

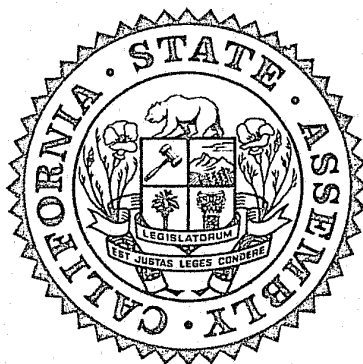
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CALIFORNIA YOUTH AUTHORITY

Hearing

ASSEMBLY CRIMINAL JUSTICE SUBCOMMITTEE ON JUVENILE JUSTICE

Sacramento, California
December 8, 1981



Jim Cramer, Chairman
Elihu Harris
Dave Stirling

No. 932

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ASSEMBLY SUBCOMMITTEE 'ON
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CHAIRMAN JIM CRAMER: I would like to call this meeting to order. My name is Jim Cramer and I'm the Chairman of this Subcommittee having to do with Juvenile Justice. With me is Dave Stirling, a member of the Committee and a member of the Assembly. On November 13, 1981, we had some hearings concerning essentially the Youth Authority and its policies in the Chino area of Southern California. At that time we took testimony from some 15 witnesses, essentially from Southern California, that touched on and testified about the issues of parole and the policies associated with that; touched on the furlough system, in the Youth Authority, and touched upon the mix of the wards that are associated or that are inmates of the Youth Authority system; touched on the employee respective or attitude towards California Youth Authority; touched on some of the programs or lack of programs associated with treatment of some of the wards associated with that program; touched upon the violence within the system. We are going to continue those kinds of hearings here today, with the idea in mind of determining whether or not there is a need for legislative assistance to the Youth Authority in carrying out its role or redefining its role for the State of California.

Also, Dick Lu from the Youth Authority was present at those hearings as a representative of the administration of the California Youth Authority, and they have been invited here today to respond in part to those kinds of - that kind of testimony

presented by witnesses in Southern California. The witnesses in Southern California were all subpoenaed to testify and all were placed on the roll. Some of the witnesses here today have been subpoenaed to testify, so that the...while they are voluntarily appearing here, I wanted to be sure that the individuals understood that they are here pursuant to order of the committee as opposed to just generally coming in there as volunteers.

...anything on your remarks...

We have an agenda which I'll try to follow because it's pretty tight and a fairly long day. Is Mr. Jones present? Would you come forward Mr. Jones?

Mr. Jones you're here as the result of a subpoena, would you raise your right hand please? Do you solemnly swear that the testimony that you are about to give this committee shall be the truth, the whole truth and nothing but the truth?

MR. RON JONES: I do.

CHAIRMAN CRAMER: Would you state your name for the record sir?

MR. JONES: Yes. My name is Ron Jones, parole agent for the California Youth Authority.

CHAIRMAN CRAMER: How long have you been associated with...

MR. JONES: I've been with the California Youth Authority for 15 years.

CHAIRMAN CRAMER: What sort of general assignments have you had besides the one that you are currently...

MR. JONES: I started my career with the Authority as a group supervisor at Preston School of Industry; I was a group supervisor for approximately two years. And then obtained a

position as a youth counselor at O.H. Close School in Stockton for approximately a year. Due to cutbacks, program CTB closed and there was an excess of parole agents...I went back into the institution for a short time and then went with the Department of Corrections for approximately two years as a parole agent down south and I came back with the Youth Authority approximately in '75 and have been a parole agent ever since 1975 in the northern area.

I was called in approximately a week ago to discuss some of my feelings, attitudes, opinions of youth authority and was asked today to come in and give some kind of a definition as to parole. I felt that in my previous experiences, it's been quite a while that I have had anything to do with institutions and I can only speak for the parole field and parole agents' functions and roles.

Is there any other question that the Chair has?

CHAIRMAN CRAMER: Well, at least the testimony in the South by parole officers in the field raised the issues of parole officers role in dealing and working as peace officers, or working with peach officers. I was wondering if you would care to comment or talk about that.

ASSEMBLYMAN DAVE STIRLING: May I ask a preliminary question? Ron, are you a...do you have a position in the California Youth Authority Parole Agents Association, statewide?

MR. JONES: I'm a member of the Parole Agents Association and I do not hold an office. I'm also a member of the California Parole, Probation and Correctional Officers Association, and I'm

the Chairperson for the capitol chapter.

To answer your question, what I wanted to do was kind of run through...first...I don't know what the experiences of the committee is as far as parole in the parole field. That at first I define what I see as parole, and then defining parole and going into the dual roles of the parole agent. To me, and what I understand of parole, it's a conditional release of a ward from one of our institutions who committed a criminal offense, that he will follow certain conditions of parole and that he is in a sense by a (leg of the law) extended from the institution to the community. Under these conditions of parole and that he is actually serving his time in a sense in the community and considering that, considering the parole agent's role, I think we can automatically see that there is a dual function as a parole agent. That one, being a law enforcement officer, a peace officer and seeing that the person follows his parole conditions, and at certain times, as a result of that role, that brings us into being a peace officer...at that time when there is a violation of parole, or that person isn't living up to parole conditions.

On the other hand, when a person comes out from the institution, part of our responsibility is as a casework service person, and when I discussed this earlier, I don't see that as a conflict, necessarily. I think that's what defines work, tags per se, or profession, that separates us one from a police officer who is entirely a law enforcement officer and pure social worker who is counseling and doing pure social work, we are somewhere in between there and that is our role function.

Sometimes that role function brings us into some conflict, I think, for whatever, or whoever defines those roles, for us, is that many times we go out and conduct search and seizures and make arrests, monitor a person's drug usage by urinalysis, it brings us sometimes into communities that are dangerous. Sometimes we are out at night developing our roles as far as surveillance supervision, and sometimes just as answering emergencies and crisis situations and at this point, I feel that we really haven't defined how important those functions are and put enough emphasis in the training or the equipment necessary to carry out these roles.

Recently, there has been some changes within the Department. Some of them because of pressures of the different associations, as well as some recognition of the fact that these are areas that are dangerous and there has been some training come forth. But I feel that strongly they are still lacking and that we are very, well as far as in our pure law enforcement part is, when we go out and make an arrest and/or do search and seize, when I say search and seize, I mean sometimes we get information that a person has stolen property or they are selling drugs or has done something and we are going out there to check him out, at that point our role changes to purely a law enforcement officer. We are poorly trained and we do not have the equipment many times to carry out that function.

CHAIRMAN CRAMER: When you say training, that's been a subject that a number of people have touched upon.

MR. JONES: ...in these hearings?

CHAIRMAN CRAMER: Right. And I was wondering what kind of training have you had?

MR. JONES: I've gone through a week of search and seizure in the Modesto training center about a year ago.

CHAIRMAN CRAMER: Who gave that program?

MR. JONES: That was put on by the Youth Authority...

CHAIRMAN CRAMER: ...Exclusively for parole officers?

MR. JONES: ...parole officers, right. There we went through some training of handcuffing, transportation, some self-defense, but...

CHAIRMAN CRAMER: ...how about the law of search and seizure? Court decisions?

MR. JONES: Yes, some court decisions and legislation on search and seizure and the Department's policies of...my contention is, you know, is...

CHAIRMAN CRAMER: ...when you talk about self-defense, do you have equipment for self-defense?

MR. JONES: Well, we went through training just recently, and were given Mace.

CHAIRMAN CRAMER: Mace?

MR. JONES: Yes.

CHAIRMAN CRAMER: Have you been given handcuffs?

MR. JONES: Yes, we have. We've always been furnished handcuffs.

CHAIRMAN CRAMER: Do you have communication equipment in your vehicle?

MR. JONES: No, I don't. To me, I think, still within that balance of our role functions, is that when we are in the peer law enforcement, when we are going out to make an arrest or do a search and seizure, I think even with the training we have

had, we need much more additional training and at least up to, I think, what a law enforcement officer receives. Those are the kinds of situations we go in and I'm speaking of we've never had any arms training; we are not allowed to carry arms under these conditions and that the equipment that we are given is really worthless. We've had several instances of the Mace leaking in the parole agent's pocket and if we really need it in an emergency situation, life or death, we'd be in real trouble with a bottle of Mace. Especially if the wind is blowing our way.

(Inaudible)

MR. JONES: Yeah, I do, very much so.

ASSEMBLYMAN STIRLING: I don't know about the Chairman, but I'd be interested to know what those are.

MR. JONES: I think the restriction as to recognizing that at that point we are definitely law enforcement officers and that we need the full training that goes into being a law enforcement officer as well as having the appropriate equipment which to me would be all the quipment that a law enforcement officer would carry in on an arrest.

ASSEMBLYMAN STIRLING: On the issue of that law enforcement capacity that you refer to, does the administration, in your opinion, or is it your impression, that they don't recognize that you should be in that capacity? I know something about the issue, I was just wondering whether or not it's your impression that you are supposed to serve in a second capacity, but not necessarily in the law enforcement role that you referred to?

MR. JONES: My impression is that this is part of our

role, but that we are to rely on other agencies to carry out that function. And for any parole agent that has been in that capacity, that is almost an impossibility for an outside agency to protect us. In many situations they are unable to protect themselves, and I think that's the lack of recognition, is that we need to also be as trained to have that ability to deal with a situation that because we can't necessarily rely on backup or law enforcement to carry out those functions for us. And sometimes when we feel we do have it, they are inadequate in the situation in following out the arrest plan or the search and seizure plan, sometimes leaving us in dangerous situations.

CHAIRMAN CRAMER: I was just talking about policies. If you went to a place where you suspected a parole violation, or a person who was holding property or guns, drugs or whatever, is there a policy associated with what you would do with the material you see, would you expect a prosecution to come from that and reports being written and that sort of thing, or would it be merely some effort at parole violation or return to the institution, what would be your purpose, what is your policy?

MR. JONES: There are policies covering various...if we entered a home under a search and seizure, that would be a parole violation, but if there was something...

CHAIRMAN CRAMER: ...that would be a parole violation, the entering of the home, or what you might discover...

MR. JONES: ...no, we would assume that was a parole violation, that's why we are responding and having the backup there, but once we enter the home and there is more than, for

instance, there is also some things that come up that would be considered law violations, we would turn that over to...if we had law enforcement with us...or if not, call them and ask them to do the report and file for law violation, as well as the parole violation that we would be doing.

CHAIRMAN CRAMER: What sort of information, when you receive a new person for supervision, what kind of information do you have about that individual when it comes under your care?

MR. JONES: From the time he is paroled?

CHAIRMAN CRAMER: From the time he is paroled.

MR. JONES: We get a placement packet which is our first information on a ward being considered for parole. Within that is...there's been a recent change, instead of a case report we have a memo now that abbreviates his adjustment and gives information to us as to the things we would be concerned about his parole...

ASSEMBLYMAN STIRLING: ...past record, his gang affiliation, any of that type of thing?

MR. JONES: Okay. Attached to the memo would be his cumulative sum, which is an overall report that is done from the time he enters until the time he leaves and that would indicate his prior record, gang affiliation, if we picked that up, his narcotic usage and alcohol abuse record, if again, we pick that up.

ASSEMBLYMAN STIRLING: You say, if we pick that up. I don't understand what you are saying.

MR. JONES: Okay. Well, sometimes the person, say for instance, is committed to Youth Authority as a burglar and has

priors of petty theft and burglary, as far as knowing whether he uses drugs or not, if the probation department never indicated that, we ask and question your kind of form, the wards themselves put what the exact prior history was and if they say they haven't had one, we would not be aware of that, if it wasn't somewhere involved in an incident where he was apprehended with possession of drugs and narcotics. Sometimes we don't pick that up initially until he is on the street and we have his drug test or some other information.

CHAIRMAN CRAMER: The material that might be collected in the Youth Authority, you don't get the entire file, then, associated with that individual?

MR. JONES: Initially, we don't. We just have a field file and a referral document. And then once he is released on parole, we'd have a complete file.

ASSEMBLYMAN STIRLING: How long and what would the average time you would supervise an individual on parole from the Youth Authority?

MR. JONES: Well, it would be the average length. Approximately two years.

ASSEMBLYMAN STIRLING: Do they have those individuals that you have been supervising on parole, do they have time left in the institution that...

MR. JONES: Yes.

ASSEMBLYMAN STIRLING: ...if it's necessary to return them?

MR. JONES: In the majority of the cases referred to parole, I don't know what the average would be, but most of them

have at least a year's confinement time. There are those, though, that you know there are a few within the Youth Authority system that come out and do not have a lot of confinement. Sometimes less than two months. It's kind of somewhat as I see a policy that they are referred to parole, at least with 30 days of confinement time.

ASSEMBLYMAN STIRLING: Is that parole or early release? What is the classification of someone who only has two months of time to serve? Is that an early release or would that truly be a parole?

MR. JONES: It would be probably close...depending on how much confinement time, it would be a parole, but there would be some concern if the person can only be locked up 30 more days. It could be an early release because of the fact that he only has 30 days and that the Department would like to at least have the parole to have some kind of confinement time to work with the person, and hold that in case that there is some need for temporary detention.

ASSEMBLYMAN STIRLING: What kind of a person would be released only with 30 days or 45 days or two months left? Is that a different character, different type of person that would be held in custody that long?

MR. JONES: Not necessarily.

(Multiple Voices)

MR. JONES: ...committing of thefts, depending on how much confinement time that committing offense allows us to confine him during the duration of time that...

(Multiple Voices)

MR. JONES: Somebody could have a look. A large prior record that his committing offense be such that it would give us less confinement time, than some of the other people who are committed to us.

CHAIRMAN CRAMER: Well, what is your experience in trying to supervise someone that hasn't too much time left to do?

MR. JONES: Ah, it really doesn't allow for us to respond on the enforcement side, as far as violating his parole conditions as easily as it does someone who has that extra time and we can revoke parole or to put in an in-program.

CHAIRMAN CRAMER: Is it useful to you as a parole officer to have that option available to you in working with a person on parole?

MR. JONES: Yes, very much so.

CHAIRMAN CRAMER: Would it be helpful if there were a statute which in those short-term parole...would an extension of time be helpful on a parole violation?

MR. JONES: Very much so. I think just to respond to that...most of the people we deal with, and I think we'd be a little naive to think that the old terms of getting close and being friendly, and/or that traditional rehabilitation processes change the people that we deal with, a lot of them deal on very much a power base, and they understand that if to perform that we expect something, and if not, then something is going to happen.

CHAIRMAN CRAMER: Has it been your experience that individuals who have prior gang affiliation on parole, are paroled back into the region from which they came, or are they sent else-

where?

MR. JONES: Basically, they are returned to the community where they are committed from. There are some changes in that from time to time because...we made sure of our cases...we have some juveniles within our system and as the parents move from other areas and or relatives, you know, then they are returned to other communities. But basically, they are returned to their own community.

CHAIRMAN CRAMER: As a person, how many people are you supervising on parole at this time?

MR. JONES: Approximately 48 cases.

CHAIRMAN CRAMER: How much time do you spend in the field?

MR. JONES: An average of 40 to 50 percent.

CHAIRMAN CRAMER: What do you do with the rest of your time?

MR. JONES: Answer phone calls, case conferences, staffing cases with casework supervisors, doing, I usually do four to eight hours on one day a week being the "Officer of the Day" and recently because of my activities in associations, have hearings, and sometimes we are assigned to special assignments in committees in-house, but sometimes we are asked to put in some extra time in other areas.

CHAIRMAN CRAMER: These casework conferences, are these resolved...do you write a report on those conferences?

MR. JONES: Yes, we...I think probably that would be different from unit office. Every Wednesday half a morning

was spent on going over cases reviewed. Anyone as far as under our rule of standards are to do case conference on every case under our supervision every 120 days, that's just changed. It was 90 days, but we moved it to 120 days, that's where we get together with the supervisors; the ward has the right to come in and be part of that case conference. And that's when we review his progress on parole. In our future plans, what we are going to do with him from that point to the next 120 days.

CHAIRMAN CRAMER: In the use of your time, do you feel it would be better in the field or better that you are in the office...

MR. JONES: I think, personally, that we need more time to be in the field, and to be doing more direct supervision. And availability for the wards that we are supervising.

CHAIRMAN CRAMER: When you are in the field, what hours are you there?

MR. JONES: It really varies. I cover, and I think that varies probably because of different areas, too. Normally, we cover a geographical are. I cover two counties and sometimes I'm out in the evening time and somtimes it's eight to five or nine to seven - so it varies.

CHAIRMAN CRAMER: What kind of neighborhood or region do you work in?

MR. JONES: Well, currently, I cover a fairly middle class are. I cover Carmichael, Fair Oaks, Folsom and Amador County, which is a small county, but it's basically a working class, middle class area.

CHAIRMAN CRAMER: As you work as a parole officer, you are concerned about training. Are there other problems that you have as a parole officer that we might address?

MR. JONES: I think I spoke to part of it and we went into some other sections. I'd like to take a few minutes of time to say that sometimes when you say that you're a law enforcement and a caseworker, people see that as a dichotomy and that there is friction between those two roles. Personally, I do not. I see that as a good definition of the professional class that we are in...as a parole agent, that's what we are. And that there should be a balance in those areas. The casework part of it is as important as the law enforcement functions. And I feel that we need ongoing training as well as in the casework area, which there is some ongoing training in both of those areas, and that those areas both should be given a priority, depending on case by case basis that we are working on. I think anyone who has been in the field as a parole agent for any time with experience in the correctional department, can recognize when those functions and roles are necessary on a case by case basis. There's no conflict in that a person that's coming out and he isn't following his parole program and is breaking his parole conditions, and all of a sudden we are out there and making an arrest. But on the other hand, many times we have people who refer, they plug into the program because of our support or intervention in a family crisis situation, that makes a difference. And I'd like to add that I think in our profession and our effectiveness, that both of these roles are important and that as...if we were to consider our professional role as a

parole agent to be a social worker, without any law enforcement authority, and that we were saying that people would come to us as they are needed, we find out real soon that we are not very effective, that we need the enforcement part, as well as the case work and the authority to consider temporary detention, consider revocation and corrective action. And that all those functions are relevant.

I think sometimes there is a lack, not necessarily department, but legislation, people's willingness to consider monies for appropriations for facilities and so forth. That really hampers us in our profession. One of the things that I see as a very corrective measure is temporary detention.

CHAIRMAN CRAMER: You feel you don't have the authority for that now?

MR. JONES: Well, you know, between all the policies to move in temporary detention where it's so difficult, it's almost easier to revoke a person's parole.

CHAIRMAN CRAMER: Why is it difficult?

MR. JONES: Well, number one, is finding room to detain him. Sometimes I find more cooperation in a juvenile hall than I do in our own facility. They are crowded. They are sleeping people on the floor.

CHAIRMAN CRAMER: Where?

MR. JONES: At the reception centers.

CHAIRMAN CRAMER: You mean at CYA?

MR. JONES: Yes, CYA. Because of conditions in the last six, seven months, it's sometimes hard to find a place to detain. Sometimes I end up driving a person that I'm going to

put in detention for maybe two weeks, all the way up to Pine Grove. Which is an hour and half away. And...

CHAIRMAN CRAMER: ...you mean, you think CYA is overcrowded?

MR. JONES: CYA is overcrowded and as a result of that, it is hard to place a person in temporary detention locally.

CHAIRMAN CRAMER: ...well, what do you mean? That's an important point. CYA's overcrowded...

MR. JONES: CYA is overcrowded and that causes some pressures on temporary detention, because that's considered...

CHAIRMAN CRAMER: ...(Inaudible)

MR. JONES: No, I'm saying that utilizing temporary detention to me has always been a good tool in my trade. Sometimes there's people out there who are not necessarily failing on parole, but are on the verge of collapsing as far as their parole grant or on the way to maybe getting back into criminal activity and as a means of controlling that, sometimes temporary detention has been a good deterrent and effective. I'm saying because of a lot of things happening right now, temporary detention is difficult to consider in our profession. I mean, we've got many functions to do and when you get into putting somebody away for two weeks and go through a lot of process...

CHAIRMAN CRAMER: Because of crowding...one is to put somebody in temporary detention...

MR. JONES: ...locally, it's difficult. So that's taken away a convenient facility out here for Sacramento parole to utilize. Two, because of the restraints in regard to detention the person has the right to hearings and so forth,

that when we take them away from the area then we are concerned about having a person which would be the supervisor...to have that okayed on a parole report, and by the time you get all through with all these processes it's a lot of workload, and sometimes it's considered too difficult by parole agents to utilize that as a tool.

ASSEMBLYMAN STIRLING: What emphasis is given to public protection versus the wards' needs in CYA policies relative to parole? In other words, when you are having to make a determination of what capacity you are to serve in, how much are you thinking in terms of protecting the public from a ward who's potentially, who may actually be overstepping his parole conditions and a potential danger to the public as compared to providing assistance and being concerned about the ward's needs and of himself?

MR. JONES: Well, I think if you grabbed the Authority handbook or pamphlet, you would see that our Number One function is to protect society and the community. But, I think when it comes down to line parole agents, that's not confined to...and I would contend that if that was a heavy emphasis, you know, why would we not be trained in the enforcement area, better than we are. That's an emphasis.

CHAIRMAN CRAMER: Even if an individual is not committing or reoffending or committing another crime, if he, in fact, ignores the effort at a program for jobs or training of one sort or another, I assume that's a parole violation, also.

MR. JONES: I'm sorry, I wasn't able...

CHAIRMAN CRAMER: Well, aside from the policing function in the sense of reoffending, committing other crimes, I would assume that if an individual fails to carry out his commitment for training, fails to carry out his commitment for a job, that also would be a parole violation. Is that right?

MR. JONES: Not necessarily.

CHAIRMAN CRAMER: Why not?

MR. JONES: Well, you know as far as many times probably if you looked at...I don't know what the percentage would be...but I would say that most of our people are picked up probably by law enforcement on a recommitment of a criminal offense. Then interjection of parole and violating his parole conditions. That's what you are asking, that's the question?

CHAIRMAN CRAMER: I was wondering as you consider supervision and public protection, I think, is an important function for a parole officer, but I think success of an individual on parole is of some interest and some concern also. And if they are on parole, can the lack of cooperation with you towards the job commitments he's made to you to be supervised on parole. I was wondering what your response to that is.

MR. JONES: I agree with you, you are saying that that's an important area and how much part do I play in that, as far as...

CHAIRMAN CRAMER: ...How do you respond to a person who says I really appreciate you got me a job, it's too much trouble for me to get there? What do you do to that, do you

say, well, I'm sorry?

MR. JONES: First I assess the person on a case by case basis. Usually, I get to know the person fairly well, and depending on who that is telling me that, to some degree we got... we have funds that allow for transportation, bus transportation, in our office a person has availability to a bus pass on a monthly basis...

CHAIRMAN CRAMER: Is that the Youth Authority's policy or you as a parole officer's policy to ignore that?

MR. JONES: No, it's not.

CHAIRMAN CRAMER: What do you do about it?

MR. JONES: It is part of my responsibility to assess the wards needs and see if they are legitimate needs and if they can be legitimately followed through and if they are within our realm of assistance, then we assist them.

CHAIRMAN CRAMER: Wouldn't that be done before you provided those particular terms for parole. You wouldn't assess him after you set the terms, wouldn't you...the conditions.

MR. JONES: Not necessarily.

CHAIRMAN CRAMER: Who would do that?

MR. JONES: Initially, what you're saying, it would be when a person is released on parole that he meets with his parole agent and they set up some type of re-entry plan and if there is some other complications come up and then they would be dealt with. On an ongoing basis.

ASSEMBLYMAN STIRLING: But, that's my point, what Mr. Cramer asked as I gather, I thought what he was talking about is if some kind of a plan, a program of including going to work was

part of the program and he did not comply with that...whether he could get to work was part of what was originally determined.

MR. JONES: I hear of several things, but in response to what you're saying going back to your first question, if a person doesn't follow up with a job that he says he is going to follow-up with, and is that a violation of his parole? Is that what you're asking?

ASSEMBLYMAN STIRLING: Yes, and what do you do about it?

MR. JONES: There is of course stress on employment or being involved as far as...and I think that probably varies from parole agent to parole agent, how much stress they get on the job. Vocational training or school, or what kind of program they are in, but if they don't follow through with that, is that we usually, we're just talking and it isn't a violation of parole and I don't think there is a member on the Board who would violate a ward because he didn't go to school or because he didn't go to a job. So as a consequence of that, we have a lot of people who don't follow through with their programs.

CHAIRMAN CRAMER: So you have no credibility if you tell an individual that this is the program whether it is going to school, whatever it is, if you're not backed by the Board, or you don't do anything if the individual doesn't participate in this program, you've lost credibility or some muscle.

ASSEMBLYMAN STIRLING: Is that a policy of the Authority to ignore those kinds of things?

MR. JONES: I'm not sure it's ignoring, but you know,

the only thing that we have as far as an authority that we can move on is the parole conditions and the special parole conditions. And to some degree, depending on what the degree of violation is, whether or not they will be revoked or not. And we have many cases that I felt that should be revoked or put in temporary detention, but haven't been for whatever reason.

CHAIRMAN CRAMER: Who makes that decision?

MR. JONES: The Board members.

CHAIRMAN CRAMER: Do you mean you have a Board hearing; there is no middle ground? You as a parole officer in violating an individual have to have that reviewed by the Board?

MR. JONES: Right. The process would be as if I felt a parolee was in violation of his parole, I would staff that with my supervisor, and we would make the action from the violation as to whether or not we felt that would be what we term as a serious offense, and then we would take action. From there we would put him in custody, we would, each unit office, most of the unit offices throughout the State have an investigator who would be assigned to him. He would collect all the material and do all the investigation. We'd have a coordinator who would coordinate the hearing and then that would go in front of the Board and they would review it and make the decision whether or not to revoke or to continue him on parole.

CHAIRMAN CRAMER: Does the ward have the right to counsel for those hearings?

MR. JONES: Yes, he has a right to request counsel, but he doesn't have a right to have counsel. He can request counsel

based on whether or not he can defend himself or if the case isn't so complicated that he couldn't speak on his behalf. He could be allowed an attorney.

CHAIRMAN CRAMER: So that process discourages you and others from using the violation very often, is that what you're saying to me?

MR. JONES: It would discourage someone to utilize that process unless they felt they had a serious violation.

CHAIRMAN CRAMER: A serious violation at least from what I'm hearing you say, is when the individual comes to the attention of the police or is found reoffending...

MR. JONES: ...or as you know, we detect that he has violated his parole conditions in the sense of using narcotics...

CHAIRMAN CRAMER: ...well, I think that's reoffending.

MR. JONES: Yes, that's reoffending.

CHAIRMAN CRAMER: ...Yeah, okay, basically I see what you are saying.

MR. JONES: From our standpoint, reoffending is violating his parole conditions, or being apprehended by the law enforcement...

CHAIRMAN CRAMER: If we were able to change that system, what would you change about it?

MR. JONES: I would put more emphasis on the conditions of parole, that they be taken seriously, and that not only serious in the sense that when they validate the parole conditions, they are not living up to their responsibility as a conditional release of their parole, and that they be a little sterner stands

by the Board as far as revocation and temporary detention.

ASSEMBLYMAN STIRLING: What's the average age of a person on parole at the Youth...

MR. JONES: The average age in my caseload would be approximately 18.9, 19 and that's at the beginning of parole and if you have them for an average of two years, that would be a mix of my caseload. So you get some that are still minors on parole or with most of the people that parole agents deal with, it would actually...

ASSEMBLYMAN STIRLING: ...no adults?...

MR. JONES: I would have a combination of...recently we have been getting younger offenders, but I have anywhere from age 16 to about 23 years old in my caseload. With the majority of them being of age by California state law over 18.

ASSEMBLYMAN STIRLING: Are parolees given any kind of a risk calculation when they are put on parole? In other words, are there high risk parole agent units whereby high risk parolees are given to that group, or is it simply done on an informal case by case basis?

MR. JONES: I can't speak of the southern area, I'm not aware of what facilities are there. In the northern area, at least outside of San Francisco, we are mainly assigned by geographical areas, so those people who are coming out of institutions are assigned to the agent covering the geographical area.

So, as far as the people who are heavy offenders, and you are really questioning whether or not they are going to be

successful on the outside and there is no extra precaution or no extra emphasis placed on supervising or watching those people as compared to others, yes there is. There is a classification system within parole whereby we consider a person on a case by case basis as to their risk to the community as well as their service needs. And they can be a high risk which would increase their supervision level in either one of those areas, in other words, needing assistance on job placement and family situation, that would be on the service factor and on the other end, on the risk factor, as to whether he is seen as a threat to others or to himself; that there was a lot of publicity regarding his offense and all these things would be considered on a risk factor and that would determine his supervision level. If he was a high risk, he would be seen on an average of no less than two times a month. And if he was a medium risk, he would be seen no less than one time a month. And if he was a minimum risk, he would be seen once every other month on a minimum.

CHAIRMAN CRAMER: But if he were a high profile gang member, a leader, who's been with the Youth Authority, and comes back into the community, you see him twice a month to determine whether or not he's back with his gang, is that what you're saying to me?

MR. JONES: I'm saying that would be the minimum that would...he would be seen.

CHAIRMAN CRAMER: If he re-affiliated with the gang, what would be your basis for viewing that individual?

MR. JONES: It would be...the supervision level could

be extended according on a case by case basis by the parole agent, to me under that condition, is that I would be more concerned about his behavior and I would be putting more emphasis on him and who he associates with.

CHAIRMAN CRAMER: One thing society would be concerned about, also, is what the parole officer's response is...so you wouldn't interfere with the gang affiliation, you would just see him more often?

MR. JONES: No, I would assess the...I'd assess that gang affiliation and determine whether or not that he indeed is again associated with that gang and if so I can give him a special condition under Conditional I that says he follows instructions of my agent, that he won't be affiliated with a gang, or I could request a special ward order that he doesn't affiliate with a gang, and if he does he is in violation of his parole.

CHAIRMAN CRAMER: ...you feel that would be serious enough to go back through that process?

MR. JONES: ...depending on the gang's activities. If it's a, you know, there is different levels of gangs, depending upon the gang level of activity and what he's doing and what his behavior is.

CHAIRMAN CRAMER: Do you have any other remarks that you would like to make to this committee at this time?

MR. JONES: No, I think I've covered most of the areas.

CHAIRMAN CRAMER: Does every ward in CYA get parole for some period of time regardless of what type of offense they

were in CYA for, to your knowledge?

MR. JONES: To my knowledge, yes. They all do. For some period of time.

CHAIRMAN CRAMER: Do you know what the factor is that determines for how long they are paroled? Would it be for one year, or for two months as you referred to?

MR. JONES: Yes. When they are committed from the court to Youth Authority, there is an expiration date given them and it's based according to offense and age. Wards are still committed to us by age as well as by offense. If he's a juvenile case when the offense was committed, it's most likely that he's committed by age up to 21. There are some exceptions where they are committed up to 23 years of age. An adult court, they are committed to us by age and offense, and that would be whatever comes first. If he expires by the offense, in other words, the range...are you familiar with the determinate sentence?

CHAIRMAN CRAMER: Quite!

MR. JONES: Okay, then whatever the range would be for his offense, and then he would be given, also, an age date, and whatever comes first is when he would be discharged.

CHAIRMAN CRAMER: Alright, thank you very much.

MR. JONES: And just within that, you would probably be also aware that there is also confinement time given at the time of commitment, so there is three things going with the case. The offense by expiration, the age expiration date and then the amount of compliment time that we would have him while

he's under our jurisdiction.

CHAIRMAN CRAMER: Is there such a thing as earning good time by good behavior?

MR. JONES: Uh, yes, I think these different programs consider an early release, depending on your behavior, but it's not like the present system, or jail where you get an "X" amount of days each month for doing something.

CHAIRMAN CRAMER: I had originally scheduled Mr. Kuhl but as I understand Mrs. Pearl West is here to present testimony in this hearing here today.

