charges to the counties for commitment to the Youth Authority should be eliminated unless a subvention program is adopted, which allows counties to receive the true cost of care from the state based on their historical commitments, and then the counties should make decisions whether they want to retain the youth in the community or pay to place them in a state program. Currently, the existing program is a one-sided saving for the state but requiring incurring a greater cost on local government. Current commitments often represent a decision not based on the best interest of the youth.

In closing, I feel that the basic principles enumerated in the original Youth Corrections Act in 1941 are appropriate in the year 2000. Today, if even more, the state needs a humane and effective Youthful Offender Program. It needs training and treatment programs for juvenile court commitments that are adequately financed. It needs to assume a statewide leadership role in delinquency prevention in juvenile justice that has as its objective to reduce juvenile crime. These needs can still be met through a renaissance of the Youth Authority's ideals and purposes tailored to the knowledge of the 21st Century. Hopefully, this hearing today will be the beginning of such a process.

Thank you very much.

SENATOR VASCONCELLOS: Thank you, Allen. You've done all we asked and more. (The) history is clear and more important, the future that you've charted. It seems to be a pretty fine blueprint of about 14 points and I hope that you will give us that in succinct form. And if you want to document it, back it up, flesh it out, fine. But at least the 14 points, which I would expect to be a highlight of our report from this hearing, and would submit (them) to Secretary Presley and the Governor and Director Harper as a starting ground for how to put this agency into a posture where it can truly serve California and public safety.

Thank you very much.

Any questions from the Committee?

Mr. Keeley, Mr. Polanco? We're joined by Senator Hayden.

Any questions?

I think you've done fine by us. Thank you very much.

To my right is Steve Meinrath who's been added to our staff as Special Counsel for Youth Authority matters and hearings.

Next up, we've asked Gary Maurer, who was head of the different facilities here and actively involved in major budget cuts that happened in '91.

Tell us about your sense of the Youth Authority when you were there, now, and what happened and what do you think we could best do to address its future effectiveness?

MR. GARY MAURER: Thank you, Senator. It's a pleasure to be here this morning and thank you for inviting me.

I'm here has a friend of the Youth Authority who recently retired about six weeks ago. I have a Masters of Science degree that I earned in 1971 and began my career at the Preston School of Industry in Lone, California, that same year. I have 29 years of experience in the Department and have experienced all of the issues that are confronting us today. I've held positions most recently at DeWitt Nelson, Karl Holton, and lastly at the N.A. Chaderjian Youth Correctional Facility as Superintendent.

The significance of my testimony today is that I believe that the issues confronting the Youth Authority today can be captured in four major points.

When I was an administrator in Central Office in 1989-1993, approximately the 90-91 era – I could be a little bit off in my dates – as you know, the State of California had significant fiscal problems because of the state's economy. During that time, all the state departments took tremendous budget reductions. The Youth Authority certainly took its fair share of that burden. As it turns out, those budget reductions have been the nemesis of the Youth Authority.

Serious structural problems were created by those budget reductions. And it's my opinion, and I voiced my opinion at the time, that we were dismantling the Youth Authority. It's my opinion today that we've never recovered from those devastating losses of resources.

Let me just go through, though, briefly what those budget reductions were.

The first one's directly related to the significant concerns regarding the treatment of psychologically disturbed wards in the Youth Authority. CYA mental health beds in the Department of Mental Health were eliminated. Clinically trained social workers and psychologists and youth counselor staffing were reduced in the Department's intensive treatment programs. As a result, the most seriously disturbed CYA wards are now being treated by understaffed and undertrained CYA staff. Institutional parole agents were cut in half in most locations. These staff were responsible for the casework quality on the living units. This reduction has seriously impacted the quality of casework, including training, casework supervision, and counseling performed by youth counseling staff.

Middle management positions were reduced by approximately 40 percent, seriously impacting the oversight and critical treatment components of living units, the ward grievance procedures, the disciplinary decision-making system, and ward classification decisions.

Regional administrative positions responsible for the administrative oversight of all Northern and all Southern California facilities were eliminated. Ward's rights coordinator positions assigned to these offices were also eliminated. As a result, regional and timely

administrative oversight, as well as compliance monitoring for ward's rights, grievance, and disciplinary systems were lost.

Youth counseling staff was reduced two days a week on all living units, and the staffing ratio of counselor to wards was reduced on already crowded living units. As a result, program quality, casework, and safety and security has been significantly decreased.

Special funding allocations for casework training, the living unit treatment team meetings, and all training funds for posted supervisory staff have been eliminated. As a result, again, program quality, casework, and safety and security has been significantly decreased. In addition to these budget reductions in the institutions and camps, branch, equally serious budget cuts were made in the other branches of the CYA, all of which exacerbate all of the issues that confront the Youth Authority today.

Secondly, workers' compensation issues. The budget reductions of the '90s have had a significant toll on CYA staff. We predicted in the early '90s, and now confirmed by our experience, that workers' comp and IDL cost would significantly increase because of the stress and working conditions brought about by the loss of significant resources. The nexus between the two issues is inescapable. Workers' Comp costs are out of control in the Youth Authority and now drive significant budget decision making that affects the viability of the CYA mission.

Thirdly, an ultra-conservative state administration philosophy regarding the CYA's mission of rehabilitation has existed for over ten years, now apparently continued by the present Davis administration. In my opinion, (the) conventional view that rehabilitation doesn't work is not true. However, given no meaningful administrative mandate in terms of resource allocation for over a decade, this view has been and will continue to be self-fulfilling unless we change it.

Fourthly, salary compaction is a major problem in this department. What is called "labor peace" has been the only focus of several administrations, including the current one. Today there are supervisors, managers and administrators whose salaries are less than those they supervise due to purposeful inattention by the DPA. This long-lasting and continuing trend is building mediocrity into the promotional structures of the CYA. A why-should-I attitude has developed among lower-level staff who see little or no economic incentive to promote. This fact has seriously affected the integrity of the civil service system, and not just for the CYA.

As a result of these four major points that I've made, there is systemic frustration in the Youth Authority. It needs to be said, like my predecessor said, there are many dedicated, educated, and motivated staff and many good programs that comprise the CYA. However, the results of all of these major factors that I've outlined has produced what I will call a systemic frustration with the ability to carry out the important mission of the Youth Authority.

Administrators, middle managers, supervisors, and line staff who deliver the Youth Authority's mission, those are the teachers and the youth correctional counselors, are not able to effectively focus on program development, improvement, innovation, and the creativity needed to address the critical treatment and education needs of the Youth Authority population. The Youth Authority, once a leader in youth corrections, has become a

system plagued by a lack of administrative support and struggling to achieve its legal mandates. The last ten years have seen this department move from its reputation of leadership, creativity and vision, to a system increasingly plagued by criticism, controversy, and lawsuit.

Suggestions for change. Most importantly, administrative and legislative support of the CYA through the restoration of the lost resources critical to its mission of rehabilitation. In addition and very specifically, there are two CYA facilities – N.A. Chaderjian, and Heman G. Stark – whose population are the most dangerous and difficult to manage commitments of the Youth Authority and where safety and security and treatment and education programs are in serious jeopardy. They need immediate resource augmentation.

Secondly, new thinking and program innovation must be encouraged and supported through analysis of what works and new resource allocations.

Thirdly, appointment of administrators knowledgeable in the treatment and education of youthful offenders, and more importantly, allow these people to lead. They need bully pulpits, they need your ear, they need the administration's support.

Finally, move to create opportunities for a renaissance in the rehabilitation of youthful and adult offenders for the focus on the long term for this state. Treatment works for juveniles and adults, if done correctly and supported.

Thank you for allowing me this opportunity.

SENATOR VASCONCELLOS: Thank you.

Two things I want to say. First is I'm going to ask the Leg Analyst as part of this hearing result to do us a work-up with respect to the original budget, the cuts in '91, and how that's affected, and what level of support would be appropriate today to have the same quality of program in terms of who we're dealing with today. And second is to comment that the Governor made a point to, at the lunch he had with the Senators last month, to assure me that his new appointee, Mr. Harper, was fully committed to the historic mission of rehabilitation and treatment and public safety of the Youth Authority. So I believe we have that in the new director, and we've had a chat about that and I think we can, hopefully from this hearing, you know, kind of design a strategic action plan and with resources and then put this whole matter, you know, in the right direction with the new leadership that we have.

Any other comments or questions?

Mr. Washington.

ASSEMBLYMEMBER WASHINGTON: Thank you.

Sir, I certainly appreciate your comments you've made, and I noticed that you were a former superintendent of one of the facilities and I believe it was the one here in Sacramento?

MR. MAURER: No, sir. I've been the superintendent of three facilities in the Stockton complex.

ASSEMBLYMEMBER WASHINGTON: Okay. In Stockton.

Mr. Breed gave an excellent overview of what he believed was the mission of the Youth Authority and he went all the way back to when it first started and gave an historical perspective in terms of where we should be going in terms of rehabbing our young people. I noticed in your four points, you never mentioned anything, first of all -- and I do believe that we have good folks who work in our Youth Authority -- you never mentioned the safety, the rehabbing. He talked about prevention, intervention programs as a part of this new structure to put the California Youth Authority back in its respected place.

Can you elaborate as a former superintendent of three facilities why that wasn't one of your points you mentioned in your presentation?

MR. MAURER: Well, I believe I did, Senator [sic] Washington, but safety and security is the kingpin; it's the foundation of what has to happen in the Youth Authority, and safety and security is accomplished by a whole vast array of resources and factors. I believe that program is security. It's not mace and handcuffs and a whole lot of staff. It's really well-trained, educated, informed staff. When I talked about the resources, the reductions that were made, it impacted all of those issues very seriously and critically, primarily safety and security (in the) institutions. You cannot rehabilitate unless you have the opportunity to dialogue with the youthful offenders and we're at serious risk with those kind of resources.

ASSEMBLYMEMBER WASHINGTON: I guess what I'm saying is that I'm frightened by the idea, that if you don't have a certain amount of money, then protection of our wards in our facilities aren't our top priority which, from the plethora of news articles that I've read, in terms of the mistreatment of wards in our facilities, I certainly don't want to believe that that's based on the fact that we don't have the necessary resources to protect the wards in our facilities, and I'm certainly not suggesting that you're making that suggestion. But what I'm hearing is, because we don't have resources, then a lot of things take place in our facilities that might not be appropriate and certainly might not be the right thing that is happening for our wards, in terms of discipline and things of that nature. I came with the mind that someone would explain to this committee and both these committees why is it that we are reading news articles almost every single day in terms of things that are happening to our wards and our facilities that are inhumane, that even dogs are not treated the way the wards are being treated in our facilities, and how do we stop that from happening? And as a former superintendent, I certainly would ask, and I'll be very brief with it, that if there's anything that you can suggest to us -- because what is happening to our young people, as you might well know, is criminal and people who are committing these crimes against young people who are under the authority of the State of California should be prosecuted likewise and probably put in prison themselves for treating young people like this.

So is there any direction or anything you'd like to add to those four points that we can kind of look at those directions also?

MR. MAURER: Absolutely. No one should be working for the California Youth Authority in a rehabilitation setting that is abusing wards. That is happening and has happened and it needs to be dealt with very swiftly and promptly.

ASSEMBLYMEMBER WASHINGTON: I'm sorry. One more and I won't interrupt you again.

Under your superintendency, did you ever have the opportunity where you, in any one of your facilities, found that this was occurring and disciplinary actions went against employees that suggest that you might have over-reacted or anything of that nature?

MR. MAURER: Yes, absolutely. And the investigatory resources of the Youth Authority fall far short of what we need. Every single institution probably ought to have its own assigned investigators to investigate ward abuse so that timely and swift action can be taken to remove those kind of staff who should not be working with our youth.

SENATOR VASCONCELLOS: You talked about the best safety and security comes not from manacles and constraints but good programs and good people?

MR. MAURER: Absolutely.

SENATOR VASCONCELLOS: In your estimate, is the level of counseling, the resources for counseling, sufficient at this point to provide the needs for treatment and rehabilitation of the wards in the Youth Authority?

MR. MAURER: No, sir, it is not.

SENATOR VASCONCELLOS: And with the compaction of resources, are the counselors doing security as well as counseling and is that in some ways not the ideal accommodation of responsibility?

MR. MAURER: I believe that that combination of responsibilities is a good philosophy and a good tool. Just like parents, we discipline our children and we love them. The concept of the youth counselor who provides safety and security and supervision and also sits down with the young man and tries to teach him better ways of thinking and acting is very appropriate. And what we need to do is infuse the resources so that that youth counselor has more time to do that activity.

SENATOR VASCONCELLOS: Senator Polanco, you have a question?

SENATOR RICHARD G. POLANCO: You raised the issues of dismantling and then you listed about six items. You raised the issue of worker compensation is out of control which has a direct cost to obviously the taxpayer and money that can be used should be used.

Can you briefly elaborate on the kind of worker comp issue a little more?

MR. MAURER: Yes. I'm probably off a little bit on my figures, but I believe that the workers' comp costs for the Department of the Youth Authority is approximately \$16 million a year.

Imagine if that \$16 million were available for treatment and training of Youth Authority wards.

Primarily, what I believe drives the comp costs for the Department are stress claims, injuries to staff, which are significant, and long-term costs of associated stress problems, heart problems, and high blood pressure, and things like that, which are very, very costly claims. As an administrator of an institution, where we are at today, is workers' comp savings. Saving money to pay workers' comp bills is one of the driving forces of the Youth Authority's budget, to the detriment of the treatment and training of Youth Authority wards through training of staff and good supervision.

SENATOR POLANCO: Next question, on the issue that you raised on salary, the issue of compaction and the inequity of salary ranges, you used the term "purposeful" when you referenced the DPA. Would you elaborate a little more on what you mean by that or what you meant by that?

MR. MAURER: I think the purposeful part of it has to be the unspoken. It's the deed and not what has actually been said. The salary compaction in the Youth Authority is such a problem that we have staff who supervise staff, some staff who have a broad expanse of responsibility, who are paid a smaller salary than the people that they supervise. This inattention has existed for well over ten years and I'm saying action speaks louder than words.

SENATOR POLANCO: And so I'm not putting any words in your comments. What is the role that the DPA has played with regards to the question of (the) purposeful compaction issue?

MR. MAURER: I think they have not insured the viability of the civil service system by ensuring that there are salary ranges that are commensurate with responsibility and experience and promotional patterns.

SENATOR POLANCO: And that's been your experience over the last several years?

MR. MAURER: I would say for a good ten to 12 years.

SENATOR POLANCO: With the most recent change with the administration and the new designated DPA person, do you see any changes occurring on this issue?

MR. MAURER: No.

SENATOR POLANCO: The last question, with regards to the parole violators, could you share with the Committee the estimated rates of recidivism and the reasons, to the best of your knowledge, for parole violators or violations and the outcomes, if they were sent back, what it meant in terms of time?

MR. MAURER: Okay. I wasn't exactly prepared to answer that, Senator, but I'll do my best.

MR. MAURER: I believe the recidivism rate for the Youth Authority is about 60 – excuse me – about 40 percent. In other words, 60 percent manage to stay out; 40 percent come back. The parole violation rate for the Youth Authority falls within that realm. I believe that most parole violators are violated for what are called "technical parole violations". They are violations of their conditions of parole which are set by the Youthful Offender Parole Board which may be something like "Do not associate with former gang members."

SENATOR POLANCO: What's the average length of time that they serve when they're violating?

MR. MAURER: I would say between nine and 12 months.

SENATOR POLANCO: I beg your pardon?

MR. MAURER: Between nine and 12 months.

SENATOR VASCONCELLOS: Yes, Ms. Wright.

SENATOR CATHIE WRIGHT: I've had some first-hand experience with the Youth Authority in Camarillo in which that is the only institution that is coeducational, if you want to call it that, and I found out that there was not the security in the separation between females and the males in the institution. And when it was brought to their attention, nothing was done about it. And when we complained, at least I did, complained about the fact that these females were being abused, and they were being abused by the officers – when the time came and the pressure was on, I think it was a lot to do with the publicity, they removed those people in charge but nothing happened with these people in charge.

What is the process, when someone is absolutely incompetent in serving in positions of administration that they cannot be totally removed? If it was anywhere along any system, they'd be fired but they're not. They're moved along somewhere else in the system. They go from one institution to the next one.

What is the problem of taking these people that are absolutely incompetent and getting rid of them in the system?

MR. MAURER: Well, that's difficult for me to comment on because I've seen that happen, Senator. I have seen people removed – fired and terminated – for incompetency or dereliction of duty or those kind of issues. I can't comment on why those decisions were made for those administrators at Ventura.

SENATOR WRIGHT: I'll give you an example. One of the men who was in charge of security at Camarillo, there wasn't one camera, surveillance camera, that was not down. In other words, there was no surveillance through the camera system. And so the great thing they did was to remove him and put him in another institution in charge of security, which to me is just atrocious.

SENATOR VASCONCELLOS: Is he still serving in that capacity, Ms. Wright; do you know?

SENATOR WRIGHT: To my knowledge, he is.

SENATOR VASCONCELLOS: Maybe you ought to direct a letter to the new director and secretary about whether that situation is resolved and how that's justified?

SENATOR WRIGHT: I'll be totally happy to give the name of that...

SENATOR VASCONCELLOS: Okay. Other questions, comments?

Than you, Mr. Maurer, very much.

MR. MAURER: Thank you, Senator. Thank you for allowing me to come.

SENATOR VASCONCELLOS: You're welcome. Our pleasure to have you here.