I suppose I should put into context the circumstance that you are here and that, one, you were invited, and two, you were an observer or at least had people observing the hearings that occurred in Southern California and part of the purpose of your presentation is to respond to some of those issues raised in those hearings earlier. Plus whatever other remarks that you submit.

MS. PEARL S. WEST: That's correct. Mr. Cramer, I'm most pleased to have the opportunity to appear before this committee. Mr. Kuhl, who is my Chief Deputy Director, is here as is Mr. Richard Lew, my legislative liaison person who I'm sure you are well acquainted with who sat through the entire hearings at Chino. They are prepared to put up some large charts that are comparable to those attached to the material which has been distributed to you, so that the members of the audience can follow the players with the script, so to speak, which will help.

I have prepared remarks this morning to respond primarily to the 15 witnesses that you heard in Chino, and to help put into some kind of perspective, hopefully, the work of the Youth Authority. I am, for the record, of course, Pearl West, Director of the Authority for another two days. It is a pleasure to be here, obviously, to be here and for your information and reference, you will find both fact sheets and charts attached to this morning's testimony.

During my presentation this morning, I would ask that the committee and the audience as well, all of whom I know are concerned about what is happening in the total justice system in California, to remember that we are dealing with a system and not just with a department. We represent part of a continuum of services, by definition, of course, affects the rest of the system. No single portions of the system can exist in total isolation from its other components.

The justice system in California is presently undergoing a great deal of stress, fiscally, legislatively, and through the courts. Post Proposition 13 pressures have produced massive cuts in local probation services and almost every county is now exploring the possibility of cutting non-mandated services for offenders as a means of reducing its budget. Juvenile ranches and camps, as well as other local programs are being considered expendible. This has created pressure throughout the system, not the least of which is an increase in commitments to the Youth Authority.

Charts I and II, which Mr. Kuhl will put up at this

point, illustrate my comments about how the youth justice system in California and more specifically the Youth Authority's role in that system.

Chart I depicts the youth justice system flow and shows that as of the end of 1980 the state's youth population from ages ten to twenty was 4 million with reported felonies at 730 thousand. Arrests for these crimes totaled 150 thousand. Of these, 93 percent were handled at the local level and seven percent were committed to the state; five percent to the Youth Authority and two percent to the Department of Corrections. Based on these statistics alone, it is hoped that the committee will, before it is through, spend a fair and equal share of time at what happens to these young people at the local level.

ASSEMBLYMAN STIRLING: Ms. West, may I interrupt you for just a moment? Looking at the...it says reported felonies, now that would be reported from...presumably from victims to law enforcement agencies. And is that were a youth...where someone would fit into the category of youth population, ages ten to twenty, would be the suspect for having committed that crime?

MS. WEST: That is correct.

ASSEMBLYMAN STIRLING: Some types of crimes like burglary and things of that type, you would have no idea who committed the crime, so there would be no way to know that?

MS. WEST: That is correct. But, as you know, burglary is primarily the crime of the...

ASSEMBLYMAN STIRLING: ...I understand...

MS. WEST: Chart II is an even more graphic demonstration of state and local level responsibility for the offender population in California. The total of all those incarcerated or on probation or paroled in California, is 297,100. The pie chart illustrates the local correctional services and they are responsible for a whopping majority of total correctional caseloads; that is, 245 thousand, or 82.4 percent are handled at the local level. The Department of Corrections is responsible for 39,300 offenders, or 13.2 percent of this caseload. While the Youth Authority supervises a total of 12,800, or 4.2 percent of the adjudicated offenders in the state. That obviously extends beyond your 20 year old.

The Youth Authority is the disposition of last resort for the juvenile court, which commits to the Department the more serious and habitual offenders for whom local resources have been exhausted. Fifty-four percent of our population comes from the juvenile courts. The Youth Authority also represents an option for youthful offenders, age 18, 19 and 20, from the criminal courts, if the judge feels that they are too sophisticated for local jurisdiction, but too immature for state prison.

Forty-six percent of our present population were committed from the criminal courts. Jurisdiction over juvenile court commitments expires as explained by our fine parole agent at ages 21 or 23 for more serious offenses. Departmental jurisdiction over criminal court misdemeanants is to age 23 and

criminal court felons until age 25.

Presently the Department has 5,893 wards in 10 institutions and 6 conservation camps and supervises 7,000 wards on parole. The rated capacity of our institutions is 5,340 which means that we are presently operating at 110 percent of capacity. For the past seven years, the Department has been experiencing an unprecedented increase in the rate of commitments to the Youth Authority from the local level of 46 percent. In 1973-74, the rate of commitment was 70 per 100,000 people in the 10 to 20 age group as compared with 103 per 100,000 in 1980. An increase of 46 percent for that seven years.

Another factor contributing to Youth Authority population is the length of stay of young people in our institutions and camps which has increased from 11.1 months in 1972 to 12.9 months in 1980. This factor only makes a dramatic difference in Youth Authority housing needs when you realize that every added 30 days stay creates a need for 400 additional beds. While increased length of stay is undoubtedly in response to a rising concern over crime, it is important to note that the responsibility for establishing the length of incarceration and for paroling young people for Youth Authority institutions rests solely with the Youthful Offender Parole Board. This Board was legislatively separated from the Department in January 1980 and is now a completely separate organization with its own administration within the youth and adult correction agency.

ASSEMBLYMAN STIRLING: Ms. West, may I just inquire, to

what extent does the number of beds available affect the policies of the Youth Authority as far as its attitude toward parole revocations, toward the number of youths present, toward early releases, day passes, any of those factors, to what extent does the crowding situation impact on your policies relative to receiving wards from the juvenile and criminal justice system?

MS. WEST: The overcrowding situation has impacted the Department most markedly and I would not say otherwise under any circumstances. It has done this in a couple of ways. Number one, it has meant that we have redistributed personnel within the institutions where as we once had what I think is infinitely better for program effectiveness purposes and really knowing the ward, we once had staff out living on the units, working on the units, where the wards are, we have now pulled staff almost entirely out of any secure perimeter in order to make room for beds. This has meant that there has been growth of what I would consider inadequate supervision. It has also meant that we adopted a policy that I promulgated this past year in which we have told the criminal court that we will not accept all commitments moving away from the criminal courts even if they are deemed to be rehabilitable under the law. What we have had to do has been to impose a series of criteria by which we have rejected some otherwise acceptable criminal court commitments and they have had to be distributed either on the local level or to the prisons. It is my understanding, though I do not have the figures with me, that most of those young people have gone to prison.

It also means that in the overcrowding, every staff

person has a broader span of supervisory control that is necessary for him to maintain, or for her to maintain. It means the effectiveness of programming is diluted. Additionally, it means that there is an emphasis on security that has got to be so overwhelming that it frequently interferes with some of the desirable program counseling emphasis, which we think makes the difference between succeeding afterward and not succeeding afterward. So the availability of beds makes a lot of difference.

To add one other fact, you asked about how it might affect parole; it certainly does affect parole, in that we believe that when the courts commit young people to institutions it is because the court's wisdom is such that they feel that is the place where they ought to be to get some help.

ASSEMBLYMAN STIRLING: ...ought to get them off the streets.

MS. WEST: ...whatever the motivation, the fact remains that they need someplace to go. It is better for these people to have some institution time and 99 percent of the time, for example, that the court might otherwise deem appropriate, than not to have any at all, so that there is a population pressure and there is a recognition that there are times when we make very careful re-examinations of full institution population to find out if indeed the regular system has not surfaced all of the young people who could possibly be paroled, 30 days or 60 days early as in the target date that is established by the YOPB. If we find such people, we obviously feel duty bound to take those people to the Board for board consideration of parole and

part of the reason is, frankly, to stay on top of making as many beds available as we can, because we cannot keep up with demand.

ASSEMBLYMAN STIRLING: But if the great majority of the people who go to CYA or people who have committed the equivalent of a felony, and almost a majority of that group are what you would consider a violent felony nature, statistics, I think, should show that...if you tell the judges in the various courts that...you cannot necessarily peg everyone that they would want to send there...and they were to choose not to send them to the Department of Corrections, what other alternative would there be to the judge as to what he or she would do with that person?

MS. WEST: As you well know, legislation pretty well prescribes what the judge can do. There are only certain crimes that the judge has the option of not sending the person to a state institution. The other options are clearly local options; jail, probation, some combination of the two, or straight probation. But as every year passes, those options are closed more and more. I speak to that somewhat in more detail further on in this testimony.

The department has thus far been successful in administratively handling its overcrowding problems without serious incident to wards and staff. While we are committed to seeking alternatives to construction of new facilities, we are exploring a modest capital construction program with the administration. In addition, we have instituted a revised intake policy and are not accepting some of the more serious or habitual adult cases as I've just described to you.

The mission of the Department of the Youth Authority was revised in the current session by Senator Presley's SB 193 to mandate public protection as its primary goal, through the provision of training and treatment to correct and rehabilitate young persons who have committed public offenses.

ASSEMBLYMAN STIRLING: Why was that necessary? To do it by statute? To mandate public protection as its primary goal by statute rather than as part of the administration's policies within the CYA? I'm assuming it's necessary, I don't know that.

MS. WEST: Yes, that makes a presumption and it also, frankly, does not square with where the law was before in the sense that that has always been in the law because the law previously stated, "in order to better protect society," etc. And this simply gave it...simply higher profile and a clearer emphasis that this was to be a primary goal. Obviously, if it weren't to protect society, we wouldn't be in business at all.

ASSEMBLYMAN STIRLING: Well, I understand that, but somehow the Senator and others apparently felt that there was not enough emphasis being placed on the public protection as the primary goal and I was just wondering why it would have to come to the statutory change, but obviously, if we...if there is no agreement that is...was necessary to begin with, then you probably couldn't answer my question. Okay, that's fine. Thanks.

MS. WEST: I would like to comment here which guide the operation of the Department are detailed in several departmental manuals which are available to staff at every departmental location and are also available for public scrutiny. In addition,

the more substantive departmental policies and procedures including those which govern the handling of wards are set forth in Title 15 of the California Administrative Code and have gone through a statewide public hearing process before being adopted.

At this point, I would like to share with you some thoughts relative to testimony that was given to you on November 13 in Chino as well as some information about departmental operations and really appreciate the opportunity that is offered here to set the record straight. While you have heard testimony from a few staff there some of whom are highly disgruntled, I hope that you will not base your opinions of the Youth Authority totally on their comments alone. For every person who appeared before you with a negative posture about the Department, there are literally hundreds of Youth Authority staff whom you will never see who are highly dedicated, hard working, motivated and perform their job functions in an outstanding manner. I am happy to report that at this point in my career, I'm hearing from a great many of those people in writing, and I'm most grateful for that. The staff that you have seen, with the exception of this morning's testimony, to my certain knowledge, at least are certainly not a total representation of the staff of the Department.

I think it is appropriate in the Department's testimony to speak to the morale of staff. I believe the staff morale of the Youth Authority is very good...if...you take the following factors into consideration: 1) The correctional arena by definition is a constant high stress, high pressure type of job; 2) The

Youth Authority is at 110 percent of bed capacity, which for us is extreme overcrowding with increased difficulties and problems in discipline and program and with handling everybody inside all the time; 3) The public attitude, as reflected by the media and the press, is very demanding at this time with mixed and conflicting expectations; 4) Budget monies are extremely tight and resources are not easily available to assist in the complicated problems of corrections; 5) Staff perceive that recent legislative increases the demands on them without the provision of any additional resources and staff feel that that's necessary for them to do the job; Lastly, that inflation and interest rates in the general community for people who wish to promote or move or even live on correctional salaries has become extremely difficult. Now, if you take all of the above factors into consideration, I believe that the morale of the staff of the Youth Authority is especially high. We have a very dedicated staff who are working under extremely difficult conditions with an extremely difficult clientele and I think they are doing a hell of a good job. As an indication of morale, let me put before you some statistics regarding promotional opportunities in the Department. In a two-year period beginning September 30, 1979 through September 30, 1981, we have had 683 promotions out of a staff that has numbered 3,800. This means that approximately one out of every five positions in the Youth Authority was filled by a promotion during the last two years. Another example of the healthiness of the Department is in the number of applications for entry level and promotional examinations. In a recent exam for Parole Agent I, there were approximately 2,350 applicants while the Department is

budgeted for only 294 staff in the Parole Agency I position. For Senior Group Supervisor, there were 520 applications received while there are only 30 positions available. I think these examples are indicative of a strong continuing interest on the part of staff who want to work in the correctional arena and who are willing to compete for promotions.

I would like to put the issue of recidivism into context. The Youth Authority has approximately 6,000 young people in its institutions and 7,000 on parole. Every one of these 13,000 young people have failed at the community level. The family has failed, the school failed, the total community has failed. Finally, the local jurisdiction says, "We have used every available resource and we no longer can handle this young person--you take him." Hence, the Department receives each year approximately 3,500 first commitments, each of whom has committed crimes against the laws of our society and has been deemed locally to be lost and incorrigible. The average first commitment to the Youth Authority is 17 years old and has a sixth grade reading ability and sixth grade math ability and essentially no job skills. They are with rare exceptions hostile, angry, fearful and acting out and the Department does protect the public by locking them up. We incarcerate them and they do time. Much has been said about "success" and "failure" rates in our Department. Let's place this much discussed issue into perspective. If only 10 percent of these 6,000 youngsters we have in our institutions make a successful adjustment in the community, that is 600 losers who have turned into self-sustaining citizens. A success rate of 20 percent would mean 1200, 30 percent would mean 1800, 40 percent

would mean 2400. Based on 1978 releases, with a 24 month follow-up cohort, the parole success rate was 55.5 percent. Considering the fact that we start with 100 percent failures, a return of 3,300 young people to the streets as useful citizens is not a bad track record for the Department especially after the cities and communities of California had given up on them.

ASSEMBLYMAN STIRLING: Excuse me, Ms. West, would you care to define what parole success is?

MS. WEST: Yes, staying out of trouble.

ASSEMBLYMAN STIRLING: I appreciate it. When you follow-up two years and you lose track of those individuals, if you reaffirm as an adult, would you be aware of that or consider that as a part of your parole success?

MS. WEST: We would be aware of that if he goes into the California prison system. If he goes to Arizona, Washington, Ohio, we would not necessarily be made aware of that.

CHAIRMAN CRAMER: Parole success is that time period whereby an individual is being directed and supervised on parole?

MS. WEST: Yes, sir.

CHAIRMAN CFAMER: Let me just make sure I understand that. When you said, "staying out of trouble", are you indicating that within two years of...of two years of release that the wards are monitored to the extent that you can do that. That 55.5 percent of them have never had any contact with the law more serious than a traffic violation for two years?

MS. WEST: ...no I can't say that. What the statistics say is that they have not been reincarcerated. They may have...

ASSEMBLYMAN STIRLING: ...in prison, in the Department

of Corrections?

MS. WEST: ...they may not have been relocked up with us, with prisons...

ASSEMBLYMAN STIRLING: ...or with county jails...

MS. WEST: Most counties give us...give BCS those statistics, a few counties do not.

ASSEMBLYMAN STIRLING: ...well, if they given them to you would that be part of the factor...if they went to county jail...

MS. WEST: Yes. Okay.

ASSEMBLYMAN STIRLING: ...but if they got probation, that wouldn't necessarily be...is that what you are saying?

MS. WEST: It would not necessarily be, nor would revocation of parole necessarily figure in that.

ASSEMBLYMAN STIRLING: Would you care to comment in that context on the testimony that was presented earlier and was presented in Chino also, as the difficulty of violation of parole...I assume that's a part of the inheritance of the (inaudible)

MS. WEST: Having been on the Board earlier, as well as serving in my current capacity, I certainly am aware that revocation of parole is not undertaken lightly and should not be undertaken lightly as deprivation of liberties is the most serious thing we can do to a person; I do believe that we need to periodically as we have...or at least we did...when the Board and the Department were together. You will obviously have to talk to the Board at this point to find out what they

are doing in the last couple of years...we would periodically review the process by which revocation came about to be sure that there was adequacy of ability to revoke parole, by what seemed reasonable standards, when that was necessary, but that there would not be arbitrary use of deprivation of liberties just because a parole agent didn't like the way somebody parted his hair. That's a very difficult thing to do.

CHAIRMAN CRAMER: I appreciate it, but at least from your philosophical point, and in the time that you were serving on the Parole Board, are you saying to me something different than my understanding of parole; parole is merely being on the street, but still being committed to an institution. You are saying to me that an individual on the street has some different standing...

MS. WEST: ...A person on the street is clearly on the street. Not in the institution. And I think that's a very big difference to the person involved and a very precious difference to him, and generally, he's willing to live with these conditions of parole in order to maintain that very, you know, dramatic difference. But, he's still under our jurisdiction, and how!

CHAIRMAN CRAMER: Well, that's what I'm asking you. Philosophically, I always had the impression and I've been told that an individual on parole is still a ward or an inmate, and in that state of mind, so you adopt that as a view that he is still a person committed to the institution and merely being free on the street under supervision?

MS. WEST: That is absolutely the stance of the Department and, in fact, is reflected in the fact that when a ward is released from jurisdiction, he gets an official document signed by the Director which indicates that he is now free of the jurisdiction of the Department and the honorable discharge is at that time...it is my pleasure to sign. But, he knows the difference of when he is free and when he is not free, and we do too.

CHAIRMAN CRAMER: Do you feel that's a clear philosophical stance of the California Youth Authority at this time?

MS. WEST: Yes, sir.

CHAIRMAN CRAMER: Are you supported, do you feel, by the Youth Offenders Parol Board in that stance?

MS. WEST: Can't say that I have discussed that particular issue with them nor have they asked me to discuss it with them...

CHAIRMAN CRAMER: ...sure, but what I mean is, obviously, you must have some observations and impression of whether or not that attitude which sounds fairly serious on your part, as far as the status of a parolee, do you feel like the Parole Board, when you go back to them, is supportive of that, rather what I would characterize as a fairly hard-line quote.

MS. WEST: Yes. Yes. My impressions from my chronic visits with the Board and conversations with the Board since the administration separation tends to indicate to me that if anything, the Board feels even more strongly about that than at least it did when I first went on the Board in 1975.

CHAIRMAN CRAMER: Thank you. Just one other question in that area. In the fact that those individuals and those decisions certainly have an administrative impact on the Youth Authority in the sense of their cost, I would assume that you work with them in devising the policies involved in deciding whether or not to violate parole or to grant parole.

MS. WEST: We work in a very delicate relationship at best since the separation between the two. We certainly do discuss our population problems with them. The Deputy Director for Parole, Ms. Kranovich, who is also here this morning, meets with the Parole Board every time it meets around issues that... around not only issues that concern her branch, but around all branches. She meets with them all of the time. I have certainly met both separately with the Chairman and with the Board while they have discussed these policies.

CHAIRMAN CRAMER: Would you care to comment on what you think? Is that a good system for the Youth Authority to have this separation going on at this time?

MS. WEST: My completely honest and candid answer is "no".

CHAIRMAN CRAMER: Why not?

MS. WEST: No, I said it when I tried to persuade the administration that it was a rotten bill and I didn't win. Those things happen. But, I think the reason for that is the very reason you talked about and, that is, we are inter-dependent; there is no way that the Board can be totally independent, and if it were possible, I can understand from an ideal point of view,

that one can make a good and rational argument for it. But, what we have now, I view as...I don't know, can you have half a divorce? If so, that is what we have. And there is, for better and for worse, a good relationship between us, but there is enough independence to complicate this relationship as well as to enhance the relationship. One of my great lessons in this job, gentlemen, has been that reorganization does not solve a problem.

CHAIRMAN CRAMER: ...interesting situation where the actions of the Parole Board get high profile publicity. The person who's held accountable for that is not necessarily the Parole Board, but the Youth Authority as an institution.

MS. WEST: ...you bet, and that illustrates also the Siamese Twins kind of relationship that we are into, regardless of how we are technically organized.

ASSEMBLYMAN STIRLING: Let me just ask you a question on the point that Mr. Cramer referred to. I've been interested in this for a long time. I almost kept a running account of wards that have and I don't have them here, in front of me today, but, wards that have either been involved in criminal activities, some of them being of a very serious nature, while they were on parole, while they were on day pass, while they were on early release, and when those things occur, I've also read accounts of responses from the Youth Authority's administration as to how they react to hearing about those kinds of things occur. Do you revise or reconsider or evaluate your policies on those programs when those things do occur? I know how many people are out there...you have jurisdiction of...and so, therefore, when just a few of these

things happen, you may say, "well it's not the majority and therefore the policies perhaps shouldn't change, because it only happens in a very few cases." Some of these things that are occurring out there with wards and parolees of CYA are just atrocious. And, what should the public think about that? What should they expect when they hear this and not what your attitude ought to be, but what should the public's attitude ought to be when they hear these things occurring of people who are within your jurisdiction, but who are back out on the street, either on a day basis or on a parole basis?

MS. WEST: I think certainly they should at least be inquisitive to find out what in the heck is going on. That they are outraged, if the crime is committed against them, their family, their friends, their neighbors, it's certainly understandable. Later in the testimony, I speak specifically to how many of these things occur on day passes, etc., and under what circumstances the day passes are issued. And I think that kind of perspective is had by all too few people. It does not reassure you one bit if you've been hit over the head by somebody who has been on day pass, and I can certainly understand that. At the same time, it's a very important part of the training program, and if you will permit me, let's get to that part in the testimony and if it still leaves questions in your mind, I'm sure you won't hesitate...

ASSEMBLYMAN STIRLING: ...The reason I asked, is as it relates to the public's attitude in perspective of what changes ought to be made to the system, including new facilities and so

forth, and they don't, and my impression is that the public is concerned that the system isn't working now, so why should we provide more space for them to do more of what it is they're doing at this point. That's the ultimate bottom line when we start to talk about getting the public to vote for additional construction of prisons or local county facilities, and those types of things, they don't see it working at the present, whether they are right or wrong, is what I'm talking about.

MS. WEST: Okay. We will be dealing with some of the facts and maybe that will help us - go on.

The next item that we brought up here, because it was the next item brought up in Chino on the 13th, was the question about whether or not our training is adequate. The Department has improved its training program to the point where now it is much better than it was before and comparatively speaking, I think it is outstanding. I'd like to tell you something about what training is provided and tell you the bottom line, as far as I'm concerned, is that we don't begin to have enough training and we would be very happy to provide more, I don't care who the Director is, if you would provide the wherewithall, there would be more training.

But let's look at what we do have at this time because it is relatively new, it is constantly being improved, and I'm very pleased to say that it responds basically to three different kinds of needs. There are basic skills training courses, performance maintenance, and then one-time need training. In 1980 and 1981, over 170,000 hours of training was provided to Youth Authority staff. Eighty percent of that was provided by

YA staff training.

The Youth Authority emphasizes training of line staff. Eighty-seven percent of the training budget goes to the institution and Camps Branch and to the Parole Branch. Of that, 70 percent was allocated for positions that directly deal with wards -- The Group Supervisors, Youth Counselors, shift supervisors, teachers and field parole agents.

New Group Supervisors and Youth Counselors must learn skills in Youth Authority training programs. Two hundred thirteen hours of training is provided within their first year of employment. This includes three weeks at the Department's Training Academy in Modesto within 90 days of hiring and a 40-hour course in crisis intervention techniques.

Forty percent of the training provided to parole agents deals with arrest, search and security. Twenty-six percent was for treatment skills.

Seventy-five percent of the training for Group Supervisors was for security.

Let us now discuss the Youth Authority's Grievance procedures. In almost every recent major prison disturbance, investigation of the causes has confirmed the existence of pervasive, longstanding and legitimate inmate complaints directed at conditions, policies or personnel within the besieged institution.

Responding to a clearly perceived need in late 1972, my predecessor at the California Youth Authority adopted a basic grievance procedure design which includes criteria established by the National Advisory Commission on Criminal

Justice Standards and Goals.

Ward grievance procedures were implemented in all Youth Authority institutions, camps and parole offices by 1976. Lack of funds always means it takes a long time. That same year, the Law Enforcement Assistance Administration (LEAA) declared our ward grievance procedure an exemplary project worthy of replication by correctional agencies in other states. In fact, this grievance system has subsequently been studied by correctional systems throughout the world and has become the system upon which most other correctional grievance systems in the United States have been based. Also, in 1976, the legislature enacted laws to mandate ward grievance procedures for all Youth Authority wards. Ward grievance procedures are designed to provide a method of redress from ward complaints about matters which are within the Department's control. The system provides wards the opportunity for a full hearing, written responses within specified time limits, and right of appeal to independent review by a neutral person not employed by the Department.

CHAIRMAN CRAMER: What would be the scope of the grievances that wards raised that, it's not just violence towards them...

MS. WEST: Oh, no, if they perceive that they're being treated unfairly by a staff member, if they feel they have been deprived of some of their private property, improperly, if they feel they have lost property due to something that happened within the Youth Authority, they will file a grievance and ask for replacement of the value of the private property. The classic one that went to outside arbitration, you know, was when they

gave them the right to not get a haircut if they didn't want to.

CHAIRMAN CRAMER: Who gave them the right to not get a haircut?

MS. WEST: The American Arbitration Association, with whom we have a contract for outside arbitration declared that it was not absolutely necessary to safety, within the institution, or to the receipt of appropriate counseling skills, etc., in only those cases do they select kids to camp...kids do cut their hair.

CHAIRMAN CRAMER: Is the kind of mail they receive the subject of grievance also?

MS. WEST: Is the mail subject to grievance? I don't quite understand...

CHAIRMAN CRAMER: ...the kind of mail they might receive from...

MS. WEST: We have some censure rights about what kinds of mail can be...yes...although we rarely...we never read, of course, legal mail. Maybe Chuck could answer better than I can. He's not only supervisor of the institution, but he's supervising all institutions as well. Do you want to talk about current policy...

MR. CHARLES A. KUHL: The wards use grievances in a lot of variety of areas, most of which we probably would not pay much attention to as free citizens on the street. They do grieve about their food, they grieve about whether they have to go to school or not, they grieve about a lot of different things.

CHAIRMAN CRAMER: ...In a formal grievance setting...

MR. KUHL: ...in a formal grievance setting, yes. Now they do have certain rights around mail. All legal mail, all mail to legislators, all mail to the Director is non-openable once they seal it and it is delivered. We do have certain rights which we take as far as opening mail to determine there is no contraband. It's generally opened in the presence of the ward so that he knows that we are not taking anything out of his mail that was given to him. It's a very extensive kind of system to protect their rights as well as protecting the rights of the institution, and what we have to do to administer it. I think the Director will make note in a few minutes in our testimony that a grievance system like this takes the heat out of many of the small complaints in the management of an institution and if they are not taken care of, they continue to build and to grow to the point where the institution will explode. As an example, and the Director has already mentioned this, many of the institutions that have had major upheavals do not have any method or any way for the inmates or the wards to get this out of their system. Thus, the grievance system is also a management tool that helps us keep institutions safe.

CHAIRMAN CRAMER: How long would you expect a grievance from its initial filing until its resolution - what time period would that be?

MR. KUHL: There are two types of grievances. There are emergency grievances that must be handled within a 24 hour period, and then there are the standard grievances, and there are certain time periods set up for those and they are measured in days. I don't have those days exactly in mind, but it's a

very short period of...like seven days or ten days...and once... and there are certain levels of review where it starts at the local level on the living unit, then you go up to the superintendent's office, and then it may go to outside review. The outside review does take longer because we do have to contract with the American Arbitration...

CHAIRMAN CRAMER: Aside from...in the obvious of diffusing, you know, the complaints of an individual, what impact does that have from your perspective on staff supervision, staff morale.

MS. WEST: We are about to talk about that.

MR. KUHL: I think the Director will mention that in her...May I just pursue this just a little bit further? I don't know whether you'll be talking about...

MS. WEST: Over the years some staff expressed concern at being wrongly disciplined as a result of false allegations by wards. They've also been concerned about wards not being held accountable for such false allegations. However, statistics for 1980 show that almost 10,000 grievances filed, only 149, or 1.5 percent, included serious allegations against staff. Only 27 of these allegations were found true.

Further, the Department has been training staff in their rights concerning ward allegations and in procedures for filing charges of slander against wards. Wards who have falsely accused staff are subject to disciplinary action. We find that staff who have been trained in these procedures are more willing to accept assistance. All staff will have received this training by the end of this year. Welfare and Institutions Codes,

Sections 1766.5, subsection I, requires an annual evaluation of the ward grievance procedure by an independent evaluator. For the past three years, the independent evaluator's have concluded through interviews with randomly selected wards, that the existence of the wards grievance procedure has resulted in much less violence than would be the case if the wards did not have a legitimate means of expressing their complaints.

As required by Welfare and Institution Code, Section 1766.5, Sub I, we will continue to submit annual reports and independent evaluations to the Legislature for their review.

Another internal institution and ward management tool is the disciplinary decision-making system, known within the system as DDMS system, which was introduced into the institutions in 1973. Its purpose is to provide procedural safeguards for wards accused of serious violations of institution rules.

ASSEMBLYMAN STIRLING: Pardon me, I hate to interrupt you - that's going into another phase. Let me just ask a couple of questions about the grievance program, whereby wards can lodge grievances against staff.

If, in 1980, there were 10,000 grievances filed with CYA, does that include people on parole, can parolees file grievances?

MS. WEST: Parolees can file grievances.

ASSEMBLYMAN STIRLING: And they can do so where, through the institution from which they were released, or where would they do it?

MS. WEST: I believe they do it through their own parole agent.

ASSEMBLYMAN STIRLING: So that 10,000 would...do you know how many of that 10,000 would be from within the institution?

MR. KUHL: Probably the great majority.

MS. WEST: Great majority? I don't know the numbers.

ASSEMBLYMAN STIRLING: And only 149 included a serious allegation against staff and of that only 27 of the 10,000 of these allegations were found to be true. Do you feel that what I understand to be a rather elaborate grievance system that is used quite frequent as we can see, according to that, you are talking about almost one grievance per ward within the entire jurisdiction of CYA, not quite, but you're getting close, certainly those on the inside. Two, in fact, per ward of...do you think you need that kind of a system?

MS. WEST: Yes. The reason for it is the decompression effect.

ASSEMBLYMAN STIRLING: Well, I've noticed also in statistics that the number of attacks by wards on staff and the number of attacks by wards on wards, has increased drastically in the last ten years as this grievance system has developed, so how can you say that it results in much less violence than, and that's a fact, the statistics are there, attacks of wards on wards, and attacks have increased dramatically.

MS. WEST: In the last year, specifically, that has been true. In this last year.

ASSEMBLYMAN STIRLING: Okay. Than are you saying, but for the grievance procedure, it would be ten times worse than that?

MS. WEST: I think it's very likely that it would be

much worse, whether ten times, or two times, I don't know. If it saves one person from being hurt, it's worth shuffling the paper.

ASSEMBLYMAN STIRLING: Does a ward who may file a grievance and may not be a valid grievance, in truth, but maybe in that wards mind it is a valid grievance, is he satisfied when it's told him that his grievance has been rejected, that it has not been found to be valid? And obviously, most of these are not found to be valid, how does that diffuse possible violence if they are, in effect, ultimately told that their grievance has not been accepted?

MS. WEST: Aside from just being heard, let me again turn this to Chuck, because he's had more personal experience with this, whereas I deal with the statistics and the policies. Chuck.

MR. KUHL: Two things...first, let me clarify one thing - then I'll answer your question. The 27 allegations that are found true are of the 149 against staff. Of the 10,000 grievances that are filed, many of them may be found to be true and maybe ameliorated in some kind of way, or the way may have a change made because of the fact that the grievance was found true.

Now, in relationship to the number of grievances and whether it will...or wards are satisfied when they say they are not we have found universally with very small exception, and those exceptions are the ones that take outside arbitration which is a very small percentage; about one percent, that are

satisfied. I think it is the opportunity to air their grievances, to hear it, to have staff pay attention to it seriously, and that there are some changes taking place. If they feel it's wrong to serve beans every third day, and they air their grievance about that part of the food thing, and they stop serving beans every third day, they are very happy about knowing what takes place.

ASSEMBLYMAN STIRLING: Well, I assume that that's just an example, it may not be an accurate type of an example. But, do you get grievances like that?

MR. KUHL: Yes, we do.

ASSEMBLYMAN STIRLING: I'm not trying to make light of it, I just can't comprehend.

MR. KUHL: The serving of food within an institution, and the quality of the food within the institution, and the variety of food within an institution, where you have them 24 hours a day locked up, is extremely important.

ASSEMBLYMAN STIRLING: Well, I'm sure it is. I'm sure it is.

How about the number of TV hours that they may have available to them? Is that something else that's grieved?

MR. KUHL: They have the opportunity to grieve almost everything. They have a few things they cannot. Some of the Board decisions that are made and the committing of offenses, etc., but within an institution where they live, they can grieve almost everything that is there. And they do. Some of them are frivolous grievances. We have some of those. But, the majority of them I believe are very valid grievances for someone who is

locked up inside a fence 24 hours a day, seven days a week, 365 days a year - that becomes their home. And as a result of that the grievances are a way to air their complaints to get them out. They may get turned down but they feel much better about that and it keeps a more mellow tone within the institution.

ASSEMBLYMAN STIRLING: Well, recognizing that wards can file grievances on almost any subject and that appears to be what I hear, and I have heard from other sources as well, how many hours of staff time in any given institution are spent in just dealing with just grievances. Do you have anything like that? For example, _____ school in my district, in my community, for example, is a fairly good sized one of your important institutions, no doubt how many hours of the staff... I only use that because that relates directly to my constituents and my district...are those statistics maintained anywhere?

MR. KUHL: Yes. In the report, I believe, that goes to the Legislature every year, it would have that and we can provide that for you.

MS. WEST: Yes, that's broken down by the kind of grievance and place of grievance and so forth, and certainly we should have the one for 1980...I don't know where the one for 1980 went...

ASSEMBLYMAN STIRLING: One more question relative to your statement that the Department has been training staff in their rights concerning ward allegations and procedure for filing charges of slander against wards - what's that really all about. I mean, suppose a staff member does file a slander

charge against a ward for improperly making a grievance or allegation against a staff member, what would be the result of that as far as any kind of a disciplinary action on the ward?

MS. WEST: It depends on the outcome of the hearing.

ASSEMBLYMAN STIRLING: What is the gambit of possibilities?

MR. KUHL: Slander charges are very, very difficult to prove in court. Most of the time what we do when we do find that a ward...

ASSEMBLYMAN STIRLING: ...Wait a minute, are you talking about this going to court?

MR. KUHL: If they are going to file formal slander charges...

ASSEMBLYMAN STIRLING: ...why would a staff member want to file a case in court against a ward who doesn't have anything... that's probably the reason he is there in the first place.

MR. KUHL: That's what I'm going to explain, I think that most of them do not go to court. The formal slander charges, if they were filed, would have to go to court. So as a result of that, if we find that a ward has lied on a staff member or made false accusations against a staff member, then disciplinary action is taken which may include additional time in the institution.

ASSEMBLYMAN STIRLING: Well of the 10,000 grievances that are filed in what appears to be, at least by the statistics that I see, relatively few found to be true. Even if we are not talking only about the serious allegations against staff, I

assume we are talking about all the various allegations that would come in a grievance but I would assume most of them are found not to be valid grievances.

MS. WEST: The majority.

ASSEMBLYMAN STIRLING: What happens to wards that just file that, and they repeatedly just file that, because from what I understand is that wards are filing grievances, really not being dumb about it, they know what they are doing, they are filing it to screw the whole system up. And to occupy more staff in dealing with grievances than they are in dealing with what they are supposed to be doing there, and that's the way the system is played. And what happens to wards to whom that appears to be the case?

MR. KUHL: We do have wards, and sometimes they are generally individuals who may file as high as 20 grievances in one week and they are doing it to try to jamb the system to make a pain of themselves. I have to say, and I'm not being facetious either, if a ward were to file the 20 grievances or he were to punch a staff member in the nose, I'd rather have him file the 20 grievances. It creates more paper work for us but it's less injurious to the staff member. There is no disciplinary action per se that is taken against a ward who uses the grievance system, it's as though a free citizen on the street could go to court and file as many briefs as he wishes in court around a certain issue.

There is a period of time when they wish to go to outside arbitration if it is a frivolous grievance, a decision is made on that, and it is not heard.

CHAIRMAN CRAMER: What's the burden of proof? I get the impression that you are talking about a pretty formal system where apparently a person has the right to call witnesses, has a right to representation of any other ward, if that's useful. What is the burden of proof or define that the grievance is true or false? Do you have a burden of proof?

MR. KUHL: Beyond a reasonable doubt; a preponderance of the evidence. It is a preponderance. It is not beyond a reasonable doubt.

CHAIRMAN CRAMER: And so when you talk about slander, you talk about that as a _____. And so when a person who has been accused of a wrongdoing as a staff member, if he wants to protect that, you say you have to go outside to the courts to protect that?

MR. KUHL: No, that is not correct. I believe the word slander is misleading in that staff use that word a great deal when they feel their good reputation or name has been slandered, and as I said earlier, to prove slander in court is extremely difficult. That's a staff term that's used, I think, to receive justification for, I'm not sure of the word, to show that they have not been guilty of a certain thing.

CHAIRMAN CRAMER: Okay. So it's charged in a grievance?

MR. KUHL: Yes, as charged in a grievance.

CHAIRMAN CRAMER: But there is no consequences to the ward.

MR. KUHL: There is a consequence to the ward of the 27 that were found against staff, then we charge whatever that

action is. On those wards, and I don't have the number here, who have made false accusations against staff, then they do go up for disciplinary action and they do get additional time in the institution or privileges taken away, or whatever the seriousness of the accusation deems necessary as punishment.

MS. WEST: They are often handled if they are serious enough _____ this disciplinary decision-making system that I am about to talk about next, is another formal system within the institution.

The basic concept of the DDMS system is to provide for levels of administration review as disciplinary sanctions became more serious. The facilitating factor was contained in the 1974 Supreme Court ruling in which held that the Fourteenth Amendment's due process clause protects residents of correctional institutions facing punitive actions. The court spelled out minimal due process requirements as follows:

1. Advance written notice of charges no less than 24 hours before his/her appearance at the hearing;
2. The right to call witnesses and present documentary evidence in defense;
3. To provide substitute counsel in certain cases;
4. That there be an impartial fact-finder;
5. A written statement as to the evidence relied on and the reasons for the decision.

During Fiscal Year 1980-1981, there were 5,497 serious incidents processed in the DDMS procedure with 5,290 wards

involved. Disposition of 65 percent of 3.433 of the serious incidents were handled by staff and the remainder were referred to the Youthful Offender Parole Board for disposition. A euphemism for saying we ask them to have more time.

The Youthful Offender Parole Board actions involved time adds for 1,725 wards averaging 3.1 months each and of these 133 cases involved transfers to another institution as well. In the balance of the 132 cases, there were transfers without time add, cancellation of parole plans or no action.

CHAIRMAN CRAMER: Of the 5,497 serious incidences, were any of them investigated and referred to a local prosecutor for prosecution for a separate or new offense?

MS. WEST: The four most serious offenses where action was taken stemmed from assaults on wards, 511; escape or attempted escape, 353; drugs and alcohol, 314; interfering with duties, 158. There were 77 cases of assault on staff. If the ward had multiple charges, only the most serious offenses were used in this tabulation, or if two identical charges were involved it is listed but once.

The Department may request formal court action when a ward is suspected of committing a criminal offense in an institution. For instance, during 1981, at an institution, 23 serious incidences were referred to the District Attorney; 15 were accepted for prosecution. Of those, eight were found guilty of either the original charge or lesser charge resulting from plea bargaining. The other seven are still be processed.

ASSEMBLYMAN STIRLING: Going back to page 11 of your statement, are you...the four most serious offenses were in

Board, where Board actions were taken, you list the offenses and you list a number behind each one, is that the total number of things that occurred, in other words, in 1980 there were only 77 assaults by wards on staff. Am I reading it right?

MS. WEST: These speak only to those incidents in which Board action was requested, or wards were taken to court.

ASSEMBLYMAN STIRLING: Okay, who made that distinction in between those where there was an assault on a staff member, or a ward on another ward, who would decide whether that was serious enough for some kind of Board action, or court action?

MS. WEST: Staff and the Superintendent in the institution. There has been much discussion around the Youth Authority's day pass program. Let me see if I can add some clarifying information for the committee. First, the Youth Authority does have a day pass program. Second, the purpose of the program is to provide the wards who are still under the jurisdiction of the Youth Authority, but who are in the latter stages of the time they will spend in an institution, an opportunity to spend limited periods of time in the community with family and/or other responsible adults. This time provides the opportunity for family ties to be strengthened and to develop information that will assist in an appropriate parole program for the ward.

During the calendar year 1980, the three Stockton institutions, housing approximately 1,200 wards, granted 4,302 day passes. Of these, 20 wards escaped with one escapee becoming involved in additional crime; that of a vehicle theft. Approximately 30 wards lost their day pass privileges for returning late to the institution, possession of contraband, marijuana,

alcohol on the breath, and failing to comply with the responsible person's instructions.

Wards in the Department do not receive day passes without careful scrutiny and review. This includes the fact that they must be in the latter half or one-third of their stay before their parole consideration date. This information, again, is made by the institution. Evaluation of other factors include:

- The ward's past history, commitment offense, the community reaction at the time of the offense and, if necessary, the result of an updated community reaction report.
- Past escape history.
- Family relations.
- Observable position behavior/attitude modification.
- Overall progress toward meeting treatment goals.

To give you another example of our day pass program, in Southern California Youth Training School in Ontario, with an average population of 1,200 wards, 686 day passes were granted during the first 11 months of 1981. A total of 17 disciplinary actions resulted; three for escapes, five for failing drug tests, eight for late return, and one for reckless driving.

There are two factors of which I would ask that you take a careful look...

ASSEMBLYMAN STIRLING: In going through that, that only dealt with the Ontario facility?

MS. WEST: Yes, sir.

ASSEMBLYMAN STIRLING: Why is there such a disparity between the Stockton use of day pass and the Ontario use of day pass?

MS. WEST: Primarily, because of the nature of the young people that are located in those two different places. The Stockton institutions have lighter offenders, younger offenders. The training school tends to have older, more experienced and more serious offending population.

CHAIRMAN CRAMER: As you know, that facility is in my jurisdiction, and the police there from time to time, are upset with day pass programs because some of the people who get day passes are also gang members, and they go back to gang meetings and things of that sort. Is the factor of gang, a part of the consideration for a day pass?

MS. WEST: It certainly would be part of the consideration and would certainly hope that any such observation by a policeman would be reported post-haste.

CHAIRMAN CRAMER: I suppose, also, that the Youth Authority ought to be sensitive to the fact that they are "turf"?

MS. WEST: Oh, sure.

CHAIRMAN CRAMER: For gangs, and that they pass programs in Southern California that occasionally place gang members in somebody else's, and their idea of what their region is, which has led to difficulties. Is that a part of the day pass consideration?

MS. WEST: Well, it is when we are aware of it and we try to be aware of it. As you may know, I established a law

enforcement communications team a couple of years ago primarily just to keep track of gangs and gang affiliations, gang turf.

CHAIRMAN CRAMER: Well, I suppose the underlying question I'm asking you is, when you give an individual a pass, is there any follow-up that the individual has a purpose and goes to a particular place for that day pass?

MS. WEST: Certainly. Because he goes under supervision, he doesn't go alone. He goes either with a parent, a responsible adult from the institution or somebody who has had special relationships with the institution and is well established. It's not just somebody who comes by for the day for the first time. And that person is also, of course, in a position to report back to the institution.

CHAIRMAN CRAMER: Could you give me a feeling or if you know how much of the day pass program is used for weekends as opposed to during the week?

MS. WEST: It used to be almost all on weekends with parents. I don't know whether that's still true.

MR. KUHL: That is correct. Most of the day pass program is on weekends. We do, however, have many day passes during the week that go out to line up jobs, to register in school, to make connections, particularly if they are very close, within 30 to 60 days of going on parole, to hook up with community activities that they need to be involved in. That's when you will have during-the-week day passes, but most of it is on the weekends.

CHAIRMAN CRAMER: Do you believe the policy of day

pass is more for family ties than for future job placement or for educational placement? Is that the policy of the Youth Authority?

ASSEMBLYMAN STIRLING: Did you say something about law enforcement communication teams? What is that made up of? What law enforcement; who is involved with that?

MS. WEST: I use a rent-a-cop for the head of the program borrowing a law enforcement officer on an exchange program from a police department to head it up. In addition, there is a staff of three people who work in institutions and with the organizations that deal with gang intelligence in the law enforcement community. They are part of that whole state network, and I hesitate to be more specific at a public hearing.

ASSEMBLYMAN STIRLING: Okay, well one of the major complaints I've heard about the day pass program is that wards are put back into the community and local law enforcement is not even aware that they are not in the institution where local law enforcement thought they were.

MS. WEST: Certainly with a day pass that is true because on day pass people only go out for a matter of hours and we do not notify law enforcement.

ASSEMBLYMAN STIRLING: You are not talking about overnight? On a weekend, in other words, you are really not talking about a weekend, you are talking about some part of a weekend.

MS. WEST: That's right. Part of a single day and it's within the county and it is with a responsible adult.

ASSEMBLYMAN STIRLING: Is there any contact with the people involved in a hard-core gang unit of Los Angeles County when people are released in Los Angeles County?

MS. WEST: When those people are released again, I think we ought to discuss this in other than a public forum.

CHAIRMAN CRAMER: There was testimony in Chino (inaudible) I suppose where a person was given a day pass who had, while he was in the institution after he was sent there, made threats to other people in the community, and having made those threats, the people who saw him on a day pass in the community were deeply disappointed that 1) that individual was back in the community, and 2) that they had no notice that an individual who had made violent threats to them or about them was back.

MS. WEST: My question would be, did the record reflect that; did we know about that?

CHAIRMAN CRAMER: Well, one of them was a parole officer who so testified. I assume his fears were part of the Youth Authority records.

MS. WEST: All I can say is, we take reasonable precaution, but we can't do what the records don't show.

CHAIRMAN CRAMER: Well, I really called that to your attention because I suggest to you that that ought to be a part of your records if it is not.

MS. WEST: I couldn't agree more.

ASSEMBLYMAN STIRLING: Just one more question. Looking at your criteria for evaluating the factors that are considered when granting day passess, a commitment offense...since we are talking mostly about the equivalent of felonies anyway...are there any kind of limitations just based upon the type of offense they committed that got them into the Youth Authority jurisdiction

as to whether or not they are granted a day pass? Homicide is excluded altogether, for example...

MS. WEST: No. Homicides are not excluded altogether. Again, I suppose it would be unfair to generalize, but I will. We would be more reluctant, for example, to grant day passes to somebody who was involved clearly in the committing of an offense, and that that's a chronic problem with the person and that would be much more of a flag to staff that it's dangerous to have this person prematurely any place than it might be, for example, somebody who in a fit of passion dispatched his mother's boyfriend who is beating up his mother at the time.

ASSEMBLYMAN STIRLING: About assaultive conduct and armed robbery, those kinds of things...was that notice that those people can also qualify and do, I assume, for day pass type...

MS. WEST: ...on certain occasions as noted in...these statistics that you have in front of you, and in the concluding comment, those people who come to us for more serious offenses, are less likely to qualify. You can see from the numbers - everybody does not qualify for day pass before he or she leaves the institution. The kinds of people you describe would be pretty low on the list for day passes in most places and would have to have shown an extraordinary kind of performance to even be considered under ordinary circumstances.

MR. KUHL: If I could add just one comment to that, I think on the YTS (?) factor where there are 686 day passes during that time, that may not be 686 wards, that may be 300

wards who had a number of day passes which is a relatively small amount.

ASSEMBLYMAN STIRLING: Ms. West, I know that a substantial amount of your concern as it relates to the Youth Authority has to do with this public relations role, also, because obviously what the public thinks of the Youth Authority is a major impact in a lot of different areas. But it appears that there has been a substantial amount of effort made to try to accommodate wards in certain respects, particularly so as to alleviate potential violences, I think we talked about. Does not the fact that local law enforcement - from what I can tell is - very serious about wanting to have some knowledge about people who are being released on the street - isn't that - whether or not it is a hard job - to do - whether or not it will be time consuming, whether or not it will take some amount of your staff to send out these notices that as of this coming weekend, so and - so will be released into the community and we thought you at least should know about it, even though that may take some time and effort and so forth, don't you think from a public relation standpoint that would be something that wouldn't be a _____, or what is your thought on it.

MS. WEST: I certainly don't think it's a bad idea on its face and I will include it as a recommendation for consideration for the next director to discuss with the appropriate branch and you are right. After all, we go to a great deal of effort to produce a lot of paper, not just to assuage people's feelings, but most important to keep them as well informed as

we can, we certainly do inform law enforcement and have since before the Legislature passed the legislation that requires that we do that when they go out on parole. On day passes, we simply have not done it, and reconsideration of that policy seems to me to be a constructive suggestion.

ASSEMBLYMAN STIRLING: I just know the reaction that appeared in my local papers with my local police chief and others in the area, and when a boy was released and it wasn't a day pass, it was an early release program, to be released to be home at Christmas time, and he ended up killing an innocent youth that had no gang affiliation, right in front of a church on Christmas Day, and the bottom line of that was that local law enforcement didn't even know he was in the community, and I'm just thinking that that alone, whereby they couldn't very well pin it back on you and say, you guys put somebody on the street that shouldn't have been there, if they did, at least know that they were there.

MS. WEST: Well,...

CHAIRMAN CRAMER: One other question. There was testimony at Chino about furlough as part-day pass or parole... furlough...would you touch on that? The process or the procedure associated with furlough and parole, what is the distinction between that; day pass, furlough?

MS. WEST: Uh huh.

CHAIRMAN CRAMER: Also in terms of supervision of such an individual on furlough.

MS. WEST: A furlough is a grant of time away from the institution for a special purpose. There are work furloughs which are granted to people who have been in training and who have

gotten jobs on the outside and go outside and work and come back every day. There are not many, but there are some. There are furloughs that are medical in nature where a ward is granted by the Board two or three days whatever seems to be required considering distance and circumstances, perhaps religious activities involved with the death of a parent or sometimes just the impending death of a parent. These are emergency furloughs and they will last for more than one day. They really will last more than three days, but they always require Board approval, because it is more than a day. That is the basic distinction between a day pass, a work furlough, which is still speaking about days and parts of days, working under supervision in the community and coming back to the institution at night and then the emergency and/or medical furlough, which is approved by the Board.

CHAIRMAN CRAMER: Is that an expanding program on a contracting program, or seldom used, the work furlough portion?

MS. WEST: The work furlough portion is too seldom used from my point of view. I would like to have more time under better supervision of people who are going to work in the community, but that is just a soft subjective impression on my part, and is not a big program, it is a small program.

CHAIRMAN CRAMER: Is that located at a particular insitution or...

MS. WEST: It exists out of the Stockton complex; it exists still at YTS, I believe, for a certain program, and those are the only two locales that normally would have work furlough

programs.

The safety of staff, wards and public continues to be the highest priority for the Youth Authority. The well being of each of these groups is inherently congruent with the mission of the Youth Authority, the protection of society. Since 1975, when I became Director, the...I became Director in 1976, the Department has spent nearly \$8 million to improve security within its institutions. Federal grant funds were developed for this purpose as well as monies from the State General Fund. A partial list of improvement projects undertaken includes; renovation of wards security rooms, security sound systems, modification of control centers, chaotic protection, upgrading of high-voltage systems, emergency power generators, and I'm sorry to say we still don't have them in all institutions, modifications to youth counselors stations to improve their security. Installation of suicide prevention hardware, and so forth. Considerable effort has also been made to upgrade the staffing ratios in institutions. Because of fiscal constraints, this issue has received little support from control agencies. The addition of many years continues to be the most difficult budget issue of all. And, I might add, is still the greatest security proviso, we know how to...

The improvements that we have been able to make, have occurred as a result of several internal task forces composed of different levels of staff working together to submit recommendations to the Department on safety and security-related issues. The most recent task force developed minimum safety-security standards for institutions and camps. Upon review and

comment by relevant labor organizations, these standards will be adopted by the Department. Not included in the \$8 million previously quoted is the Department's on-going effort to improve the treatment program as it provides for wards. It is the Department's strong position that while we need to continue to improve our physical plant, and upgrade our security hardware and staffing pattern, these improvements cannot subplant the safety benefits that ultimately accrue to the public from effective treatment programs coupled with good ward supervision practices and good ward/staff relationships within our institutions.

When one considers that many of our facilities still have open dorms, a high priority of this issue must receive, it seems to me, to be readily apparent.

At this point, I'd like to share with you some of the effects of our 110 percent overcrowding.

Overcrowding creates extensive pressures on both staff and wards. Increased workers compensation costs and increased employee's sick leave are a direct result of overcrowding. Ward misbehavior increases as excessive numbers are crowded into places of fixed capacity and program resources are taxed beyond tolerable levels. This misbehavior must sometimes be punished by increasing the amount of time a ward must remain in the Youth Authority, thus, further exacerbating the population problem and the concomitant expense.

Some ward misbehavior is directed toward staff, which increases the hazard of working in our institutions and camps. When institutions and camps are overcrowded, much of the ability

to effectively classify the wards and assign them to appropriate programs and facilities, is lost. This decreases the effectiveness of rehabilitation programs and increases the danger to both the staff and wards. Another problem is the overcrowding of institution detention units. These units are best described as jails within our institutions. They are primarily for short-term discipline or the holding of a ward until the disciplinary procedure is completed. As in the community, when the jail is full, we must often release wards from detention space back into the general institution population before we feel it is timely, simply in order to make room for wards whose misbehavior is either more recent, more serious, or both.

I believe it is very clear that overcrowding is an extremely serious problem for the California Youth Authority. I would like to mention our new population management system. About three years ago, we started to develop a system to ensure that each ward is placed in the optimum program for that person to the maximum extent possible. This is necessary so that the public is protected, the individual ward needs are met, institution facility are kept at, or very near, budgeted capacity and to meet other legal requirements. We started to introduce these changes in mid 1981; they will be fully operational by January 16, 1982.

There is some concern voiced that the Department does not provide appropriate information to the Youthful Offender Parole Board to aid in their decision-making process concerning whether or not to grant parole to a ward. I differ sharply with

this criticism in that I think that we do provide a ward with very appropriate information, all indeed that is available. Every ward has a set of goals which are reviewed every 60 days by institution staff which includes living unit staff, education staff, vocational education staff and any others who come in contact with the ward on a regular basis. These assessments are geared for two basic questions; One: what skills does the ward have with which he can re-enter the community and live in a law abiding fashion. Second: would the ward, if paroled, constitute a danger to the community? Let me talk for a moment about the Department in areas that have not been talked about in previous testimony.

CHAIRMAN CRAMER: Could we return back to the basic information you furnished to the Parole Board?

MS. WEST: Sure.

CHAIRMAN CRAMER: You said one thing in your testimony; that you give them all the information that you have, and if that's the case why would the Parole Board complain. I have the impression that they don't get all the information that the Youth Authority possesses for that decision.

MS. WEST: The only information that does not go to the Board is the day-to-day sort of running conduct thing that, you know, what time the wards left the unit to go to lunch, what time did he get back from lunch, those kinds of things. The entire unit that works with a ward actually, not only has it's reports in the Board folder when the Board gets the record, but they also have done a running resume including complete records

from any psychiatrist or psychologist which have been working on the case. I really don't understand the basis of the complaint that they don't have all the information. Having sat on both sides of that desk, I understand it was.

CHAIRMAN CRAMER: Do they get the number of grievances that a ward has filed during his stay in CYA?

MS. WEST: Only if it has been a seemingly disproportionate number. You know, if we had a real _____, that would be included in the description of a problem, perhaps, perceived by staff. That in order for a ward to be considered one who can live by the ordinary compliance with the rules, is not filing 20 grievances a week.

In other areas, the Youth Authority stands at the head of the list of the departments in state government in terms of affirmative action. Four point one percent of our staff are minorities and we have accomplished this without sacrificing quality. A strong, aggressive, affirmative action program is of benefit to the public protection and programs because of the marked increase in percentages of minority wards in institutions.

Next, as you know, the State is knee deep in implementing the complicated processes of labor relations and collective bargaining. The Youth Authority, through preplanning training and preparation work, is one of the best prepared departments in all state government to enter into labor relations processes. We are prepared to shoulder our responsibilities in negotiating, bargaining, implementing contracts and handling strikes. You should be aware, as I'm sure you are, that much of the criticism

aimed at the Department for the past year or two, has been the direct result of employee organizations posturing in an attempt to obtain votes and the exclusive representation of large groups of state employees. An area of responsibility that many people are not aware of is the Department of the Youth Authority is required by statute to establish minimum standards for juvenile halls, camps, ranches and jails that detain minors for periods in excess of 24 hours.

Annual inspections of these facilities have been mandated by the State through the Department of Youth Authority for juvenile halls and camps operated by the Probation Department since 1970. While standards can be viewed in a negative light, I believe that counties have used the opportunity primarily to enforce juvenile halls and camp standards to correct their own programmatic and physical deficiencies on a routine and timely basis. As a result, maintenance of juvenile halls and camps has been a stable item in county budget, as has been support of appropriate staff. There are, to my knowledge today, no major court suits pending around the issue of the adequateness of those facilities. An extremely positive situation when compared with the conditions of jails or prisons throughout the state and nation who have no such standards or oversight at this time. Many of those, as you know, have been the scenes of tragic bloodshed and I like to think that we have been instrumental in avoiding some of that by doing this particular kind of function for the State of California.

The factors have resulted in adoption of national

standards by the American Bar Association and the American Correctional Association and the National Association of the Juvenile Family Court Judges, to name but a few of the most prominent professional organizations in the field.

Traditionally, these standards become the blueprint for subsequent legislation. The Department provided training programs for personnel from local agencies in the areas of probation, juvenile law enforcement and juvenile institutions during the past year. The unit involved in this activity presented 38 training sessions for some 1,470 local personnel. Probation training was attended by 480 staff, including both supervisory and line staff people.

Topic areas included safety and security. Updates on juvenile/adult law and process, individual group and family counseling techniques, court report writing and crisis intervention. Juvenile law enforcement training, which was attended by 160 personnel, covered investigation techniques in child abuse, sex crimes and missing children. Interviewing and interrogating juveniles, the role and function of juvenile officers, adolescence and adolescence rebellion, juvenile law and update and prison gangs. Juvenile institution training was attended by 860 staff and included supervision of groups in an institutional setting, laws of arrest, search and seizure, furies of growth and adjustment, substance abuse and interviews and counseling. These programs are self-supporting. One of the strongest elements of our program efforts is education. The Department provides remedial instruction for the academically

deficit, which is most of our young people. Special education for wards who have identified physical, emotional, or mental handicaps. Regular high school instruction, college level programs for those who can benefit from them. Vocational and prevocational education experience, work experience and on-the-job training programs. Survival skill programs with emphasis on job seeking and job keeping skills. School and recreational library services and recreational and physical education.

Many participants in remedial education make three or four months gain in achievement level for each month in our program. The average being about one and one-half months gain, per month. This is an extremely significant average, since the typical Youth Authority remedial student gained less than half that rate during his previous school experience.

During 1980, 630 wards were graduated from high school and 172 earned a graduate equivalent degree certificate to a high school diploma. Again, this is significant in that nearly 70 percent of Youth Authority wards were school dropouts prior to coming to us. By now I am sure you have noted that the Department is strongly program oriented. This is for very excellent and basic reasons. First: the Department is mandated to carry out protection of the public through training and treatment. Second: programs provide one of the strongest safety factors for both sexes, staff and ward in our institutions. In this sense, programs give a large assist in the overall management of an institution. The riot at New Mexico was an example of a correctional lockup without programs.

Last, but by no means least, our research has shown that the most influential factor in whether or not a parolee makes a successful adjustment in the community is the ability to obtain and keep a job. It is obvious that wards in our jurisdiction need education and vocational skills they lacked when they came to us in order to accomplish a successful and uneventful entry into the community.

I would like to speak very briefly of something about these facilities ward population, which really comes to the attention of the public. What one hears about almost exclusively are the crimes committed to the Youth Authority. And sometimes tragically, as well, after they have returned. This is one for both victims and society as a whole. But there is another frequently overlooked side of the same coin, however, and this speaks for the potential and the actuality of the same young offenders to perform in ways which helps society and which demonstrates that with encouragement and training their energies can be harnessed to be law abiding, productive and to produce positive behavior. This sometimes happens while they are with us. The most prominent case in point, of course, involves the work done by more than 500 wards in eight camp's programs fighting major fires throughout California. In 1980, these wards spent more than .25 million hours on the firelines and this year, when major fires had been fewer, they're total will reach 200,000.

In dollar savings alone this is approximately \$6 million, if we compute the average at a minimum wage level. The savings in terms of houses, (tubors?) and watershed, of course, are

incalculable. Youth Authority wards played a major role in containing the disastrous fire outbreaks last year in Los Angeles and near San Bernardino, among others, and this year they have spent several days without rest in Napa County where a foothill blaze caused widespread destruction to homes near the City of Napa. For the work at the San Bernardino blaze in 1980, they were honored last February by a legislative resolution presented by Senator Ruben Ayala and Assemblyman Bill Leonard. The award was given to one ward by me to present and who represented the hundreds who had spent thousands of hours on the fireline.

Wards do other routine public service work as well. They were out in the winds and rain last year to re-enforce the Delta levee that crumbled under the onslaught of the storms and tides. Routinely they work in the State Parks, National Forests, and other public sites to make them cleaner and safer for the public who enjoy these facilities. At the Oak Glen Camp, they are helping to restore that old public school that is now being renovated for use as a local facility for the public to use. And they keep those grounds clean. They have done much construction on the building.

Public service projects are not limited to wards who work in the conservation camps. Those incarcerated in institutions also extend themselves to help others, often at their own initiation. Earlier this year, then the entire nation was outraged by the tragedy of the children who were murdered in Atlanta, wards at the Youth Training School staged their own talent show and raised \$600.00 which was sent to the families of the victims. Wards at Fenner Canyon Camp raised an additional \$300.00 by

holding another kind of fundraiser. Wards at the Carl Colton School in Stockton this year helped build three Little League Baseball diamonds and cleared sites for the Police Athletic League Soccer fields in the community. They also spent a day at nearby Mickey Grove Park in Lodi, painting 48 picnic tables and spent more than two months to help beautify the grounds of the Stockton Boys Club.

Wards in the nursing program of the Ventura School Program go out on a regular basis to a convalescent home in Oxnard where for a few hours they can help feed and care for elderly and helpless residents. Wards of the Wintu Lodge, here in Sacramento at the Northern Reception Center and Clinic, hold an annual Halloween Party for tiny tots at the Oak Park Methodist Church Day Care Center and this year they presented the Center with a \$100.00 check that they raised in a bake sale. They have also hosted parties in the institution for developmentally handicapped children in the community who go to special schools.

Wards from the three Stockton institutions frequently do clean up and maintenance work at the Stockton City Camp at Silver Lake, assistance which a financially hard-pressed city deeply appreciates.

A unique public service project last year, was the restoration of the Old Cannon Ball Express by the wards at the Pine Grove Camp. This is an old locomotive that was used as a movie prop and now resides in full splendor and color in the Amador County Museum in Jackson. Thanks to months of painstaking work contributed by the wards.

Wards at Preston routinely assist at the Amador County Fair with maintenance and clean up work. Late last year, youth training school wards repaired 40 abandoned bicycles contributed by the Chino Police Department and donated them all repainted and in perfect working order to underprivileged children in the community. A similar program is routine at El Paso De Robles.