Next up we're going to look at the inside of the Youth Authority today. We have four witnesses : Armando Lopez, a former ward -- Stewart Katz, an attorney representing wards; Robert Sehested, the father of two wards; and Officer Marcus Midyett, Oakland Police Department and father of a ward.

Mr. Lopez, you want to open up and tell us about your experience as a ward in CYA and since.

MR. ARMANDO LOPEZ: My name is Armando Lopez. I was a ward in the Youth Authority for seven years. I was on parole for two years out of the East Los Angeles Office.

SENATOR VASCONCELLOS: When were you a ward? What time period?

MR. LOPEZ: What time period? I entered the Youth Authority in 1990; I was paroled in 1997 and I was on parole until 1999.

SENATOR VASCONCELLOS: Fair enough. Go ahead, please, Mr. Lopez.

MR. LOPEZ: I would first like to share with you some of the experiences that I had in the Youth Authority, what it is that I experienced, what I've seen, just some of my overall experience, hoping that it can help in making the Youth Authority a better place.

SENATOR VASCONCELLOS: Fine.

MR. LOPEZ: During the first two years that I was in the Youth Authority, I was at Fred C. Nelles. I can tell you that I did not receive any type of treatment there during the first two years. When I entered Fred C. Nelles, you enter the orientation unit and you prepared yourself for what I would consider battle. I don't feel that I was protected. While entering the mainline living units, things are stolen from you. If you do not fight for the things that are stolen, like a Top Ramen, a bar of soap, at first it will be a soap; later it will be your shoes; and the next thing you know, you can even be raped. It can get very extreme. I've

seen that happen. I've seen individuals that did not fight back. I was forced to fight. I did fight back. I was 16-years-old. I had to fight an 18-year-old who had arms, 17-, 18-inch arms, a very large individual, but I had to get in a fight in order to survive. You know, there's a lot of things that happen that the staff are not aware of. A lot of things that are not reported. When you're in the Youth Authority for seven years, everything that you do, everything that happens, follows you so you must survive. I did so. I got into problems, got into fights.

So during the first few years, this is what happens, you get into gang fights. You know, you learn to be a more manipulative ward to survive. So during the first two years, that's all you do. There is no treatment, there is no training. You don't have time for that because you're trying to protect yourself during this time.

I spent ten months on the Taft lock-down unit for assaultive wards. I was considered a threat to regular staff. For the first month-and-a-half that I was there, I came out of my room for one hour a day. As soon as the shift came on, which is about 6 o'clock in the morning, I would have my handcuffs removed out of my room to shower. My shower would count as part of my hour, as part of my large muscle exercise. I would sometimes have to eat in my handcuffs in front of the TV. That would be part of my large muscle exercise. That would be it. For a month-and-a-half I did that. I cooperated because I wanted to get out of there.

SENATOR VASCONCELLOS: May I ask what offense or series of offenses occurred or were alleged that led them to put them to put you in that confinement?

MR. LOPEZ: Sure. One of the staff that felt threatened by my presence, he said that I hovered over him and he felt threatened and he pulled what is called "the pin". And when you pull the pin, all of the staff come running and they either throw you to the ground or they mace you, whatever comes first. That happened and that's how I became an assaultive ward.

SENATOR VASCONCELLOS: There was no physical contact?

MR. LOPEZ: There was no physical contact. You're welcome to take a look at the record. There's a Level B on that. I was fortunate not to receive a six-month time add it because it is almost automatic, that if you end up in the 270 unit or in the Taft unit, that you receive a six-month time add. But I was able to plead my case to the board and not receive a time add.

I would now like to talk about the next five years that I spent at Ventura School. During the next three years, we have what are called treatment and training that is supposed to happen during this time. The staff that provided the small groups, which is the main portion of your treatment and training, it didn't happen. These people, even though there were some very good staff there that did care, were not equipped with the training to provide me with parenting classes, domestic violence classes, Alcoholics Anonymous, anger management, HIV and AIDS. These people did not have the skills. They did not have the training. They were more security guards. Their main concern was security and I understand that, but these people could not go out into the community and teach these classes. They could not provide services in the community, but yet here's a specialized

group of people out here and they cannot provide services to them because they do not have the training. They are not certified. They have no experience.

I had one counselor who was a farmer before he became a youth counselor. He was a group supervisor. He spent two years as a group supervisor and now he's a youth counselor because he hung around with us for two years? I don't agree with that.

I would like to turn your attention to some of the things that did help while I was in the institution. There were a lot of programs that did help. However, the programs are given to you in the last two years that you are in the institution. They are not given to you in the beginning part of your treatment and training. These programs are reserved for people who are going to be paroled and it's a good idea. However, during the last year that you're thinking about being paroled, you're thinking about the problems that you will be facing when you are paroled. Parolees, wards who are about to parole have more problems outside than they can even think about. So, you know, you try to deal with very serious issues, like victims awareness. The list is tremendously long, and you get it in your last six months that you're about to be paroled. This program should be given the whole time. It shouldn't just be the last six months. You know, you're thinking about all the problems that you've got (at) home, (like) if you're going to get out and get killed. You're not thinking about victims awareness. It should be given to you the whole time.

One of the programs that extremely helped me and prepared me to come out here and be competitive in the workforce was the TransWorld Airline Program. It's the Free Venture program and it allowed you to experience what it is in the real world, what it is like to work, what it is like to make money, to support yourself, to pay room and board. I worked there in the last two years over there. They gave me real-life experience and it prepared me to come out here and be successful.

The college program, I was able to complete my Associates of Arts degree from Ventura College. It was a very successful program and there wasn't enough counselors, you know, to help you with your educational needs. It was a good program but you just kind of had to go through it, take all the classes. There was no guidance there.

One particular program that I can say that helped 100 percent is the 187 Program. I don't know if you're familiar with this. Dr. Hoto was ahead of this program. She had ten wards in her program who were all there for murder, 187, murder in the first degree or murder in the second degree. It was intense. She's a psychotherapist. It was ten people. We met for one year. The last year we were there, this program prepared me mentally for all the problems that I was going to face.

SENATOR VASCONCELLOS: You met how often?

MR. LOPEZ: We met once a week.

SENATOR VASCONCELLOS: Okay.

MR. LOPEZ: For two hours, sometimes three if needed, if the issue was really serious. This program was wonderful. It allowed me – you know, I keep in touch with about seven or

eight of the people that were involved in this particular program. These people are very successful because they were able to deal with their issues before coming out and getting professional help. We received quality help; we received quality assistance with our problems and it really helped. I would ask you to take a look at this program and see, you know, what it is that this individual did and how it allowed us, you know, to deal with our anger, to deal with our frustrations, to deal with our family. It was very helpful.

SENATOR VASCONCELLOS: And it's called...

MR. LOPEZ: It's a 187 group. It was, at the time, at Ventura School, which is Ventura Youth Correctional Facility now, it was mandated, that if you're a 187 case, that you take this program for one year. If you fail, if you do not go through the program, if you go through the program and you don't do what you're supposed to do, you do not get paroled and I agree with that 100 percent.

SENATOR VASCONCELLOS: Under the law, as I understand it, when you're committed to the Youth Authority, it's supposed to be an assessment of what condition you're in educationally, emotionally, therapeutically, and vocationally, to try to put you on a program to get you ready to come out and be safe for the rest of us. Did that happen with you, to your recollection?

MR. LOPEZ: The only thing that happened with me is they put me on a nationals unit which was the Washington unit at Fred C. Nelles. The Washington unit is a nationals unit for people who were born outside of this country, okay, and you grouped them all together. They didn't interview me and ask me if I spoke any English or not. I speak perfect English. But I was put there because it said that I was born outside of the country. That's the only assessment that was made.

The Victims program is very effective. However, it should be longer. There should be more resources put into it.

Now I'd like to move onto part of my parole. I was on parole for two years out of the East Los Angeles office. When I got out, the EDD program was there. I did not take advantage of it because I was prepared to come out to the workforce. I knew how to make a resume; I knew how to go to an interview. I had to practice for these things. I had interviewed for the TWA program. I had been on an interview before. I'm 23-years-old now and I'm out of the Youth Authority. I have come out with some skills where I can compete in the workplace.

I enrolled myself at California State University at Los Angeles because I had my Associate of Arts degree, and I had taken enough classes where I can just walk right into the university and enroll. I was accepted right away, okay? Now I had a problem. How do I pay for this? Well, I had money saved up from the institution that allowed me to pay for some of my books and some of my tuition. That money soon goes away. The East Los Angeles Office stepped in and helped me pay. It was either pay for my rent, pay for my food, or pay for my books. The East Los Angeles Office seen that it was a problem for me. In order to help me be successful, they stepped in and they helped me with vouchers to pay for my books.

SENATOR VASCONCELLOS: It was that or else pay for your re-incarceration.

MR. LOPEZ: Excuse me?

SENATOR VASCONCELLOS: Either pay for those things and help you stay outside or pay the larger cost of putting you back inside.

MR. LOPEZ: Absolutely.

SENATOR VASCONCELLOS: Good investment.

MR. LOPEZ: There were also other programs that helped me. I had a mentor. I work for the volunteer program now. I am a program director in the San Fernando Valley. I filled out an application inside the institution. About three or four months after I was paroled, I was called. They said they had an attorney mentor for me, very helpful. The gentleman's name is Steve Ball. He was there for me from the beginning. He walked me through some of the steps and just kind of guided me in the path, somebody that I could bounce some ideas off of, very helpful, because I had no family support.

I was given an opportunity by a company called California Drug Consultants. They gave me an opportunity for a peer education program where I can go back into the parole offices and educate people on HIV and AIDS and it enabled me to work, to have a job. And I think that all of these things are part of what helped me to be successful.

Thank you very much.

SENATOR VASCONCELLOS: Thank you very much.

Senator Hayden.

SENATOR TOM HAYDEN: Thank you for your testimony.

Would you say that most of the experiences that you have told the Committee about were common among the wards and the facilities that you were in?

MR. LOPEZ: Oh, very so, yes.

SENATOR HAYDEN: Would you say that the effect of those experiences was to harden them psychologically, physically?

MR. LOPEZ: I don't know if it was intentional or not.

SENATOR HAYDEN: No, the effect.

MR. LOPEZ: The effect, yes. The effect, yes, it does harden an individual, yes.

SENATOR HAYDEN: So most of the individuals that experienced what you did, when they came out, were harder cases than when they went in?

MR. LOPEZ: Did they become more criminally sophisticated? Did they learn about gangs? Yes, they did.

SENATOR HAYDEN: But also psychologically harder in that sense as well, desensitized, more – I don't know what the word is I'm looking for but whatever is the opposite of rehabilitation.

MR. LOPEZ: I would say a large percentage does come out that way, yes.

SENATOR HAYDEN: Have you stayed in contact with some of the guys that you spent time with?

MR. LOPEZ: Oh, yes, absolutely. I work at the San Fernando Valley Parole Office.

SENATOR HAYDEN: What was the typical pattern for the guys that you spent time with? Did they come out, as you say, competitive in the workplace? Did they come out and repeat their behavior? Did they come out and kind of as dropouts or marginal? What's the pattern, if you summarize it?

MR. LOPEZ: Well, it would depend if, for an individual who's only there for a couple of years, chances are, what I've seen, is that they come right back. If you spend two-and-a-half years in the institution, they come right back. If you spend a little longer time, you get an opportunity to receive all these services, you know, chances are that they don't come back. The longer they spend there, the less opportunities for them to come back.

SENATOR VASCONCELLOS: That doesn't necessarily mean they've got to have longer and longer sentences. It means sooner and sooner treatment; am I right?

MR. LOPEZ: I'm just talking about the individuals that I was around.

SENATOR VASCONCELLOS: Okay.

SENATOR HAYDEN: Mr. Chairman, I don't know if the Committee knows or Leg Counsel knows, but I'd like some clarification on what the purpose of serving this time is in the law or in the regulations because the pattern that I see and that this individual represents is a continuation and intensification of punishment as opposed to custody. In other words, your life is no more safe in the institution than it was before. You're subject to constant threat of physical attack or rape. The atmosphere is such that it seems to imply that you're not just doing your time, but because you've done something wrong, you should be punished or subject to an atmosphere of punishment all during that time. And I don't know if that's institutional culture, attitude, public policy, law, or not. Of course, it may be just short of cruel and unusual to avoid that kind of sanction. But these days, anybody that goes to Youth Authority or prison isn't going to serve their time for crimes committed. They're going into a situation where they're in constant danger and it's very real.

Let me ask you one other thing. Is there...

SENATOR VASCONCELLOS: Let me respond to your question first, if I may.

SENATOR HAYDEN: On what the law is?

SENATOR VASCONCELLOS: Right. I've got it right in front of me. Good staff work.

SENATOR HAYDEN: Very good.

SENATOR VASCONCELLOS: Welfare and Institutions Code Section 1700, it says:

"Mission of the Youth Authority: The purpose of this chapter is to protect society from the consequences of criminal activity and to that purpose community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young persons who have committed public offenses."

SENATOR HAYDEN: That's all?

SENATOR VASCONCELLOS: That's what it says. It's what I've got in front of me.

SENATOR HAYDEN: This is Alice in Wonderland. I mean the complete opposite is happening, as I think Mr. Washington said.

One other question I had for you, what's the gap, if there is, between the kind of incidence of violence towards you that you report, that would be reported by someone, versus the atmosphere and incidence of violence in general that one goes through during the day?

In other words, we have mechanisms for reporting if somebody wants to report, but does the reporting systems capture anything – what percentage of the atmospheric and the specifics of violence do they capture, would you say? In other words, how much are we left not knowing what's going on?

MR. LOPEZ: I think about 90 percent.

SENATOR HAYDEN: Ninety percent of it is not reported?

MR. LOPEZ: It's not reported. The reason why I say that is, if you do report anything, if I am hit while walking down the hallway and I say, "Okay, I'm going to write a grievance on you," well, you know what? I'm going to get hit four or five more times by other people. You do not report things like that because...

SENATOR HAYDEN: Mr. Chairman, that is why I wanted that social science study and I hope that it stays in the budget because these things cannot be reported for fear, for shame, for

whatever reasons. And it's important that we get a handle on this somehow and not rely on voluntary reports.

Thank you very much for your testimony.

SENATOR WRIGHT: Mr. Chairman.

SENATOR VASCONCELLOS: Ms. Wright.

SENATOR WRIGHT: Just to piggyback on what Senator Hayden said, what I found out in the Youth Authority, especially in the institution that's in my district, what I found out was, that in many instances, even among members of the force in those places – for example, if a woman filed a claim of sexual harassment, she got punished for the report. And the fellow who was, the one that she had basically fingered, he got nothing, absolutely nothing. In one particular woman's case that I was following, three times she filed harassment and they never even found the file anywhere in the system. It was being destroyed right at the place and then she got twice as much, to the point where she went out on stress; and in the end, she left the institution. And I thought she was a pretty good guard because she understood the young people. I think you have to be parents sometimes in order to see that there is good in all children.

SENATOR HAYDEN: So there's a disincentive to report?

SENATOR WRIGHT: Oh, very much so, very much so.

SENATOR HAYDEN: Agreed.

SENATOR VASCONCELLOS: Senator Polanco.

SENATOR POLANCO: Question of Mr. Lopez.

First, let me acknowledge publicly, that of what you've gone through, that of what you've become, is a clear indication that, if done right, rehabilitation does work, can work, and does make a difference. And having said that, you very quickly opened your opening remarks and said staff was not aware of, and Mr. Hayden raised the question, what percent of incidents do not get reported. I want to go beyond that, and I'd like for you to just share with the Committee that, elaborate further on your comment. Staff is not aware of what, I would assume you meant, goes on there. And so I would like to ask, if you'll just respond, to what degree are drugs prevalent in our Youth Authorities?

MR. LOPEZ: Oh, absolutely. There was every type of drug that you could think of is in there, you know – methamphetamine, marijuana, everything is accessible.

SENATOR POLANCO: The next logical question, obviously, how it gets in.

MR. LOPEZ: Some staff will bring it in, you know; visiting; other institutions, when other individuals come in. That's mainly how it comes in.

SENATOR POLANCO: Next question. With regards to male rapes, how often?

MR. LOPEZ: Because...I was at Nelles for two years, okay? I spent one year on a regular living room unit, I witnessed two rapes while I was there and heard of one other one that I did not witness. Because I was at Ventura -- there was females there. So I only seen one person defend himself from an attack of an attempted rape and that was a male on male. But because there was females there at the time, those incidences, it's less likely.

SENATOR POLANCO: Thank you.

SENATOR VASCONCELLOS: Senator McPherson.

SENATOR BRUCE McPHERSON: You said you were there for seven years and that the last two years in particular you got some psychological, well, some group gatherings that really helped you a lot. Had that been done the first two years, we front load this thing, would you be as mature as you are now into coming out? How much difference would it have made? Could it have shortened your stay there possibly, do you think, if you would have been able to get right at this from the start?

MR. LOPEZ: I don't believe it would have shortened my stay because I was given seven years. I might have gotten a time cut, maybe shortened it by six months, but I think it would have helped in the maturity process. It would help me take advantage of other programs that were there. I think it would have helped. It's not that the programs were not available during this time. The programs were there, but you're so busy trying to defend yourself that you don't really have time to actually take advantage of these quality programs.

SENATOR VASCONCELLOS: Mr. Washington.

ASSEMBLYMEMBER WASHINGTON: Mr. Chair, very briefly, you spoke, Mr. Lopez, at the inception of entering this facility, which I think is the highlight of what we're trying to get to the bottom line here, your first two years, there was never any treatment?

MR. LOPEZ: Yeah. There was no treatment. The only thing available to me during that time was some education, okay? But when you're in the school area, you have to watch out for rival gang members so you have to watch your back. You're not thinking about studying. Yeah, that was available to you there. The treatment on the living unit, you know, I can almost say that these people didn't know what they were doing. They have no training. I had counselors who didn't know what they were doing, who didn't know to deal with the issues that I had.

ASSEMBLYMEMBER WASHINGTON: So they had no real conflict resolution, mediation experiences, things of that nature, that would protect you as a ward of Fred C. Nelles, in terms of your safety -- those type of mechanisms wasn't in place for you to benefit from?

MR. LOPEZ: No. About the only thing that they did do was they put me on the first bunk when I first entered the regular population living unit.

ASSEMBLYMEMBER WASHINGTON: What does the "first bunk" mean?

MR. LOPEZ: "First bunk" means that the night staff can watch you from where he sits in his cage.

ASSEMBLYMEMBER WASHINGTON: How far is the cage away from you?

MR. LOPEZ: From where you are to me.

ASSEMBLYMEMBER WASHINGTON: So a person can get to you and it takes a staff person at least two minutes to get to you?

MR. LOPEZ: It can take longer than that because they can't come out. It's one against 70. If something happens, they have to pull the pin, the pin goes off, security has to drive down there, open the doors. So during this whole time, you know, they can't go in there. All they do is tell you to stop, if somebody was attacking you or something. It's one staff to 70 people in the evening, you know. And the staff can, from where you're standing to the back of this room, something could be going on back there. You only stay in the front bunk until somebody else comes along. So if somebody comes along three days later, well, then you're moved to the back and that person takes your place so then you're vulnerable back there.

The lockers at Nelles don't have any locks. Anybody can go up to a locker and just go out there and take your stuff, put it in their bag, and walk away with it, no protection.

ASSEMBLYMEMBER WASHINGTON: Thank you very much.

SENATOR VASCONCELLOS: Okay. Mr. Lopez, thank you. I wish you well on your continuing path.

ASSEMBLYMEMBER WASHINGTON: Congratulations also on your going to the university, and I hope that you will go back and talk to our young people, that you have an opportunity to tell them that entering into these facilities is probably not the best thing for them and that they should take other avenues in society rather than going into these facilities because you, again, have the experience. And certainly, you have the know-how in terms of making sure that young people are aware that these are not the best facilities and that in life we make choices and hopefully they will take choices, that they would do right and move on with their lives.

God bless you, my friend.

MR. LOPEZ: Thank you.

SENATOR VASCONCELLOS: Stewart Katz. You've got a ward in there you're representing. Tell us about it.

MR. STEWART KATZ: Yes. She was a minor female at the facility in Camarillo.

SENATOR VASCONCELLOS: Just for the record, being taped, Stewart Katz, a lawyer, is speaking now.

MR. KATZ: Thank you. She was sexually exploited by both teachers and security staff. This isn't simply conjecture or allegation. The teacher's presently in a state prison. The security staff was removed from his job and the situation seemed so hopeless in the eyes of the judge that originally committed her, is he put her back in her home county, and she's sitting now in Humboldt County Jail trying to figure out what do we do with her because the court has no confidence in the CYA system as it exists.

What happened in her case is she and a number of other females were sexually exploited. It's almost comical in hindsight to think that you have a teacher making pornographic movies at the facility involving the wards (and) that they could be utterly unable to investigate it. She's the subject of approximately dozen investigative interviews. The institution itself could come up with nothing. Even the Internal Affairs for CYA, who stepped in to investigate, they almost hit a wall because the institutional culture there seems to be the worse sort of thing that female inmates in the prison system face where there's just a pattern of exploitation, that people are unwilling and afraid to talk about what happened because of fear of retaliation and that people recant because they are in fear of retaliation by the staff. It's not a good situation and it seems like the worse type of pattern that you see in the female prisons is starting or being duplicated in the juvenile facility. And what's particularly concerning is, for example, my client, when this started, she was a 16-year-old girl.

ASSEMBLYMEMBER WASHINGTON: Is there staff-on-staff retaliation or staff-on-ward retaliation?

MR. KATZ: Staff-on-wards and, to an extent, I think there's certainly a...

ASSEMBLYMEMBER WASHINGTON: A code of silence?

MR. KATZ: Sure. There's definitely a code of silence and there is concern of, I think by staff members, for example, in terms of the ward I represent, I believe, it was actually another teacher who initially tried to call it to someone's attention and you don't score a lot of points with your colleagues if you're viewed as a whistle blower in that type of institution or facility.

SENATOR VASCONCELLOS: Any suggestions for how we can better operate this system so as to prevent that from happening?

MR. KATZ: It seems as though, when you have a model, a prison model and maybe the staffing mentality, whatever reason they get into this exploitation mode, I don't know if you need (to be) more conscious of maybe the gender of the staff as well, but there seems to be a real pattern of various levels of correctional facilities where guards or staff people take sexual advantage of the people in their charge.

ASSEMBLYMEMBER WASHINGTON: Would you say, Mr. Katz, that staff is too free with wards, such as in this case? It sounds to me like a staff person bringing a video camera into

the facility, have you as the attorney found where there was a systematic setup where, if a staff person brought a camera in, they wrote it down saying I'm bringing in a VCR into the facility or a camcorder into the facility?

MR. KATZ: Well, Senator Washington, what happened here, the teacher was teaching a film class.

ASSEMBLYMEMBER WASHINGTON: Made it a little more easy to get in, huh? Gee.

SENATOR VASCONCELLOS: Did that cover what you wanted to tell us?

MR. KATZ: Barring any questions, yes.

SENATOR VASCONCELLOS: Any questions, anybody?

Mr. Katz? thank you.

Mr. Sehested, you have two sons who are in the Youth Authority apparently? You want to tell us about your experience, observations, and theirs?

MR. ROBERT SEHESTED: Well, first of all, I've given you a little booklet which is a chronology of what's happened to my sons in the system. I have about a four-minute presentation for you and then questions.

SENATOR VASCONCELLOS: Please proceed.

MR. SEHESTED: CYA's mission is to rehabilitate youthful offenders. The current conditions at CYA do not allow wards' true rehabilitation. There are no safe facilities within CYA. Nonviolent wards entering the CYA system are expected to become violent so they can survive in CYA. The staff has shifted the focus from training violent wards to fit into normal society to now training nonviolent wards to fit within CYA. Wards are advised to be aggressive and to fight.

Religion at CYA is allowed, promoted, practiced selectively.

SENATOR VASCONCELLOS: What is?

MR. SEHESTED: Religion.

SENATOR VASCONCELLOS: Okay.

MR. SEHESTED: It's allowed, it's promoted, but it's only allowed selectively. Christian wards have onsite worship, but access to other religions are discouraged, staff ignore requests for religious access.

Many wards are at CYA for racially related crimes, yet guards feel comfortable expressing prejudice towards people with different races and religions. Prejudice by the staff does set an example for the wards, the wrong one. If we are to grow as a society, we must stop prejudice wherever it exists. The perpetrators that expose their prejudice to the wards must be retrained or eliminated from the system.

Changes in the law in society has shifted CYA's focus. The CYA facility's once called schools and staffed by counselors are now called correctional facilities and manned by correctional officers. CYA is operating under new pressures that allow no clear direction. The focus on rehabilitation has shifted to one of incarceration and punishment, but CYA's mission has remained the same. Children forced to live under these current conditions serve their time with disastrous results. A child's rehabilitation cannot wait or take a back seat to society's need to punish. Punishment is not the most pressing or productive need when the offender is a child.

CYA operates in a closed society. Many staff members operate outside the law. The system allows them to feel comfortable and protected. Staff are expected to close ranks and ignore or justify bad behavior by staff members. I was speaking with one staff member in preparation for this meeting and I tried to get information from him about what he thought was wrong with the system. And what he told me was chilling. He told me CYA's a political system, that they only want certain information to leave the facilities. If he talked to me about that information, he could lose his job.

Until staff feels safe to openly speak about problems in CYA, the system is structured to protect programs that are not working, facilities that are not fit to house children, and staff that are not suited for their jobs. California Youth Authority can meet its mission. Successful rehabilitation of the majority of the wards at CYA is possible with change.

Senator Wright recently gave a statement to the Los Angeles Times. I agree with the Senator's statement. Slightly to rephrase her sentiment, I feel that CYA has to get back to its original mission, which is rehabilitation of our children. Over the past five months, my family and I have seen the CYA system in operation. We had been at the Norwalk, Whittier, and Ventura facilities. I have spoken with many staff members. I have attended my son's IEP meeting and both my sons' parole hearings. My wife, family, family members, and I have attended every possible visitation. We have heard things from our sons that frighten, shock, and disturb us. We've learned that problems that we have seen and heard about are not isolated incidents.

For every general statement that I have shared with you, an actual event has happened to my sons or it's an experience that's been shared with me by another staff member or ward. It is our hope that these conversations with you will lead to change in the system, change that will allow the system to operate without prejudice, abuse, and lack of direction that currently plague the system. With change, I know CYA can meet the mission of rehabilitation for the majority of the wards. I appreciate this opportunity to address the committee about problems in CYA.

I ask you, as the leaders of our state, to correct the problems that permeate CYA. I've brought copies of letters, information about CYA to share with you, to anyone that's interested. My son, my wife and I are available to discuss our observations at any time.

Thank you.

SENATOR VASCONCELLOS: Thank you.

Ms. Wright.

SENATOR WRIGHT: You did mention the fact that came to light when you told me about your two sons and that is the fact that, as they come into the system, they're put in different colored uniforms as compared to the young people that are already there.

MR. SEHESTED: When my son was transferred from Norwalk to Whittier, he was placed in an open barracks and everyone else was in blue, except for the new arrivals. They were in white T-shirts and white pants and it made them a target. You might as well put a bulls-eye on their back because, boom, everybody was on them. He lost his shoes the first night. They stole his personal property. It's all in the book and it was a scary situation for him.

SENATOR VASCONCELLOS: He was how old at that point?

MR. SEHESTED: Sixteen.

SENATOR VASCONCELLOS: Any questions, Committee?

Thank you. We'll look at your materials and Mr. Harper will as well.

SENATOR VASCONCELLOS: Officer Midyett.

OFFICER MARCUS MIDYETT: Good morning. My name is Marcus Midyett. I'm an Oakland police officer and my son Sean is currently in lockdown at Chad at the CYA facility.

When Sean was 17-years-old, he pled guilty to assault with a deadly weapon, it wasn't a firearm, a crime that the Penal Code states is punishable by two, three, or four years. Sean is 20-years-old now and he'll be 21 July 17 of this year. Sean was to be released two to two-and-a-half years after arriving at CYA. He was first placed at the DeWitt Center. It's a learning and training center. Sean said good things about DeWitt. But soon Sean was given additional time, four months for not working his program, four months for tattooing "Oakley" on his chest, four months for testing dirty for cocaine, one of his mandatory programs that he was to complete but has since been offered that opportunity. And finally, for fighting an opposing gang member, he was given six months.

Sean was involved with the XIV or Norteño gang prior to his commitment, something I'm not proud of and something his mother is not proud of and we've constantly told him this. At Sean's request, he underwent laser treatment for the removal of his gang tattoos prior to his arrival at CYA. But he stated, soon after his arrival, he became involved again in the gangs for survival. I'm sure you're all aware of the many opposing gangs at CYA. And to my understanding, CYA integrates these people, setting up a potentially dangerous setting for all, including the staff. After Sean's fighting incident, I was told they may send him down south. This would have created a great hardship, as we like to visit Sean as much as possible.

To commute after work to the LA areas would have been almost out of the question. I was very stressed at this period and talked to a CYA parole agent in Oakland. He told me, by sending the Norteños down south to Sureño territory, they were sending a message and it would almost be guaranteed that Sean again would be involved in fighting. This was a real bad situation.

SENATOR VASCONCELLOS: What's the message they were sending? Did he say?

MR. MIDYETT: He said that the message that he was sending the Norteños, if they wanted to continue to fight with the Sureños up north, that they would send the Norteños down south and see how they liked it being in a population where they were the minority. He said there would be kites sent down, in other words, messages sent down, to the people in the southern area that would be awaiting these people from the Norteños, in other words, just waiting for the rival gang to show up and then retaliation.

Anyway, thank God that didn't happen. Instead, Sean was sent from DeWitt to Chad and for six months he was placed in a lockdown situation.

SENATOR VASCONCELLOS: Chad is located...

MR. MIDYETT: Over here at Stockton. He was there with one other ward in a small cell. It was so small that you could touch opposing walls or opposite walls and he was only let out one hour a day, as Mr. Lopez described.

When we would visit him for an hour, he was placed in a locked cell and Sean was handcuffed and shackled the entire visit. After Sean was released from lockdown six months later, he graduated and earned his GED diploma. This was a very happy time for us and I truly do appreciate the graduation ceremony we were allowed to attend.

For thirteen months after his release from lockdown, Sean was in no trouble and we finally thought we saw a light at the end of the tunnel. Sean was hoping, as we were, that he would go to a fire camp, but this was not to happen. After a lot of unrest at Chad, Sean was once again involved in a fight with an opposing gang member. Sean, as we speak, is in lockdown because of that incident, awaiting another sentence, and now there is no light at the end of that tunnel. From the way it is right now, adult law is to be punitive, juvenile law is to rehabilitate. If what I've described is rehab, what is punishment? It is my experience that adults do less time for more serious crimes and youths do more.

Some issues I think that they should look at or this group of people should look at are why they do integrate here at Stockton. As I understand down south, they now segregate the gangs. I believe youth stay in gangs for protection. I believe it would be easier to leave if it was segregated because, if you don't have that continual fighting going at these institutions, you wouldn't have that gang mentality all the time.

Another thing I would like to find out is why that was said to me, and if that is the truth, that they would send the Norteños down south to send out a message.

Basically as a parent, I'm very frustrated. I'm wondering is there a way out? Is my son being rehabilitated or is he being raised in a dangerous, violent environment? Sean feels safer in lockdown and that's sad. When he's released, I'm wondering whether he'll be ready for society or whether he'll be scarred.

Thanks for the opportunity to let me tell you this.

SENATOR VASCONCELLOS: Thank you. We'll relay your question about the policy and the message to the Department and ask them to get some response back to us and to you about that.

Questions, comments?

Senator Hayden.

SENATOR HAYDEN: How long has he been in?

MR. MIDYETT: He's been in since – God, he was 17-and-a-half and he'll be 21 in July of this year. He's been in the entire time.

What I meant by what seems to be frustrating is that, I think I'm like everybody: If you did the crime, you've got to do the time. But in there, you're put into a situation where you get all this additional time.

SENATOR HAYDEN: Right. You're not doing time. You're being –

MR. MIDYETT: Right.

SENATOR HAYDEN: -- the victim of further punishment which leads to your doing more time because, if you don't protect yourself in certain situations, you'll be savaged. But if you do, you're going to be cited; you're going to be locked down; you're going to have more time added on.

Did anybody ever have former gang members or gang members under supervision come in to try to calm things down, or was all the gang work carried out by the officers themselves? And if you know, what qualifications do they have that would lead them to this brilliant idea of sending northerners south? I mean what military or what strategy is behind that and who concocts these ideas?

MR. MIDYETT: I wouldn't know but the person I did talk to apparently served ten years himself in the YA facility as a youth.

SENATOR HAYDEN: Which person?

MR. MIDYETT: This was the parole agent that I talked to out of Oakland and it was quite frightening, and he was saying, you know, it's not a good situation. If you can, do whatever you can to see if you can keep him up north here.

SENATOR HAYDEN: Mr. Chairman, I think that there's no in-house expertise or expertise on contract, and a lot of these officers go to these trainings where they get pumped up like they're facing super-predators and nothing else and there's no serious mediation effort. This extends all the way to Pelican Bay right now, and the outcome is to consolidate gangs, to intensify gang conflict, and it's like, with the other witness, they said that hardening is the result of this, not loosening. I'm not quite sure, if you're preparing a package of bills, this is an issue that ought to be addressed. The Governor vetoed a task force on trying to look at mediation and peace process techniques in the CYA and prison system last year. I'm not quite sure where you want to take this issue, but there's a theory of gangs that is never contested and it's carried out kind of on an experimental basis in these facilities and the result of it is anything but a dissolution of gangs or a weakening of gang ties or a lessening of gang violence. It's almost as if some of the authorities become rival gangs and participate in a kind of militarized process.

SENATOR VASCONCELLOS: Okay. Noted, Senator Hayden.

SENATOR HAYDEN: Did anybody explain to you why the northern guy -- what is the reasoning there? It's kind of a vendetta reasoning, is all I heard from you.

MR. MIDYETT: Yes, exactly. What he was saying is the message that they were trying to send out is that for the northerners or the Norteños, which apparently are the majority of the population at the YA facility in Stockton, they were sending a message out to them like, hey, if you want to fight with the southerners or the Sureños or the Bulldogs or whatever, whose general population is down south, we're going to send you down south and see how you like being put in that situation. And what he also said is that you can bet your bottom line, he said, before your son arrives down there or whoever does go down there, there will already be letters or what he called "kites" sent down to that location.

SENATOR HAYDEN: Waiting for him?

MR. MIDYETT: Just waiting for him.

ASSEMBLYMEMBER WASHINGTON: In other words, we're going to teach you a lesson of how it feels to be in the minority and we'll send you among the majority where you are the minority and you will reap the benefits of being in the minority. And prior to going, we'll make sure the message is clear that we want you to be taught a lesson.

SENATOR HAYDEN: All right. If that's the interpretation, again, just read that against what the law says this is supposed to be about. It's just about as big a disconnect from the stated legal purpose that I can find in any realm of the state government.