Not too long ago, wards at Oak Glen Camp received an order of commendation from the Riverside County Fire Department for their work on the San Bernardino National Forest blaze late last August. The letter noted in part that the crews had walked to and from the fireline to the spike camp at an altitude of 8,000 feet, which took approximately two hours over some rugged terrain and then put in a full days work on the line. If people can handle working in those areas, said the Chief, they can work anywhere in the State of California and match any crew with their performance in the United States.

I think those wards represented in that letter are the bottom line of what the Youth Authority is all about. Young offenders are sent to us because there is still a chance to redirect them from criminal careers, toward full and productive participation in society's endeavor. Many are able to demonstrate that they have this potential and we simply cannot afford to abandon the many thousands of young people who come under the Department's jurisdiction to a lifetime of incarceration and an endless cycle of crime.

Finally, I want to tell you unequivocally that the Department of the Youth Authority is basically sound, healthy,

and stable. Equally unequivocally, I confess that we are not perfect, but we are good and I think we are getting better. Good correctional programs do protect the public and they are cost effective. Every young person who leaves the correctional system and becomes self-sustained saves the taxpayers at least \$22 thousand a year. Incarceration, even if it is a simply warehousing, is still the most expensive way to incapacitate an offender. Effective correctional programs offer the opportunity to save both money and lives. If just half of the current 7,000 parolees currently on parole succeed, we need to realize that they will save the State minimally \$77 million or the equivalent of more than one-third of this Department's budget for the ensuing year. I wonder then that anyone should wonder that I leave this job with a sense of accomplishment and pride in this Department and gratitude to the Governor who gave me the opportunity. Thank you for letting me talk.

ASSEMBLYMAN STIRLING: Ms. West, thank you for that report. And, I recognize that you are in your last couple of days of being in this particular position. And, I think your report today was primarily characteristic of your approach to the job to have been the Director of the California Youth Authority. I suppose what I'm particularly concerned about is that from your perspective, where you sit, and you have been for the last several years, I think that what we need to know in addition to the good work that has been performed here, what are the problems? What are the problems? I don't think we can continue to just point to the good things, and say that is the

job we're doing, because obviously there is good things going on. But what we are concerned about is that time and time and time again, we hear about that the system is not working. There are a lot of reasons for that. But, the bottom line still is that we have got the responsibility, and you in your capacity and we in ours, of trying to make the system work. And if at this point, as you are getting ready to leave the California Youth Authority, do you have any meaningful suggestions about what could be done to resolve the real serious problems that do exist. Notwithstanding the approach of your statement here today, there are problems out there and we've got to deal with them. Do you have some suggestions that might benefit us in looking at this whole thing?

MS. WEST: I would have the temerity to suggest that the State does not pay enough attention to what happens at the local level; to young people before they get as far as the Youth Authority. We have been so careful to keep hands off in the counties and there is historical and sound reasons that I feel that we may have bent over backwards in not looking at what is happening in areas where gangs are common, in areas where unemployment for young people is like 90 percent of those who are looking for jobs. And as long as we continue to ignore those kinds of signals, which are signals to me that there is trouble in a community, then we're going to reap the kind of harvest all of which these authorities cannot reverse. At the state level, I think we need to work on a more refined system that will permit us to have a greater diversity of programming so that we can,

at an earlier period than we now can, hopefully, find these young people and clearly identify those who are redeemable, if I may use that term. And not make, perhaps, the same amount of investment in every single young person who comes to us, and we don't now, if you look at the programs within the institutions, and the institutions as compared to the camps or even the institutions as compared to one another; nobody is paying precisely an equal amount for everything, but I feel that at every level options are frustratingly few. If there were a way that the state could, through this committee, which is, as I understand it, charged with looking at the total justice system, would indeed spend proportionate periods of time in looking at what happens at the local level, I think you would find some very real suggestions as to some fairly obvious kinds of answers. I don't want to preguess any of the corporation studies, because I think they need to do what they need to do and they will have, I'm sure, the continuing cooperation of this department even after I am gone to get whatever information we have. I am persuaded also that at every level we are often dealing with the person who is often as much a victim of circumstances as the victim of the crime. And that there needs to be increased ability for law enforcement, for schools, for probation, for courts to deal with parents. Parents have become somehow hallowed in our system by virtue of just having become parents which for most people is not a great trick. Wrong language, sorry. (LAUGHTER)

CHAIRMAN CRAMER: No, but I understood, though.

MS. WEST: My concern here is that schools are very

slow in coming to and finding it very hard going to teach effectiveness of parental roles to high school students, both because some parents are overzealous and some underzealous and some of us are guilty and some of us are unguilty. I'm not sure what all the motivations are, but we're all parts of families and we tend to redo what has been done to us. We are learning, as we learn about child abuse, as we learn about incest, that these things seem to be generational; that a kid who has been beaten by his father considers that an appropriate way to handle his kids, as his kids grow up, because he's known no other kind of option. Those cycles need to be interrupted. But what I'm talking about is massive, and if you're looking for bandaids, I don't know of any bandaids. I don't think that's what has happened here. I think families are in jeopardy. Why you look at the number of young people from single parent homes who come to the Youth Authority and see how massively that percentage has increased in recent years, one is tempted to make the quantum leap that there is a relationship. It's not a necessary relationship but that there may be some relationship simply because of stress and strain seems an inferentially supportable kind of thesis. Maybe the Rand Corporation study will show us that information, I don't know. But I don't think that any of the bandaids we're looking at will help. Certainly I hope that you will be looking at the kinds of projections of populations that the Youth Authority foresees that its institutions and will be supportive of what, at least, it needs to continue to do the job that it can do when it has a decent environment within which

to work, with a decent, with staff/ward ratio, otherwise we're in for more trouble and more expense and it's a self-defeating cycle.

CHAIRMAN CRAMER: We appreciate your coming here this morning.

MS. WEST: Thank you, sir. My pleasure.

ASSEMBLYMAN STIRLING: Ms. West, let me ask you just a couple more.

MS. WEST: Sure.

ASSEMBLYMAN STIRLING: I know we haven't heard yet from people who operate the County Juvenile Detention Facilities and I know that there's somewhat of an ongoing battle between the Department as well as the county facilities as to their meeting certain requirements and so forth. And the Department is obligated under the law to make that kind of determination and to take action dealing with that subject.

MS. WEST: Yes, sir.

ASSEMBLYMAN STIRLING: Who does that for the CYA? In other words, if the CYA itself is overcrowded, how can the CYA feel justified in telling the counties that they are overcrowded and they have got to take action? Who tells the CYA it's got to take action?

MS. WEST: Gee, I hope you will. I hope that you'll say, as we say to the counties, "you can't have less than one staff person for every ten kids you have in institutions." I think I'd think I'd died and gone to heaven. Staff would know they had died and gone to heaven if that happened. But, I think the important thing here is that probation departments handle

these young people earlier in their lives and earlier in their careers and they are worthy of the investment and they are needful of the attention and certainly the earlier in any cycle that we can intervene, and by we (I can talk about all agencies, whether it's school, probation, courts, whomever) the earlier we can intervene in a young person's life in a constructive way, the better chance we have.

ASSEMBLYMAN STIRLING: Some of the counties, I think, are in a difficult situation...

MS. WEST: They certainly are.

ASSEMBLYMAN STIRLING: ...for having facilities available and where they can go for additional funding for construction and additional space, and so forth, is no greater resource of funds there than there is where you can go at this point. What happens if you say to them that "you do not comply with Sections whatever and therefore you either have to do so within a certain amount of time or we will close you facility"; what happens to the people that are in that situation? What about the people that are in their facilities? What happens to them? Do you have space to put them or do they go back on the street?

MS. WEST: Well, some go back on the street. We certainly do not invite them to commit people to us prematurely because they have run out of space; that would be the grossest kind of injustice. I would not encourage that, at all. Some go to camps, some go to other counties, they go either to other programs or they go back home under supervision. It is a very

difficult problem and I more than commiserate with them. The answer to the problem for them is no different basically than the answer to the problem for us, and that is, that there has to be a finite point at which one does not increase the numbers of bodies even if it includes staff. It cannot go beyond a certain number, you can't put 500 people in this room and expect that everyone is going to be comfortable, peaceful, and just stay put even for two hours. What would it be like for 24 hours? Or six months? So, there are some physical limitations. There are questions about whether or not the physical limitations that we are now enforcing are reasonable. They came into being at the behest of the counties, with their input. They have been reviewed recently with their input. They can be reviewed again, and perhaps they can be changed. I do not know that at this juncture. What I do know is that there is a process for appeal, there is a process for hearings; the department has historically been open to that and juvenile halls are no more alike than, maybe even less alike, than any two given Youth Authority institutions, perhaps some more individualization will be helpful to them. I certainly come from a place which I feel that I have demonstrated to them and I know that the meeting that I'm going to have with them later this week reflects that; that I've been open to see that we try to do what we can to help them because by helping them we help ourselves, we're not even noble about it.

ASSEMBLYMAN STIRLING: It's even gotten to the point now where there's some attitude of feeling about changing legislation to make them conform just by a change of statute. One

final point, I have heard, I have only heard this. I have no idea what the circumstances surrounding the incident might be, but I know there's a case down in Southern California involving the _____ Police Department that is really getting a lot of publicity right now and I've heard only that there's been a situation in one of the CYA facilities where there has been a death of a ward. And I'm just wondering, I had not read anything about that, I had not heard anything about that, is there any reason why that has not been publicized or even been mentioned in the press, I haven't seen anything.

MS. WEST: I haven't either and I think the reason is that the suicide occurred less than 48 hours ago and it did occur in the Norwalk facility in SRCC; obviously a terrible tragedy; happily there are very few of these but one of the other things that is a real, to me, warning sign of problems abroad in the land is that the increase in suicides abroad in the land, which is far greater than it is in insitutions incidentally per 100,000; amongst adolescents is growing at a scary, scary rate. And that seems to be the only answer for a kid to kill himself.

ASSEMBLYMAN STIRLING: But that's the worst, from whatever investigation has gone on over that particular incident even though it occurred only a short time ago, you feel that that is what we are talking about, situation like what you referred to, it was a suicide?

MS. WEST: It was a suicide.

ASSEMBLYMAN STIRLING: Okay, thank you.

MS. WEST: You're welcome.

CHAIRMAN CRAMER: We'll adjourn this meeting now and resume at 1:30.

(ADJOURNMENT)

CHAIRMAN CRAMER: If I could have your attention, there are a large number of witnesses here to testify and fifteen minutes is as much as I care to wait. Mr. Stirling will, I assume, be here at some point in time. I was wondering if Brian Fischer and Bob Keldgord are present in the room. Would you gentlemen come forward please?

One of you is going to be the primary spokesman and the other backup or something like that?

MR. ROBERT KELDGORD: Something like that, Mr. Cramer. I am Bob Keldgord, I'm the Chief Probation Officer for Sacramento County and Mr. Fischer, the Chief Probation Officer for Merced County, is at my right. He's asked that I lead off.

CHAIRMAN CRAMER: All right, please proceed.

MR. KELDGORD: Thank you. For the record, my name is Robert Keldgord. I'm the Chief Probation Officer for Sacramento County and I'd like to begin my testimony with two introductory comments, as follows: We in Sacramento County do not necessarily agree with all actions taken by the Department of the Youth Authority, and quite frankly, we strongly disagree with some specific actions taken by the Youth Authority against Sacramento County. We also believe that it's important to recognize that overall the Youth Authority has for many years been a well-

respected agency. Traditionally, the Department has operated progressive and innovative programs, and finally, that the Youth Authority is very fortunate to have on its staff some outstanding professionals from the field of Corrections.

One aspect of the Youth Authority's function to which we in Sacramento County take extreme exception is the manner in which the Youth Authority exercises its role in the establishment and enforcement of standards for locally operated, locally funded juvenile halls. We are not opposed to standards. We are not even opposed to mandatory standards, providing that such standards are reasonably related to valid goals, that they are applied uniformly, fairly, and realistically, provided that there is an adequate appeal process for the counties, and providing that the State, in establishing and enforcing such standards, also furnishes the counties with funds with which to comply with the standards. We would also suggest that if the State is to impose standards upon county-operated juvenile facilities, the State's own juvenile facilities should conform to the same standards. It is our understanding that this is not presently the case.

On December 18, 1979, in testimony before the Senate Judiciary Subcommittee on Corrections, the Director of the Youth Authority stated, "The inspection program is running into increasing resistance from county authorities who complain of too much State regulation, and suggest that they be allowed to regulate juvenile detention facilities themselves. The Department's posture is that without state supervision, county standards would

deteriorate and that enforcement is necessary to protect the rights and safety of juveniles."

To us there is an inconsistency in that the Director of the Youth Authority feels, on the one hand, that without State enforcement of State standards, the rights and safety of juveniles in county-operated facilities would be jeopardized, but at the same time there appears to be no enforcement action taken when the Youth Authority's own institutions reportedly do not conform to the same standards.

The basic problem is as follows: Under provision of Sections 209, 210, and 872 of the Welfare and Institutions Code, the Youth Authority is empowered to establish and enforce standards for county-operated juvenile halls and inspect them for compliance. Our information indicates that in 1978 the Youth Authority began, on a selective basis, to cite various juvenile halls for "overcrowding," declaring such juvenile halls to be an "unsuitable place" for the confinement of minors. If the "violation" of Youth Authority standards, upon which the citation is based, is not corrected within 60 days following receipt of the citation, the facility may not be used for confinement purposes at all, until such time as the Youth Authority standards are again adhered to.

Again, it is not the concept of enforcement of mandatory standards to which we are opposed. But rather, it is the content of particular standards, and the manner in which the Youth Authority has applied them, or refused to apply them, with which we strongly disagree, particularly with respect to the Youth

Authority's treatment of Sacramento County.

Under Youth Authority Standard 4276, an existing juvenile hall built in accordance with construction standards in effect at the time of construction shall be considered as being in compliance with the provisions of the standards unless the condition of the structure is determined by the Youth Authority to be dangerous to life, health or welfare of minors.

The Sacramento County Juvenile Hall was built in 1963, at which time it was declared by the Youth Authority to be in compliance with construction standards in affect at that time.

Youth Authority Standard 4272 (i) in effect at the present time provides as follows:

"Single occupancy sleeping rooms shall each contain a minimum of 500 cubic feet of air space and 63 square feet of floor space. Double occupancy sleeping rooms shall contain a minimum of 800 cubic feet of air space and 100 square feet of floor space. Dormitory type sleeping areas shall contain a minimum of 400 cubic feet of air space and 50 square feet of floor space per person."

The dimensions of the sleeping rooms at the Sacramento County Juvenile Hall are as follows: 825 cubic feet of air space and 82-1/2 square feet of floor space. Thus, our sleeping rooms are far in excess of the entire standard for single occupancy sleeping rooms and exceed the requirement for cubic feet of air

space in double occupancy sleeping rooms, but fall somewhat short of the requirement for square footage of floor space for double occupancy sleeping rooms.

At the Sacramento County Juvenile Hall, minors spend only approximately eight hours in any given day in the sleeping rooms. During the remaining hours of each day, the minors at our juvenile hall are located elsewhere, as follows: they are in the day room, in classrooms, in the gymnasium, or the playground, in the medical clinic, in the dining room, or, in good weather, at the swimming pool.

During the time that a minor is in a sleeping room, there are always between one and three staff members on duty in each living unit. Should the minor encounter any problems, an intercom is available and may be used to summon immediate attention from the officer(s) on duty.

A minor who is confined within Sacramento County Juvenile Hall has at his or her disposal a vast array of services, including educational program, medical care, library services, counseling program, recreational opportunities, religious programming and selected psychological services.

The Sacramento County Juvenile Hall has been repeatedly inspected, approved, and sometimes even commended by an array of authorities, including the Sacramento County Juvenile Court, the Sacramento County Juvenile Justice Commission, the Sacramento County Grand Jury, the Sacramento County Health Officer, the local Fire Marshal, the State Fire Marshal and by the U.S. Department of Justice. In his latest inspection report, the

Federal Inspector noted, "This is a very well operated facility and has no problems with its operation. This facility is very professionally operated..." The Federal report further notes, "There is no problem with this facility - it is operating quite satisfactorily."

Notwithstanding the observations of the many authorities who repeatedly inspect and approve the Sacramento County Juvenile Hall, the Youth Authority has declared our facility to be "an unsuitable place for the confinement of minors."

Section 872 of the Welfare and Institutions Code requires the Youth Authority to establish a maximum population limit for each juvenile hall. The limit which has been established for Sacramento County's Juvenile Hall is 207. The Youth Authority also establishes maximum population limits for each living unit in the Hall.

According to the Youth Authority, our "violation" consisted of placing two minors in a small percentage of our sleeping rooms, contrary to the square foot requirements for double occupancy sleeping room floor space, despite the fact that we were not in excess of the maximum population of the facility as a whole. In our judgement, our actions did not result from a disregard for the rights and safety of the minors concerned, but, rather, resulted from the following:

We simply do not believe it to be appropriate, nor in the best interests of a minor, to house 12 and 13 year old, relatively unsophisticated juveniles, in the same unit with aggressive, hostile and criminally-sophisticated 17 year olds.

To engage in such a practice would not only violate common sense, but it also violates the very basic principle upon which classification of offenders is based. Whether in state-operated juvenile facilities or in county-operated juvenile facilities, minors must be segregated according to age, sex, degree of criminality, and psychological maturity.

At the same time that the Youth Authority has chosen to adopt the posture of rigid enforcement in our county and in some other counties, including Merced; Mr. Fischer's county, San Joaquin, Los Angeles, Orange, and San Diego. The Youth Authority has granted special dispensation to at least four other counties; namely, Alameda, Contra Costa, San Mateo and Santa Clara, exempting them from conformity to this particular Youth Authority Standard 4272 (i). Thus, the Youth Authority, which describes Sacramento County's Juvenile Hall as "unsuitable" when we place two minors in sleeping rooms of 82.5 square feet, raises no objection when Santa Clara County places two juveniles in a sleeping room of 59.3 square feet or when Contra Costa County places two juveniles in a sleeping room of 75.4 square feet.

In addition, we have some information which was obtained from the Youth Authority, based upon data collected by their staff in the summer of 1980, and reveals that there are at least three other counties; namely, Butte, Mendocino, and Santa Barbara, which do not conform entirely to juvenile hall space requirements and, which, to the best of our knowledge, have not been cited by the Youth Authority, even though ostensibly no special dispensation has been granted to them. For example, according to our infor-

mation, none of the sleeping rooms in the Butte County Juvenile Hall conforms to the Youth Authority's minimum requirement of 63 feet for a single occupancy sleeping room. Notwithstanding this fact, during the two year period in which the Youth Authority chose to cite Sacramento County Juvenile Hall a total of three times for "violation" of the Youth Authority's standard for floor space square footage, Butte County received no such citation.

Despite our occasional "violation" of the Youth Authority's minimum standard for square footage of floor space in double occupancy sleeping rooms, brought about only by the realities of detention with which we are constantly confronted, we do not believe that our juvenile hall is now, or ever has been, an "unsuitable place for the confinement of minors." In light of the outstanding quality of care and services provided to minors confined in our juvenile hall, it is our position that the adverse treatment that we have received from the Youth Authority with respect to the citations described, is based upon nothing more than rigid application of part of a regulation, and that the difference between the Youth Authority's requirement for square footage of floor space and the square footage of floor space that we actually have in sleeping rooms is not so great as to place the County of Sacramento out of substantial compliance with the standards.

We strongly believe that the County of Sacramento should be found to be in compliance with the current Youth Authority standards, pursuant to the provisions of Standard 4276,

and we take exception to the inexplicable manner in which the Youth Authority has applied Standard 4276 to other counties, while, at the same time, denying such application to Sacramento County.

Standard 4310 provides the right to each juvenile hall to bring to the attention of the Department of the Youth Authority any alleged misapplication or capricious enforcement of regulations by any departmental representative, or any substantial difference of opinion as may occur between the juvenile hall and any departmental representative concerning the proper application of these standards and related regulations.

The County of Sacramento has exercised its right under this provision with respect to the citation issued to us on April 16, 1981. Sacramento County was granted a hearing before representatives of the Youth Authority in this regard, at which time we presented evidence of the substance of my testimony here this afternoon. The result of that hearing was that the Department of the Youth Authority denied our appeal.

It is our view that the appeal procedure itself is almost ludicrous. The appeal hearing is not conducted by an independent third party hearing officer, but, rather is conducted by a representative of the Youth Authority, the same department issuing the citation which is the subject of the appeal. Moreover, the decision on the appeal is made by the Director of that same agency. Unlike personnel matters which can be appealed to a civil service commission or to a personnel board, and unlike the appeal procedure relative to the standards and training of

probation officers (Sections 6035-6044 Penal Code) which provides for appeal to the Board of Corrections, we have a unique situation in which the Youth Authority issues the citation, conducts the appeal hearing, and finally decides for or against the appellant.

We would offer for your consideration some suggested solutions.

ASSEMBLYMAN STIRLING: May I just, Mr. Chairman, just inquire before you go into the suggested solutions; when you confront the representative of the Youth Authority who is responsible for this determination, with these points that you've raised today, and something with which I've been somewhat familiar with before today, what is their rationale, what do they tell you is the reason that they do this, what appears to be inconsistent as well as almost unreasonable. Maybe I'm characterizing it as I see it, but, what is their explanation for this? Do they offer one?

MR. KELDGORD: Not really. We do have a letter in which the Director denied our appeal...

ASSEMBLYMAN STIRLING: I believe I've looked at that.

MR. KELDGORD: ...and I believe I've furnished that to the Committee, and they indicate that the four Bay Area counties were given this dispensation in 1975 for reasons not known. In respect to their not citing the three other counties, (Butte, Mendocino, and Santa Barbara) where the sleeping rooms are not of the minimum size, I don't know. I was told the day before yesterday, I believe it was or last week, by the Chief Probation Officer of Butte County, that he had called this to the attention of the

Youth Authority representative, and the Youth Authority representative had told him, in effect, not to worry about it. So, I can't really answer your question, Mr. Chairman.

ASSEMBLYMAN STIRLING: Well, how many feet under the minimum are...is the Sacramento County...

MR. KELDGORD: We would need 100 square feet for two minors and we have 83-1/2...

ASSEMBLYMAN STIRLING: That's cubic footage?

MR. KELDGORD: That's square footage. We are way over in cubic footage.

Some of the suggestions that we'd offer is first of all, there is some question as to whether or not juvenile hall standards should be established and enforced by the Board of Corrections, perhaps, rather than by the Youth Authority. The Board of Corrections already has responsibility for the setting of standards in local jails and statutory responsibility for training standards for Probation Department personnel. The present arrangement, under which one segment of state government establishes and enforces some probation standards while another segment of government establishes and enforces other related standards, leads to fragmentation and sometimes to inconsistency. For example, the Youth Authority Standard 4280 (b) requires a minimum of 40 hours of training for newly assigned staff in a juvenile hall, but while the standards of the California Board of Corrections require 120 hours of training for the same individual.

Secondly, we would urge that inspections of juvenile hall, by whatever agency, be designed to assess the overall

quality of the facility, similar to the process by which universities, hospitals, and libraries are evaluated. An example might be that of the National Commission of Accreditation for Corrections which evaluates institutions by determining that each standard is either essential, important, or desirable and thereafter grants accreditation to those insitutions which comply with 90 percent of the essential standards, 80 percent of the important standards and 70 percent of the desirable standards. In contrast, Section 210 of the Welfare and Institutions Code states that "any violation" of the Youth Authority standards "shall render a juvenile hall unsuitable for the confinement of minors." In other words, you could have an exemplary juvenile hall, be short one shower head in a dormitory and technically, under Section 210, could be found to have an unsuitable juvenile hall.

Thirdly, it seems clear to us that the enforcement of any standards, by any agency of state government, should be done realistically, fairly, uniformly and in a non-discriminatory fashion and should provide either a true appeal process or uniform enforcement of the standards.

Fourthly, we believe that any juvenile hall which was operational prior to formal adoption of the Youth Authority standards, but which is at present in substantial compliance with such standards, considered as a whole, should be deemed to be in compliance with the present standards, pursuant to the provision of Youth Authority Standard 4276. We especially believe that in cases, such as Sacramento County, where the juvenile hall

has been repeatedly inspected, approved, and even commended by an impressive array of authorities from local, state and federal levels, and, which, as recently as 1976 was approved by the Youth Authority itself, such facts should be the basis for a presumption of compliance with the Youth Authority standards.

And finally, we would suggest that if the State of California wishes to impose new standards upon facilities which have long been operational, the state has a concurrent responsibility to fund the remodeling and construction which would allow preexisting facilities to comply with existing standards. The situation is analagous to the state's adoption in 1979 of new standards for the training of probation personnel. Pursuant to this legislation, the funding for such training is provided by the State of California.

The presiding judge of the Sacramento County Juvenile Court has asked me to advise you that, in his mind, there is some question as to the constitutionality of the current practice of the Youth Authority in citing some juvenile halls and not citing others. He suggests that the practice is unconstitutional in that the Youth Authority standards are unequally applied.

For three years, we have tried to work with the Youth Authority toward a resolution of the problem, but have met with no success. We believe, therefore, that the appropriate remedy may be in the legislative realm and that the Legislature now has the opportunity to remedy what, for Sacramento and some other counties, is frankly an untenable situation. I have copies of my statement for the Committee.

CHAIRMAN CRAMER: That would be helpful. As a result of the changes that were incorporated into AB 3121, I was wondering, could you give me an opinion as to the length of stay, has that changed for people in the juvenile system?

MR. KELDGORD: Yes, it has, Mr. Cramer. A few years ago, on the average, a youngster stayed in our juvenile hall seven or eight days. Last Spring, the average got up to 16 days in our juvenile hall and it's now down to 14 days.

CHAIRMAN CRAMER: And do you have an opinion on how much it costs to build a cell or some measureable way to identify the cost of the juvenile hall?

MR. KELDGORD: Yes, we have some estimates from our Public Works Department in Sacramento County that indicate to build a wing onto our juvenile hall to house 24 minors would be approximately 1.5 million dollars.

CHAIRMAN CRAMER: The appeal process that you went through over the issue of the compliance of the standards for your facility, what was that procedure? Was that written? Was there testimony taken, or how was that handled?

MR. KELDGORD: Yes, first of all, you filed an appeal pursuant to the Youth Authority standards and pursuant to a section of law which, I believe, is in the Government Code. And after you have filed your appeal, the Youth Authority sets up an appeal and designates someone to hear the appeal. In our case, it was Mr. Kuhl, the Chief Deputy Director. There is no way to compel attendance by witnesses, the rules of evidence do not apply, you simply tell your story, they ask some question, and

then the hearing officer makes a recommendation to the Director and the Director decides yea or nay. There have been two appeals so far in the State of California. Mr. Fischer's county is the other county and in both instances they have been denied.

CHAIRMAN CRAMER: Did you request somebody outside the Youth Authority to be the hearing person for this appeal?

MR. KELDGORD: We raised that issue. We've raised that issue right along. But the process states that the hearing shall be conducted by the Youth Authority and so we perhaps didn't pursue it as vigorously as we might have but we did raise that point.

CHAIRMAN CRAMER: So, the Youth Authority gives more rights to wards and grievance...

MR. KELDGORD: That was my feeling exactly this morning when I heard Ms. West talk about the grievance procedure for wards, yes. We do not have the benefit of the American Arbitration Association.

ASSEMBLYMAN STIRLING: Just one question. I don't know that I heard you say this point or not. Has the Health Department ever had an opportunity to examine your facility?

MR. KELDGORD: It's been repeatedly inspected and approved.

ASSEMBLYMAN STIRLING: So, from a safety standpoint and a health standpoint, there's been no problem?

MR. KELDGORD: No problems, sir.

CHAIRMAN CRAMER: The consequence of declaring a facility unfit means it has to be closed?

MR. KELDGORD: Well, that's a little bit up in the air. In San Diego County, they went through this a few years ago and the Youth Authority referred the matter to the Attorney General's office which moved in court against San Diego County. They did not do that in Sacramento County. To be quite honest with you, when I received a notice last June that my 60 days were up and I no longer could confine minors in the juvenile hall, I didn't think it was proper to release the rapists, and the robbers and the murderers, and I think I had six murderers in custody at that time. I didn't think it was proper to unleash them upon the citizens of the Sacramento County and I did not close the juvenile hall. We continued to operate it. The question which I am advised may arise, and I'm not an attorney, so I perhaps don't speak knowledgeably about this, is whether or not operating a juvenile hall at the time that you are under citation from the Youth Authority, whether or not that exposes the County to increased liability.

CHAIRMAN CRAMER: Has there been a civil rights suit along those lines filed that you're aware of one way or the other?

MR. KELDGORD: I'm not aware of any. San Joaquin County had a citation and they put a third person into a room and that boy was raped by one of the other detainees and they now have a ten million dollar suit. The Youth Authority has been named in that and all of the San Joaquin officials and so forth.

CHAIRMAN CRAMER: You have testimony that you wish to present, sir?

MR. BRIAN FISCHER: Yes. My name is Brian Fischer.

I'm the Chief Probation Officer of Merced County Probation Department. I'd like to zero in a little more specifically on Merced County. Our story is quite similar to Bob's and yet it's quite different from Bob's in some respects. I came to Merced County from San Mateo as Chief Probation Officer in 1970. We have a juvenile hall that was built in 1946. At that time it had 11 beds and the rooms were designed for multiple occupancy. About nine or ten years later, the county added seven additional rooms, which gave us 18 rooms which is the number that we have to this date. When I came in 1970, I found that we had four minors to a room; bunkbeds, we even had some kids that had been sleeping on the floor. I made a resolve that kids wouldn't sleep on the floor as long as I was Chief if it was at all within my power. I also removed two beds from each room. About 1969 or 1970, the YA adopted standards for juvenile halls and these standards began to become enforced by annual inspections by YA consultants in 1970. After our first inspection, they pointed out to us that we didn't have a classroom, that we didn't have indoor recreation that had adequate space, that our hallways were four feet, not six feet, that our view panels on the doors were a few inches too small, that we were minus one showerhead in one shower, and we didn't have a refrigerated air conditioning, which wasn't required but which would be nice since Merced is hot, like Sacramento, in the summertime. Our Board was upset, of course, because there wasn't any money, but they were also responsive and they came through and they built a classroom which

serves as an indoor recreation room, and they added refrigerated air conditioning to the entire hall including the sleeping rooms and the YA grandfathered in our hallways and view panels on the doors. We added the extra shower, we also added additional staff. In 1972...between 1970 and 1972, the law required that each county should set a greater capacity for its facility. Based upon advice from our then County Administration, our Board of Supervisors declined to do that feeling that whatever they set might be limiting them to less than what they might ideally want or need to put into the hall at some time in the future. In 1972, the Youth Authority conducted its annual inspection and the consultant and the Deputy Director, Mr. Salibi at that time, of the Youth Authority in a March 7, 1972 report which is contained in your packet. By the way, these have been used in our field hearings and other things so they are numbered in a number of ways. The red numbers down on the left-hand corner on the front of each one where I'm referring to. In that report, on the second page at the bottom it states, "The county has declined to establish a maximum capacity for the hall. Based on information received from the Chief Probation Officer and my on-site inspection, the maximum population can readily be determined." And top of the last page, "the number of plumbing fixtures in the hall and the amount of cubic feet of air space in each sleeping room would limit the occupancy of each sleeping room to one person. This would establish a maximum of 18 beds." However, because the rooms were originally designed for double occupancy, and the sleeping rooms will soon be provided with conditioned air, we are required to approve all sleeping rooms for their original capacity. There-

fore, the maximum number of persons that can occupy the four rooms in the girls' wing is eight and the fourteen rooms in the boys' section could be approved for two occupants each except for the four self-contained rooms that have toilets and wash basins in them, must be limited to one person each. The maximum capacity for the hall would then be 32 beds. So, they set the capacity, we didn't and we had that in 1971-1972, we had that in 1973, and then in 1974, which is Exhibit #2, we received the annual report and on page 2 of the actual report the only reference is under maximum capacity where it says that the maximum capacity in accordance with minimum standards is 18 persons.