SENATOR VASCONCELLOS: This hearing will lead to a report on what we've heard and learned today and the first paragraph of the report will be the mission statement in the

Code. We'll start there and then see what's going on and how we can...it's kind of like Back to the Future.

Thank you very much, each of you, for what you've brought us.

Next up, Mr. White. During the course of the Corcoran hearings a couple of years ago with Senator Ayala and Senator Polanco and myself, we had lots of evidence of there not being a clear system for being able to monitor what goes on within the prison system and give people safe harbor for those who want to report. So we created, did a tripartite agreement with the administration, then Governor Wilson, that would provide the Director, Mr. Terhune in the adult system, an internal system of agents to kind of monitor brutality charges and then ombudspersons throughout the system. And then thirdly, totally outside, to create an inspector general who would have the charge of helping us to assure that these systems were run humanely and properly and to whom people could report and without getting worried about vendettas back. So Mr. Steve White has been the first person to dare the daunting challenge of taking that position. We welcome you here today and ask you what you might have to say to us that's helpful.

MR. STEVE WHITE: Thank you, Mr. Chairman and Members. I'm Steve White, Inspector General. I'd like to take a few minutes of the time allotted to give some impressions of my time and tenure as the Inspector General and then leave an equal amount of time, if the Committee is desirous of my doing so, to take some questions.

SENATOR VASCONCELLOS: Sure. Would you first just tell us your background before you took this position?

MR. WHITE: I began as a prosecutor some 26 years ago or so in Sacramento County. I subsequently became the Chief of the Criminal Division of the Attorney General's Office for the State of California and then after that was the District Attorney of Sacramento County, was a partner in a Sacramento law firm, Kronick, Moskovitz, Tiedemann and Gerard and am presently the Inspector General.

One of the things that I have been struck with in the testimony that this committee has heard this morning is the accuracy of it, from my own perceptions and personal experience in dealing with the CYA. There has been a good bit of emphasis, particularly in the earliest part of the testimony on resource issues, which I think are very real problems, and I'd be happy to talk about that a little bit, if the Committee wants me to. Having said that though, I do not think that the problem stops with resources. In fact, I don't think it starts with resources.

Something that I had been struck by in my visits and work in all of the institutions and in working with our staff who are dealing with those institutions in the CYA, is that somewhere along the line, and it was a long time ago, this has been many years in the making, there was an implosion of spirit, there was a failure of ethical standards, there was, what I think, a turning in, a closing in on itself in a very organic, institutional sense. I think there are a lot of reasons contributing to that, primarily and significantly and at the very top of the list, a woeful lack of leadership for a long time. I think that this is all the more distressing, given the mission and agenda of the CYA, the legitimate statutory direction that needs to be met and the purpose for the CYA in the first instance.

It's also dismaying because, of all the places that I have been and things that I have done in my own career, I don't believe I've ever been in any institution or worked with any group of people who impressed me more than the bulk of the staff at the CYA. You know, in many jobs, private and public, people do them because they're jobs and they pay money and they put food on the table. One thing you don't find so much of in the CYA is people who are motivated because it's a job. You find people who are committed because they genuinely care about turning these kids around, and I think that is incredibly impressive. And it's not patronizing, that is true. Having said that, these are the people who are working within a context of this leadership vacuum, this ethical and spiritual collapse, if you will, and they're seeing things that they have been so inured to over the years that they don't speak up about them. And the many findings that we have made in our investigation of the CYA, most of which because of statute, as you know, are unable to share publicly, we get staff corroboration 98 percent of the time. We talk to wards every day of the week in different institutions, and we hear some of the most outrageous allegations, some of which aren't true, many of which are true, and most of which we can corroborate with staff without any trouble at all.

The staff knows this is happening and the staff cares about it. But for a whole host of reasons including, Senator Wright earlier pointed out, threats and harassment, which are part of it, as others of you have mentioned, codes of silence, they have not spoken up as they ought to have, to the degree they ought to have. In my mail every day, I get letters from staff in CDC and CYA. Some of them are signed, many of them are anonymous, and they detailed some of the kinds of concerns that you have heard testimony on today.

The problem that we deal with in respect to the staff in the CYA and the kinds of allegations that you have heard this morning is that there is, as a result of this lack of leadership, genuine organizational schizophrenia about what they're there for, particularly in the wake of the Ineasie Baker murder, there has been, and owing also largely to the public apprehensions about crime, a huge emphasis on punitive rather than rehabilitative emphases. And there needs to be both. There's no reason that people have to separate rehabilitation from punishment. But just as Senator Hayden has pointed out, they need and all of us need to appreciate that the judge is the one who imposes the punishment by sentencing somebody to the CYA. The CYA is not to continue the punishment. The punishment is being at the CYA. And so they need to be treated civilly and humanely and with program once they're there; and the program, of course, is the rehabilitative component.

One of the things, as a further exhibit in advancing this proposition of schizophrenia in the department that I have noticed, is that there are tremendously strong programs within the CYA and they are astonishingly uneven. They are uneven in terms of resources and in terms of expertise and in terms of geography. Some wards in the CYA have superb programming opportunities and are taking advantage of them. Many wards have no significant programming opportunities.

There are sex offenders wards, for example, who, as with all the other wards in the CYA, are going to be released back to be your neighbors and my neighbors and they're not getting the kind of treatment that they need for a whole host of reasons, some political and historical, some resource, and some having simply to do with what institution they got sent to. Well, that doesn't make sense.

The deficits with respect to finding out what makes, to the extent people can learn, a ward do what the ward is doing in respect to getting into the institution and also what sort of treatment or rehabilitation or programming or education or vocational work that ward needs, the concept and the objective was, that when a ward came into the institution, was committed first to the CYA, they would be evaluated as comprehensively as possible and programming would be provided to them to be sure that they didn't, to the extent possible, be sure they didn't repeat their offenses. Unfortunately, that doesn't happen but that's an opportunity and a responsibility that needs to be followed through on.

Finally, there is a lack of sense that they are a part of a larger community, the CYA, I've talked to, I'll bet you now, 1000 staff and wards and administrators and so forth collectively, probably 1,000 now. And one of the things that I see as a consistent theme is a sense of isolation, both with staff and wards, that they're not recognized for their needs and they're not recognized for their problems, and that they're not getting the attention and focus and illumination that they need.

I will tell you that that has been changing in this administration. I know the Legislature has expressed considerable interest in this as well, as evidenced in this hearing. But the Governor has made, in discussions with me and in commitments and discussions with the secretary and with the present director and prior leadership in the CYA, a very strong and unremitting and consistent commitment and unequivocal direction that these problems that you've been hearing about today are going to be cleaned up and cleaned out. The administrative changes that you have seen, the directives that the Governor has specifically focused on the CYA, have been for that purpose. They're not by accident. They're owing entirely to his firm commitment that these problems are not going to persist. Having said that and having the greatest confidence that the secretary and the director will be in this new leadership making a significant difference, it would be impossible to overstate the dimension of the problem and this committee needs to know it, and the people who are genuinely concerned about fixing the CYA needs to appreciate that it's going to take some time.

The problems go back a long ways. They're continuing as we speak. There have been very significant improvements, I think, over the last year but there's a whole lot more to go and I'd be happy to answer any questions the Committee may have.

SENATOR VASCONCELLOS: Okay. Are the CYA staff cooperating with your efforts, by and large?

MR. WHITE: Yes, they are.

SENATOR VASCONCELLOS: Okay. Do you sense that they freely report to you things that they find to be out of whack without repercussions and worry about that?

MR. WHITE: Well, let me answer that this way. They freely report, in the sense that we get a lot of reports. There are many that, you know, it's like how many stars are out there? There are only the ones we see that we know about. There are a lot of things that we don't hear about but we find them. I mean I was at Chad last Friday. I found a half dozen things that we didn't know about before but were consistent with things that we've been looking at

in other areas and other institutions. Well, now staff will be talking to us about those things. I have no doubt about it.

The retaliation thing is a concern. Senator Polanco carried legislation last year that moved retaliation investigations over to the Inspector General. Our caseload has been growing dramatically in the retaliation area and we monitor those things in such a way as to, I think, give the credible assurance that we won't permit, this administration, won't permit, retaliation. We'll go after them. I'm saying that, I mean it. Nonetheless, I recognize that there will be, you know, there are people who are afraid to talk. There are certainly wards who are afraid to talk but we're hearing a great deal, so there are many who are not afraid any longer.

SENATOR VASCONCELLOS: Shifting a bit, is there evidence that comes to your attention that CYA is allowing or encouraging wards to use fights to settle differences or gangs to settle differences and creating that part of the culture?

MR. WHITE: Yes, there's no question about it. I do not know that that's happening presently. I believe and hope that it is not because the Governor has again given absolutely explicit in finely detailed policy direction and so has the secretary. And I think that that, I have no evidence it's happening today.

I can tell you, that up until recently, that was happening. It was happening both on a formal basis in some places, in my judgment, and also on an ad hoc basis. On a formal basis, and that, as you know, and as the Los Angeles Times had earlier reported, we made some findings about something that was called "unrestrained group" where they would put wards who were historically enemies, sometimes personally enemies, in other cases, culturally and historically or ethnically and gang orientation and affiliation enemies and they put them together in a room with the expectation – I'm not saying desire – but with the expectation that they would fight. And the hope was, I presume, that they wouldn't fight. And if they didn't fight, then they would progress to the next stage, which would be to help to reintegrate them back into the main line. These were wards who were in the lockup.

I felt, certainly the Governor felt very strongly, that that is not the way to turn kids around, it's not a way to reduce violence, and the Governor ordered that that end. That was the formal kind of incentive to fight, inducement. What we're talking about, and I think maybe everybody on this panel understands this, but what we're talking about are situations where you're dealing with two people who, for reasons that make perfectly good sense within the institution and may not seem all that obvious outside of it, they don't have any choice. If they don't fight, their own gang will take care of them on it. So they really, in many cases, have no choice. They have to fight. Well, when you know that, what's the point of putting them with someone they're going to fight with?

The other situation that we have seen, and there are permutations on this theme, but the other situation we have seen is where an individual staff person will make the judgment, and whether this is within the embrace of the philosophy of the institution or whether even they're aware this is happening – it's not something I'm not prepared to say – but the individual staff person will make the judgment that it is better to take these two people and go ahead and lock them up in the laundry room together and let them fight than to try to address this conflict in some other fashion. It would be sort of like a backfire. You go ahead and build this fire and then see what we can do. And you know why that isn't a good idea.

Now those are things that are inconsistent with policy. I mean you can't do that. It's unlawful, among other things. But we know that that has happened.

SENATOR HAYDEN: That happens?

MR. WHITE: To the staff person, you mean?

SENATOR HAYDEN: Have people been punished for this unlawful pattern and practice?

MR. WHITE: I have not seen it happen, other than in our own investigations, but I'm not representing that they haven't been punished.

When I talked about this implosion of spirit and the ethical failings and so forth, is that people who are good people, who know that this is not a good thing, are aware that that is happening and they don't say anything about it. Partly, they don't say anything about it, I think, because they don't think they can change it and because they know that they would be the odd person out if they tried to address that.

And there's an opportunity for many staff to not know. They could be aware that this is happening but they can not actually know it because they don't go look at it, they don't see it. And then there are, of course, a number of staff who stand up and say this is a problem and we're bringing it to your attention.

SENATOR VASCONCELLOS: You talked earlier about resources or lack of it being a major, not the major, but a major problem and that you would elaborate if we asked, so I'm asking.

MR. WHITE: What I'm talking about, you have to have the resources to run it, but the resources won't mean anything if you don't have the leadership. Now I think that Director Harper is the kind of leader that's going to make all the difference on this. But you have to have a leader who would ten, 12 years ago have come to the Legislature and gone to the Governor, gone to Finance, come to the Legislature, and said, we have to have enough youth correctional counselors so that we can accomplish this result. We have to have these fiscal resources so that we can accomplish this result. And I'm not talking about any largess. I'm talking about that which is minimally necessary to administer the programs that the Legislature has mandated.

SENATOR VASCONCELLOS: So is it kind of like a three-legged stool? It's enough resources and superb leadership and a change of culture?

MR. WHITE: Yes. And they're all connected, Senator.

And on the leadership part and the change of culture, let me give you a sense of what I think, and it's hard to articulate this, but I feel very strongly that this has simply got to happen. What we have now, I think, is for all these historical reasons that we don't have time to elaborate on at the moment, for all of these reasons, we have an institution where for a long time it has been satisfactory to simply cross those T's that somebody was going to come and look at or cross those I's that they thought the Inspector General or the

Legislature in its oversight capacity or somebody or the LA Times or the Sacramento Bee would get focused on. And then whatever you got away with beyond that, you could live with. You could go home at night and feel that you did your job.

What you need to have through leadership and through simply running this department right is an absolute commitment to the mission. What is it we're here for? Why do we care about our job? You know, learn it from their own staff. There are a lot of staff who have this passion for doing it right so that they don't feel good if kids are getting beaten up, so they don't feel good if kids are getting overmedicated or unlawfully medicated, so they don't feel good if they're not programming kids, so they don't feel good if they're taking somebody and locking them up for two years, letting them out for less than an hour a day and then putting them out on the streets because they've run out of time and they're now trying to re-assimilate.

I mean, you take any one of us and put us in that environment for two years and, as centered and stable as we may be, I don't believe we're going to come out okay.

These are the things that should keep these people awake at night, and I'm talking about the leadership because most of the staff is already there.

SENATOR VASCONCELLOS: You mentioned drugs. Is there any evidence of there being psychotropic drugs used excessively?

MR. WHITE: I don't know if excessively. There's certainly evidence of psychotropic drugs were used without adequate supervision medically. I mean we have found that.

One of the problems that the Department has, and it's been averted to in testimony earlier today, is that there are a number of mentally ill wards there, probably people who should not, in my judgment, plainly people who should not be, in the CYA. The prisons suffer the same problem.

Setting that aside, when you have those folks in the institutions, you need to have adequate medical staff and adequate in two regards – one numbers and, two, in quality. You have to have the people there. We certainly found evidence that that wasn't there.

SENATOR VASCONCELLOS: Senator Hayden.

SENATOR HAYDEN: Just a clarification. What's the status of your Inspector General's report on CYA?

MR. WHITE: Well, we have several, Senator, that are in draft or in final that have not been released because much of the information is confidential.

SENATOR HAYDEN: Is it a time and editing thing or is it the nature of the...

MR. WHITE: The nature of the findings.

SENATOR HAYDEN: Wait a minute. Now you have several reports. I know of one overall report. What are the several?

MR. WHITE: Well, in terms of different investigations that we have done. For example, we did an investigation of the use of Depakote in one of the institutions on wards where in some cases unknowing or improperly approved use of Depakote, unlawful. We looked at...

SENATOR HAYDEN: What is that?

MR. WHITE: Depakote, which is an anti-seizure medication which was used in a study.

SENATOR HAYDEN: That's the Stanford experiment on wards?

MR. WHITE: Right.

SENATOR HAYDEN: That's one.

MR. WHITE: That's an area that we investigated. We've investigated force, use of force, in a number of institutions. We're right now working on a department-wide review on that. And so the secretary has created a task force comprising the Board of Corrections and outside experts, including Mr. Breed, to look at some of those areas as well and some broader areas.

SENATOR HAYDEN: I'll ask him. I'm trying to understand this, without taking the Committee's time because we have to go to the Floor, but I saw an executive summary. I thought that the reports would be public and that they would be delivered by now.

Is it a time issue or is it that there's a desire not to divulge the full contents of the report and what's that based on?

MR. WHITE: No. It's neither, really. What it is, is a desire to navigate lawfully the myriad of statutes that make most of what's in those reports confidential.

SENATOR HAYDEN: Such as?

MR. WHITE: Well, such as the statements that we get from staff. Most of the staff that we talk to, many of the staff, probably most, are peace officers, for example. So peace officer's Bill of Rights restrictions, the confidentiality restrictions that the Legislature built in. Anybody who gives us a statement, for example, as a result of the creation of the Inspector General's office statutory framework, can make that a confidential statement. You can come to me out of CYA and give me some statement knowing that I will not ever disclose that because otherwise you'd be loathe to tell me what it is you're going to tell me.

The way the statutes read right now, Senator, is it's very difficult to expurgate a report sufficiently to give you anything that's meaningful. Again, as I mentioned in earlier hearings, it may be appropriate for the Legislature to revisit this.

SENATOR HAYDEN: I want to ask the Chairman, I won't be here long enough, but I don't think it was the intention of these so-called Bill of Rights for Peace Officers to have the result of making it impossible for the Legislature to get a candid report, not necessarily naming names, but a candid report on these conditions. I mean the Governor won't let reporters into these places. We had to create an inspector general out of the hearings that we went through for most of a year. The Inspector General is a breath of fresh air. The things that you've said are shocking in their candor. I don't know if you realize that. But when we want to see the substantiating documents that come from all, I guess all these thousands, of personnel hours to back up what you're saying, you're telling me that the current legislation is so protective of sources that we can't even get the full report?

MR. WHITE: You can get, Senator, conclusory...

SENATOR HAYDEN: Who does it go to? The Governor?

MR. WHITE: It goes to the Governor. And if a member requests, and occasionally Members have requested information from us, we'll report to that Member. But the way the law reads now, and there's some absurdity to this, and I'm not disagreeing with the thrust of your comments, if you request a report from me and we do an investigation, we'll report back to you. That report goes to you and it goes to the Governor. It will go to the Secretary; it will go to the director of that department.

If Senator Vasconcellos wants to see that report under existing law, he calls me up and he says, "Can I have that report?", the answer I'm supposed to give him is, "I'm not authorized to give you that report but Senator Hayden has it. You can get it from Senator Hayden, perhaps."

Having said that, let me give you this little...

SENATOR VASCONCELLOS: You mean only the first person that asks for it can get it?

MR. WHITE: The Member who requests it is the only statutorily authorized recipient of the report.

SENATOR VASCONCELLOS: Only the first one?

MR. WHITE: If you requested the report independently – you're not asking for a copy of the report – you're asking for an investigation of X – that's the distinction. This doesn't make a lot of sense but this is the law. That's where I'm going. And we can tell you our conclusions.

For example, I've told you – in other areas, we can talk and I'll give you conclusions in that respect too. But in terms of how we learned this, who we talked to, you know, what specific physical evidence, we're very limited in that. Exactly how limited? I'm not saying we can't tell you anything, but what we're trying to figure out now is what we can do without violating the law.

SENATOR HAYDEN: Do you have anything in writing that is being held? There is a report.

MR. WHITE: Yes. We do have writings.

SENATOR HAYDEN: And these reports have been in final draft form for most of a year?

MR. WHITE: Some of them.

SENATOR VASCONCELLOS: And they haven't been finalized because...

MR. WHITE: Well, they're in final form. They're just not releasable. In other words, they've been released to the Governor, to the Secretary, and to the Director, or to the Member, like Senator Wright. I've released a report to Senator Wright and we released a report to Senator Hughes.

SENATOR VASCONCELLOS: But must the report be released only to the person who requested the report?

MR. WHITE: Yes, and to the Secretary and the Director and the Governor.

SENATOR VASCONCELLOS: But if somebody issues a complaint within Deuel or one of the institutions and you study it and report it and conclude, I can't get that because I didn't ask for that report?

MR. WHITE: That's correct, under present law. And I'll tell you something else, Senator. The person who actually complains – I mean I'm not suggesting to you this is cool – but the person who actually complains can't get the full report. In other words, you can give me a complaint, you're a ward or you're a staffer or whatever, or a citizen, and we'll investigate it. But under the law, we can't, very often, can't tell you what we have done.

For example, people have been terminated as a result of investigations we have done. The person who complains doesn't even know that.

SENATOR HAYDEN: I have a vehicle in Appropriations, Mr. Chairman, if you don't, but I suspect you do.

ASSEMBLYMEMBER WASHINGTON: We might need it.

SENATOR HAYDEN: I think we should address these problems.

In the meanwhile, can we make a request for these reports or you are saying the reports can't be released...

MR. WHITE: Well, I think, Senator, I'll be happy...

SENATOR HAYDEN: or have the attorneys not looked into this problem of sources and confidentiality? I'm still not clear.

MR. WHITE: I think we need to sit down with you in regard to the particular report and we may be able to give you a report that has a lot of, you know, has names and some other detail redacted. The conclusions, we can give you without concern, but I realize you have the desire to evaluate those conclusions based upon the evidence as you view it.

SENATOR HAYDEN: But at the very least, the report in redacted form with conclusions is available, above and beyond the executive summary; is that correct?

MR. WHITE: Yes, although there isn't a text, such a text, right now. But, yes, that could be...

SENATOR VASCONCELLOS: We'll have a meeting soon with you and Mr. Washington and myself to figure out what's going on, how we might deal with this more constructively.

MR. WHITE: Thank you.

SENATOR VASCONCELLOS: Thank you very much.

Any questions otherwise?

Thank you very much.

Next up, John Lum, San Luis Obispo.

John, I'd rather have people here to hear you rather than put you on right now, just myself here. So why don't I do a recess until 11:30 and we'll reconvene this committee at 11:30 so we can get the Members back. We've had really good attendance and really important testimony.

Okay. Back at 11:30.

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SENATOR VASCONCELLOS:

Members are here and we will convey by way of the final report on this hearing, what is given in testimony between now and the end of the hearing, people will be coming in.

So we have Katherine Larson, Researcher, from UC Santa Barbara School of Education. Senator Rainey is here. We're in good shape.

About strategies for reform, models for intervention, you had some questions. Why don't you go ahead and present your testimony. Pull that mike closer to you so we can hear you.

DR. KATHERINE LARSON: My name is Katherine Larson. I'm a Research Scholar at the University of California, Santa Barbara. I've been designing and studying correctional

intervention since the early 1980s and I began doing research and training in the YA institutions in about 1983. I'm the author of an intervention program that's used in over 250 institutions in five countries in both juvenile and adult corrections as well.

SENATOR VASCONCELLOS: Used in California at all?

DR. LARSON: Not so much.

SENATOR VASCONCELLOS: Okay. Perhaps we'll bring our prophet home. I hope, maybe.

DR. LARSON: Over the years, I've met and trained numerous YA staff and administrators from almost every institution. I've visited, I think, every institution and I've tried to work very hard at implementing programs in about five or six institutions. I was invited to do so. And in that process, over this ten years of really working very closely with YA, I've conducted several research studies showing dramatic, positive effects on wards. I even implemented a study showing that tremendous tax dollars could be saved. I wrote elected officials about these results. I met with, at that time, the directors and administrators of the Youth Authority to try to see if we can implement some of the findings that I recommended. And yet I have to say that it was the most frustrating, professional experience I have ever had, and I really have to say that I failed to make any sustained impact on practice in the Youth Authority. Individual YA, both leadership and online staff, tried to work with me but it seemed that we were constantly up against odds to never really make any sustained impact. And so I turned my efforts to training and facilitating corrections outside of California and also in public school settings with urban youth.

Given that experience over all those years, I'm sure you won't be surprised when I tell you that I have a great deal of skepticism about being invited here to say some of my experience but...

SENATOR VASCONCELLOS: We are not the Youth Authority.

DR. LARSON: No, I know that and so that's why I have to add that I am an optimist. And because I get a feeling that the leadership at the legislative level is going to try to actively help bring about change, I have extensive experience in trying to help urban school districts change and it's been my experience that they do not change from the inside. They change from legislative pressure. I think that's what we're seeing in California, and I think that the same kind of systemic changes are going to require pressure from the outside for the Youth Authority.

SENATOR VASCONCELLOS: Let me suggest to you, to give you a bit more optimism, perhaps, is that I think we're committed to ensuring that this system is treated with the mission and that the new Director has assured me he is committed to its being a fine system and so has the Secretary and so has the Governor. So I think you may have a different administration and all of us together may be able to help to be sure that this does move in a different and right direction.

DR. LARSON: I would be so happy. And I have to say that I do have some hope because of the people that I have met who are working for the Youth Authority. They have some

exceptional people that I think have been as frustrated as I. Just as Mr. Breed said, that he didn't have the time today to give you the backup for some of the statements, I'm going to be making some statements that I'm not going to back up.

I will mention that the Office of Juvenile Justice and Delinquency Prevention is any day, they tell me, but they've been telling me for a couple of months, is going to publish a manuscript that they've commissioned me to write, reviewing the research on the best practices for high-risk correctional youth.

SENATOR VASCONCELLOS: This is which office now?

DR. LARSON: The U.S. Office of Juvenile Justice and Delinquency Prevention, OJJDP.

SENATOR VASCONCELLOS: That's a federal.

DR. LARSON: Federal.

SENATOR VASCONCELLOS: Okay. We will look for that.

DR. LARSON: And Steve Meinrath says that it could be made available to you or to YA when it's released, if you desired.

My message really today, based on my own research and experience, as well as extensive study of the research literature, is that helping youth, helping society, and helping our pocketbooks go hand in hand. And achieving these outcomes is not only possible but probable. We need to do some things differently, however, and three of those things that I think we need to do are:

One, we need to begin to comprehensively apply research-based best practices and have ongoing evaluation of all programs within the Youth Authority;

Two, we need to reestablish and reinforce the belief and expectation in the public, in elected officials, and in correctional staff that almost all YA wards can be rehabilitated;

Three, we need to build a system of accountability that is easily accessible to the public based on the expectation that our correctional institutions will have significant increases in literacy skills and reduce recidivism of incarcerated youth. I don't believe that expectation is there and we don't have accountability. I do think, though, that the YA is in the process of doing that with their education system and I truly commend the YA's leadership for trying to implement a standards-based education. I think the wards and the public deserve nothing less than this, and I think that the rest of YA now needs to begin to bring its programming up to par with the education system.

You may not want to hear it, but in my opinion, over the years, it's been my experience that elected officials from both parties share with YA leadership and some YA staff the responsibility for the sad state of affairs in youth corrections. Too often over the last 15 years I have seen and experienced elected officials provide funds or press YA administrators

to implement programs that had more to do with ideology and personal opinion than effective research-based practice.

I have been in institutions and heard staff say things like, well, we have to do this program because Senator or Assemblymember so-and-so wants it. To be fair, I'm sure that the programs supported over the years have been sincerely thought helpful. I'm sure they sounded good or they made sense. But if we want to achieve our goals of habilitation and increase public safety, we have to apply interventions that are based on research, not on sounding good.

In fact, I finally got to the point where I used to joke with YA and summarize their rehabilitation model as the two-cents theory of rehabilitation, and that is, everyone wanted to put in their two cents of how you deal with wards and that's how it seemed programs were developed.

The fact is that few of the programs and practices in the YA are evaluated in useful ways or they are not supported by research and yet there is plenty of research that tells us what we need to do. It's not that we don't know what to do.

Public safety requires implementing best practices as opposed to implementing popular notion. That's real victim's rights. I estimate that perhaps 5 to 7 percent of YA wards are not habitatable. I hear all the time that YA kids are different from other kids in other states, they're qualitatively different, they're more difficult, they're more aggressive, et cetera. I don't buy it, based on my experience. I believe, that for the other 93 to 95 percent of the wards, in my experience, they can learn to be safe and legal citizens. In fact, and this may surprise you, that my experience has been that most YA wards, because when they're incarcerated in YA, they've hit bottom, so to speak. Most YA wards are easier to motivate, in changing their behavior and behaving in new ways, than our troubled youth I've worked with out on our streets and, you may be surprised, who are attending our public schools.

I work a lot with troubled youth in our public schools. It's been my experience that the YA wards are like this gentleman here. Now he did have more, higher educational skills and academic skills than the typical ward. But he was considered incorrigible, as we heard his story, and this is what you hear, and yet many YA wards, if you talk to them, they are motivated to change, the hardest core ones. This is not to say that they can all become model citizens or that habilitation is easy to implement or that the wards are easy to work with. I'm just making the point that research shows, if we use effective methods, YA wards are reachable and can be helped to become what I call minimally appropriate citizens, at the very least.

And there's a strong body of research literature out there that tells us that reductions in recidivism for serious offenders is possible, and I believe there are programs we can duplicate in California. From my own research, I refer to two federally funded studies that were conducted by me and my staff at UCSB in the late 1980s. These studies reflect the highest quality of design by outside experts, random assignment control groups, top-notch studies.

Most importantly that I want to make is that the youth targeted in both of these studies that I'm going to brief you on were specifically selected by YA staff as the most problematic

wards on the units, and they came from YTS, Ventura School, and Paso at that time. They were specifically picked because they had the poorest academics, the most behavior problems, low motivation, and poor social skills, especially poor impulse control skills, and these were the results of two studies.

The first study that I want to tell you about was just looking at institutional behavior. This is what we found – a statistically significant reduction in rule breaking and aggressive behavior within the institution. Statistically significant, more positive staff evaluations by YCs of wards progress and the YCs were blind to the control and experimental groups when they rated the kids, and reported evidence that participating youth refrain from joining in aggressive group behavior. For example, I remember during that study there was a dorm riot at Paso and when I went to Paso later, the Director or Security actually made a point to come up to me and say, "Hey, you know, I wanted to say that those six wards that are in your study, they did not participate in that riot and I'm really amazed and impressed."

The second study tracked another group of trained male wards for 15 months after they were released. It worked with them in the institutions and it tracked them for 15 months. All of those youth in that study were moderately to seriously involved in gang activity prior to incarceration. They came from Paso, Ventura, and YTS. Compared to a comparable, randomly assigned control group, this is what we found: About a 60 percent reduction and recommitment back into the YA or CDC. Violent crime was greatly reduced with 44 percent of the control group arrested for violent crimes compared to 11 percent of the intervention group. Drug use was reduced with 78 percent of the control group having at least one positive drug test compared to 22 percent of the intervention group. And this is something, the next statistic, I think, is very telling. The control group youth contributed 197 productive days. Productive days were defined as being in school or being on the job which, we called employers and checked in schools to confirm that. The control kids in those 15 months contributed 197 productive days compared to the intervention kids who contributed 770 productive days. Finally, there was a 50 percent cost savings during that 15 months for the intervention kids; the cost saving was essentially in re-incarceration.

Both of these studies provided youth with the social cognitive skills training, and the longitudinal parole study included follow-up maintenance training while on parole. I might add that the control group young people were actually assigned to at that time, Youth Authority had, I believe we were in the Lynwood parole office. All these kids were paroled to South Central, Lynwood, or Compton, pretty much.

ASSEMBLYMEMBER WASHINGTON: That's my district.

DR. LARSON: I got to know it real well.

The control kids were in a specialized parole program, that the case ratio was 1:10, but they had 100 percent recidivism. What I was trying to tell YA, it's not how much you work with the kids when they're on parole, it's what you do with them when they're on parole. We met in the offices. I was down there all the time working with them.

The point is, is that current research, and you can see that in my review that I mentioned, continues to show that effective social cognitive training is the single approach that is most likely to reduce recidivism in highest-risk offenders. Since those two studies were published,

we've learned, not surprisingly, that a more comprehensive life skills or multi-modal approach is more appropriate for reducing recidivism in serious and chronic offenders. At the very least, this comprehensive approach must include social cognitive training, literacy training, academics, and substance abuse training if it's needed, vocational skills training, and involvement of the family, which essentially does not happen in YA, but that's also true in other states, is also recommended.

My next statement is important. Additionally, research shows that the institutional structure and the institutional culture predicts recidivism. Taking aside in controlling program, if you just look at institutional culture, it predicts recidivism. Factors, such as positive discipline, flexible and empathic staff strategies for relating to youth, transition programming, which doesn't take place, and continuous assessment of practice are all important for changing youth behavior and reducing recidivism. Putting it simply, how staff treats wards translates directly to how wards treat the public when they're paroled, and that's why the public should be very concerned specifically about what the YA does with kids for the two years or so that they have them or longer.

Something that I believe the YA has failed to take advantage of, and also other correctional systems, I might add, is the fact that the youth are accessible 24/7, meaning, I tried to explain to the YA staff that they may not have the majority of their young people for more than two years, two-and-a-half years, but they have them 24 hours a day; thus, they need to make each and every contact with the ward support rehabilitation goals.

For example, virtually every staff in an institution, from the gardener who interacts with wards, to the nurse must receive some basic training in how their interaction with wards can support and reinforce basic rehabilitation goals. That same philosophy is being translated at this moment into inner-city public schools. Every action taken by any adult in that school are now saying how does this translate to standards? What is this going to do for this kid's reading and writing and spelling? Everything.

I'm, for example, the project director of extensive after-school programs in a very low-achieving school district and we make the guitar teacher tie into reading, writing, and spelling. That's what the YA has to do with everyone there, has to be on the same mindset.

As in my own studies, research shows that practice that influences positive behavior when wards are paroled also influences positive behavior within the institution, thus habilitation and institutional control methods and needs do not have to work at cross purposes. My own experience, when I was running interventions in the YA, is that many staff felt that the wards receiving the intervention were much better behaved and less prone to aggression. You've heard that here today. Program is a security intervention.

Instituting habilitation as a primary objective, not on the books but in the culture, will involve start-up costs, in terms of retraining and planning. After initial costs, however, I believe the data show that the state will save a great deal of money if we put it in up front.

My overall recommendation is that, in the short term, YA work with outside experts and design a model program in one institution or perhaps divide an institution and implement it in half an institution and rigorously evaluate this program, although the program that they would implement would already be research-based. But I believe, that if they piloted a

model program, it will help convince YA staff and leadership and the public that habilitation is possible. I think you can do that in a year to a year-and-a-half, given enough data. I think you might want to put a random sample of wards or you can cluster specific types of wards who could be included in that model to see how the program impacts different types of wards.

In the long-term, it was my thinking ten years ago and I still think it's a good model, and that is, that one institution within the YA be turned into a research, training institution and that it become top notch and that programs before they're distributed throughout the institutions are tested and tried there and fine tuned. And then when you want to change the culture of the other institutions, you bring staff to that institution. You have houses they can stay in for a week or two to train them. You bring staff into an institution that has the kind of culture you want and they become inculturated in that. I believe that there are researchers all over this country who would love to jump at the chance to come to California and advise, at free or low cost, implementing top-notch programs in such an institution. It then becomes the method for implementing programs throughout.

So for the sake of the young people and for the sake of the taxpayers, as well as for the many YA staff that I believe are qualified and dedicated professionals, I want to wish Director Harper well.

SENATOR VASCONCELLOS: Thank you. I'm sure he would as well, were he up here.

Is there any place in the country where any state or the feds have taken one institution and made it into a research-based model?

DR. LARSON: Not that I know of.

SENATOR VASCONCELLOS: Okay. Thank you for your testimony. It's very helpful to me.

Questions, Senator Rainey, Mr. Washington, Richard?

Thank you very much. Catch your plane.

Mr. Lum, John Lum, we're back on the agenda now, Chief Probation Officer of San Luis Obispo County, to address how well the Youth Authority is operating now in your experience and observation? Is the community safer as a result? Are people coming back safer than when they went in?

Is Ms. Burrell here? Come on up and sit in this panel – Youth Law Center in San Francisco.

Mr. Lum.