ASSEMBLYMAN STIRLING: Same person, right?

MR. FISCHER: No, it's not. They moved our consultant from the Central Valley to the Bar Area and we didn't know that that was significant until about five years later. But we got a new consultant and she came down, and she said that I've got my orders to make sure that we aren't going to grandfather any sleeping rooms, and they don't meet the size of beds, and they're only going to meet the occupancy that the standards allow. So, there was no word as to, hey we are reducing it, why we're taking it away. There was nothing in that report other than that one line that the capacity, now after three years, which was set by them, went from 32 to 18. At the time, there were no formal appeal procedures in the YA's standards, so my Justice Commission, my judges, my Board of Supervisors and myself, we all, in various ways, made contact with the Youth Authority Administration. The

third attachment is a letter dated March 1, 1974 from the then Director, Alan Breed, which indicates that I have delayed responding to your letter of February 13, which says hey, you set the capacity, and we've got air conditioning in the rooms and we feel they should still be set at 32 and he says that in hopes that we've been able to obtain definitive legal opinions on whether the grandfather clause applies to the number of beds that may be placed in one sleeping room. It now appears that this may take a considerable amount of time. I'll advise you as soon as we get the opinion. So, in the meantime, we won't take any action in declaring your hall unsuitable. That was March 1, 1974. A considerable amount of time became four days because four days later we got another letter from the YA which states in part, "When the grandfather clause was adopted as part of our standards, there was no intention that this would be used to perpetuate program practices that are inimical to the best welfare of detained children. The grandfather clause was designed to apply to a rule of reason so that a county would not be compelled to completely remodel or rebuild an existing structure simply because it did not meet one or two details of the standards. For example, if a living room designed to accommodate a single person has less than 62 square feet or 500 cubic feet, but was built prior to the adoption of our standards, we would grant a waiver in accordance with the grandfather clause. However, this does not apply to the assignment of two or three persons to a living area which has less than 500 cubic feet per person." And that's not even

the requirement, it's only 800 when you have double occupancy, not 500 per person. Then they go on to explain why it was that the YA set the capacity at 32 in the last paragraph of Attachment 4 where it says, "It is unfortunate that our consultant, in trying to be helpful last year, indicated in his inspection summary, that your hall could claim a greater capacity greater than allowed by the standards. However, during our last four inspections we have not once noted a problem in overpopulation. We recognize that any juvenile hall will occasionally, during an emergency, exceed its capacity. We have expressed concern about overpopulation only when it's gross and chronic. We have never found this to be true in Merced County."

ASSEMBLYMAN STIRLING: Question. Going back to the original report, which made more findings, under Document #1, looking at the second page of the report, the statement is made, it's starred there, it says we are required to approve all sleeping rooms for their original capacity. What was the requirement that he was referring to?

MR. FISCHER: Well, he felt that the grandfathering meant that, if the building itself was built with construction standards, not the building codes, then you'd design them for multiple occupancy, that you could then use it for that purpose. That's what he's referring to.

The next item, marked number 5, is a letter back to the Chairman of our Juvenile...it's a letter from our Juvenile Chairman...Chairman of our Juvenile Justice Commission dated May 1, 1974 to Mr. Breed. It again was an attempt to try to

get them to return our 32 capacity. Says, this letter is written to indicate the concern which the Merced County Juvenile Justice Delinquency Prevention Commission feels about your department's reduction of our juvenile hall's rated capacity from 32 to 18. This is a very drastic 43 percent reduction. Figures provided by your staff indicate that our hall has 13,108 cubic feet of air space in sleeping room. Since 18 beds would only require 9,000 cubic feet of air space, we have 4,108 cubic feet of air space or 45 percent above the required minimum. Since we do have air conditioning system and air is circulated, we are wondering if some form of compromise can be worked out which would be satisfactory to both agencies involved. This would give responsible persons in Merced County an opportunity to assess needs, make projections for the future, and determine the direction the county wishes to go in terms of facilities for juvenile offenders. Mr. Breed responded to that letter nine days later, Item #6, May 10, 1974, which he said, "Your letter indicates that the Department reduced the approved capacity of the Juvenile Hall. Actually, we did not reduce the capacity, but corrected the error in the original state capacity. I explained the circumstances surrounding the capacity issue to Mr. Brian Fischer, Chief Probation Officer, in my letter of March 5, 1974." Down at the bottom they go on to state again that in order to determine the capacity of a juvenile hall, the standards for juvenile halls are applied to the existing facility. Whether the county applies these standards or the Youth Authority, the capacity determined should be identical. I think this

becomes very critical as I'm moving along here. The capacity in Merced County Juvenile Hall is determined to be 18 by applying juvenile hall standards. We are unable to give consideration to your request that the juvenile hall capacity be increased because of air conditioning systems even though a consultant had told us that if you put air conditioning in those rooms then you could use them for double occupancy. We acknowledge the importance of air conditioning in juvenile halls as it relates to the health and physical well-being of minors, however, it does not solve the other problems inherent in double occupancy in rooms designed to accommodate one person. Our rooms weren't designed to accommodate one person, they were designed for multiple occupancy. The standards, I guess it was in October of 1980, Mr. Keldgord and I and about ten other counties tried to get the standards changed. We asked for a public hearing and we attempted to get the standards changed and one of those things was to try to grandfather the halls that were in existence when they came under the Administration Practices Act of 1978. At that time, in testimony there, their staff recognized that the standards didn't really come into effect until they did come under the Administrative Practices Act in September of 1978. And that in part is what is in Item #7. After that, in 1974, our county felt that well, that's how it is. The YA is not going to grandfather in sleeping rooms, and they're treating every hall in the state the same because Mr. Breed said so. I mean, you can go into any hall and easily figure out the capacity no matter when you went, so we figured that while we didn't like it, that's how it was going to be and

we weren't being treated any differently than anybody else. So that was fine. Well, it wasn't fine, but that's the way it was going to be, I guess.

About five years later, sometime between 1979 and 1980, we learned that counties weren't being treated the same. That there were three counties in the Bay Area; Contra Costa, Alameda, and Santa Clara Counties, whose rooms were the same size or smaller than ours, that were allowed to put two minors into a sleeping room. We started asking questions about this and were give shrugs of the shoulders and we don't know what that means and you name it. We tried to find out if there were any other counties and they said no, that that was it, there's just these three counties and the previous Director of the Youth Authority had done that. Subsequent to that, we requested the Youth Authority and decided that Mr. Keldgord and I weren't going to back off. Our counties weren't going to back off. We were concerned that it was going to become a costly process if we had to build additional rooms. Money was getting tight, so we asked if there was any measurements of the juvenile halls and the Youth Authority, shortly thereafter, sent one man around and he measured every juvenile hall room in the state. They wanted to make sure that nobody could criticize and say, well, somebody else used this tape measure, and someone used that one. One man went to every one in the state. So, we asked for copies of those measurements and we were told that, no, that those are not public information. Finally, a few months ago, with the help of our Assemblyman, and with our State Senator, we were

able to get those measurements. The day they were going to mail them, they called me and said, by the way, we're going to send you a bill for these...for the copy work involved and secondly, before you get them, we would like you to know that there aren't three counties out there, there are four; San Mateo County is in the Bay Area also. So, for a year and a half, they told us that there were only three who are being treated differently and now they decided, since they were going to discover it anyway, that there were four counties out there who were not being required to meet the square footage and cubic footage requirements. The attachment, #8, is a legal size piece of paper, is a summary prepared by my juvenile hall superintendent and based upon the measurements that we got for all the juvenile halls in the state from the YA, we made up a chart. We found that there weren't four out there, that there are 21 counties out there that don't meet the requirements. Now, we readily recognize that, and that includes the Bay Area counties, so it's 17 others besides the four in the Bay Area. Some of those are small, but one of the things that's required in the YA standards is that if you are going to remodel or build a new juvenile hall, that those plans have to be approved by the Youth Authority and in the case of the Santa Maria Juvenile Hall, which is part of Santa Barbara County, that's a new hall, those rooms, even though they approved them in recent years, don't meet the standards. In the case of Butte County, which is a relatively new hall, those rooms don't even meet single occupancy. Yet the YA had complete control; they didn't have to approve

the plans but they did in recent years. And yet, there's nothing in their standards which indicates that they have any variance, that they allow five percent, ten percent, 20 percent or anything else, nothing in there that allows it. The next attachment is #9 and is dated July 23, 1981. My Assemblyman, Mr. Thurman, couldn't believe that the YA could be this unreasonable and that they would do such a thing. So, he called upon Mrs. West, who I understand was an acquaintance of some standing and some time, and he invited her down to look at our hall because he felt that it was a good hall. And, she came down in the summer of 1981 with several of her staff and inspected our hall and looked in every room, and talked to every child in the hall and met with representatives of our Board of Supervisors, our Juvenile Court Judge, our County Administrator, myself, the press, you name it. She indicated as she left, maybe it was just a PR comment, that it was a very nice facility, that she was very impressed with staff, with the programs and that she was going back to Sacramento and ask her staff to look at the programs of the other halls in the Bay Area. This was the first time that the word "program" had even been used. Up until now, the only thing that had ever been used by the YA was the tape measure, you know, if it didn't have the square footage, the cubic footage that was in on sleeping rooms. Now she was saying, "Well, we're going to look at programs too." We feel that our juvenile hall is very unique in that its program is as good or better than the Bar Area's or almost any in the state. We don't have a commitment program

but we run just a regular hall program. We have an extensive one and we felt very comfortable if they were going to compare our programming for children versus the Bay Area counties or any other counties in the state. In this letter of July 23, she indicates that they will be looking at programs as they relate to population. Because the key thing is what Mr. Keldgord alluded to and that the difference between jails and juvenile halls is that those kids are not kept locked up there 24 hours a day. The law requires, it's in the code, that the juvenile hall be run as much like a home as possible and therefore you can't keep the minor locked up unless he's acting out and most kids learn that it's much easier to follow the juvenile hall rules and regulations and get out and mix with the population, the boys and girls, the girls with the boys and go to school and recreation than it is to stay locked up in your room and do solitary time. So, they'll conform in most instances and that's where programming takes over. Attachment #10 is dated October 13, 1981, and it is the result of our appeal. We also were on our second closing notice from the YA this last summer; we appealed it as did Mr. Keldgord. In our case, we had Mr. Gutierrez who is one of the deputy directors of the YA, heard our appeal. It's a very informal process, you can give testimony, you can talk, they ask questions, they tape record it, they then take it under advisement and they come back to you after the hearing officer has met with the Director of YA and she then makes the decision. The appeal denial is here, and they really sidestep a lot of the points that I've been making now, and what

they did use was that our county had gone out and hired an architectural firm to do a long-range base needs study. They referred to some of the points that he makes about it but none of those are violations of standard, they refer to some of the things they found about our halls like the hallways are too narrow, the view panels in the doors are too small, but yet they grandfathered those. And finally, they get down and they say, well, it's really not a safe hall for kids and yet, we've had no minor that's been killed. We've had no minor who's ever committed suicide in our hall. We've had no minor or staff member who's ever been seriously injured in our hall. Our sophistication of the type of kids that we lock up versus the Bay Area counties or a number of other counties is a lot different and a lot less; we're very fortunate that there we don't have the big heavy gangs. We don't have a lot of murder and this type of thing and yet they're saying that for us to lock up two kids in rooms that are 75 feet and that are well over the cubic footage for one requirement would be unsafe, while at the same time one of their solutions is, "you don't have to build, Mr. Fischer, go ahead and contract with another county, and you can transport kids." I can't find anybody that it would make any sense for me to go to Santa Clara County, for example, get a contract with them to use their hall, drive my kids 125 miles each way. In the wintertime you expose them to the fog and other problems out there and to put them in rooms that are 12 to 15 square feet smaller than my own rooms. For what purpose? But that would be legal and they say that that

is one of the solutions that can be done.

CHAIRMAN CRAMER: Mr. Fischer, I think that we've gotten your point and in terms of your concerns over the differences of standards. I've got a lot of witnesses waiting.

MR. FISCHER: I'd like to have one more thing, if I could, Mr. Chairman, and then I'll close. Item #11 is a letter from State Senator Kenneth L. Maddy, which I would like to read into the record, dated November 17, 1981. Mr Maddy has been interested, and had his staff involved in our process for some two and one-half years now. He wrote to Mrs. West on that date and stated, "I'm writing in regard to the situation for Merced County Juvenile Hall and the ongoing efforts by Merced County to achieve reinstatement of the grandfathering once enjoyed by that facility would allow for double occupancy in certain of its rooms. The situation in Merced County was first brought to my attention by a May 5, 1981 resolution for the Merced County Board of Supervisors protesting the unfair, unequal and selective treatment accorded various counties with regard to the establishment of room size capacity requirements. My district office staff has continued to follow this issue and to work with Merced County since that time and it has kept me apprised of developments, including a visit by you and your staff aides to the facility July 22, 1981. Your follow-up letter to Merced County Chief Probation Officer, Brian Fischer, dated July 23, 1981, seemed to indicate a willingness on the part of the Youth Authority to address the inequities among the counties through the gathering of additional information and the com-

parative analysis including analysis of programming of Merced County with the four Bay Area counties that now operate under separate standards. I am aware of no occasion since the discovery by Merced County officials that these separate room capacity standards that a reasonable explanation for their existence has been given by the Youth Authority. You are, in fact, quoted in a Sacramento Bee article, dated July 15, 1981, saying that a dispensation had been granted those four counties in 1975 by your predecessor for reasons unknown. In your October 13, 1982 letter of denial of appeal to Merced County, you indicate that the difference in standards results from the application of a grandfather clause to the four Bay Area counties in question. The dispensation that was not granted to Merced. The assessment appears to be in direct conflict with the 1972 inspection report forwarded by Merced County by then Director, Alan F. Breed, which specifically states the capacity of 32 beds for the hall. Your letter of denial of appeal also refers to deficiencies in the Merced hall beyond deficiencies in space requirements. It is my understanding Merced County has budgeted over \$300,000 to address those deficiencies in order to provide for adequate support services for a larger population. It is the expressed desire of Merced County to eventually have a facility that conforms with current occupancy standards. Of the options that exist in the interim, a return of their previous capacity allotment would appear to be the most desirable. That is certainly more reasonable than the option offered by the Youth Authority allowing for contracting for placement with

probation departments of other counties that have available beds. Conceivably, under such an arrangement, Merced County might contract with one of the grandfather counties and legally place minors in rooms equal to or smaller than those in Merced County. I would appreciate a response from your department that would clarify the reasons for the reduction of the authorized capacity for Merced County from 32 to 18 beds. I'd like to have the response before the convening of the 1982 legislative session."

The response that Mr. Maddy got was that she will pass that on to her successor since she's leaving office.

CHAIRMAN CRAMER: Okay, I'll see that these materials are made part of the records for this hearing.

MR. FISCHER: I appreciate the opportunity to testify. Thank you very much.

CHAIRMAN CRAMER: You're welcome.

ASSEMBLYMAN STIRLING: Could we possibly secure some author to handle a bill that might change this?

MR. FISCHER: Are you volunteering for the job?

ASSEMBLYMAN STIRLING: Sure, I can do it.

CHAIRMAN CRAMER: Is Mr. John Stephens here?

MR. JOHN STEPHENS: For the record, my name is John H. Stephens, former state employee for 27 years, and I retired. Honorable Assemblyman Jim Cramer, Chairman, Assemblymen Harris and Stirling, before I commence this paper, which will be brief, if you do have a copy of it, I made some necessary changes in _____. This paper is prepared to share with you a workable concept of treatment, training and patrol and rehabilitation of

Youth Authority parolees involved in drug abuse. I developed this program in 1977 and 1978 when I was a parole agent with CYA in San Bernardino. I served the State as a youth counselor from 1954 to 1958; a parole agent from 1958 to 1968, appointed by Governor Reagan to the Narcotic Addict Evaluation Authority Board, CRC, from 1968 to 1977, then back to Parole as an agent from 1977 to 1981, when I retired. In my profession, gentlemen, I have worked with over 50,000 hard-core drug addicts.

After 27 years of state service and one minor promotion in 1958, that was 23 years ago, I finally retired. I could no longer handle the stress of seeing dozens of young addict criminals, and I put that in quotes, roaming California streets, burglarizing, robbing, stealing to support a stupid narcotic habit. And the sad part of it is, they were allowed to get away with it. And in my professional opinion, that was very unfair to California's taxpayers.

When I was a parole agent in San Bernardino and developed this program, it was called a limited placement program to CRC, the California Rehabilitation Center. This included both male and female wards. We placed 13 wards, both male and female, through the California Rehab limited placement setting. Now it appears to me that YA offers very little or nothing in the area of detoxification rehabilitation of young addicts. Recently, within the last 14 days, I contact five Youth Authority parole officers; Bakersfield, Santa Barbara, San Bernardino, Riverside and Long Beach. The current procedure for drug involved wards, I am told, a ward who is found to be

using drugs or narcotics, the ward is permitted to remain on the street in most cases, through a testing and counseling program. Few wards cooperate in this program.

The second "treatment" program includes return to an institution for four to twelve months. During this twelve month period, taxpayers are charged \$30 thousand per year just to keep the user off the streets. In some cases, I believe, this may have to be true. There is no alternative, but certainly not in every case. Not one of the five officers I contacted had a professional parole agent with expert status as a narcotic control agent. Yet, I am told that in some of the Youth Authority offices, drug-involved wards number 75 to 85 percent of the total caseload. In 1962, that was 19 years ago, your legislative body provided 30 beds at CRC for Youth Authority drug and narcotic-involved wards. Yet, less than one-half of one percent had been used, according to beds available at CRC.

If you inquired as to the current YA drug program, I am certain you would get a glowing report of the success YA is having with the taxpayers' money for these drug cases. There's not one program that I know of whereby a young drug abuser can turn himself in for treatment, training and detoxification. A short-term detoxification program for YA wards at the California Rehab Center, Corona. The concept of treatment, training and control and rehabilitation of the youthful drug offender has been needed in California for years.

In 1961, a viable program was instituted, but was short-lived. "It costs too much for benefit received" according

to the then Director of CYA. A 30 to 45 day detoxification program was developed for CYA wards and instituted by this writer in 1977. When I served on Governor Reagan's cabinet in 1968 to 1977 as Vice Chairman of the Narcotic, Addict and Evaluation Authority Board, the Board formulated a limited placement return policy. All drug abusers released from CRC on parole were advised they could turn themselves in to CRC if they reverted to drug use when they were on parole. Their return to CEC would last from 30 to 45 days for the major purpose of detoxification. To break his narcotics habit. An interesting point here in this particular program, annually, hundreds of addicts turned themselves in. That is over a period of a year, there were hundreds of addicts that had called their parole agent and requested permission to turn themselves in for detoxification. And the program worked. However, if the abuser was knowingly involved in criminal activities, then the Parole Board or law enforcement agency would exercise whatever course or parole revocation procedure necessary.

When a YA ward is in the institution, has been identified as a drug abuser, he is being prepared for his parole date, the Board could order a special condition of parole. The special condition would be to test, get involved in counseling and so forth. I strongly recommend a select group of parole agents be prepared as narcotics specialists. They should become expert in the field of symptoms of abuse, identify needle marks, tracks, do palpitation tests, understand (induration ecomosis?) and so forth. We are all aware the addict will stray from the truth;

at every opportunity. He needs control and guidance.

After a ward is released on parole, and he becomes involved in drug abuse, the agent could very well prepare brief or report so he could be involved in a drug control program, under a special narcotic control agent. Procedure for inclusion in the LP or limited placement program, upon a ward being identified as a drug abuser, a violation report, (and this goes into the type of the mechanics of getting a ward into the institutions of CRC's). This is probably one of the most important factors; this Number 4 on the page 3 of this report. A YA ward is not to be placed in any Department of Corrections institution if he is in violation of CRC regulations. Either the parole agent or CRC staff will transport the ward to a proper YA institution. The parole agent is to explain to the ward the 30 to 45 day return program upon the wards initial release on parole. The agent only makes a recommendation, the Board issues the order. Rarely, if ever, would a time limit for detoxification exceed 30 to 45 days. Hopefully, the YA Board would concur with the agent's recommendations. In fact, during 1977 to 1981, the Board did, in fact, concur with my request on every Board case that I presented to them.

Parole agents should meet with dormitory counseling staff and this goes on into how the agent should conduct himself in the institution in order to gain maximum support for the ward and be sure that he gets maximum treatment and educational programs. The ward may also acquire his GED test at CRC. In fact, I had one particular ward that did that. The agent may

also advise that the ward may turn himself in at the gate at any future time as a volunteer gate turn-in. Whether it's Saturday, Sunday, or after work hours.

About a year after I worked this program out, with CRC staff, with the concurrence of my supervisor, Mr. Wesley De _____, I had a young man from Ontario come over to the institution, and he actually went to the gate and told the Captain of the Guard, I'm using heroin. I have a lot of marks on my arms. I need some help and Mr. Stephens told me I could come to the gate and turn myself in and so I have.

The first time in the history of California, that we know of, that a CYA ward actually voluntarily turned himself in because he knew he was getting too far into the drug habit. He was accepted.

In a security part, a parole agent, narcotic specialist, should observe all security precautions. Former Board orders. Now this is kind of interesting. According to the YA staff that I contacted, historically the YA Board had order narcotic violators returned to the institution for a four to twelve month period. That costs the taxpayers approximately \$30 thousand per year, per ward. Places a very expensive burden to the taxpayer to say the least. In this writer's opinion, the order defeats the purpose of treatment and rehabilitation. So, consider one most, if not all drug abusers, do not need twelve months to dry out; his available confinement time may soon be uselessly used up, yet maintains more population in the institution than necessary, is extremely more expensive to the

taxpayers' heavier caseload strain on individual institutional staff and the board; his wife and family, children would not need to draw welfare for over a twelve month period; some families could make it on their own without any welfare assistance while the ward is in the institution for a 30 day dry out. If he were employed, he would stand a better chance of his employer rehiring him after 30 days absence from work.

When I was an agent, I went to an employer in the City of Colton, and I had a young man who has heavily involved in narcotic use. I explained to the boss, with the ward's permission, his problem and believe it or not, the boss said if that young man had enough guts to turn himself in, get treatment, dry out and detoxify, then he certainly, in fact, will save his job for him upon return to the community. And he did rehire him upon release. Once the limited placement is tried, a ward becomes more trusting of the parole agent. A better rapport is established for future treatment process.

During a ward's brief stay at CRC, he will be placed in the general population. I have personally observed many wards in the CRC program. Each one has responded in a positive manner. I have never known a ward to be subjected to illegal or illicit activities. In fact, many YA wards are far more sophisticated than the adult residents. A ward may also receive proper medical; psychological/psychiatric evaluation, if requested by the parole agent. The evaluation for violence potential may also be requested, if he needs the procedure.

Near the ward's release date, _____ notify the

family and the way to transport the ward home and this goes into some of the mechanics of the release procedure. In all probability, heavily involved drug wards may need to return to CRC for a dry out at a later date.

Summation: This concept is not designed as a total panacea for drug addiction, but rather a control module to break the pattern of drug abuse. Additional input for changes may be needed. The law enforcement agencies I have dealt with, which include Colton Police Department, San Bernardino Sheriff's Department, and Police Department, and Redlands Police Department, agree that they are highly in favor of this concept.

And in closing, gentlemen, I'd like to share with you a personal item. In 1973, when Mr. Ray Procunier was the Director of the Department of Corrections, he advised the Narcotics Addict Evaluation Authority Board, that they, the four members of that Board, have saved the taxpayers about \$45 million in a two year period by adopting a limited placement program. He also stated that this Board had kept _____ Department of Corrections in the black for that two year period.

I appreciate your time and respectfully submitted...

CHAIRMAN CRAMER: I appreciate...this program was instituted in...has this program been instituted in some particular ...?

MR. STEPHENS: Mr. Chairman, I would advise, when I had written the program up and presented it to my supervisor, Mr. De_____, he advised...he took it to Sacramento, and nothing was heard. Finally, after about six months, I inquired

and I was told that I would be allowed to work this program out with the YA ward, but no one else could. I said, well, why not. Well, you're the only one who knows what's going on. And I said, "Look, you know, that really has no bearing on it. You have hundreds of kids using dope and ripping off the taxpayers, and it would be very easy and I'll be willing to train the agents and make specialists out of them and train them in this area and they themselves could do the job for themselves."

CHAIRMAN CRAMER: So that's just your personal program?

MR. STEPHENS: Not really. This program, as I said earlier, was adopted and followed up by the Narcotic Board that I was a member of back in 1968. It was my personal program that I worked out with CRC and my _____ in 1977.

CHAIRMAN CRAMER: It had never been experimented with before?

MR. STEPHENS: No, sir.

CHAIRMAN CRAMER: Are there any questions? Thank you very much.

Is Gary Ortiz here?

MR. GARY ORTIZ: Mr. Cramer, for the records I'm Gary Ortiz and I bring today with me numerous photo copies of some of the actions and records related to the Youth Authority concerning inmates and violence during a period of 1977 within say a three or four month period; those are the only records I would obtain. I was a CYA employee from 1973 until 1977 in November. During that period of time, I worked at four institutions. I worked at the Carl Colton, I worked at the Northern Reception Center Clinic,

I also worked at the Preston School of Industry and also the DeWitt Nelson Training Center.

I came here today because in 1977 I became appalled at the kind of violence that I was working in. I had worked where I thought was a maximum security prison at Preston and I thought at that point, that in my life I had learned enough on dealing with violence. I was then promoted from Preston to DeWitt Nelson where all around me I saw gang rapes, assaults, and I would say a form of pressure where the inmates pretty much ran the institution. At this point, what I proceeded to do was go through the CYA channels. And I began filing a series of safety grievances; safety for staff, safety for inmates. What began against me was a kind of process that I learned in the process of the grievance system; that a retribution followed every grievance that was handed back. I checked with other staff and I sought help from CSEA and they gave me representation. Some of the memos that I received from the State - from the Youth Authority - were really contrary to their established procedure.

Because of the number of stabbings and the number of violence that went on, the thing I found somewhat almost humorous was the fact that no record could be found of it, once it occurred. I, myself, witnessed a stabbing and I was asked to rewrite it, and I wrote it in such a manner as a person that was not knowledgeable and seeking some information. When I attempted to get information as to what had happened to the inmate that was stabbed, I was informed that I was not allowed to obtain that

information. I then went ahead and attempted to get the information as well by contacting the NCYC Hospital in Stockton. I was then informed that no one had been stabbed and that seeking any further information, I might get in a little bit of trouble.

I then contacted San Joaquin County General, and I found that there was no record of an inmate that had been stabbed. About a month later, I learned that the inmate was taken to the hospital and at the same time had been taken then to the Northern Reception Center Clinic. I think that I believe that the reason this was covered up was due, in part, to the fact that this inmate named Chacheris (sp?) had been previously stabbed about two months earlier right there at the DeWitt Nelson Training Center. At that point I began seeking assistance to look into what I felt were some of the abuses that were going on with the power in the system. I then went before Assemblyman Alister McAlister and also met with representatives from numerous offices in the state. I was requesting some form of an investigation in the Department of the Youth Authority. Now, I felt that a great deal of mismanagement was taking place and I also felt that it would be very good for the state if someone could come in and investigate some of the things that I believed were going on. It was just my opinion. However, I then began contacting some of the other institutions to find out that it wasn't just something inside of me, but it was something that others were seeing as well. We had instructions not to Mace individuals; we also were not allowed to have Mace on the units; however, there was - it had already been approved that we could

have the Mace. Policies were set up where we were not allowed to defend ourselves; we were instructed to counsel the wards and duck as they were swinging.

I'm a _____ green belt _____ and feel quite comfortable in an aggressive situation. However, all around me in the last institution I worked, we had six lock-up rooms with population of over 400 inmates. The average age of the inmate was 19.7. The majority of the inmates in that institution enjoyed some privileges that I believe some of us can't enjoy. Concerning drugs, drug usage, assaults, drugs, there was so much drugs inside the institution that what I had to do - just as one staff member - I had to call security in advance to be able to have someone there to be able to make a bust because I was not allowed to go up and disturb anybody's program. Although I was well aware of the fact that marijuana and other drugs were illegal. So if things...when I met with Senator Richardson; present at a meeting were myself, Ron Lucchesi from DeWitt Nelson, Dick B _____, who is a retired Senior Youth Counselor, Assemblyman McAlister, Rich Mason, Larry McConnell from Mr. Deukmejian's office, Jesse Huff, Ida Lowe, Mike Peterson, Joe Spangler, and this is the statement that Mark _____ wrote to Senator Richardson: From the statement of Ortiz, Lucchesi, _____: The major problem in the Youth Authority facilities can be summarized as follows:

There appears to be sufficient documentation and potential testimony by the YA personnel to support these allegations. Number one: Lack of proper lock-up facilities resulting

in problems with trouble makers and violent wards remaining at large in general population. To attest to that, when we had an assault wherein I saw one inmate go to another inmate and knock out two of his teeth, while that inmate was just sitting there, and I was personally instructed by my treatment team supervisor to write it up as a fight because that individual was going to be paroled. I did so. There were numerous assaults like this. I termed them assault and I may be wrong. Also, the individuals that did commit these acts were not locked up, because we only had six lock-up rooms. And those rooms were utilized for the most violent persons, someone attempting gang rape or stabbing. Also what would happen is the individual after he did commit an assault, such as this, and there was a case where the young man named Tony Vaughn. What happened was that Mr. Vaughn was then asked to leave the unit and taken to another dormitory, put in a sleeper category, which meant that he would no longer be assaulting someone there. Why the administrators have not requested additional lock-up rooms in terms of from our perspective, they want to build new prisons but they don't want to use some of the existing lock-up rooms and we do not understand why.

At NCYC Hospital, there was an additional 20 rooms that were always left vacant. We were not allowed to use that. We were informed that we were only to request that in a large scale riot situation, and even that approval had to come from Sacramento.

The next point: Lack of employee free speech. Reprisals against personnel for taking unpopular stands, lodging grievances, and approaching outside agencies on internal problems. I went

directly to the Attorney General's office and I was informed that the Attorney General's office could not look into any of these allegations because they were to represent the Department of Youth Authority in any civil action or any form of action. This was in 1977 and I have a letter from the Attorney General. I was then looking for an agency to go to. I also tried the Fair Employment Practices Commission and I tried the federal government. Everywhere I went, along with some of the these other people, we looked for someone to come in and investigate. What we did get were letters informing us that we were going outside the agency to seek help for problems the agency could handle and that by doing so, we were jeopardizing our position.

There was a destruction and modification of wards records by administration. Wards themselves had what was called freedom of information. They could go into the record, into their file, and if they found something that they questioned, they could request to have that pulled from the file. And there were no limitations on this. This sounds commendable, to give someone this access to information; however, it jeopardized people who had witnessed or been witnesses against them; it jeopardized a great many people in terms of the fact that the files were opened up and then the administration allowed the ward to do this without line staff approval.

Next point: Failure of administrators of personnel to report and record ward offenses and injuries in facilities. The rat packs in some of the race assaults and gang assaults and gang fights and knifings, we were prewarned, we were told in advance.