MR. JOHN LUM: Yes, sir. Thank you.

When we got moved around, we believe in sensitivity training. As a matter of fact, our officers at our juvenile hall have to, as part of their training, are actually arrested and

handcuffed and booked and incarcerated in our juvenile hall to learn sensitivity in terms of what the minors who are in our hall feel. So I appreciate the change in the schedule and our waiting because I feel sensitivity of what it's like to wait, so thanks.

SENATOR VASCONCELLOS: You're welcome. (Chuckle)

MR. LUM: And I appreciate your leadership and the Committee's leadership.

Some really fantastic stuff has been shared today and I certainly don't want to go through that again. But since I'm from the county and I'm here to help you, I thought that I really needed – to put a focus in terms of what I'm feeling and thinking as a chief probation officer and somebody who is sworn to uphold the law, and I really view you, though I recognize we're all the state, but I really view the state and I guess you're part of that, that we're a customer to you when we send a young person or the court sends a young person to the California Youth Authority. Indeed we purchase, certainly not at full cost, but it could be at full cost, for some of those services and certainly look at that relationship in terms of being a customer. But I also want to raise the concern, in as much as you're also a monopoly. And as one customer, just to be very frank with you, we're not happy with the service we're getting.

About a year ago, I took a position in our county that I would not, could not, ethically, would never recommend a young person from our county to ever be sent to the California Youth Authority based on the conditions upon which it is operating then a year ago and I would suggest today. It's not personal. There are an enormous number of dedicated people who work in the Youth Authority as there are in my organization. But here we have a golden opportunity to work with young people, mind less the mission statement, mind less the laws, but we have a golden opportunity to work with young people who have had a whole host of different kinds of problems and help educate them and develop them into the great leaders and citizens of tomorrow.

But what are we doing? We're placing them in institutions where just the basic, minimal kind of understanding that I have of corrections, and I've been doing this business or about 25 years, and we learn from Attica, we learn from the violence of Attica, I thought. We learned that we had to have basic standards in terms of how we operate facilities. We learned about what happens when large numbers of people are packed and warehoused into facilities and remain idle. We learned what happens when people feel there is no hope and they stop caring about themselves; and quite frankly, they don't care about us either. It's not good public safety.

The last thing we want to do, and I'm not very good at math, but I don't understand how we can take young people who in many cases abuse themselves who then go out and abuse one of our citizens, and we're putting him into institutions where it is more than likely that they will either have to abuse someone else or be abused themselves and that that all adds up to good public safety for the citizens of California. The math doesn't work for me.

I know there are many people – it seems to be like a dark secret – I've only lived in California for 11 years. But when I raise this issue about what's going on in these facilities, it's amazing how the kill-the-messenger strategy all of a sudden comes up and the denial. But the reality is people know the deal. People know in California what's going on in the

California Youth Authority and, God knows, we don't want to start talking about the Department of Correction.

It's not okay. It's an issue of leadership. It is the way it is because I've been trying to work this one through. It is the way it is because we as citizens of the State of California have decided that's the way we want it to be. We have allowed an agenda of hate; we have allowed an agenda of racism to permeate in California that manifests itself very, very vividly in our institutions. And shame on us again that that's the kind of outcome that we would want to achieve for young people in the name of public safety. It can be different. All we need to do is to decide that we no longer want to have that, that we make a commitment.

I'm impressed with your creating the Inspector General's position. I'm very impressed with what he shared with us today. But based on my experience, you can go ahead and investigate every single employee of the California Youth Authority. You can go ahead and try to dig up something on all of them and fire all of them, and all you'll have is the same situation that you have today. Don't scapegoat those people. People who are doing wrong stuff clearly should be held accountable. It is not their fault. It is our fault. We as citizens of California have decided to allow that kind of condition to exist in our facilities.

I had the opportunity to meet with the former director and to suggest a collaborative approach. I feel that, and maybe we'll argue over this, but that would be a surprise, that the kids who commit crimes in San Luis Obispo County are our kids. Maybe you might want to fight and say they're your kids. But generally, these kids don't have anybody who wants them, quite frankly, but they are all of our kids. We made suggestions in terms of how we could make the relationship and the continuum of care for those kids more realistic. But you can't have any programs in any institution. You can't conduct any research in an institution, and you've got to be very careful about the ethical standards of research anyway, when the people aren't safe and the wards in the California Youth Authority want to be safe. They want us to run those institutions. They don't want those kind of conditions. Some do but not the majority. And the only reason that the gangs are running the institution is because the staff don't feel safe, and the wards recognize, that if the staff can't protect them, just like the police officer cannot protect a citizen in a gang-infested neighborhood, then they're going to gravitate to that which will enable them to survive and thrive. That's why it exists.

How could we, why would we even accept that as an outcome, that it's an okay outcome, in terms of even allowing gangs to be in the institution? And the institutionalized racism in our institution, it's beyond anything that I've ever experienced in my entire career, where people are actually segregated, where movement is made on the basis of race.

I have a foster son in one of the YA facilities but that's not why I'm here today. But I hear of different things where institutions get unlocked on the basis of race. And one of the reasons we also took this position is just hearing the hate coming from the ward and wards, quite frankly, that had been in the California Youth Authority and thinking, wow, here's a 19-year-old young person who's coming out of a state institution, our institutions, our values – they're supposed to be learning from us – and manifesting such bitter hate towards people who are different at a time when we could be teaching and should be teaching respect for all people and a respect for life.

Many of the people who end up in the Youth Authority, I recognize, have done terrible things and I'm not trying to advocate for them at the expense of saying that the victim is

not important. The victim, of course, is important and so are future victims, in terms of the continuum of care. We can do more in terms of caring. We should be doing that as a partnership between the county and the state, and I'm not representing any other county in saying that. It's just my own opinion.

When we send somebody to the Youth Authority and all the work we've done with that individual for a number of years, in many cases, some kids we raised, and that's simply negated in kids' treatment plans are just started from scratch. We had a situation, for example, at the Norwalk Reception Center in '96, I believe, when John and I went down there, where we pulled the kid out because we had stabilized a kid on medication. He was sent down to this diagnostic thing. And you need to look into that because, unfortunately, many judges in courts and others are using, and district attorneys, are using the diagnostic three-month work-up as kind of a mini-dunk. It's not about diagnosing. It's about a mini-dunk. I'm going to give you taste of what the Youth Authority is about, kid.

Anyway, as part of the assessment of this particular young man, all of his medication was stopped because allegedly they wanted to see what he was like off the medication. Unnecessary, brutal. We ordered him back into our county the very next day and got him back. But we can work together collaboratively in terms of the treatment, what's the best thing, assuming that we can send young people into safe environments. It's wrong for me, ethically wrong and clearly wrong, in terms of my oath, to knowingly send somebody into a place where I think there's a good reason to believe that he or she may not be safe.

I use a car analogy over the years, tragedy. We had a kid die out in Arizona and this organization, as well as others, and former Governor Wilson reacted very positively and strongly and passed 933 and said we're going to do all these things in terms of group homes; we're going to have standards. It's the same kids. But then on the other hand, it doesn't apply for kids who go into the Youth Authority. The very conditions we talk about existing in the Youth Authority, you, the state, could close my juvenile hall down because by standards that are administered by the Board of Corrections, at best weak ones, but nevertheless, they are some standards, give you the authority to shut the juvenile hall down, if I ever attempted to run anything in that condition.

Anyway, along the continuum, we would recommend working with the Youth Authority in terms of the entire care and treatment of the young person while they're in the facility and planning for them to come back into the community. At this time, when a young person is returned to our county who's been in the Youth Authority, we don't know he's back, and yet my probation officers, and most of whom live – I've got 90 peace officers who live in the county – we know these kids and we can help work together with the Youth Authority and supervising them and making certain our citizens are safe. We may also collectively decide that sending that young person back cold to the community is not a good idea. We want to do a pre-release transitional program, maybe put him back through a halfway house or a group home. We can do those things; we can do all of those things that I'm suggesting to you.

Anyway, primarily, what we wanted to do after we've made the position that we would not refer kids to the Youth Authority, and unfortunately our court commissioner in our county, our court doesn't think, and it's a state function now, that kids are important enough to even have a judge. They assign a commissioner to the function but he's not supported our recommendation in any cases and sent the kids along. We wanted to get into the facilities

and check on our kids. And through the great leadership of Secretary Presley, I sent him a letter and asked if we could at least do that. We have now done that and we have visited every single one of our kids, all 11 of them, and checked on them mostly to see if they're okay. The reports are not okay. They're not okay. Almost every single one of the 11 kids has been involved in some kind of a physical altercation. They'll be petrified to talk to us about the sexual problems that we've had parents tell us about that, that's been shared with them. Almost none of them are involved in program services, but yet it says that we only send young people to the Youth Authority for treatment purposes and that the Youth Authority should not accept those kids if they can't provide that treatment. We know how to do this stuff. We need to start doing this stuff.

I guess in summary, because I do want John to say a few words, I'm just a very frustrated, not pleased public servant. I don't sleep well at night. I feel pretty dirty being part of this system. It's not okay, it's simply not okay, to hear of young people being raped and traumatized in the name of us. We're the state and we really have to get that recognition because we've done this bureaucratic shuffle with the community of saying get the hell out of our way. We're going to do it. We're the state. We're going to take care of everything and then there's no accountability in the system. And we who run corrections know that we have to open the doors of our facilities or they will stay closed because people don't want to come in. So we have to actively work in our county, for example, to have some 300 volunteers who come into our juvenile hall who in a heartbeat we can close the doors and in a heartbeat it can become like some institutions that you're confronted with in the state.

Again, I really want to emphasize the issue about the employees. I think you have some great employees, dedicated, who came to the Youth Authority to do youth work. That's why they wanted to come there. It's almost impossible for most of them to do their jobs under the given circumstances. With the overcrowding, with physical plant configurations and quite frankly, the lack of a will in the State of California from us to say that those kind of conditions are not okay. I think that's the threshold question. And quite frankly, and I don't mean to be trite about this, but it would be a far most honest relationship if we just simply passed laws and said part of the deal in going to the Youth Authority is that you are going to be punished. You're not just going to be confined but the loss of liberty is the punishment. You're actually going to be actively punished and also that you will be subjected to rape and physical assaults. That's how we do business, young person in California.

I find that unacceptable, obviously. It's against the law. There's no theories that ever suggested that ever, ever can work.

In a research conclusion, and I'll shift over to John, I heard a group of researchers in Denver a while ago talking about violence in the United States. And their conclusion was that the United States of America continues to rely on those interventions for crime control and prevention that had historically have proven to be less effective and most costly and we have failed to use those interventions that have proven to be more effective and less costly. Why would we even be talking about expanding institutions? It's time we ought to have a serious conversation about the effectiveness of institutions. We did it with mental health, we did it with developmental disabilities. Maybe it's time for us to say the same thing. Let's not leave any kid behind. And even if you don't care about kids, at least you may end up being the next victim if we just leave kids behind. We should never let a kid behind. We should invest in every single one of those kids. And I don't believe we'll be saving money. We have

to make massive, massive infusions of money into the Youth Authority to make it successful.

As another suggestion, since the Governor and others think that the military can run youth programs and boot camps as he proposes with no standards and no training and no youth work experience at all, I would suggest that military people are trained to fight wars, and I would suggest you have wars, gang wars, going on in your Youth Authority, in the California Department of Corrections, and in many of our streets throughout California. Why don't you send the military there because they're real active wars? It's scary. The violence in California is scary.

It's said that you can judge a civilization by entering its prisons. Folks, it's a wake-up call to all of us to take a look at our institutions in California. And lastly, the other statement is, if you always do what you've always done, you'll always get what you've always got. So I'm not surprised that we got what we get. It's not an issue of fixing it. It's an issue of leadership. It's an issue of saying that what is, is not okay and that we're going to change it.

Thanks.

SENATOR VASCONCELLOS: Since you began your recommendation not to send your kids to the Youth Authority, did you make that known to the Youth Authority?

MR. LUM: Yes.

SENATOR VASCONCELLOS: Did they respond or inquire why or make an effort to find out...

MR. LUM: Well, I actually met with then Director Zermeño almost about the same time that I had made that statement. And again, I just believe that I had to do whatever I could do within my sphere of influence. I don't send kids to the Youth Authority. The court does that.

SENATOR VASCONCELLOS: Was there any effort on his part to understand your concerns or deal with them?

MR. LUM: No. Regrettably, I think he was more concerned about the publicity that came out in SLO County about the position that...he responded to my letter. I sent him a letter with a whole bunch of suggestions about how we would work with the Youth Authority. These are our kids. Let's all join hands and try to see if we can't solve the problem. I couldn't get the foot in the door. Then after he left, I sent the letter to Secretary Presley who responded immediately, opened up the doors – thank you, Secretary – and we've been out to see our kids. Thank you.

We're going to be bringing most of our kids back into the court under the provisions of Welfare and Institutions Code 779 and make the court take a look what they're deciding. It's not okay.

SENATOR VASCONCELLOS: Mr. Nibbio.

MR. JOHN NIBBIO: Thank you for this opportunity. My name is John Nibbio. I'm a manager with the Probation Department of San Luis Obispo County. Also, I wear another hat, as I've been appointed Vice-Chair of the Children and Youth related to the Mental Health Planning Council here in Sacramento. I did have the opportunity over the past two months to visit eight different Youth Authority facilities and interview our kids and I'm not going to repeat all the things that were said earlier today but maybe just add briefly to some of the Inspector General's comments of things that I've also observed.

As John alluded to, you know, one can judge a society by the type of prisoners it keeps. It's been often said. And some studies show that an estimated 53 percent of all kids incarcerated have mental illness problems, suffer from mental illness. What's happened in our adult system, of the criminalized and mentally ill adults, has now happened to our children here in California.

They are just not able to meet the needs of those kids in the Youth Authority. I would also echo what the Inspector General said. A lot of those kids don't belong there. But when we closed the state hospitals here in California and managed care hit, this is the result of that and we have not saved any money, and at what cost to our community safety and to the children of California?

So that's just really what I wanted to add from the mental health perspective, and I choose to be part of the solution, as all of your are, instead of part of the problem, so thank you very much for this opportunity.

MR. LUM: If I could just add real quickly. I mean all the solutions that we possibly could ever want are in *The Challenge of Crime in a Free Society*. It was published in 1965 by President Lyndon Baines Johnson. It's a will to go forward and do what we all know we need to do to really work with the kid and why is it – come on, let's start talking – why is it that nearly 90 percent of the young people in the California Youth Authority are people of color? There's an issue. We need to dialogue. We need to be able to get out of denial, get out of the sunshine of California and talk about these problems and solve them. We can do it. We can decide that we want to be on a higher ground in this next century. And these people are great over here, thank God for the Youth Law Center.

SENATOR VASCONCELLOS: Senator Wright.

SENATOR WRIGHT: You mentioned about mental. Do you feel that these children coming into the system should have some kind of testing done to see if...they're not tested now, they're just thrown in with the...

MR. NIBBIO: Well, oftentimes, if they are identified in the community long before they get to the Youth Authority, there have been evaluations and assessments done. But what's really lacking is the acute care treatment that they need. My career started over 12 years ago in psychiatric hospital settings. It's not by accident that my career has gravitated toward the criminal justice system. That's where we are treating our most acute, mentally ill and drug-addicted children and youth in California. So I believe that assessment would help but what really need is treatment to really meet their needs and I would again echo...

SENATOR WRIGHT: So in other words, even if any kind of assessment was done, it didn't mean anything?

MR. NIBBIO: Right. And where do these kids go that once used to be in the state mental hospitals that suffered from these problems? They're on the streets, they're in our juvenile halls, and they're in our Youth Authority. And there are great staff at the Youth Authority, and they were very helpful and very straightforward with this information.

SENATOR WRIGHT: I have to tell you that I found, just with the one institution that I've worked with, which is the Ventura School, that the mentality of some of the staff is absolutely brutal, when you talk to them and feel what they think, if a young person has gotten into trouble, and it can be a violent crime -- there's no question about it -- but why they feel that then those kids are throwaways and they can do whatever they want with them, I think that's the mentality. Maybe we should have some kind of evaluation of the officers that go into these institutions.

MR. NIBBIO: Absolutely. And young women, studies show, are often incarcerated for lesser offenses and spend longer time. And those young women in the Youth Authority at Ventura have suffered greatly.

SENATOR WRIGHT: Yes.

MR. LUM: Also, beyond the employees again, I think that, Senator, your points are so well taken but we need leadership in California, and that's what some of us were so much hoping with this new Governor, that we would get it. We need strong leadership that says it's going to be different.

SENATOR WRIGHT: I think one of the problems that I see in this great technology age, what we're doing is, we're running everything by polls. So if crime is the leading concern of the population, we're going to show them how we're going to take care of them.

MR. LUM: Absolutely.

SENATOR WRIGHT: But we're not doing that because we're not worrying about the policy. Sometimes the policy cannot be what the general population thinks is the right thing to do. But in the end, what the results are, is the important (thing).

MR. LUM: Isn't it interesting that we shifted through Prop. 13 from the schools requiring the two-thirds vote. We couldn't even get that changed through the last election, and all of these kids go through schools and the profound relationship between delinquency and learning disabilities, again that this good organization (motioning) took on and Loren Warboys, but yet, when billions of dollars are spent in terms of a correctional system, it doesn't take a two-thirds vote of the people to do that. We've shifted it. But I don't hear people talking about that the way that I think we need to do it, kind of like, let's put the skids on this thing and really have some serious dialogue about the quality of life in California.