I have the documentation to show where the security personnel put it down on the security docket and informed...the administration was informed that a riot would take place and line staff members, youth counselors and group supervisors, we all grabbed our seats; we all know that more than likely nothing would be done. We, a number of us, requested extra security so that nothing would happen, or at least a lock-down, which was really unheard of in a six-room lock-up institution. However, we thought maybe if the dormitories could be closed on the very following day race riots or riots broke out between Mexican-Americans and Blacks or Whites. And in each case, the administration was informed. I just have documentation, you must understand, of only a four to six month period. This was a continuous thing. And I was told that reporting of this type of information was against the law. And I could be held liable. The administration that I approached along with numerous other people stated to us that these were matters of great concern to them, however, they were unwilling to take the kind of steps that we requested. Failure to take action on or report known outside criminal behavior of wards on furlough; the Department chose to look upon the line staff members' information as nothing more than a nuisance. We specifically - in my particular dormitory - we had a work furlough program. Individuals told me what was going to happen beforehand. I supplied this information to my superiors and I was told that the individual would still be allowed to go. I had one ward who wrote a request to please not let me go on work furlough because if he went on work furlough,

he would have to rob the place where he worked. And if he didn't do that, he would be pressured and raped. So I asked him to please put this in writing and when he did so, I went up front and I photo-copied it. I put this original to the Assistant Superintendent and the Superintendent and a photo-copy to Pearl West and what came back to me was that the individual, that in all probability, the individual was lying. I then went off on three days and when I came back, he was busted at the Com Center.

The drug activity...

CHAIRMAN CRAMER: For robbery or theft?

MR. ORTIZ: For theft, yes. And the thing was that he reported it right there at the Com Center and said I had to do it. I told you I had to do it. The homosexual activity, the drug activity, the blackmail and the extortion that goes on is largely overlooked. I feel that line staff members can try to seek assistance from legislators; however, they don't have a freedom of speech. Even when they bring the information out, they jeopardize their very pensions. I had a gentleman who told me that he was not willing to come here today because he's already been forced to retire on a medical and he felt that that could be taken away from him. His name is Mr. Dick Shifts (sp?). There are numerous staff who would be willing to come forward, however, it's been a consistent thing with the Youth Authority, that even in filing grievances, the Youth Authority listens to the grievance, they decide on the grievance, and there is no outside arbitrator. The outside arbitrator, in any staff member's particular case, may be someone coming down from Santa Barbara,

a Parole Agent III still within the Department, you don't go outside.

There was frequent, unwarranted reduction by supervisors, of offenses from a Class B for more serious, to Class A, less serious behaviors, for crimes committed in the facilities. Largely, due in part, we believe, to the Youth Authority's reluctance to go outside courts for serious crimes. And, instead, using the DDMS, (disciplinary decision making process). While commendable, however, it promotes the violence that goes on inside Youth Authority prisons and it is also covered up.

CHAIRMAN CRAMER: Would you excuse me just a moment?

(Noises in the background, furniture moving, etc.)

CHAIRMAN CRAMER: I apologize for that interruption.

MR. ORTIZ: That's alright. To proceed, I believe that the line staff supervisory staff members are not afforded the support from management or administration in disciplinary efforts against wards. Also, repeated insubordination, threats, and assaults by wards against line staff. Now, there are some changes taking place, however. During that period of time, we were instructed that unless you got punched, it was not an assault. Unless there was something bloody or unless there was some real harm, any shoving around, or any enforcement, or person blocking you from your duties to...to enforce your duties is not really considered an assault. Even if they put their hands on you. Consequently, I challenged that and stated that there was a lot of violence, that I was assaulted in many cases, or pushed and hampered from performing my duties. The assault

that took place, for instance, and the threat that went on, they were considered part of the job. Frequently, we protested early release, and furloughs for wards who had bad behavior reports for misconduct and offenses. Sometimes heavies were released or furloughed in order to remove them as a source of trouble within the institution. I don't feel that's helping the State of California to release individuals early because they're a problem for us, and they were considered quote, "short".

In one particular case where I was assaulted by a 24 year old individual who should've, by rights, been in the Department of Corrections. I was informed that he was going to be released in less than a month and that to write it up and that some action would be taken. I submitted for investigation this individual, with two other home boys, had already assaulted, at least, two wards on the dormitory which had been dropped from level B's to fights. This was something we had compromised on; I didn't have any choice on the compromising. However, these two fights, as they were, this individual was then furloughed approximately one month later and then from there ultimately released. There are numerous problems within the Department. I only hope that some of the things that I will point out will be looked into. One of them is the impact of the federal government's protective custody cases coming into the CYA. We found, as staff members, that the federal government sends numerous PC cases from their institutions to the Youth Authority institution. And these individuals could not be reprimanded for

the crimes they committed, or for the infraction as the Youth Authority states. The DDMS process that was not used during that time, the rat packs that went on against individuals with the current DDMS system, if four individuals rat packed one individual, they, the aggressors, can be witnesses against the victim, and consequently, get the act dropped. Not in every case, but in numerous cases, my documentation supports that as well. It is unpopular to go directly to the Superintendent, or outside agencies, to try to correct some of these situations. I went outside of the institution to Pearl West in every letter. I went from there to the agency secretary, Mario Obledo. In each case I documented. In each case I was reprimanded. For one reason, I broke the chain of command, for another, I went outside the agency. The Youth Authority has power to investigate and police itself and this continues to be a prime reason why the Department, I feel, cannot be cleaned up. Too many staff members are afraid to come forward for fear of losing their jobs. I don't believe that's the case, however, when I went to try to get a case for a hearing. It was 1977. And, out of all the institutions we contacted, only three people were willing to lose their jobs.

The Youth Authority hides behind the wing of the Attorney General's office in stating that no matter what situation you bring up to it, it will be investigated by the Department. The YA can completely promote people and predetermine who will fill careers. They completely have the power to utilize funding sources in numerous ways and due to these facts there is a great

deal of loss of morale. The civil service practices that the Youth Authority uses in one case, well in numerous cases actually. One of them is called the "transfer hold", which while illegal and nonexistent to the State Personnel Board, there have been at least six people who've been placed on these "transfer holds". You cannot transfer from one institution to another.

CHAIRMAN CRAMER: You're locked in a probe in a particular office?

MR. ORTIZ: Yes. There's a reward for bringing forth information against another staff member generally by promotion. I, myself, in 1965, was asked to compile information against a staff member that was undesirable at that point. I stated I would not make up information and they stated, "Anything that you can bring to us will be very helpful." When you wish an investigation to take place by going to someplace...well, when you approach someone and say, investigate this department. Any investigator sent, for instance, at least to my knowledge, CSEA in particular, has gone to the institution. And what has happened is the Superintendent has stated, "We don't have anyone here who wishes to speak to you." And so ends the investigation. In 1977, there was a kitchen worker who was assaulted in the DeWitt Nelson kitchen. She was told by a violent inmate that she was going to be killed by him. She requested that he be taken off the kitchen duty. The TPS, the promotion supervisor at that time, stated the ward would be held back from the kitchen that day until he cooled off. The following day the inmate went back and threatened her... threatened her again. She then went out and contacted a lawyer

who then proceeded to speak to the Superintendent. The Superintendent informed him that if the individual felt so frightened, she could always resign. This particular individual, I gave her phone number and I spoke to her personally and gave to Mr. Mark Tanger who spoke with her. She was afraid to come forward, she stated. If she was subpoenaed she would speak, but only then because she was afraid of losing her job. Most employees are asked, if you have trouble makers for instance, to either demote or resign. Basically, you are allowed to use the grievance procedures, but as I stated before, you can only use them so far and there is no outside arbitration.

My main concern is that the crimes that are covered up inside the Youth Authority are so difficult to find. I mean it's almost...you have to find a staff member, a line staff member, who is willing to jeopardize his or her job and come forward, document the information for you and then you have to have the authority to go in there and purge the files. Otherwise, in many cases such as I've seen with the Youth Authority people bringing the Youth Authority to the task, the Youth Authority itself investigates. In my particular case, I contacted Senator S. I. Hayakawa and numerous others and they stated, "Well, we'll look into the matter." The Youth Authority, (they) responded by saying, "Well, we don't have any problems within our department."

CHAIRMAN CRAMER: Were there any prosecutions in the courts during the time that you were assigned to the four institutions you worked at?

MR. ORTIZ: To my knowledge, no. The only cases that

were being tried at that time were two cases down on Tamerak, for instance, of brutality from staff against an inmate. The inmate was 230 pounds and very violent and five staff members, he alleged that five staff members, broke his arm. There were no known cases. At least I have no knowledge of any cases where an inmate was taken outside to outside court. I believe there may have been one that was discussed and the individual was handled through the DDMS process for attempted murder and stabbing. However, we were never informed or allowed to find out what exactly occurred in terms of, you, know, in a situation, we were just not allowed to. We were also not allowed to put down known affiliation with Mexican Mafia, Los Familia, Black Guerilla, none of that. We were not allowed to do that although we strongly believe that that existed and at the present time the Youth Authority now has gang specialists. At that time, we had requested it many years prior to this.

Most of the acts that take place in Youth Authority institutions are known to the staff members, however, they have no place to go. They're not really sure where they can go. They know that if they go downtown Sacramento, what is going to take place. The other things that I personally feel that are hurting our state are not just the Youth Authority itself but the fact that the Department's using Sacramento County and San Joaquin as dumping grounds, which many of the staff members know, dumping grounds for almost all of the ex-felons and pre-early release. We knew of many cases where individuals were given 1-1/2 year time cuts. They were murderers, they were involved in what we

felt was a prison gang, they were responsible for drug usage, for gang assaults and they were still given predetermined release dates. Sacramento, San Joaquin and numerous others; we saw it piling up. We were informed that most individuals, even from the Bay Area, were going to be released to Sacramento. There was very little that we could do.

CHAIRMAN CRAMER: Why would they do that?

MR. ORTIZ: Basically, we think because Sacramento is a large metropolitan area and we felt that possibly due to the fact that we had so many agencies here. We believe that maybe it was because it was a very rich county and it was the capital of the state and possibly in some way it would be the best place to release these people. We weren't really sure.

CHAIRMAN CRAMER: You view that to be a policy decision by the Youth Authority or is it your opinion?

MR. ORTIZ: It's probably my opinion at this point. But, it was one of the things that many staff members were unclear about as to why Sacramento and San Joaquin were the only ones generally recommended; and why not placement where the individual came from? First we were told that it was because the Department didn't want the Youth Authority...didn't want the inmate to go back to the same area where he came from which makes sense in some respects. However, there were large numbers being released there.

CHAIRMAN CRAMER: When was that?

MR. ORTIZ: This was all throughout 1974 through 1977. Within the budget, we questioned a number of things. The budget

of the Youth Authority, 220 million dollars, then we questioned why so much was utilized for equipment when very little equipment was allowed to be used. Concerning primarily the equipment such as Mace and GD-33. We wondered why for instance, it was possible for the Department to continuously request this kind of funding and yet why security personnel were told don't use it unless you absolutely have to and we prefer that you didn't. And in many cases a process was set up where for abuses I guess where you had to fill out a form to protect the Department while using...while using Mace for instance. It was a discouraged policy. A policy where it was discouraged to use...you were discouraged to use any Mace. In many cases what you were supposed to do was try to fight the inmate and in many cases these inmates really should have been under the Department of Corrections.

CHAIRMAN CRAMER: Are you near the end of your testimony so I can rule?

MR. ORTIZ: Yes. In closing what I would like to say is that I will leave, today, documentation for you to file through and see if some of these allegations that I have made are truthful, based on the documentation that I've presented for you.

CHAIRMAN CRAMER: All right. If you leave that with the staff. I was interested in, you tell me that you'd filed a number of safety grievances?

MR. ORTIZ: Yes, sir. The grievances, for instance, where we had a situation where we wanted the inmates locked up and we knew a pending riot was going to come forth. Or we knew, for instance, of some violence that was going to come down. We

asked for lock-up facility use. The safety grievances were supposed to be answered within a 24-hour period. Primarily I stated that it would be nice if they built 20 rooms or made 20 rooms or got 20 rooms from somewhere.

CHAIRMAN CRAMER: That was the nature generally of the grievance that you filed?

MR. ORTIZ: Yes, the majority of them. Well, one grievance I filed because of...well, my annual merit salary adjustment was denied and numerous other things. And one grievance I filed was to be allowed to talk to my Senators, Representatives and Assemblymen and I won the grievance after I was dismissed.

CHAIRMAN CRAMER: If you would give that material to the...Is Mr. Shaner here? Robert Shaner?

MR. ROBERT SHANER: Don't be alarmed with all of this. This is for demonstration purposes.

CHAIRMAN CRAMER: All right.

MR. SHANER: I might just add while I'm getting prepared here, I am from Alameda County. I'm Bob Shaner, the Chief and pursuant to the grandfather issue, I was generally involved in some decision making that went on at that time. And, as I recall, we became very much aware that the standards for juvenile hall were going to say that Alameda County, who had built a juvenile hall, were hoping...I mean complying with the standards, would be out of compliance. And we said that we would...

CHAIRMAN CRAMER: Excuse me, sir. We've gone to a bit of trouble to put a tape system in and it would be helpful if you would speak to the microphone or near it so that the tape can work.

MR. SHANER: Oh! I'm sorry...okay. I'm sorry.

CHAIRMAN CRAMER: Would you start with putting your name on the record, please?

MR. SHANER: Yeah-uh, Robert Shaner, I'm the Chief Probation Officer, Alameda County.

CHAIRMAN CRAMER: Okay, thank you, sir.

MR. SHANER: And back on the issue of grandfathering. It is apparent that the four counties that were grandfathered in surround the Bay. And it was our position at the time that we would oppose any imposition of standards if it meant that the juvenile halls that we had constructed years before, that met standards, would then be out of compliance. And, I suspect that is probably the best explanation you'll have.

CHAIRMAN CRAMER: So at least you're happy.

MR. SHANER: Right. My peers are always making derogatory remarks about our county but we understand. Well, anyway, I'm here today to speak about the Delinquency Prevention and Community Corrections Branch of the Youth Authority. I notice that it has "Community Relations" in the agenda and that is not correct.

I go back 34 years as a probation employee and I am acquainted with the work of Holton, Stark, and Breed, and West, and I have a lot of high regard for the work that the Youth Authority has done in past years and the support of local corrections. However, today this branch of the Youth Authority that, I think, helped in pioneering of corrections in California, in my opinion, is no longer really necessary. And the reason for that is that local corrections has grown. They've developed their own expertise

and the services that this branch offers to local correction, really, are unnecessary and redundant. We're talking about personnel and the headquarters that 26.7 positions and in the field offices 38.2 positions, according to the budget figures, that we had access to. It's my contention that what this branch does is primarily public relations and when it isn't public relations, it's really involved in bureaucratic oversight of programs that really do not need this level of state oversight. One of the functions of the branch is to offer technical assistance to 50 probation departments and other local community organizations. Now I cannot speak for the community-based organizations but I know that in speaking to my fellow chiefs, it is a rare occasion that I find any of them that have made use of the work and the assistance of these field reps and consultants that are out there in the field to serve us. I've spoken to a couple of chiefs of police in Alameda County and they think that the services that they're being offered are kind of a big joke. The reason I'm speaking to this point today is that as the funding problems in the state grow more acute and the state budget becomes a problem with a need for increased taxes and I know that my probation department survives because we get money from the state, I want every dollar that can be made available to be available to corrections in California and not being spent on bureaucratic foolishness. One of the other issues that I spoke to Pearl West with, a couple of years ago, was one of the functions of this branch. And that is the awarding of \$200,000.00 in delinquency prevention grant money to local corrections. And my issue with

this was that the branch would send out RFPs to judges, probation officers, delinquency prevention commission, justice commissions and the like, community-based organizations asking for them to bid for this money. Well, I know that \$200,000.00 is a lot of money, but if you really look at it in terms of what you can buy with that today, it doesn't buy very much when you're talking about your personnel expenses, inflated cost and the like. In our department, this would fund about six positions for one year. My issue was...is that through all the red tape, through all the screening process, the only ones that made out were the staff of this branch of the govern...of the Youth Authority that were gaining recognition and support and justifying their jobs in the process of orchestrating all of this paper work. And that the paper work probably was more expensive to the state than the amount of money that was going to local corrections. My experience in observing the work of this branch has been that it's primarily a public relations function. The consultants attend conferences, they attend meetings, they don't really participate and contribute and that it's a costly, unnecessary expense that we should take a good look at.

Now, some of the work and some of the things I've brought here are some of the publications that are put out by the branch. For example, this is one that we received here a few months ago and it says, Delinquency Prevention Theories and Strategies and it's published by the Youth Authority at Youth Authority expense, has their logo. But what they have done is to take a research project that was done by someone else, put their

cover on it, reprint it, and sent it throughout the State to people, to probation officers and the like. Likewise, for the guidelines for the evaluation of delinquency prevention programs. It's my contention that this is unnecessary expense and someone should take a good look at it to see whether or not it shouldn't be forbidden because of the expense involved. I understand now that they have stopped publishing the Youth Authority Quarterly, but this was primarily a public relations document that was published by the Youth Authority. The articles were all written, by and large, by Youth Authority staff, and it was a kind of "toot your own horn" sort of program. It was offensive, especially when you look at the cost of producing something like this. The last issue which was a gigantic, beautiful public relations issue, which says, Forty Years of Service to California and Aren't We Great. And the whole thing is talking about how much we've contributed to corrections and how beautiful we are. But those were years ago and while we're looking at the tight money and it's no longer the thing to do especially with the way the taxpayers are rising up in arms over foolishness in government.

One other booklet that I questioned was, it's a book entitled The Value of Youth and it has a forward by Pearl West. And the reason I was attracted to this was because every time I would go to a meeting, I would see the Youth Authority consultants passing this out like, they had two or three boxes, they had to get rid of. And the booklet is...it cost \$5.75 and I had some real questions about where the money came from to buy all of these books because they seem to have a little difficulty getting

rid of them.

Now earlier today I listened to Mr. Keldgord and Mr. Fischer speak and I wanted to say that I concur with what they said and I appreciate their concern about Alameda County being grandfathered in and it does seem a little inconsistent. But not enough that I want to change it. However, I do take issue with the fact that this branch, who I think is largely responsible for all of that foolishness, is involved in this inspection process. And I had the audacity a couple of years ago to get our county to introduce some legislation that would say that the Youth Authority did not have to do that. You'd have thought I stood up in church and said I'm for sin because the proposal didn't even get a motion to pass out of the Criminal Justice Committee. I think the personnel was a little different at that time. However,...

CHAIRMAN CRAMER: I'm sure that's very true.

MR. SHANER: I take the position that we have the Grand Jury inspecting us each year, our Juvenile Justice Commission, the Health Department, all those that they spoke to and we are inspected to death. And it just seems to me that is sufficient and it isn't necessary to have another branch. Another item that was of concern to me was the whole issue of AB 90 and I know that AB 90 is going to be dealt with by other, in another fashion in the Legislature. But I just wanted to say, though, that when Prop 13 came down and I was a new chief in Alameda County and I got a call from the Youth Authority saying help is on the way, we're going to develop a subsidy bill that will help you and I

was very, very excited about that because I was looking at laying off 150 people and so it looked like help was on its way. The old subsidy program, that was the symbolic assistance to all police in the state, was going out. But what came back in terms of the AB 90 savior, life saver, was the current subvention bill that just is a lot of bureaucratic foolishness. This pile of paper, which I almost ruptured myself bringing here today, is our probation department's part of the plan.

CHAIRMAN CRAMER: I was Chairman of the AB 90 Committee in my county.

MR. SHANER: So you know.

CHAIRMAN CRAMER: Yes, sir.

MR. SHANER: Okay, well anyway, just in closing, I know that you're behind schedule, but I have been for the last year and a half been raising my voice saying, "Someone should take a look at this." I really think this is something that the Youth Authority should look at themselves. They should come into the 20th century and realize that this sort of foolishness is no longer viable. I would like to suggest to the new director and to this Committee that everyone be urged to take a look at it and to try to phase it out in a rational fashion. To say freeze positions in the Youth Authority until the people who are involved in many of these activities are given other jobs in the Youth Authority. I know that some of what the branch does will have to be continued. You just can't say wipe it out. But it seems to me, and it's the concensus of my fellow chiefs, that it's foolishness, that the time has come and gone and it should be addressed

dealt with.

CHAIRMAN CRAMER: If we took AB 90 as an example of a program away from the Youth Authority's responsibility, where in government would you place it?

MR. SHANER: Well, it seems to me that at some point the State Government has to recognize that with Prop 13 local corrections is not going to really exist very long without some state help. And it would be my proposal that there be some equitable way of providing a subsidy to local corrections because, as you know, in our county that subsidy goes to regular probation supervision, not special, not intensive, it goes to support our camps, it supports the D.A., the public defender, home supervision. And so there's nothing very...well, we do support a couple of half-way houses but we did that, well, it's a long story. But we did that to make some revisions in our plans where it would be suitable to the Youth Authority. It was...and Mickey Mouse but it got us approved. But no, I think the money has to come from the state to the locals. It should come without a great deal of bureaucratic overhead and foolishness and it should be money that's set aside for certain criminal justice programs and if the money is used for that then there should be no questions asked.

CHAIRMAN CRAMER: You would prefer a system whereby the Legislature decides what money to send you and ties strings to it? Is that what you're saying?

MR. SHANER: No, I'm saying that there should be some amount that would be set aside for counties based upon their

population or in terms of what sort of criminal activity they have going in those communities. I know that there is a difference from the urban area to the rural and that you would say that based upon some criteria a certain amount of money would come to subvent the justice system and then as long as the money is sent, for example, if you wanted to say, and this is terrible for a probation officer to say, but maybe one of the things that would protect the state more than anything else is to spend some of the money on jails. To send someone on probation supervision to in-home supervision. There are a certain number of programs that are going to need to subsidize in order to...just to exist. Mr. Cramer, that completes my testimony unless you have some questions.

CHAIRMAN CRAMER: No, sir. I think I got your point. Thank you very much. Is Maurine Crosby here?

MS. MAURINE CROSBY: Good afternoon.

CHAIRMAN CRAMER: Good afternoon. How are you today?

MS. CROSBY: I'm fine and everybody left. Shall we proceed?

CHAIRMAN CRAMER: Yes. Would you catch up on some? Okay, thank you for your patience. If you would proceed to state your name for the record, please.

MS. CROSBY: Thank you. My name is Maurine Crosby. I live in the town of Sutter Creek in the State of California. I was a member of the California Youth Authority Board from August of 1974 until February of 1979. We know there have been changes since that time and the information that I present to you is based on my knowledge of the operation of the Board during those years.

There is no doubt in my mind that there is an aura of mystery around the Youth Authority and around the Board. I found during my travels that there are many people in the state, and surprising enough, many in the Youth Authority staff, who have no knowledge of what the Board is or what it does. And I was especially shocked to find that even members of the Legislature, some judges and some people in probation departments were not informed of what the Board did. So I would like to take a few minutes this afternoon to tell you some of the things that the Board does.

As you know, with the formation of the Department in 1941, there was also established the Youth Authority Board. The W&I Code states that the Board is responsible for recommending treatment programs, granting parole, setting conditions of parole, determining violation and ratification of parole, returning of persons to the court of commitment for redispotion by the court, and finally discharging wards from the Youth Authority's jurisdiction. At that time there were eight Board members; one of whom was Chairman of the Board and also Director of the Department. And this, of course, has now been changed. There are seven and one of whom is appointed as Chairman by the Governor. Board members are appointed by the Governor for four-year terms on a staggered basis so that the terms of two members expire each year. However, in the past, a member remains until either reappointed or someone is named to the position, and appointments require Senate confirmation. Wards who are sent to the Youth Authority start their career at one of the YA clinics where he or she goes through a process of interviews and testing. A file

is compiled consisting of information through testing at the clinic as well as prior arrest information, court documents, probation reports, perhaps even psychiatric or psychological evaluations. This takes several weeks. And then the staff who have been involved with the ward meet and make a recommendation for his treatment. This recommendation may also be to release him to parole. The ward at this time meets with the Board and this will be some combination of Board members or Board hearing representatives. Two people will review his file and interview him. They will write an order recommending where he goes for treatment, when he is to return to the Board, and the reasons for whatever action they take at that hearing. The Board has a basic policy for serious crimes. The W&I Code also says that the ward must be seen at least once a year. If he becomes involved in serious disciplinary incidence, he must be returned to the Board for another hearing if the staff recommends a time be added. Each Board appearance, for whatever reason, is tape recorded. Very serious crimes are designated full-Board cases which means they are seen by three people instead of two. After completion of a program or when the staff wishes to recommend he be paroled, the ward is again returned to the Board. And this can be at any time prior to the date set at the first hearing. It used to be that once referred to parole the parole agent then worked out a plan as to where the ward would live, with whom, what he would be doing and would return it to the Board for approval. But somewhere along the line this was changed so that the plan was presented to the Board at the same time they, the staff, were

asking for referral to parole. This also enabled the Department to get rid of the young man or woman 30 days early. Of course, once out in the community, the ward is not always successful, and if he violates his parole, he must be presented to the Board for a hearing to determine whether or not his parole will be revoked. If he is detained, these hearings are held in the jail or juvenile hall where he is held. In these hearings, if he is not able to defend himself or is indigent, he can be given counsel paid for by the Youth Authority.

CHAIRMAN CRAMER: Has it been your experience that that's the common practice?

MS. CROSBY: That the ward received counsel?

CHAIRMAN CRAMER: Un-huh.

MS. CROSBY: No, I'd, it was common, but I'd say the majority of the cases did not receive counsel.

The ward may be discharged at any time prior to the expiration of the Youth Authority jurisdiction and whether it is an honorable or dishonorable discharge depends on his actions within the institution and also on parole. In addition to the daily hearings, the Board members serve on various committees and task forces and someday I'm quite certain the Youth Authority will undoubtedly have a task force to investigate task forces. The Board members also meet together once a month to determine policy and take action on cases appealed to the full Board on bulk. Shortly before I left the Board there was pressure on the Governor to increase the length of stay within the Youth Authority, and this policy was voted in. But there was also adopted an appeal system which enabled every ward to be released

earlier if the full Board overturned the prior decision. Now I would like to make one very strong recommendation to you and that is that you consider removing Board members from the political arena. I believe that they should serve a four or six year term and be replaced. People have been appointed to the Board in the past for some political reason or another and that person has no idea of the amount of decision making processes or the amount of travel or the amount of work involved. And I can also tell you, from my own experience, that it does become somewhat difficult to work after the expiration of your term when you do not know from day to day when the decision will be made to either replace you or reappoint you, and because many Board members want to be reappointed, I believe that a lot of time is spent "politicking" in an effort to be reappointed, and I think this interferes with their duties as Board members. I believe that some staff members see Board members as strictly political animals and therefore resent them, and this can lead to what I might call "game playing". I think it sometimes results in reports that are not always accurate. I think that it can result in Board shopping, whereby some staff member may try to schedule a ward before a Board known to be lenient or tough depending on the decision desired. And, I also believe that the central office has been known to place a ward on a certain agenda or calendar so that he could be heard by certain Board members. And Board members have also been known to game play requesting to review the cases of certain wards and also to see those wards. The Board must rely on the information presented in the report. I once had a ward tell me

that he had not been involved in the program the report stated and when I asked why he said his counselor put it in because he thought it would look good. I do believe that most staff people are very responsible and professional individuals and I believe that that is also true for most Board members. That there have been a few bad apples can spoil the whole batch. I think there is a paranoia in the Youth Authority. For example, Board members were asked to submit reports each month and one of the things they were asked to indicate was the names of people in the community with whom they had discussed Youth Authority. And for a time when I first became a Board member we received notices of all violent incidences within the institutions or if a parolee was arrested for a violent act such as murder, rape, or armed robbery and these were stopped. And when the Board asked why we no longer received any information we were told that they were afraid that it would be leaked to the press. So these things tend to perpetuate that aura of mystery around the Youth Authority. I certainly have touched briefly on a few of the things that the Board's role is with the Department. If you have any questions, I'll be happy to answer them.

CHAIRMAN CRAMER: I was wondering if you have an opinion and if you don't that will be it.

MS. CROSBY: If I have an opinion?

CHAIRMAN CRAMER: Yes, I was going to ask you...I am going to ask you a question and if you have an opinion I'd appreciate your response and if you don't, so be it.

MS. CROSBY: I usually have an opinion.

CHAIRMAN CRAMER: I had that impression and I don't think that's bad. But they've divided now...

MS. CROSBY: Correct.

CHAIRMAN CRAMER: ...the Board away from the institution itself and based on your experience, do you have a feeling as to whether that's good or that's bad.

MS. CROSBY: Of course, I did not have the opportunity to observe it after the split was made. I felt that, and at the time I was on the Board, the Chairman, who was also the Director, rarely ever sat with the Board. Therefore, the only time we ever really had an opportunity to get together was during the Board meetings. I felt that at that time he did not, he or she, did not understand some of the problems faced by the Board. However, I did feel it was beneficial if a case, a point, was made or raised at a Board meeting the Director/Chairman could frequently provide information which enabled us to resolve the problem.

CHAIRMAN CRAMER: While you were a part of this CYA institution, did you feel a part of the policy making in terms of your decisions to parole or not to parole? In the sense of discipline within the institution or discipline on parole, did you feel that you were a part of that?

MS. CROSBY: Did I feel a part of the discipline?

CHAIRMAN CRAMER: Of setting those standards.

MS. CROSBY: No. I think that what happens is that the Board sets a policy and it is written on a piece of paper and it goes out to all the institutions and then along comes the Board

who then says, but this is what we say but if you feel that you should do this then you come and bring this ward; I think it's a double message. We're saying you must be strict by our policy and then on the other hand we say but if tomorrow you feel this person is ready for parole we will be happy to talk to him.

CHAIRMAN CRAMER: Did you feel that you were in an adversary position in terms of the material that you received? To make the decision to parole or not to parole? Adversary in a sense of the staff?

MS. CROSBY: No, I don't think that I felt that I was in an adversary position. I personally made my decisions on the information in the file as well as on the report presented by the staff. I believe that there were other members of the Board who based their decision strictly on the information in the report given by the staff at that particular time and never bothered to open the file to see what else was in there.

CHAIRMAN CRAMER: Would there be other information, based on your experience, that would have been useful to you to have to make a parole decision?

MS. CROSBY: Yes, I think that in making that kind of decision one should certainly take all aspects of the ward's past performance, arrest record, all of the information I think should be included before you can make a decision to parole somebody. The ward in the Youth Authority institution might have been a hardened-upon-sterling character but for three or four months and then walk right out the door and kill somebody.

CHAIRMAN CRAMER: Yes, I understand the basis for

people wanting to give parole on its performance basically...

MS. CROSBY: There's a real con artist in the Youth Authority.

CHAIRMAN CRAMER: They're not limited to the Youth Authority.

MS. CROSBY: I feel I've met a few.

CHAIRMAN CRAMER: So have I occasionally. I much appreciate it. Is there anything else that you'd like to touch on?

MS. CROSBY: Not unless you have further questions.

CHAIRMAN CRAMER: Thank you very much.

MS. CROSBY: Thank you for the opportunity to come.

CHAIRMAN CRAMER: I appreciate your coming. I'm going to deviate a little bit from the agenda and ask if Mr. Fitzharris, I know is here. Would you come forward now.

MR. TIM FITZHARRIS: Mr. Chairman, Tim Fitzharris, the Santa Clara Director of the California Probation, Parole and Correctional Association. What I'd like to do is go through this report which I know was probably the worst thing to do in a legislative hearing. On the other hand, four years ago our organization as the professional association in this field felt some of the kinds of things that initiated your subcommittee's concern on the same area. In other words, the changing nature of the population and so on and we decided to put together a group who was independent of the Youth Authority, as a matter of fact independent of government generally. To look at what the role is and ought to be in terms of the Youth Authority and basically what we have here is the end result of a year's work

of an independent committee. When I say independent, as you can tell right at the outset, there on the first pages, it was Chaired by a judge from Fresno County Superior Court and a representative of the Juvenile Justice Commission, the Sheriff's Department of Los Angeles, a Legislative Analyst, a member of the Legislature, a public defender representative, a probation representative, a representative of the Governor's Office, the Juvenile Probation Department's representative, and ex-offender, Chief Probation Officer, representative of the PTA, and a District Attorney representative; John Van de Kamp of Los Angeles. And that was the committee that we held together for a year under a grant to look at, from the outside, the needs and the condition and the changes in the Youth Authority. In addition, a lot of other kinds of research was done in terms of interviewing staff, looking at their documents, and so on, but what this does contain in the back which I won't bore you with but a survey out to the field. We asked all presiding judges to answer a questionnaire, all probation chiefs, commission members, all sheriffs, 50 chiefs of police and all district attorneys. As a matter of fact, you might have even answered one of these yourself.