MR. NIBBIO: And I would just add briefly I don't know that I would put inordinate amounts of funds into research. We know what the problems are. People that are working in institutions know what the problems are, and I think it's really a will that we have to fix it. I don't know that more research is just really going to show us what we already know.

SENATOR VASCONCELLOS: Okay. Ms. Burrell, Youth Law Center.

MS. SUE BURRELL: Well, I have ten minutes to sum up 13 years of work.

SENATOR VASCONCELLOS: You can take 15.

MS. BURRELL: Thanks, John. (Chuckle)

Well, I've been going into the Youth Authority for the past 13 years, either through monitoring lawsuits that I've been involved in. I also get a steady stream of letters from wards and from families and lots of phone calls and our para-legal, Mamie Yee, is here and she gets even more than I do.

Sometimes I feel like I'm the Youth Authority ombudsperson. What I have learned from all of these contacts has pretty much been summed up already in the testimony today. What I'd like to do is what I've been asked to do which is to talk about the lawsuits we've been involved in at Youth Law Center, and then I'd like to touch on a couple of areas that I think are critically important as we move forward in this century in trying to resolve some of the problems that have so occupied the public eye in the last year or so.

In 1989 my office filed a lawsuit, *Nick O v. Terhune*, challenging the failure of Youth Authority to provide adequate special education services. The case settled quickly in 1990. It is still open today ten years later.

I'm going to talk about the problems. But before, I want to say that an incredible amount of progress has been made in the past ten years. In probably eight out of the 11 institutions, the services are pretty much up to where they need to be to meet minimal standards under the federal and state law analogs but there's still problems.

In two of the institutions, Nelles and YTS, ten years into the lawsuit, less than 50 percent of the services are being provided to kids to which they're legally entitled to under law. I'm going on the statistics up through February of 2000. This means that hundreds, probably thousands, of kids in the last decade have gone through the Youth Authority without getting their special education services and I find that appalling. It's incredible that this is going on ten years later.

The other remaining problems are more related to the interface between education and the institutional side. And this really fits into the same picture that we've been hearing through the other witnesses this morning. One of the problems is services, special education services to kids in the lockdown units. Many of these kids who are in the lockdown units are special-education eligible and they are locked, often for months at a time, in 23-hour lockdown where the services that they get for special education are literally provided through the crack in the door. A special education teacher comes over from the school,

hands papers literally through the food slot in the door and then you can't make eye contact. You have to like talk through the crack in the door. And then to make eye contact, you have to move your head back over because that's the only way you can see the teacher; or if you're the teacher, the way that you can see the student. This is still going on today.

Then another service we provide to kids in the lockdown units is the cages. Some kids who are able to come out of their rooms receive their educational services in cages. They're called "spas" in some facilities or "educational resource groups", but they're cages. And kids are brought out in their underwear. They receive educational services for, at the most, an hour a day, and that's their education. This includes the kids who are legally entitled to specific special education services under their individual education plans.

Another big problem, systemically, is that kids, not just the special education kids, but system-wide, kids have been held out of regular school for months at a time because of rigid rules, such as a rule, that if you're on Phase 1, you don't go to school; or if you're in orientation, you don't go to school. This, of course, makes special education kind of irrelevant since it's supposed to attach to a regular education program.

The education administrators are committed to resolving these problems. It's taken a long time for this to happen. They are committed to resolving these issues, hopefully in the next few months, but they can't do it unless they have support from the educational side. It may be that they need the fiscal support of the Legislature, if they need money to provide small classrooms or more humane study carrels so these kids don't have to get services in cages.

I think that it's time for these things to be fixed. The education system has come a long way in the last decade but it has these important steps remaining.

SENATOR POLANCO: Before you go on, can I ask a question?

MS. BURRELL: Yes.

SENATOR POLANCO: The educational cages that you referenced –

MS. BURRELL: Yes.

SENATOR POLANCO: -- can you name the institutions or the locations that you've currently witnessed them or aware of them.

MS. BURRELL: Yes. I've seen them at Nelles where they look most like cages there. It's kind of like Barnum and Baileys. They're about five feet across, maybe six feet back, maybe six or seven feet tall, and they're made out of kind of diamond-shaped metal. There are also cages at Stark, in Ontario, and there, they look more like dog kennels. They are made out of chain-linked fence and they're kind of long. And again, the teachers kind of goes across these cages and...

SENATOR POLANCO: So these are series of cages?

MS. BURRELL: Yes.

SENATOR POLANCO: How many?

MS. BURRELL: I think there are two sets of three in Unit O&R.

SENATOR POLANCO: Nelles, Stark, where else?

MS. BURRELL: Chad, Chaderjian. There, they're like, kind of gun metal gray telephone booths. They look like, you know, if it was like an installation, maybe on a submarine. Those were just recently built and this was after we had had discussions about making individual booths out of more humane materials. I have not seen them but I believe that there are also cages at Preston. Those are the ones I know about.

I should mention that I have been informed by the educational administrators that their long-term plans are to get rid of these. But in the meantime, this is what we've got.

SENATOR POLANCO: When you reference administrators, are these administrators within the institutions themselves or are these headquarter administrators?

MS. BURRELL: The meeting that I had in April was with the Sacramento educational administrative staff. There were institutional administrators from three institutions that were present at the meeting.

SENATOR POLANCO: Thank you.

SENATOR WRIGHT: Just one question.

Had you ever questioned the one in Sacramento who's educational coordinator, whatever you want to call him, whether or not he's ever visited different institutions?

MS. BURRELL: I have not asked that specific question, but I believe the administrators are well aware of these cages because they've been raised in several of my non-compliance letters in this special education suit.

SENATOR WRIGHT: But I can read on a piece of paper and it doesn't seem nearly as bad as your description or the fact if it actually saw them visually. And I guess that's my point. So much of what goes on in these institutions are not, the Director of the CYA or the programs, I don't believe they're aware of it because I don't think they go out and visit.

MS. BURRELL: Right.

SENATOR WRIGHT: And I don't mean calling up and saying I'm coming because I've been involved in some of those meetings where everything is just absolutely wonderful except in one situation, and that was in Ventura School when I was asking for two particular wards

that I wanted to speak to because I had received correspondence from their parents and I received contact from them, that I wanted to see them face to face and talk to them.

After the warden, who was supposed to be in charge of the female facility there, when I asked her for those two, they didn't even recognize the names of these youngsters, even though one of them had been in the newspaper.

MS. BURRELL: That's a good point.

SENATOR POLANCO: Mr. Chairman.

I'm disturbed by the letter that's in the binder of August 19 of which Ms. Burrell, along with the Executive Director, cite numerous incidences that are unacceptable, horrible. I don't want for this hearing to proceed without -- share with us, what has been done with regards to these particular instances that you've identified in the letter of August 19, 1999.

MS. BURRELL: If I recall, I've had a number of letters and I believe that one was directed primarily at conditions in the lockdown units, and that is one of the issues I would like to address.

California is completely off the charts in its use of lockdown for kids. Somewhere else in these materials at the beginning there's a chart by the U.S. Department of Justice which shows the typical amounts of time that kids are in isolation in other states around the country. Youth Authority is one of only 4 percent of state training schools that has no limit on the period in which kids are held in isolation.

I have had letters from kids who were, for example, in Sacramento Hall at Chaderjian for ten months. It is not unusual to find kids that are in for five or six months, and many of these kids are in for reasons, such as we heard this morning, where maybe they're a Sureño and they're in the north or vice-versa. They wind up essentially in protective custody, locked down 23 hours a day. They get the wonderful educational services which are basically a sham, to have a teacher come to the crack in your door for ten minutes a day. You get out of your cell for maybe an hour in which time you are required to do your showering and your recreational exercise. And at Chaderjian, that happens outside in a cage. And other kids are not there in protective custody but they're there because they've messed up in other programs. Some of the kids are in what are called 'recalcitrant programs' but it's kind of like the Emperor's New Clothes because there is no program. You are basically just locked down.

I agree with everything that John Lum and John Nibbio said and Katherine Larson about the fact that this is not how you work with the deep-end kids. If they mess up, that's when you're supposed to step in and give them more services. And instead, what we give them is sensory deprivation.

SENATOR POLANCO: Let me ask the question more specifically. The letter of August 19, which you sent to the acting director --

MS. BURRELL: Yes.

SENATOR POLANCO: -- what response did you get to each of those incidences that are described?

MS. BURRELL: I received a response, a written response, from then Director Zermeño. I was singularly unsatisfied with the response. Throughout it, for example, one ward, and this has been reported in the Stockton Record, he had described seeing another ward's room duct taped around the door and then pepper spray sprayed into the room. And the other ward was horrified by this. And so that was one of the incidents in my letter to Mr. Zermeño. The response was basically to say, well, you know, that kid has been basically found to be not entirely truthful.

Well, the incident itself was true. It had been verified by the then Superintendent of Chaderjian that these incidents had occurred.

SENATOR POLANCO: What happened? I mean it occurred. Who was held responsible for that? That's the bottom line.

MS. BURRELL: There was in the letter I received from Mr. Zermeño, there was a vague reference that there had been disciplinary actions but nothing specific, nothing that I was able to follow up on.

SENATOR POLANCO: Mr. Chairman, I'm going to request that this document, of which I see Mr. White, the Inspector General, was also cc'd, was there any correspondence or communication with his office with regards to this letter?

MS. BURRELL: Yes. I believe I'm giving up my right to confidentiality, but, yes, I supplied them with this letter. As you know from his testimony this morning, we don't have any way to find out what happened as a result of the investigation.

SENATOR POLANCO: So it's open, they did open an investigation?

MS. BURRELL: To the best of my knowledge, yes, they were very concerned about these incidents.

SENATOR POLANCO: Is Mr. White still here, the representative from the office?

SENATOR VASCONCELLOS: It looks like not.

There are several letters from Ms. Burrell in the binder directed to Mr. Zermeño or CYA or Secretary Presley, and we'll put them all together and ask the Secretary and the new Director to kind of advise us as to how these matters have been resolved.

MS. BURRELL: I would very much appreciate that because I believe that my complaints were taken very seriously but I just don't know what the response was.

Before I close, I would like to say a little bit about another case my office has recently become involved in. We have filed a lawsuit in San Francisco Superior Court just last week,

challenging the failure of the Youth Authority to license its inpatient mental health and medical health treatment beds. There was legislation that went into effect in 1996 which says that correctional treatment center beds have to be licensed, and I think this relates directly to the testimony we've had about the tremendous number of kids who have serious mental health needs in Youth Authority, the fact that with the drying up of county-level resources, more and more of these kids are winding up in Youth Authority, in need of mental health services. They have over 600 beds already and with a documented need for close to another 200 beds. None of these beds is licensed and I just don't think we would ever accept this in the community, to run any kind of a health or mental health facility that isn't licensed.

My review of documents to file the lawsuit was incredibly disturbing. One of the facts that was in a budget request that YA submitted is the fact that in 1996, five kids killed themselves and four of those kids were waiting for an intensive-treatment program bed. Now that is just appalling. We cannot accept that as the representatives that are operating the state institutions. It just needs to be fixed and it needs to be fixed before somebody else dies.

The last area I just want to touch on briefly has also been alluded to and that is the need to have a much better system of oversight and accountability for complaints that wards and families have in the Youth Authority. I get so many letters where either wards or families say, "I complained, I filed a grievance, I didn't get a response, nobody returns my phone calls." And I just think that it happens so much. I work all over the country and I never get these kinds of letters from other institutions. I never do. They're all from the Youth Authority. So I think, even though there is a grievance system, a lot more attention needs to be paid for it. Maybe we need to re-fund the grievance coordinator positions. I also think that there needs to be much more outside oversight, and I think that the Inspector General has provided the first real objective investigations we've had. I think that needs to be expanded and made available on an ongoing basis.

SENATOR VASCONCELLOS: Okay. Thank you very much. Any questions or comments?

I thank the three of you for your comments.

MR. LUM: Thank you.

SENATOR VASCONCELLOS: Mr. Cornett, you're up next, Leg Analyst. And then the last 15 minutes, Mr. Presley and Mr. Harper to make any responsive comments about their plans to make it all right.

MR. CRAIG CORNETT: Craig Cornett from the Legislative Analyst. You've heard a lot already, you have several other witnesses, I'll keep my comments very quick, short here for you today. My comments, I think, are in your binder already and I'm going to be referring to a couple of points.

First of all, I do want to say I think that I would certainly, we would certainly agree with much of what you've heard today about the need for some changes. I do think, though, it's important to step back for a moment and think about some of these issues on a broader policy ground. Certainly, we believe that right now, you've heard about how half empty the

glass is right now. We do think it's also half full, if you look at it. This is a unique opportunity. Mr. Harper, I think, is obviously getting an earful in one of his first legislative hearings today, but it is a unique opportunity with new leadership and I think a new focus from everyone on some of these problems.

I do think that the most important thing for you to hear today is one of the issues I think Dr. Larson summarized it very well, is to keep that focus on rehabilitation. That is the focus in the Code and that is the focus that should be on every single staff person's mind in the Youth Authority. I thought she said that quite well.

Very quickly, though, if you look on page 1 on the handout I've given you, one of the reasons we think it is a unique opportunity right now is because the population at the Youth Authority is down at one of the lowest levels that it's been in years. It is down 25 percent from where it was in the peak in 1995-96. That gives the Department some real breathing room. The overcrowding levels are about at 111 percent but are significantly lower than they were just a few years ago. That gives them some real breathing room right now to not have the same kind of concerns and pressures they would have normally had when they're trying to figure out where they're going to put the next ward that comes in the door. They don't have that same problem they've had in the past. They can get back and focus more on fundamental programs and mission.

On the second page, just to point out to you really quick, this is roughly what the state spends per ward right now, around \$37,000 per ward, a substantial sum of money. Now does that meet all the treatment needs for the Youth Authority? Not at all, and I'll mention something, a little bit more about that in a moment. But I do want to make it clear that the state has been providing substantial sums for some time.

The most important things I was going to outline for you on pages 3 and 4...

SENATOR VASCONCELLOS: Look at page 2 for a minute.

MR. CORNETT: Yes.

SENATOR VASCONCELLOS: Thirty-seven thousand dollars. How much does it cost just to stay... is that the custody? Five thousand?

MR. CORNETT: Well, the custody...

SENATOR VASCONCELLOS: ... detention?

MR. CORNETT: The ward programs, that ward program figure, is very high. That's almost half the cost, less than half. I think that also includes some of the custody related to the programs...

SENATOR VASCONCELLOS: That still seems very high. The fact that the cost of the ward programs is three times almost, or two-and-a-half times, what the custody, detention is, there's something wrong with that figure.

MR. CORNETT: Well, again this is the Youth Authority's reported figure. It's one you'd want to ask Mr. Harper about a little bit more. But again, I think some of those program costs include the security for providing it in the program. I don't have a breakout of that. We can look into that for you.

SENATOR VASCONCELLOS: Look into that. That figure is startling and it can't be right.

MR. CORNETT: And I think also, another important thing to realize, as the populations come down, obviously, the ward, per capita cost, has clearly gone up. There is the loss of economies of scale so you will see that happen on the natural. There's nothing wrong with that. That's a fact of life, if you're trying to compare how their per capita cost has changed over the years.

Moving onto pages 3 and 4, I want to highlight some of the most important points, I think, here again, trying to be forward looking for where the Youth Authority goes from here.

The first point I mentioned already about how the ward population right now does provide some opportunity to refocus efforts. We do think there has been, as you heard earlier, a very uneven nature of some of the Youth Authority's programs. This is the time to focus on that. Mr. Breed mentioned something earlier on too about the need to look closely at the role between the Youthful Offender Parole Board and the Youth Authority. We do think that there needs to be a closer link between those two relationships. They have gone up and down. In the 14 years I've been dealing with the Youth Authority in YOPB, the relationships have gone back and forth, good to bad. I don't think they're at a low point right now, by any stretch, but I do think that there are some important symbols, however, of the relationship. I mentioned to you, as I've mentioned in public before, that a couple of years ago the Youthful Offender Parole Board moved its operations out of the Youth Authority headquarters to another office. I think that sends a bad signal, frankly. Those two offices need to be working very closely with each other every day.

I think, when Mr. Breed was the Director of the Youth Authority, I believe it was still the case that the Director of the Youth Authority was also the Chair of the Youthful Offender Parole Board. That gives the Youth Authority a unique opportunity in working with the Board when we had that arrangement. We don't have that arrangement any more but that's maybe something you want to think about, moving back to an arrangement like that. I'm not saying that's not without some potential problems there but that's something you might want to think about.

The third checked box here is the one that you've heard a little bit about from Mr. Lum already and I can't emphasize this enough, I don't believe, and that is, the importance of the close contact between the counties and the Youth Authority, the counties, the juvenile courts, and the Youth Authority. That relationship has really been broken, frankly, over the years. The youth justice system, the juvenile justice system in California, is really a county-based system. Ninety-five percent of the resources and the juveniles are dealt with by the counties, the Youth Authority has got to be viewed as a service provider to the counties. They can be a facilitator and a leader with the counties but it is a county-based system. It should remain that way, but there needs to be a much closer link between the Youth Authority and the counties. I think it has varied over the years. I think it is not where it needs to be at this point and that's one thing we certainly hope the Department will focus on. The counties will need a greater say in the length of stay for juveniles in the Youth

Authority. Assemblymember Migden has a bill on that right now. I believe the administration has been opposed to that in the past but it's especially important, given that the counties are the ones that placed the juveniles there. They need to have that link and they need to have some say so in the length of stay, especially, given that they are paying the higher fees.

SENATOR WRIGHT: Can I just ask a question on that point?