CHAIRMAN CRAMER: I did.

MR. FITZHARRIS: Back four or five years ago or so you probably know what we asked and what the results were and I'll get into that just briefly if you'd like. But these questions, or at least the proposals, and by the way, they're the proposals of the committee and although now we subsequently endorse them, they were not our recommendation originally. The opinions of

the, the surveys were not scientifically done so if we want to defend t-em per se, but we did validate them based on the results going back to the field. The police representative would take the police responses back and see if that's pretty close to what he things...police feel generally about the Youth Authority and so on. And the areas that we looked at I think are mainly the areas your first hearing and your second hearing are asking. For example, the separation of the Parole Board and the Youth Authority or determinant sentencing in the Youth Authority and some of the various kinds of issues that probably have a legislative focus more than some of the other kinds of issues, like employee issues, security issues and so on. So, what I would like to do...again, I apologize for walking through it this way, but I think it might be...they're very short and I just think it might be helpful to do it that way.

The first recommendation, which starts on page five, is one that was embodied in the Presley bill passed this year that was the changing of the purpose of the Youth Authority to emphasize the public protection, as clearly the primary purpose. We thought that was the major recommendation although there's some very significant ones following. But it really begins to show the emphasis that the Youth Authority needs to take and that would then, administratively, flow to other kinds of things; the date-pass issue you're facing, parole questions, release decisions, and so on. Security of the institutions themselves and so on. So, those would spin out hopefully from that change. Although it's a nuance of change, we think it's a significant

one.

The second recommendation is one that probably faces all of us. It faces, or at least it's embodied in some degree, in the David bill this year (363) which is a minimum term for murder. It begins to raise the issue of indeterminate versus determinate sentencing for minors. This committee looked at that as a major issue and settled on, although there was some argument about it, but settled on the decision that indeterminate, or to put it another way, focusing on the minor, is still important at this phase -- as against the Department of Corrections and the adult system focusing on the act, the choice, and so on. This is basically, in our view, the one last crack at doing something significant even though it's in an institutional setting, to focus on the minor, his needs, training and treatment, and so on while still in the context of the public's protection mode. So, as it says here, "pre-assuming proper management," which raises some issues, the benefits of indeterminate sentencing out-weigh the rigid determinate sentencing format of the adult system.

The third recommendation is probably the most controversial and one that we've struggled with too. I must warn you that we have not costed-out this one and there are other analyses of it. Let me present it to you as the beginning of some discussion around some changing in the system. What this recommends is that there be a second tier created within the Youth Authority for those committed either from adult court on remand -- that is, the 16 or 17-year olds that have been remanded as unfit, or the

18 to 21-year olds who've come from the adult court and were committed to Youth Authority. They will be handled separately and separated from the Juvenile Court commitments. Most importantly, and also the time frame, the ability to hold them longer will also be changed in this three-deep proposal here. Probably the most controversial part of that is the three-C proposal, and that is that the court, in this case, Superior Court, would have the power in such cases to impose a minimum parole eligibility date which must be served up to, but not exceeding, one-half of the maximum term which can be served as an adult in the Penal Code. Now, our organization suggests one-third rather than one-half in this case. But what we're basically talking about here is that the trial court have a little more control, still in the context of indeterminacy, still in the context of treatment, training and mental health programming and so on. But, the trial court have a little more control about that release date. Now the trial court doesn't have to do it or they choose any time up to between the one day and the one-third. Likewise the Parole Board kicks in at that point then and can decide to release immediately after that one-third, or continue it on beyond that point.

CHAIRMAN CRAMER: I was wondering why would the courts have special information about an individual who is going to be three years older in the sense of deciding that he's going to have to serve the three years, or whatever the number happens to be selected, when the prison or the CYA people are going to be dealing with that individual on a daily basis?

MR. FITZHARRIS: Why would the court be in a better position to do that?

CHAIRMAN CRAMER: Yes. Why would you take that discretion away from a parole board?

MR. FITZHARRIS: Well, you know, the indeterminate model is, of course, based on the fact that these people have better control. But this is kind of a balancing situation -- trying to find a middle ground and still leave that institutional situation there. Give...you know, we're talking here about public protection on the one hand, equity, and serious older offenders on the other. So, it's kind of a balancing thing; we're trying to meet some middle ground between indeterminacy on the one hand, and some control at the local level and the trial court level on the other.

CHAIRMAN CRAMER: Is it your political judgment that you think there's going to be that much pressure on the determinate sentencing system being imposed on the Youth Authority?

MR. FITZHARRIS: I don't know. I don't know that. There are guideline systems being proposed in several other states that suggest that that might be the case. Our two sister states, Oregon and Washington, are already there. So, which is another model to look at, you know. We wouldn't suggest this one over that one necessarily. It's something the Committee might want to study and take testimony on. We are still recommending the indeterminate model which is different than the guidelines model of those two states. Okay.

The fourth one is that the Youth Authority continue to

strengthen and expand programs in the Youth Authority for those committed for emotionally disturbed situations. Basically, we're saying that the mental health system is failing us. We really need it, if we're going to put the offenders in it, and have those needs met in the Authority, and we need it in the community. The communities need -- particularly the probation and the court options -- need that kind of resource available to them, local level and state level in terms of resources.

The fifth recommendation is a ninety-day diagnostic service to be borne by the State. It's a bad proposal in this economic time to suggest but nonetheless the 120303's are indeed paid for by the State as you know now. The ninety-day diagnostic is a cost to the county. We think that the counties would use this service, this diagnostic and the analysis of whether the programs the Department or Youth Authority has to offer are appropriate more often if the economic factor wasn't there. Coming out of that is another issue that might -- and this is one of those basically thinking out loud in terms of many of these situations of diagnostic, ninety-day reviews by the Youth Authority return to the Juvenile Court is being used. In all candor, to give some of the exposure to what the Youth Authority is going to be like, if they continue this behavior, on the one hand, and get them out of the community for ninety days on the other. Let things cool off and so on and so forth. That's just a recognition of some of the reality of it out there. If that's the case, there's a real need for that kind of thing and it may be well that this committee or other members of the Legislature

might look at or explore the notion of using, much like the English system using some program of short, sharp, shock where you make an actual commitment to the Youth Authority for "X" period of time so you don't have to exceed three months or six months or whatever, for certain designated kinds of offenders. We recognize what we're using it for and they come back then to the community for probation or whatever alternatives there might be. We again haven't costed that out, or even thought about if you relieve the Youth Authority of some kinds of commitments on the other hand, are you getting more from normally processed locally.

CHAIRMAN CRAMER: I think part of the impact to the ninety days, if it's going to be meaningful, is the uncertainty of the result.

MR. FITZHARRIS: Yeah, you could make it six months.

CHAIRMAN CRAMER: In the sense that the fellow sent for diagnostic doesn't know what the recommendation is going to be.

MR. FITZHARRIS: Whether he's going to stay, or...

CHAIRMAN CRAMER: The trauma is substantially higher than if you're just given ninety days.

MR. FITZHARRIS: Anyway, we suggest that you might want to look at some alternatives, because the reality is that the juvenile court really has not very many options, you know, local options. It's kind of a black and white situation. So, if we can build some options in there that might be a cost-savings to the State on the one hand and it certainly would be helpful to the justice system on the local level.

The sixth recommendation has to do with the Youth Authority Board, now the Youthful Offender Board. We think that the Board ought to mount an effort to publicize the process of and the criteria used in these decisions. We initially struggled with what criteria ought to be used as a recommendation, and we really couldn't do that very well as an outside group. We think the Board ought to aggressively publicize their operations, their release criteria, how and why they make decisions, in order that the public and the criminal justice agencies specifically more readily understand what they're doing and why and then disseminate these standards so that the public has an opportunity to respond and so on.

Another thing that might be considered is the Youth Authority Board, Youthful Offender Board, has the particular difficulty in explaining some of these decisions. The Board's protection of records is a critical issue here in not being able to explain why the court made a decision as to and so on. We might want to look at that somehow and at the same time protecting the minor but being able to explain, you know, why some of these decisions are being made. That may be just a P.R. question but it's an issue that we ought to spend some time on.

In the same vein, we think that the Youthful Offender Board ought to solicit and consider information on current community factors relevant to release for a variety of sources. Now this is in some way met with the legislation passed this year in terms of notifying law enforcement, district attorneys and so on of impending release within thirty days. But our recommendation goes a little farther than to also defense counsel and an

opportunity with regard to projection of success in a given situation, like going back to a gang or whatever it might be. Not just the instant offense, housing situation, whatever, family circumstances, employers and so on. So, I'm more pro-action effort, to get more information in than is just in the institutional summary or the pro-agent release plan.

The next recommendation was a difficult one to make because in some sense it suggests, perhaps, a rehearing of the case. We suggest here that the District Attorney or the Attorney General and the defense counsel be offered a limited role at a parole hearing. That role would be to respond to information to which he or she could not respond in writing and/or information presented at the hearing which requires a response. It is not an attempt to retry the whole thing at the release date. That's a touchy citing.

CHAIRMAN CRAMER: Then the tape...the videotape confession of some particular brutal murder will be played at each parole hearing? Is that the same thing?

MR. FITZHARRIS: Well, I think we have to use our judgment about it. You know the reality of this thing. The counties are tough and you can't spend, you know, two days on each hearing either. So, it has to be some accommodations that are on the calendars.

The next one has to do with the Youth Authority and whether it ought to continue to provide parole supervision. Now in this context we are talking about should the counties assume parole roles rather than what you might guess here is eliminate

parole. When you think of parole in a critical condition and you've probably taken plenty of testimony today about that and probably at your other hearing. We think it needs to be beefed up and so on, not eliminated. But, in this case, the recommendation being considered by the Committee was, "should probation do it?" We think at this point, at least, the State ought to continue to run it. If there's some situation as was suggested originally in the Department of Corrections situation, where parole's cut back to one year on a mandatory situation and so on, then we would reconsider that recommendation that the counties to do the parole release.

Item 10-A and 10-B touch the issue that you took testimony on and that had to do with standard setting function. We still think that there is a role for this agency to set standards and as a matter of fact we would probably go one step further. We think the Department of Corrections or the Board of Corrections ought to do the same kind of thing in adult provisions. But we do say, as you see in the next line, that the Youth Authority ought to work toward compliance to its own standard as well. If you're going to say that, "what's good for one is good for the other, but clearly the standard for more safety uniformity and fair treatment," then it is important to do that. It's also nice to send some money if we're going to have to comply with something which is another whole area.

The CYA reestablishes probation advisory committees if they're going to do probation standards. That's been done basically and then the same kind of recommendation with regard

to community prevention and so on. While the Youth Authority work in delinquency prevention is being coordinated with and developed in conjunction with local juvenile and criminal justice agencies. This is, basically in response from four or five years ago to the situation where the Youth Authority was actually running delinquency prevention programs out in the community. Now that's been changed significantly but there is a role that the Youth Authority's playing out there in that regard and we think that's still appropriate, particularly with regards to recommendation 13. Nobody acts in this state as a clearing house for technology transfer on youth corrections and delinquency prevention programs. No one can tell us what the state of the art is and that works and how we can apply what's happened in one county to another and so on. That's really an important role to be done particularly now when resources are short to go to the most productive kinds of programs. And I think that the State could play a particularly strong role in that regard.

Fourteen was the recommendation to create a corrections super agency and that has been done, as you know, with Howard Way, the Secretary. Sixteen, that the two departments remain separate. That comes up every once in a while, and it may come up in the future as fiscal issues come up but we recommend, of course, with the differing philosophies, the differing sentencing structure, that they remain separate. Sixteen is the question that you just asked the last witness and that is the Director of the Youth Authority and the Chairman of the Youthful Offender Board be separated or be the same person in the case of the

former situation. We would recommend it be reversed, in other words, we go back to the situation as it was before. And we looked at that carefully and, of course, the argument is that there's a disproportionate influence by the Director being, also, the Parole Chairman, and that can be controlled in other ways. We think the continuity of decision making and case development and so on makes a lot more sense. And the accountability, as you know, the press keeps blaming the Department for decisions on release and so on. It's a lot better the other way. We see nothing in the adult system, as a prototype, that would recommend it for this one. So we would recommend the reversal of that and going back to the same situation.

And the seventeenth recommendation, and the final one also, is an issue the last witness was asked and she spoke to it too, I think. And that is, the appointment of members to the Youthful Offender Board. There has been some serious question as to whether some of those appointees were qualified as they might have been. And this is a proposal to try to bring up the level of appointments and kind of "get out of the political appointment nature" of that. What this suggests is that the Board of Corrections which has a broad range of corrections intransigent, as you know, developed a list of qualified people from which the Governor would make a choice. And then you can bring in whatever partisan issues or whatever other choices you have to make up. But the core group would be qualified.

CHAIRMAN CRAMER: Did you discuss the reappointment issue?

MR. FITZHARRIS: No. we really didn't talk about re-appointments. The other thing I just want to touch on very briefly - those are the recommendations. I just wanted to kind of show you some of the results of the questionnaire just for your reference. On page 6, just to show some of the continuity and this is page 6 of the appendix so you'll have to look on the side-ways of the report. Did you find back there, it's a table really. These are responses to questions, one of them is the most important function. You can see in that, the judges...the first one was rehabilitative functions, and so on, in the Youth Authority in institutions. Next one was protected communities remove them, and so on. And you'll see, generally, a remarkable consistency between judges' responses, chief probation officer responses, attorney...in that case attorney is defense counsel, district attorneys', sheriffs', and chiefs' of police, and so on. The next one, which is on page 8 is other functions that the Youth Authority should be performing in the next ten years. And you'll see, just to highlight some of the results of that, probably the dominant one is more technical assistance in case of probation, and juvenile justice commissions, and in the case of chiefs of police which was generally enough. More community treatment on the case of defense attorney's and state agencies and so on. So you can begin to see some of the responses. Again, this is not the most scientific I suppose but at least...at least it's the first time somebody asked all the locals about what they think they ought to do. Another set of questions is: Are there functions or services that you feel the Youth Authority

ought to emphasize more? And of course the reverse of that; emphasize less. In the case of emphasizing more, chief probation officers and several of the other groups talked about inter-agency relationships, communications. The day pass thing is probably formalizing communications but basically it's something that ought to have happened all along. It's too bad that we go into even 30-day notice of parole bill, you know. It's something that probably ought to have been formed a long time ago, service to wards, research, technical assistance, and so on. Police were saying service to wards is the primary one. Communications and helping law enforcement is number two, and protect society, and punishment, and so on, ought to be an emphasis on 21 percent of the responses, and so on. So at least give...I don't want to go through all of this stuff but it, basically, gives you some sense of what the agencies out there are saying. And, that was the basic attempt, to get that. If there are any other questions, I'd be happy to answer them. I think, though, that they probably touched on most of the issues. We'll be around, as you know, and we can answer any questions that come up at the regular hearings.

CHAIRMAN CRAMER: Thank you very much.

MR. FITZHARRIS: Thank you.

SERGEANT-AT-ARMS: Mr. Eckstrom is here.

MR. BOB ECKSTROM: Good afternoon. My name is Bob Eckstrom. I'm a Parole Agent with the Youth Authority. I'm a resident agent that out of Redding. I'm responsible for supervising parolees in Shasta, Trinity, Siskiyou, Modoc and

part of Lassen County.

CHAIRMAN CRAMER: That experience is why you were sent a subpoena?

MR. ECKSTROM: Yes. I've been with the Department approximately eight years. My experience has included three of institution, approximately five years of field parole. That's including working in East San Jose, the Foothill Unit out of Sacramento and now, currently, for the last six months up in Redding.

As part of this corrections have, obviously, found itself the center of attention of the Legislature, the news media, and the public in general. And part of this interest, I'm sure, is due to the fear over crime and our handling and everybody else's handling of criminals. I think it's time that this interest has come and it's time that the public was more aware and involved in this area. What's somewhat striking to as a staff member in the field is that corrections is an area that few people know anything about. I'm constantly amazed, however, that every time you get several people together and they start talking about it, which is generally the topic of discussion, everyone becomes an instant expert. They have all of the answers to all the institution and parole questions and problems. The fact that many of their solutions are unrealistic, extremely expensive, or illegal, doesn't seem to bother many people. In thinking and planning for this hearing, I found myself becoming more and more angry. It was somewhat difficult, however, to decide who and what I was exactly angry about. I think part of it was I felt in some way I had to justify my position and my

role as a parole agent. I'm continually hearing of the future of parole being questioned; many within our own department have said we're in dangerous times and may someday be restricted or even eliminated. I find this situation to be almost impossible to believe. I say that now we should be in one of our strongest positions. I feel that we can probably offer, I know as a working parole agent that myself and my colleagues are a necessary and vital part of the criminal justice system. The only reason that I could come up really for this situation existing is that as a profession and particularly as an agency, I think the Youth Authority, we've done an extremely poor job of educating you people, for one, and the public in general in regard to the job we can and cannot accomplish. Parole and the Youth Authority is often an easy target for criticism and blame. Much of it, I grant you, is justifiable. However, I think the public, the news media, and even other agencies of the criminal justice system do not often take the time to understand our jobs or our problems but are quick to blame us for anything and everything that happens in the community. A primary problem is there is little understanding of our jobs, as I said, as parole agents. Without going into unnecessary detail, parole agents serve a dual function. On one hand, we're for lack of a better word, a social worker or a helping person. On the other hand, we're peace officers who carry badges. We are a multi-faceted profession and many people comment on our conflicting roles. On one hand, having to help people, help them adjust to the community. And, on the other hand, maybe having to arrest them and put them in custody. I do not personally see the conflict. If anything, I think that's the

real essence of why we're such a necessary and vital part of the system. Without my own personal belief and as it's been stated it's now the primary objective of our agency is that we are to observe the protection of the community. As a parole agent personally I'm very law enforcement oriented. I recognize, however, that when we start talking about the protection of the community, that the ultimate protection is, for lack of a better word, the rehabilitation of the offender. I don't know that I, personally, as a field agent ever rehabilitated someone but I do know that I have worked with people to help them modify their behavior so that they are no longer a threat and no longer doing the same types of behavior that resulted in their commitment to our department.

Considering the restraints that we work under, actually most of us do a fairly good job. I think it obvious, or it should be obvious. I feel anyway that we work with the worse of the young offenders. They are not children. They are kids and I personally, and I know many of my colleagues become extremely angry, when we hear some of our administrators or the general public refer to them as such. They all have, or the majority of them have, long histories of criminal and anti-social behaviors. When we start off, generally, we start off with 100 percent failures. When we get them, those that we get are failures. They failed every other person that has ever tried to intervene and to change their behavior. Parents have failed; schools have failed; religion has failed; community agencies; mental health agencies; the police informal work which is often very successful

with some people has failed. All the community corrections efforts have failed, probation, juvenile hall, everything. When we get them, many of them cannot compete within society. There's a lack of resources now, and also, a lack of community acceptance in working with some of these people. I've often heard our recidivism rate, our recidivism rate, being used as some type of a measure of our performance as an agency, or as a parole agent. I don't really feel that it has much to do with my job as a parole agent. We do help some people change their behavior and to avoid further involvement with the criminal justice system. And believe me, all of us that work in this field do like to feel that we've helped someone. And it's rewarding to work with someone who has made a good adjustment. Someone recently asked me about our recidivism rate and I said, "Ah, it's probably somewhere give or take a few percentage points, around 50 percent." And they said, "Oh my goodness, I don't know how you could work at a job where you have 50 percent failure." I thought to myself and I told them, "That's not 50 percent failure, that's probably 50 percent success," which if we do that much, I think it's pretty darn good. Related to this issue, as a parole agent I feel, however, I'm just as successful if I have a parolee who is dangerous or causing problems within the community and if I can get him removed, I've done my job. When I go home at night, if I've had somebody arrested or if I've arrested them myself, I feel I've earned my pay that day and I've done my job as a parole agent. This is an area that we receive particularly little credit or support. Unfortunately, I feel, I personally feel, my

opinion that we've received little credit or support from our own department which I see as somewhat sad.

If you're an agent who makes arrests and does searches, you are seen by some people, even within our own department, as being extremely punitive. We're not given the training or the equipment to actually go out and facilitate this part of our job. Prior to that, I think some people have talked about the issue of us being armed. I know there's a great deal of questioning, but I think if you're asking parole agents to go out into the community to work with people that are criminally natured, that have been diagnosed and determined to be dangerous. Anytime you're putting one of those persons, no matter how much rapport you may have with the community, no matter how much of a relationship or trust you may develop. And I've done that with some of my people. When you go to put them into custody, you start to take away some of their freedom. They see you as a police officer or a peace officer. And anytime you're going to make an arrest, and I've made a number of them, you're in a dangerous situation. I know as a parole agent doing my job, I've prevented literally hundreds of people from becoming victims. I don't know how to determine the cost of that in either human life, misery, or dollars but I know that I've done it. To tell you who exactly these people were, I can't or even sometimes what functions as a parole agent has actually accomplished this. But I definitely know that I've done it. As an agent, I know my caseload better than anyone else. I can be fooled but I have a great idea of who is dangerous, who may still be involved in

criminal behavior and who also may be trying to make a positive adjustment to the community. The Department has initiated and I think it's a good move. I give them some...give credit for this. Who are now, as a parole agent determining our caseloads will review them and we try to rate them on the basis of service needs and on the basis of risk. I think it's time we've done it. We should've done it a long time ago. It's still perhaps not as sophisticated as it could be and should be, but, at least it's a step in the right direction. It's forcing parole agents to be aware of both parts of our job and it's also, hopefully, forcing supervisors and administration to give us credit for that part of our job where we deal with a risk factor. I can keep track of my parolees movements and behavior better than anyone else. Our intervention is extremely important in preventing crime and helping solve those that have already occurred. As a parole agent, I can identify problems, act quicker, and with more authority. Often times, I think, the police are frustrated and so is the public. I understand part of the frustration but if there's been a situation where a person, a member of the public has called in and said, so and so is dangerous, he's causing some problems, too often the police are forced to say, there's been no crime committed, there is very little that we can do. As I said, I think that frustrates the officer trying to do his job, but it also frustrates the person calling in. I'm not restricted in that way in dealing with my parolee. If I have a parolee that I'm supervising, and I get information that he is a substantial

danger to himself, or the person, or property of another which gives me a great deal of latitude, I can intervene. I can go out and I can arrest him myself; I can ask the police for assistance; go out with them; I can put that person into custody and I can substantiate that he is a danger to himself, or person, or property of another. I can make recommendations to the Youth Authority Board that he be revoked and returned to an institution provided he has lock-up time. I can also take action even if I suspected his behavior may at some point lead to a violation and can, if I can substantiate it, put him in temporary detention up to 30 days provided there is space within the institution.

Parole can and needs to be a necessary and vital part of the criminal justice system. We are definitely not at our potential, which is sad and frustrating to myself and many of my colleagues. I do know, without a doubt, that we can do a job that no other individual or agency can do within the community. We really receive little credit for this part of our job. I think society is now demanding, with all rights, that we take more appropriate intervention with many of our cases. We're seen by many as social workers even by the police and the public. I have to blame again our Department for failing to inform and encourage this vital part of our job. Parole agents have solved numerous crimes; yet, no one ever hears of our involvement. The Department has a staff news which we receive weekly, many of us refer to it as the "Ward Volunteer News". Often times the Department will write up a volunteer taking a parolee to lunch but will not even mention a parole agent making an arrest. I'd

like to give one brief incident maybe to bring this thing to an example, I am almost through. Last year there was a rapist in the Bay Area who had committed several forcible rapes. The police were baffled and had no leads. They requested the assistance from other agencies within the area, YA Parole being one of these agencies. A parole agent thought some of the items fit a parolee on his caseload and gave this information to the police. He heard nothing from the police and a second request was made after two more rapes. He again contacted the investigating officers who found his information somewhere in the file. It was determined that the parolee was responsible for the rapes and he was arrested and charged with rape. The newspapers carried front page story, YA Parolee Arrested for Multiple Rapes. It went on to give credit and to say how the police had solved this crime. The parole agent, who was really responsible for making the arrest, was never even mentioned for helping catch this criminal and putting him away, doing his job. Nor, to my knowledge, has anyone within our department ever told him, you know, you did a nice job. At the beginning I didn't want to throw any particular rocks at my department. I work for them. I appreciate the job and, as I say, in some ways, I think we do a fairly good job. Without beating it into the ground anymore, there are some changes that I think are necessary that would help us so that we can do a better job for the State of California and the people that live here. From what I've read in the newspaper, I hear that we are getting a new director and I'm hopeful that some of these areas that we've discussed today can be implemented so that we can provide better services to the public. I'm often asked, why

in the world would you want to be a parole agent? The only thing I can think of is I'm probably a little crazy, maybe not too bright. However, I take myself and my job as a parole agent extremely serious. Working in the field of corrections can be one of the most demanding, misunderstood, frustrating, thankless, and dangerous jobs around. But, I think it's also one of the most vital and important jobs.

CHAIRMAN CRAMER: What kind of tools do you need?

MR. ECKSTROM: For one, I think we need some encouragement for our agents to go out and do particular parts of our job. I think we're sent out in some dangerous situations which some people may not recognize. I've heard people say that no parole agents have ever been seriously hurt. Being shot in the stomach, I think, is being seriously hurt. There's been agents attacked. I think we need training and the equipment to go out and do our jobs. Part of that training we've received some on making arrests and putting on handcuffs. There were agents that have never put on a pair of handcuffs, yet, we're going out there making arrests and never been trained how to do it. They gave us Mace and the only person that I know of personally that has ever been maced with it is myself. I got maced when I tried to carry it in my pocket. I've never maced a parolee. One of the things that, I guess, brought that to my attention is they've said that we enter into dangerous situations and that's the only time we should ever use Mace is if our life is threatened or we really feel that there is no other way. The problem is with that stuff, it only works about 80 percent of the time so it doesn't take

too much to realize; well, wait a minute, if I'm in that much of a dangerous situation that I finally have to use my Mace, what about that other 20 percent of the time? What do I do? Somebody in authority, I believe our Director said, "Well, there's no disgrace in ducking and running." I've worked in the community, some very dangerous parts of the community; East San Jose, North Sacramento, Del Paso Heights, and there's been some situations where I've been in where, I hate to tell you, you can't duck and run. I think that's part of it.

CHAIRMAN CRAMER: So you need training for equipment?

MR. ECKSTROM: Yes.

CHAIRMAN CRAMER: You need additional equipment? I gather from the testimony of others, a radio to be used on your car.

MR. ECKSTROM: At times, for example, myself, I'm sometimes several hundred miles away from anyone. I can get back into some back roads and back country that people may have a difficulty ever finding again and if you get into a situation, whether it's attack from a parolee, members of the community that may not like you, or you have a flat tire, or an accident, you're in serious trouble, yes.

CHAIRMAN CRAMER: What kind of training?

MR. ECKSTROM: Pardon me?

CHAIRMAN CRAMER: Aside from the training for equipment, and the additional equipment, what other kinds of training do you think would be helpful?

MR. ECKSTROM: I really think at this point we're kind of at a critical time deciding which way we're going to go. We stress the social work part of our job. I think it's time now for us to stress the peace officer part of our job. I blame...I'm a social worker. I have a Master's degree in social work. I don't usually admit that but I do have it. Yet, I also think that it's time for us to stress the other part. I think people are demanding it and we need some training. And it's something that we can offer, I think, better than anyone else in the community. The police have a hard enough time doing their job and I'm a strong supporter of police. They don't need to do the additional job of trying to monitor my case loads. That's what I get paid for. And I don't think it's fair for me to say if I have a parolee that's creating problems, that's dangerous, and sit behind my desk and hide and put out a paper warrant and say, well, I'll just wait until the police pick him up. I shouldn't be John Wayne and I have no intention of getting myself killed if I can help it. But on the same token I think I have a responsibility to myself. I'm obviously going to ask for support if I can get it. But sometimes you cannot get it and I've been on arrest where supposedly we've had support and it's just not there. It ends up being you taking them, wrestling them down and chasing them down the street.

CHAIRMAN CRAMER: For whatever it's worth, I just agree with you a lot.

MR. ECKSTROM: Pardon me?

CHAIRMAN CRAMER: For whatever it's worth, I agree with you a lot. I think we're a part of a system.

MR. ECKSTROM: I do too.

CHAIRMAN CRAMER: I think you've said it as well as anybody said it in these hearings so far. Thank you very much.

MR. ECKSTROM: Thank you.

CHAIRMAN CRAMER: Mr. Shearer? Rick Shearer. There he is. Would you state your name for the record, please.

MR. RICK SHEARER: My name is Rick Shearer. I'm currently employed as a youth counselor at Preston School of Industry.

CHAIRMAN CRAMER: You're here pursuant to the subpoena I had served upon you?

MR. SHEARER: Yes, I am.

CHAIRMAN CRAMER: Thank you. Do you have a prepared statement to make, sir?

MR. SHEARER: I have a statement that I'd like to read at this time based on my dealings and my observations about employee/employer relations within the department. I've been employed by the Department of Youth Authority since 1974. My present classification is Youth Counselor and I am presently located at Preston School of Industry at Ione. My previous work location was at the Youth Training School in Ontario, California. I've been an active member of an employee organization since early 1976 and I have functioned as a job steward, served on meet-and-confer committees of employee organizations and directed and represented employees and various classifications in the departmental grievance procedure. On a day to day basis I have dealt with such matters as safety, security, seniority, forced overtime, harassment, and

discrimination. Without going into detail at this time, I would state that the employee/employer relationship with the department has become little more than a joke to a great majority of the line staff that work for it. This relationship, with very few exceptions, has become drastically one-sided. I have a lot of material here that I could go into, and probably talk for days about various incidents which would prove out my point. That the views or the...that would well,...back up for just a minute here. I believe that this material can provide a biased, discriminatory, and arbitrary approach to the very people who, in all reality, are the ones who carry the successes and failures of this department on their backs, not to mention their personnel files. The solutions to many of these problems are simple; what is not simple is getting the supervisors, managers, and various administrators to look and listen to these solutions in a reasonable and logical manner expected of those holding these positions.

I came in a little late today, but I have managed to listen to quite a few people. A lot of the statements made here today by the various people in the various departments or sections have been good sections and I hear a lot of truth in them and I'm sure that this Committee would also hear a lot of truth--and at least a lot of various concerns. At this time, I would like to state to this Committee that I think this is a very fine way to go about gathering people's views but I'd also state that anybody, including myself, can come here and state just about anything they would like to state. In order to get a total, realistic look at the inner-workings of an institution, the problems concurred--or

incurred--by the staff on a daily basis, not only those of employee-employer relations but those dealing with population management, management of violent wards, the whole schedule from feeding to shower time to bed time, that this Committee or members selected by it--somebody selected by it--would have to get down right into the very bowels of the institution and, if not work with me, at least stand by my side and watch me go through the paces--day in and day out--for a good period of time.

CHAIRMAN CRAMER: How long?

MR. SHEARER: I would think that a 30-day period of time would probably be sufficient to get a good working idea of exactly what a Youth Counselor or Group Supervisor does and the problems that he might incur during the day. I need to state here that I've listened to my Director and I've listened to and read her statements in the newspapers and staff newspapers--and am at a very high point of disagreement with numerous things that she has stated, an example being--she has encountered no major incidents in her five-year period as Director. I can disagree with that and state that I was working at the Youth Training School in September of 1976 when a staff member got his head beat open with a fire extinguisher in a major riot.

CHAIRMAN CRAMER: We prosecuted the case.