Can you, because in the Youth Authority, every time a youngster moves in the wrong direction, they can add months onto his term. Can there be some connection between the counties and the Youth Authority on that point, that when a youngster is given additional time, not only are they notified but notified of why, because I think in some instances, from what I've seen in my relationship in watching the Ventura School, is the fact that, it's not necessarily a fact that the youngster was wrong or committed some horrible crime within the institution but the fact that basically they use it as a method of punishment for the slightest violation and I think the county should have the opportunity to challenge that.

MR. CORNETT: The counties and the juvenile courts, you could certainly craft it that way. We've offered last year, and I think it's in your packet of material, in our analysis of the budget last year, we offered several options as to how to do that, to bring the counties into having a greater notification, some say so. There's a variety of ways to do that but you can certainly do that.

SENATOR WRIGHT: Because all you have to have, as far as the officers are concerned within these institutions, all you have to have is one bad apple, and he can use that as a reason for getting sometimes things he wants from the wards.

MR. CORNETT: That's right, that's right. Moving on quickly then, you also heard Mr. Lum say something we couldn't agree more on, the need for closer contact on parole programming with the counties again since the juveniles are part of those communities they're going home to and that needs to be emphasized.

Page 4, I'll just very quickly also mention, I think the Youth Authority has to think of itself in an entrepreneurial kind of way, frankly, and look for market niches, if you will, for lack of a better term, for services and programs it can provide that fill the gap and the continuum of sanctions for juvenile offenders, for the Department should be assisting the counties, we think, by developing programs for less serious offenders who have persistent histories and appear unresponsive to the program and they're getting in the counties.

We are big supporters of the fees that have been changed to charge more for the counties for a variety of reasons. One of the biggest reasons is, it gives a much better incentive to the counties to deal with those offenders in their home territory. Research consistently shows offenders do better if they are dealt with in their home territory. It also gives the counties a greater incentive to put money into prevention so the kids never become a problem to begin with.

I would also point out the state has provided about four times more money back to the counties, more than four times, than what the counties have been paying in fees to the state as well.

Also, the Department should be focusing on this notion of shorter institutional stays and greater services for parolees in communities, and the Department can use its own economies of scale because it is a bigger operator to provide more specialized services. I've never talked to a county probation official who said that they had adequate mental health treatment for their juveniles and offenders in their counties. The Youth Authority is a unique place to do that.

One of the last points I really want to emphasize is you've heard earlier about the gap in juveniles or wards receiving services at the Youth Authority. The Senate version, Senator Polanco's Budget Subcommittee, has done something in that arena this year by providing money to have the Youth Authority create additional treatment slots for mental health, substance abuse, and sex offenders, and to enhance services on parole. We think that's a very important and positive step. I would urge you to ask the administration what their views are on those augmentations and are they going to be suggesting to the administration that that is a priority? The May revision that came out yesterday did not provide any additional money at all for services in the Youth Authority.

The last point I'll make is just that all these changes will require a lot of stability, more stability and continuity in the leadership. In the 14 years I've been dealing with the Youth Authority, there's been eight directors, I believe. I think, as you've heard before, we couldn't agree more, that there's an enormous number of talented staff. We also understand the need over the years. I think the Youth Authority has tried to increase its awareness and some of its provisions for providing more high security environment, given some of the offenders they have. I would say, though, providing higher security and tighter environments requires a much greater level of supervision of staff. We are seeing that, I think, now, and I'm not so sure that that has been in place all the time.

Also, I think there has been a focus, and I'll just close with this point. There's been a focus in the administration on cleaning up issues. You heard it from the Inspector General on dealing with internal affairs problems. That's an important focus that needs to be continued. At the same time, however, another way to make the Youth Authority perform its fundamental mission is to focus on rehabilitation and services to the juveniles that are there, not just on misconduct necessarily of staff or wards but also to focus strongly on those services.

SENATOR VASCONCELLOS: Thank you.

Senator McPherson.

SENATOR McPHERSON: In the May revise, you said there's no additional funding sources for the Youth Authority? In going down some of these lists, do you have any idea of what it would take to get us up to the adequate number of counselors or whatever we're talking about?

MR. CORNETT: We haven't looked at it quite that way. We did look at the request to the Senate. We did take a look at what it would take just to meet some of the treatment needs that were identified in the Department's treatment needs assessment for mental health treatment, for substance abuse treatment, for sex offender treatment and then also to

provide the same kind of services on parole that the Department of Corrections provides for similar kinds of offenders.

We came to a conclusion and the numbers are not in concrete but somewhere a little less than \$30 million. So you're not talking about, in the grand scheme, you're not talking about, even if that number is off by an order of magnitude, you're still not talking about a huge amount of additional resources.

SENATOR VASCONCELLOS: Okay. Thank you. Any questions?

I talked with Senator Polanco, whose subcommittee that is, in the budget about, after hearing this morning's testimony, trying to put together an augmentation for the budget, the May revise, of \$25 million or maybe it's 50 – I don't know what the figure is – that would address the issue of enough counselors, enough training, enough treatment, enough parole, so that the system, has the resources to fix it, so that the new leadership can really do what they I think they intend to do. So I'd ask you to work with our staff right away to try to develop a proposal that we can carry to the administration.

Ms. Wright.

SENATOR WRIGHT: Yes. I'd just like to add one point and maybe it's not exactly in the amount of money you're talking about. But I think there should be some way that we go through and evaluate every one of the administration and officers of these facilities because sometimes what you have built into the system, although they're saying they want to help them, they want to change, they're too much entrenched because of the relationship between the officers and the administration and these institutions where they just don't change, even though they say they agree with it, they should be changed and I think there should be some way of evaluating that.

SENATOR VASCONCELLOS: Okay. Thank you, Mr. Cornett.

Okay. Senator Presley, Mr. Harper, we've asked you to come and join us to listen to the reports in the field. I want to say, I've never, in my 30 years here seen the administration people come and stay throughout a hearing and I'm grateful to each of you for doing that. We didn't ask you up here to put you on the hotspot but just to ask any comments you want to make about your own intentions.

Senator Presley, as you continue in your second year and, Mr. Harper, your second month or second week.

MR. JERRY HARPER: Second week, sir.

SENATOR VASCONCELLOS: Right. Bob, welcome back to the Senate.

SENATOR ROBERT PRESLEY: Thank you, Mr. Chairman. I really want to thank you, Mr. Chairman, and your staff for putting together, I think, a very informational hearing. I've sat through a lot of these hearings and I think a lot of them were not all that useful. But very frankly, we have learned a lot, so I commend you for putting together a balanced hearing.

There's three basic things that we're trying to do, with this whole agency, not just CYA but CDC as well and the parole boards, and that is, to try to improve the overall quality of the performance of the agency by doing three things. One is to raise the level of recruitment every way that we can, depending on the compensation that's available. Secondly then is just train, train, train. You can't get too much training and we clearly, as you've heard this morning, are not doing enough training. And the third thing is to provide leadership. If we recruit well and we train well and we lead well, we're going to have a pretty good organization. I think we're slowly, gradually getting those things in place.

You've heard before about a number, in fact, by far, most of the staff in the Youth Authority are just outstanding and I subscribe to that totally. Always a problem here and there but we have a good, basic, well-trained, well-dedicated staff. We need to give them this training and this leadership.

In the last several months, we really have done quite a few things to gradually move this in the right direction. And one, within this month, we have a new Director aboard and there's been a number of investigations, both by the Inspector General and by the Internal Affairs of CYA which have been helpful. From those investigations, we have built on and changed a number of policies which I know are headed in the right direction as in improving the thing overall. We've done away with what they call the "unrestrained group activity" at Chino. That was where they put them in where they could fight. That's no longer being done, hasn't been for quite sometime.

We have an audit of the grievance procedures. That grievance, you've heard that this morning, that's all being worked on and improved. At Paso Robles, we've done away with the Gym TD. You probably heard about that; that was a difficult area. We've banned any kind of biomedical research, like the Stanford thing that you've heard about. We issued a memorandum to make sure that that does not occur and a number of things, in terms of security, installed a lot of additional cameras. And then after doing all those things, the Governor sent me a letter outlining a number of things that he wanted done. We made sure that all of that was implemented. Once that was done, we had one of the deputy directors go around to every institution with the stated purpose of making sure that every institution was doing what was designated in that response to that letter. And there's a letter in your file to show you where he subscribes to that.

Presently, through the Board of Corrections, I have put together, two things: The Board of Corrections is doing the audits of five institutions – performance, fiscal, mostly performance. And then concurrent with that, we have put together a monitoring task force who's going to implement, complement, make sure that what these audits indicate is appropriately carried out and that is ongoing. That will be from here on in, and we've got some good people on there, Mr. Breed, who I have a lot of respect for. He's one of the outstanding people in the country, I think, in that field. He's there and a number of others. You're very well qualified consultant and that'll be good input for us.

Overall, you might say where we're trying to go is to get us back in the era that Mr. Breed described where we in California are the pre-eminent juvenile facility in the country where we're looked to for leadership and guidance from the rest of the country. I think it will be slow. We didn't get there in a hurry so we won't totally get out of it in a hurry but we're, I think, moving in the right direction. I'm really enthused by the new director that's sitting

here beside me. I've known him for a number of years and I know of his work. I just have great expectations for him.

SENATOR VASCONCELLOS: Thank you very much. Your comments are encouraging and reassuring.

To your three, raising recruitment, training, and leadership, I would add just the whole issue of the culture, the changing of the culture.

SENATOR PRESLEY: That's part of the training.

SENATOR VASCONCELLOS: To expect that rehabilitation works to have all the people who are there believe in it. That so much affects whether these – you can do these three things and if the culture's going the wrong way, you'll still have the wrong results, so I think that's important to add as a fourth probably.

Mr. Harper, welcome.

SENATOR PRESLEY: We do that in training but we've added this as number four.

SENATOR VASCONCELLOS: Right. Welcome to the world of the State of California.

MR. JERRY HARPER: Thank you very much, Senator. I appreciate the opportunity and I want to thank the Governor and the Senator – I still call him Senator -- I know it's Secretary.

SENATOR VASCONCELLOS: We do too.

MR. HARPER: And I have a great deal of respect for this gentleman, so it's a great honor for me to be here and I appreciate the hearing that has gone on today. It's been very helpful to me in understanding your concerns, the panel's concerns. Of course, my job is going to be to do everything I can to get this agency where it rightfully should be, where it was at one time, and I think that we should be number one in the nation.

Just a few comments. Again, I'm sort of the new kid on the block. I've been here all of about ten-and-a-half days. I've visited a couple of the institutions and I will be back at those same institutions and other institutions again and again. But you made a comment earlier and I do want to point out the fact that we have the vast majority of our senior staff and administrators, superintendents who are here today. They wanted to be here; they wanted to hear what was being said and I think that is a tribute to their interest and their commitment.

I think we've heard from every speaker that they have been impressed with the people that they have dealt with recently and over the years. And I too have been impressed with the staff but I also recognize, that just as in my organization where we had some 15,000 employees, that occasionally that you have, it may be less than 1 percent, who do not understand the mission, who do not go along with the program and either need to be retrained or separated from the organization, and I have no hesitancy in doing that where

it's appropriate. And I've had unfortunately much more experience with doing that in the Los Angeles County Sheriff's Department over the past 37 years -- Senator Polanco's aware of some of that -- than I would have liked to but again I have no hesitation in doing that.

I think that more than me reciting what few facts I've learned about the organization, I think what you must be most interested in is what is my attitude with regard to taking on this job. And I can tell you that my reputation is one of working very hard, of looking at problems in an honest fashion, being very open, and trying to be a team builder, building teams not only within the CYA but with all of the people. I have to say that my attitude is that I appreciate the comments. I know that I've talked to Ms. Burrell earlier at the break, and I do not see that her lawsuit on CTC issues is a bad thing. In fact, I think that is very helpful and we will look at it in a positive way and we will look at it as something that will help us get on with the business of getting these institutions licensed, certified, and getting the right staff on, getting the buildings up, and those kinds of things.

So my attitude is going to be one of trying to build a team from the Governor's office to the Legislature and CYA and to all of the people that have shown an interest, a continuing interest, in what the CYA does, including the chief probation officers throughout the State of California. So with that, I would just be willing to answer any of the question that you have for me.

SENATOR VASCONCELLOS: I'm comfortable with that statement and we talked last week and I'm pleased you're here and look forward with you in every way to help to get the mission back on track.

MR. HARPER: Thank you and I'm looking forward to working with you, sir.

SENATOR VASCONCELLOS: Senator Polanco.

SENATOR POLANCO: Yes. For the new director and/or the agency secretary, we heard earlier testimony with regard to the integration policy. You have integration versus the segregation; you have the issue of when known enemies are put together, as with the case in the past with CDC, we can predict the outcome. So the question is, what is the policy as it relates to this issue of integration versus segregation, knowing that we have a history of sworn enemies? And if there isn't one, then I would encourage you all to look at what the Department did at Corcoran with regards to eliminating the integration policy.

MR. HARPER: Again, in the short time that I've been here, I have had some input on that, some conversation about that, and it is a serious concern. Some of it is population driven and that is one of the biggest problems that we have. I think you understand, sir, that some of our gangs, we loosely refer to them as the northern faction and the southern faction, and that we even have an in between faction that they call the Bulldogs.

In most of our institutions, we have the facilities and the capability of doing the separation that is needed. However, there are some institutions, particularly, where we are not able to keep them as separated as maybe we would like to. There is certainly a mixing in some of the programs, some of the educational programs, some of the treatment programs that goes on. Unfortunately, they take opportunities to settle old scores. But I can tell you that that is going to be one of the top priorities that I am going to be discussing with staff over

the next couple of weeks, are the segregation or separation policies with regard to the gangs.

SENATOR POLANCO: The other issue is certainly the education environment, in the cage, the institutions were identified. If you can get back to us on that particular issue, the issue of taping, the masking. I read the response that was provided to Ms. Burrell's comment. And I'd be very concerned if in fact the response is correct. Let me read it:

"The Superintendent's office conducted an internal investigation" – and this is to the issue where the masking tape was used, the pepper spray or the chemical agents were inserted into or let lose into the cell; it said, "The Superintendent's office conducted an internal investigation. The results of that investigation indicated the Department's policies and procedures had been followed regarding the use of chemical agents."

Then it goes on and it says medical treatment, restriction of water, and other allegations that were raised.

So the question that I have: Is it common practice and within CYA procedures to use taping of the ward's cell, if you will, and then engaged by bringing in chemical agents? If you don't have the answer now, we'd like to have that – Mr. Presley?

SENATOR PRESLEY: Yes. Why don't we just get back to you in more detail. I think we can safely say it's not a common practice. That would be, in my view, a very isolated incident but let us get back to you on the details on that.

SENATOR POLANCO: And then the last point, the issue of the lockdown or the lockups. There's a tendency to bring punishment to everyone, even though the incident may have involved only two individuals. We hear this in corrections as well as here now. The old reaction is to lock the entire place down. So it's twofold for me. One is are we utilizing the lockup in higher propensities than other states and we ought to maybe inform the Committee as to what the procedure and process is, provide us with information as to how long – ten months – at what point in time is the infraction that we'd like to have information as to what got that individual there in the first place, and then what's been the average length of time in these 23/1-hour situations.

I appreciate you coming aboard. I know your history. I know you're no nonsense. I think you're here to do what's right.

MR. HARPER: Yes, sir.

SENATOR POLANCO: And to the degree that we can help, we want to make this an institution, a process, a system that is fair. We know that they're not in there for being nice guys or nice gals. Something got them there, but we ought not to be perpetuating or reinforcing the negativism by some of our acts.

MR. HARPER: I couldn't agree more, sir.

SENATOR VASCONCELLOS: Thank you. Thank you.

Bruce.

SENATOR McPHERSON: I don't envy you in your position. You're working with some people who have had some difficult backgrounds, shall we say, but I think at the basis of it all is if we renew our commitment to the original mission statement, to really rehabilitate, work to rehabilitate to improve the lives of these people instead of being punitive in nature. We're going to be better off for it. I know that's not always easy to do but I think that that's the core of everything we have to work for, to get to where we want to be in the future.

SENATOR VASCONCELLOS: Okay. Thank you very much.

The last five minutes, we have public comment. Anybody want to speak who hasn't spoken? We've covered the ground very well.

Steve, real briefly.

MR. STEVE BIRDLEBOUGH: Mr. Chairman and Members, Steve Birdlebough for the Friends Committee on Legislation.

I would want to redirect attention back to the issues that have been raised and were raised again about the use of isolation, lockdowns, and the fact that 90 percent of the violence that goes on in these institutions is unknown to staff. I think that a large amount of this, as we begin to work through the issues that you've been talking about, are going to be related to the size of the institutions we run in California. Running an institution that has a thousand inmates is very, very difficult and I think looking for the kinds of culture change that we're talking about in those large institutions is going to be extraordinarily difficult. I think an option that we need to keep open is the idea that we ought to work in much, much smaller institutions and to phase out the large institutions that we have.

I know that presents grave economic problems – it's costly – but I think the long-range cost of not doing it, in terms of reinforcing gang culture, is going to cost us in the long run and we need to keep that option open.

SENATOR VASCONCELLOS: Thank you.

I want to thank everybody who has come to testify. It's been a very informative, enlightening, and open hearing. I want to thank Mr. Meinrath for his fine staff work, and Ms. Anderson working with him, to put together an agenda and a set of witnesses who have really been enlightening and hopefully we have a renewed sense of how we can commit ourselves to making CYA the pre-eminent institution in the nation for providing public safety through proper attention to its wards.

Thank you very much.

Senator Presley, we'll get you Allen Breed's 14-point program. It's a good starting point for all of us to look at for a blueprint.

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