MR. SHEARER: I can state many examples throughout that-- I can state taking away knives from wards trying to kill other wards. How serious the incident has to be considered serious by the Department, I don't know. Again, I have to disagree with a lot of things that are said that everything is cozy and rosy in a...

the Youth Authority because it isn't. The over-crowding situations, the lack of foresight amongst the administrators and the program managers in dealing with problems that, in many instances, are told beforehand--that are coming--by the staff that are working those programs, are ignored, they are passed on as "You are the employee; I am the boss. This is what I get paid to do and this is what you get paid to do." Many of the people that are on the line working today are the ones that have the answers but they are very rarely listened to. Again, I'll point back to 1976 where approximately two weeks prior to that major incident, staff--people working with the wards, day in and day out, were being told in many and very different ways by the wards themselves that problems were coming and that we needed to do something about it. This information was passed on to administrators, security personnel, head group supervisors, superintendents--the only response that I can remember getting was that, "Well, we have a lot of ward student councils out now, and they're taking care of a lot of problems out there." Two weeks later, a couple of hundred wards rioted.

CHAIRMAN CRAMER: Why, in your judgment, would a management team ignore that potential trouble?

MR. SHEARER: I view it as being hooked into the system, hooked into the bureaucracy--"This is my job, this is my area--in essence, this is my kingdom. Don't make me look bad because my job's at stake. If you say something that disagrees with my policies even if it's right, that's not what you're paid to do."

CHAIRMAN CRAMER: I see where a riot makes you look like

MR. SHEARER: Oh, yes. The incident itself was of drastic proportions; however, the Director can state in print and verbally that she's had no major incidents. I would assume that this is for no other purpose than to make her look good. I have direct knowledge of an employee in approximately--well--in the early part of 1977--the employee was serving in a classification as a Group Supervisor and was carrying a case load and, in fact, was doing Youth Counselor duties. Approximately--or, about that time, a memorandum came down from the department stating that out-of-class work will cease. The employee filed a claim to collect monies due to him for working out-of-class. That employee was brought into an office, sat down and told that he was number one on the hiring list for Youth Counselor, that if he expected to make Youth Counselor then he would drop his claim. Unfortunately the employee chose to do that or I should say fortunately. In this case, it had a pay off--that the employee is now serving in a management capacity. I believe, and so do a great majority of staff believe, that when this takes place, that he played the game. He didn't rock the boat and he didn't make waves.

CHAIRMAN CRAMER: How many people would you think you represent? I mean am I just listening to the disappointment of...

MR. SHEARER: You're not, no. By no means am I disgruntled or unsatisfied employee as far as getting a basic satisfaction from the basic functions of my job. By no means have I encountered all negative situations in dealings with my various administrators and managers. However, more and more,

I have encountered the wall--the power basis--the, you know, in some cases, out-and-out manipulation of staff--the staff's functions and duties in order to serve that administrator's end.

CHAIRMAN CRAMER: I think if nothing else from these hearings is clear, that there's a good deal of lack of communications going on there.

MR. SHEARER: I might point out that in 1976, immediately following that riot, 12 staff members met with Pearl West and Deputy Director Chuck Cool. One of the issues that I brought up to Miss West was the lack of communication between line staff and management. In 1979, I served as a committee member on the Youth Authority Line Staff Action Committee, and I also brought forth that issue again at that time--two years later. It is now 1981 and I still have seen nothing done in that area. I must say that while there are some good programs within the Youth Authority, and there are some good things being done, I would say that now that that is not typical of the Youth Authority. A lot of it is paper programs designed to look good and sound good but in reality don't work. For many reasons--the over-crowding that's taking place now, the staff-ward ratio, in many cases, you might find one staff with 30 different wards, whether they be on his case load or whether he's taken them to the _____ or the pool or to the theatre, or wherever. Two staff with fifty wards--taking them to the dining hall, taking them out to play football or baseball. Staff do not feel comfortable in this setting; there's no way for them to feel comfortable. We have some personal alarms; a little button that we wear on our belt when we go to work. These

buttons are totally ineffective when we get any farther than 100 feet away from a building that has a receptacle to relay the alarm. Many times, in good weather--when we're out in the field playing baseball or football--or supervising other activities, we're far, far away from any of those receptacles. Those buttons would never work. Management might say, "Well, what about our security back-up team?" I will not default security staff members per se because I believe they all do a very fine job in taking care of other staff members. But, again, I'll say that those staff are subject to being assigned other duties as required. That's the department statement. A lot of time these other duties take them away from the area that needs to be supervised at that particular time. You may have a man in a tower; the tower might be 75 feet tall and a quarter of a mile away. It's very difficult for him to perform a supervisory job of a institution--we'll say the size of Preston. He has a lot of areas to look at and keep an eye on. It's very difficult for him to keep an eye on four or five different activities going on at once. We ask for more staff, a lot of times, whether or not more staff is the answer--for the reclassifying of positions and gearing those positions towards specific functions. I will say that a youth counselor, who receives about \$100 a month more than a group supervisor, not only performs all security and daily activity--daily living functions, the supervising of these, and the planning out and carrying through of these--but he also has the added responsibility of preparing a treatment plan, goals and objectives, getting this inmate to school, getting him into a viable trade, preparing board reports, preparing 60-day case

reports. In many cases, all of these added extra functions simply are not worth that extra \$100 a month that you could probably make in an eight-hour shift of overtime. The Youth Counselor may opt to demote back to a group supervisor where he doesn't have to deal with all of this. In some cases, we lose a good Youth Counselor. Therefore, staff will say, "Well, let's get some group supervisors in to take care of the mechanical functions and let the Youth Counselors come in and counsel and deal with these wards on an eight-hour-a-day basis." Again, when we approached the Department on this, it's--"We don't have the money; we're not going to get the money. Let's see what kind of ideas you can come up with," which, in turn, feeds into their system. The amount of ideas come up from staff themselves and, I've got to say, they're great. We have found many ingenious ways to deal with it through shift scheduling, overlapping of shifts, and that type of thing. It has done nothing to relieve the condition; it only serves to perpetuate a management's view, or administration's view, that everything is okay in what we're dealing with.

CHAIRMAN CRAMER: Do you think you need more physical facilities?

MR. SHEARER: I would definitely say that at this point in time. We need more physical facilities and I would definitely say, at this time, there is a need for more programs on a restrictive-type basis. A lot of programs and a lot of the living units within the Youth Authority are open dormitory situations. I worked these open dormitory situations, and many times, I have,

for example, observed a ward become in such a state of turmoil that instinctively and by working with him for so long, I know that he's fixing to get into trouble. He's either going to yell at somebody, going to hit somebody, he's going to hit himself, and I will remove that ward from the program and take him and let him sit in a staff office or an office that's not normally reserved for wards just to let him be alone for awhile. Many wards cannot handle that constantly--subjected to being with 49 or 50 other wards in another area on a day-to-day basis. The programs that are open, basically, promote tension amongst the group itself and, therefore, is going to promote tension among staff themselves.

CHAIRMAN CRAMER: The employee grievance policies?

MR. SHEARER: With very few exceptions, it's a farce. I'd like to present one example on the employee grievance. I'd like to present one example on the employee grievance. I'd like for a moment to ask you to place yourself in a position of group supervisor, who is currently on a hiring list for Youth Counselor, expecting to be promoted. You received a passing score of 80 or above. I, as a Youth Counselor, have experienced some problems in getting shifts covered and I have filed a grievance. The grievance, in essence, states that on such-and-such a date, a staff member called in and stated that he would not--that he would be out till a few days later--approximately four days, on sick leave status. No intermittent staff, which are normally the staff assigned to cover the shift. They either could not be reached at home, they were already assigned to a shift, or they themselves

were on a day off. All attempts to get regular staff to cover the shift were unsuccessful. This involved calling numerous employees whether they be on your living unit or other living units, to try to get somebody to come in and cover. It was learned that there were four vacant positions at Preston currently being covered by intermittent employees. These positions were currently open and could have been filled immediately by persons on the existing hiring list for Youth Counselor. The action requested in this matter was that the practice of using intermittent employees to fill vacant positions when there is a current eligibility list to hire be stopped immediately and that the intermittent employees be turned to on-call status in order to ensure available coverage when needed.

I'd like to read to you--well, the first level response was that, "Mr. Shearer was informed the reasons for intermittent coverage not being available_____. I am referring Mr. Shearer to the scheduling officer for further information." This was signed by a supervisor. The grievance eventually made it to the Superintendent's level. This is a second level decision. "I just reviewed your grievance of December 23, 1980. While I do not know if you intend to carry it past the second level decision, I feel I would--should--advise you how we are attempting to handle the problem. Please consider this the second level decision. I have been advised by various treatment team supervisors that the candidates remaining on the existing Youth Counselor list, which could be you, are not an attractive group. They represent the bottom third of the list, none of

whom scored higher than an 83. The Supervisors, meaning the Program Managers, prefer to await a new list. Normally, we would have tested for Youth Counselor by now; however, we have been advised by Central Office that all Youth Counselor examinations are being held up pending a final decision by the State Personnel Board on the age limitation question. Central Office asks that we extend our existing list to cover our needs; however, we do not want to do this because of the poor candidates. I have asked for authorization to hire from the Northern Clinic's list or hire temporary assignment--or training assignment--positions. However, to date, we have received no reply. We are, therefore, stuck between the proverbial rock and hard place. I recognize this situation is causing significant morale problems, staff burn-out, and physical exhaustion. Our alternatives, however, are limited. We do not want to hire people that we feel will not be good Youth Counselors. Hopefully, we will receive authorization to hire from another list until we can give a new examination."

My question, after this response was received, was if people didn't think they were going to make good Youth Counselors, why did they pass them in the examination? These people could have been hired to fill those vacant positions, the intermittents covering the positions could have been used for sick leave coverage. The Department--it is confusing to me, to say the least, and this is just an example of the way of thinking--I'm sure that--by the way, I never shared this with any of the people who were on the list. I did not do that because I felt that it would be opening up the Department to a law suit. Whether they thought of that,

making out the response--I don't know. But that is just an example of the type of thinking that is perpetuated amongst the administrators. You get a guy, "Well, I don't like that guy because of so-and-so and so-and-so," or what he's heard about him. Yet the guy has passed the official examination, has been qualified by an appraisal board, but nobody wants to hire him. It happens quite often.

CHAIRMAN CRAMER: Is there anything else?

MR. SHEARER: Only that, again, I would extend the invitation for this Committee to come into the institution with the staff...

CHAIRMAN CRAMER: I don't know about those days...

MR. SHEARER: ...and see and observe what does actually go on because, like I said, I could sit here all day and all night and all day tomorrow and you would never really know until you experience it.

CHAIRMAN CRAMER: I've been to a few of the facilities. I appreciate your coming here today. Thank you.

MR. SHEARER: Thank you.

CHAIRMAN CRAMER: I have mixed signals on Mr. Rodrigues. I understand that he is present here pursuant to subpoena. You testified once before; I don't know if there's additional or different testimony to be presented at this time or not.

UNIDENTIFIED VOICE: _____.

CHAIRMAN CRAMER: I'm sorry. I can't hear you, sir.

MR. HECTOR RODRIGUES: Hector Rodrigues, Youth Counselor.

CHAIRMAN CRAMER: Yes, sir.

MR. RODRIGUES: I am currently the Chapter President for the California State Employees Association. I've been employed with the state since 1978 _____ school in Whittier. In 1980, I transferred to _____ Center and Clinic. I also worked one year in the area of parole. The issues being discussed here--I'm sure have some good intentions. However, the question comes to my mind is, for who? You've heard about the grievance system which I feel is a good system. However, there;s much abuse with the grievance system. Abuse by certain administrators, abuse...

CHAIRMAN CRAMER: Abuse in what sense?

MR. RODRIGUES: For example, if, and I'm not talking about in all cases, okay, if a particular staff member gets too many grievances which they may, the allegations may be true or not true--many times he's called into the office and told he's giving too many grievances, or he's also told, "You better not be--don't be a naughty boy."

CHAIRMAN CRAMER: Grievances by wards against that--

MR. RODRIGUES: By wards, by wards. Okay? In many-- at many times, those grievances are used to intimidate and control a lot of stuff. The grievances, again, are used by wards to intimidate _____, especially new _____ staff, who come in here with the intention of doing a good job and who end up being controlled by the wards--the more aggressive wards. For example, a ward may ask to do a particular thing which the new staff may or may not know he should do. The ward may raise, "Well, if you don't, I'll file a grievance." Well, right away, it intimidates some staff, okay? It also intimidates other staff

who have been with the Department for quite some time. When I worked at _____, I had a little saying that if I didn't get my quota of four a day, I wasn't doing my job. After awhile, the wards caught on that a grievance didn't phase me because a grievance is for one purpose--and that's when you violate their rights. If you're not violating their rights, they're going to lose on the grievance. We're talking about issues that the wards may not want to do. For example, we are required, when we leave the unit, to take a count and see how many wards we are taking to the chow hall or to the rec room. It's a security function. If the wards decide that they're not going to line up, they're going to act squirrely--well, you have a difficult time getting that count. However, if it's raining and they're acting squirrely, they're going to get wet and it's going to cause some discomfort to them. So, they file a grievance. So, they did--in one particular case, they got all wet--I didn't. I had an umbrella. Of course, the grievance was denied on the basis that they were refusing to follow my instructions and I went ahead and got my count like I should have and proceeded. This is just an example. Also, I heard about--I heard our Director talk about the line staff used slander--the word "slander"--well, I don't know of any case to date where a ward has been disciplined by our DDMS system for slandering a staff member. As a matter of fact, I was involved in a situation where I ended up writing up an individual for just that. I inquired about where it was in the system. I was asked, "What are you talking about?" The paper work was lost. Furthermore, the time limits had run out so there was really nothing

that could be done to the ward because the time limits _____ our investigation must be conducted or the fact-finding must be conducted.

CHAIRMAN CRAMER: Do you have a statute of limitations?

MR. RODRIGUES: Right. _____ they have a purpose. However, all these decisions that I talked about--grievance, DDMS, furloughs and passes--they all have a good purpose in mind. However, I'm not going to say that the Director knows all the answers, but somebody does. Those answers to those questions lie in certain administrators who continue to play the good-guy bad-guy role. They are inconsistent in their decisions and many times don't even care about a staff member or their rights. They continually violate peace officer rights and have to be constantly told that they're violating rights as guaranteed under Government Code 3303. We don't even have an outside arbitration in our grievance system. It's like a joke. They decide what--if what your--you are grieving--if what you're grieving is good or not. Nobody else decides. My recommendations to this Committee is that standards be set for Youth Authority, and that they be held accountable. In essence and ideally speaking, the officers who I represent have stated--frankly, we need an internal affairs department. We have gotten too big with a budget of \$280 million. We definitely need an internal affairs department. I'm not talking about an internal affairs department that is run by the Youth Authority. I'm talking about an agency that would be able to look at all these allegations objectively--an ongoing agency that would be able to look at abuses and grievances, abuses in _____.

abuses in--with our program administrators, etc.

CHAIRMAN CRAMER: I much appreciate your patience in staying with us today. Thank you very much for the recommendation. As far as I know, that is all the witnesses scheduled for this hearing. Is that right? Marjorie Swartz? Excuse me--I didn't mean to ignore you. I thought that...

MS. MARJORIE SWARTZ: That's O.K., Mr. Chairman. I'm Marjorie Swartz of the State Public Defender's Office. It's been a long day and I only have a few additional items to add. The State Public Defender's Office's perspective is extremely limited because we only see a random sample of those who are kept at the local level. However, we do, in a way, have a broader perspective because we also represent those who have been sent to prison. In some cases, there is a cross-over of age level. There are a few preliminary points I'd like to make. We're seeing a much higher percentage of younger inmates in the prisons. There are 18-year olds at Soledad that I just saw when I was down there on Friday. Also, in some of the testimony here today, especially Mrs. West's testimony, there was discussion of various hearing procedures--the parole revocation procedure and the disciplinary procedure. These are required because the Youth Authority's facilities are considered confinement and prison as much as the prisons are and, therefore, they are--this institution follows the mandates of the U.S. Supreme Court, and in some cases, California Supreme Court, as far as due process for parole revocation or disciplinary proceedings. The point I want to make related to this is that imprisonment in the Youth Authority is confinement and it is going to prison in a way. It is recognized as such by the

courts and we feel very strongly that in this regard there is not much difference between being sent to the Youth Authority and being sent to prison, in terms of loss of liberty. For all practical and legal purposes, YA is a prison. However, from our point of view, there are compelling reasons for maintaining this individual system. For instance, many of the people who have been sent to the Youth Authority have not completed high school. They are--they may not be criminally immature, but they are physically and psychologically extremely immature. There is a strong compelling reason for keeping them separated from the adult prison population. Another area that we're interested in is the politicalization of the parole decisions and this relates to the new change in the law that is coming with regard to notice as far as parole decision. We have already seen that these decisions are more political at this time and that offenders who ordinarily would have been released on parole based on our look at other similar offenders are being maintained or retained in the institution longer because of local political pressures. We see this as increasing as the notice provisions are enacted. As far as notice to the defense counsel, however, there is a problem. Notice will be sent in most cases to a county public defender. The county public defender probably by this time has moved out of the juvenile section and possibly into major felonies or some other section. Public defender offices have no resources to deal with these notices; in fact, they will probably be ignored. There is absolutely no section in their offices and no idea what to do with these. Therefore, the defense point of view will probably not be represented in the hearings.

CHAIRMAN CRAMER: Is it better to send them to you?

MS. SWARTZ: Well...but we...believe it or not, all those sent to the Youth Authority do not appeal so we only represent a small percentage. But sending it to a _____, if there is one, would make a big difference except that we also do not have the authorization or the resources to get involved in a parole decision. This relates to another issue that I wanted to mention. You asked a few times whether counsel was present at the parole hearing. From our experience, it is very rare that counsel is appointed. In fact, I know of no case where counsel has been appointed at a parole hearing.

CHAIRMAN CRAMER: I wasn't aware of one either. That's the reason...

MS. SWARTZ: Yeah. I believe the determination is similar to what it is in the adult proceedings. They probably go by the same U.S. Supreme Court standards and that an _____ may get appointed counsel if it's an extremely complicated case. That is up to the Board to determine as it is in the adult situation. Therefore, there is no defense...there is no advocate for the juvenile, or, in most cases, for the adult at the parole hearing. We feel that this problem will be exacerbated due to the fact that the parole decisions have been further politicized and due to the fact that notice is going out on a more uniform basis to law enforcement and to district attorney's offices.

CHAIRMAN CRAMER: You are suggesting to me that we ought to create a body of attorneys that will go from Board hearing to Board hearing?

MS. SWARTZ: Well, no, I'm not. I don't know--if that I realize that there's a problem with resources of paying attorneys, nor am I sure that we really want to turn that parole proceeding into such an adversary process. In fact, what I advocate is the opposite--from our point of view, the parole decisions haven't been all that bad and we'd rather see it less adversarial. We think the Parole Board, with a few exceptions, has been doing a pretty good job and our concern is just that this procedure as it now becomes more like an open court adversarial procedure ought to be watched. We've predicted that there will be problems. We have seen some problems already. Some denials--that--we think were based on purely political reasons, a denial in the case where there were adult co-defendants who got jury trials and who--no conviction was possible. Either the case was dismissed or the cases were hung. The Youth--the juvenile was con--the petition was sustained and he was sent to the Youth Authority and then when his parole came up, it became very political and parole was denied. Here were adults that would have been equally _____ under the facts not even suffering convictions. Which leads to my final point--the problem of the fact finding in the juvenile process. I know this doesn't directly relate to the Youth Authority, but it is important to keep in mind that the people that are being not those out of adult court are not those that are 18-to-21, but those coming from the juvenile court and are very often being sent to the Youth Authority on offenses that would not hold up in adult court. We strongly feel that this is true because we have seen a number of cases with co-defendants with equal _____, and if the facts were true, and the adults--there was no conviction in the

adult cases. In some cases, they were not charged, in some cases--hung juries, in some cases--out-right acquittals. For this reason, if we start eliminating the Youth Authority or treating them even more at--as inmates--prisoner-type offenses--if these cases are given jury trials--in some cases, they probably -- nothing will happen. So, Youth Authority not only serves a purpose in terms of a middle ground between local placement and prison, in some cases it probably is catching offenders under a set of facts where they couldn't have been sent to prison or even given probation.

CHAIRMAN CRAMER: So, your organization would apparently be supportive of a three-tiered system?

MS. SWARTZ: Uh-huh. That's--I'm not ready to endorse that right now. I have discussed that with Mr. Fitzharris after today's hearing and I--couldn't give you what our position is on that right now.

CHAIRMAN CRAMER: You're not advocating juries for juveniles?

MS. SWARTZ: We are advocating juries for juveniles. We have been for a long time--we have a number of cases pending on the issue. Yes. But--with the juvenile disposition.

CHAIRMAN CRAMER: _____ both worlds. All right. Is there anything else?

MS. SWARTZ: No, that's all.

CHAIRMAN CRAMER: All right. Thank everybody for their patience and their participation in these hearings today. I can only think for myself that it's going to take me a time to digest

a good deal of the information that has been presented. I think it's fair to say that the Youth Authority is likely to get some inquiries in terms of the--some of the testimony that was presented here today with the hope that at some point in time, there will be a response to that. I think that it would be helpful for these hearings to have some meaning. I really appreciate the cooperation and the patience of everyone here including _____. Thank you all for coming and this meeting is adjourned.

Exhibit A

ACRAMENTO ADDRESS
STATE CAPITOL
ACRAMENTO 95814
PHONE: 916/445-8490

DISTRICT ADDRESS
EAST G STREET, SUITE 104-A
ONTARIO 91782
PHONE: 714/983-6499

COMMITTEES:
AGRICULTURE
CRIMINAL JUSTICE
LOCAL GOVERNMENT
WATER, PARKS, AND WILDLIFE

Assembly California Legislature

JIM CRAMER
ASSEMBLYMAN, SIXTY-FIFTH DISTRICT

ASSEMBLY CRIMINAL JUSTICE SUBCOMMITTEE ON JUVENILE JUSTICE

December 8, 1981
9:30 a.m.

Sacramento Convention Center

AGENDA

9:30 am	Opening remarks	Jim Cramer, Assemblyman, Chair
9:40 am	Roles and Conflicts	Ron Jones, parole agent, Foot-Hill Parole
10:00 am	California Youth Authority	Charles A. Kuhl, Chief Deputy Director, California Youth Authority
11:15 am	County Juvenile Detention Facilities	Brian Fischer, Chief Probation Officer, Merced County Bob Kilgord, Chief Probation Officer, Sacramento County
12:00 pm	Lunch	
1:30 pm	Drug Rehabilitation Programs in CYA	John Stephens, former member, Narcotic Addict Evaluation Authority Board
2:00 pm	Violence in CYA Institutions	Gary Ortiz, former CYA employee

2:30_p.m.	Delinquency Prevention and Community Relations	Robert Shaner, Chief Probation Officer, Alameda County
3:00 p.m.	Youthful Offender Parole Board	Maurine Crosby, former member
4:10 p.m.	Employee Perspectives	Bob Eckstrom, field parole agent, Redding
		Hector Rodrigues, CSEA President, Norwalk
		Rick Shearer, youth counselor, Preston
3:50_p.m.	CPPCA Perspective	Tim Fitzharris, Execu- tive Director, Calif. Probation, Parole and Correctional Associatic
did not testify	Public Defender Perspective	Marjorie Swartz, Office of the State Public Defender
4:45_p.m.	Closing Remarks	

DEPARTMENT OF THE YOUTH AUTHORITY
INFORMATION AND STATISTICS
November 30, 1981

GENERAL INFORMATION

The Youth Authority operates eight institutions with 4,291 beds; two reception center-clinics with 595 beds; and six camps with 454 beds for a total capacity of 5,340 beds.

As of October 31 1981, the Youth Authority's institution population was 5,832. This is 492 over the budgeted capacity of 5,340.

The average length of stay in a Youth Authority facility for 1980-81 was 13.1 months. In 1972, the length of stay was 11.1 months, increasing to 12.9 months in 1980.

The institutional population is dramatically affected by the average length of stay. An increase of one month in the average length of stay results in the need for 400 additional institution beds.

The average length of stay on parole was 18.2 months in Fiscal Year 1980-81 and is 17.7 months for Fiscal Year 1981-82 to date.

The Youth Authority is responsible for administering the \$63 million County Justice System Subvention Program. (AB 90)

The Youth Authority provides statewide leadership, working closely with local justice personnel to encourage local responsibility for delinquency prevention, as it administers a \$200,000 crime and delinquency prevention request for proposal and provides a \$33,000 subsidy to local delinquency prevention commissions.

The Youth Authority sets and enforces minimum standards for juvenile halls; camps; and jails that detain minors in excess of 24 hours. In 1980, 158 such facilities were inspected.

Based on the number of Disciplinary Decision-Making System actions, ward-on-staff assaults have decreased from 172 in Fiscal Year 1976-77 to 84 in Fiscal Year 1980-81 - a 51.1 percent decrease.

The rate of ward-on-ward assaults has decreased from 12.8 per 100 ward average daily population in 1976-77 to 10.7 per 100 ward average daily population in 1980-81.

WARD CHARACTERISTICS AND INFORMATION

The commitment rate for Youth Authority in the 1980-81 Fiscal Year was 102.8 per 100,000 youth population. This is a significant increase from the 1973-74 rate of 70.4 per 100,000, or an increase of 46 percent.

There were 4,197 first commitments to the Youth Authority in the 1980-81 Fiscal Year. It is estimated that first commitments will be 3,800 in the 1981-82 Fiscal Year and increase by 55 each year through 1986-87 Fiscal Year.

Of the 4,197 first commitments to the Youth Authority in 1980-81, 51.8 percent were from juvenile court and 48.2 percent were from criminal court.

1980-81 first commitments included 33.3 percent Caucasians, 27.1 percent Spanish Speaking/Surname, 37.2 percent Black, and 2.3 percent others.

50.2 percent of Youth Authority first commitments in 1980-81 were for offenses against persons (homicide, robbery, assault, violent rape, and kidnapping). Commitments for offenses against property (burglary, all theft, forgery--checks and arson) constituted 43.7 percent of the first commitments, with 6.1 percent attributed to other offenses.

In 1960, 71.5 percent of male first commitments of 18-20 year olds were committed to the Youth Authority and 28.5 percent to the Department of Corrections. In 1980, 56.2 percent were committed to the Youth Authority and 43.8 percent to the Department of Corrections. (Note: The trend is that the criminal courts are being more selective in whom they send to the Youth Authority. The tougher cases are being sent to the Department of Corrections rather than the Youth Authority.)

The average age of 1980-81 first commitments was 17.5 years with 12.7 percent being under age 16; 38.5 percent 16 or 17 years; and 48.7 percent 18 years and older.

In 1980, the average reading comprehension of first commitments to the Youth Authority was at the 6.8 grade level; arithmetic fundamentals was at the 6.3 grade level.

Youth Authority wards in remedial academic programs gain an average of 1-1/2 months in achievement test scores for each month in the program. More than 800 wards per year earn their high school diploma or GED certificate while institutionalized.

The parole success rate, based on the longitudinal two-year follow-up of wards released during 1978, was 55.5 percent. This success rate has fluctuated between 54 and 60 percent over the past nine years.

BUDGETARY INFORMATION

The total proposed Youth Authority budget for Fiscal Year 1981-82 is \$224,479,210, of which \$63 million is for the County Justice System Subvention Program.

The average per capita cost to maintain a youth in a Youth Authority institution is projected to be \$22,169 in 1981-82 Fiscal Year.

The average per capita cost for a ward on parole is projected to be \$3,019 in 1981-82 Fiscal Year.

It is estimated to cost \$23.5 million to construct a 200 bed institution and \$5.7 million annually to operate.

A one month increase in length of stay equals a need for 400 additional beds which would cost approximately \$40.5 million (construction and operating cost).

It would cost approximately \$33.0 million to construct a 350 bed intensive treatment institution with an annual operating cost of \$10.4 million.

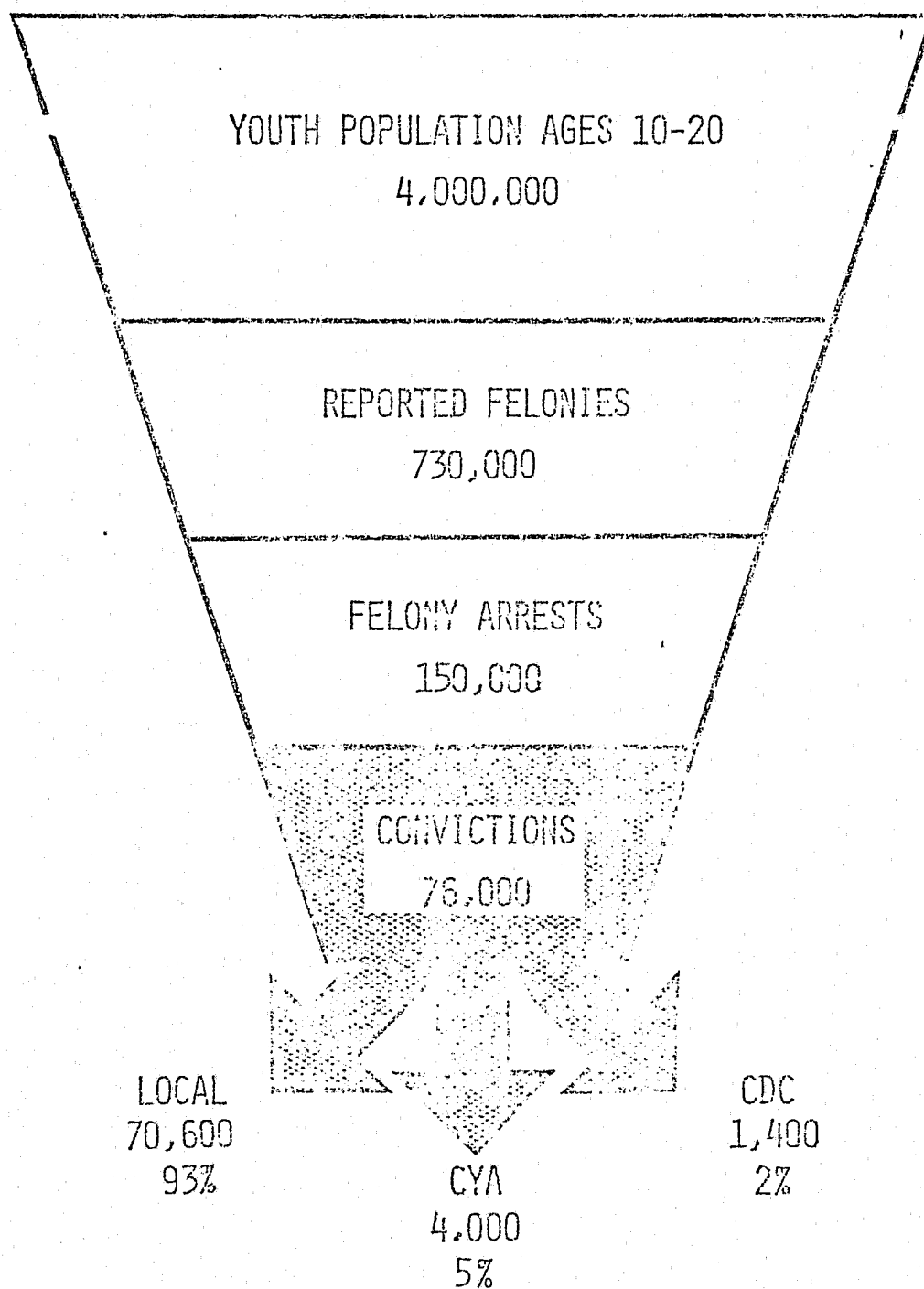
To build a forestry camp with 76 beds would be about \$4.0 million with an annual operating cost of \$1.2 million.

YOUTH AUTHORITY WARD CHARACTERISTICS

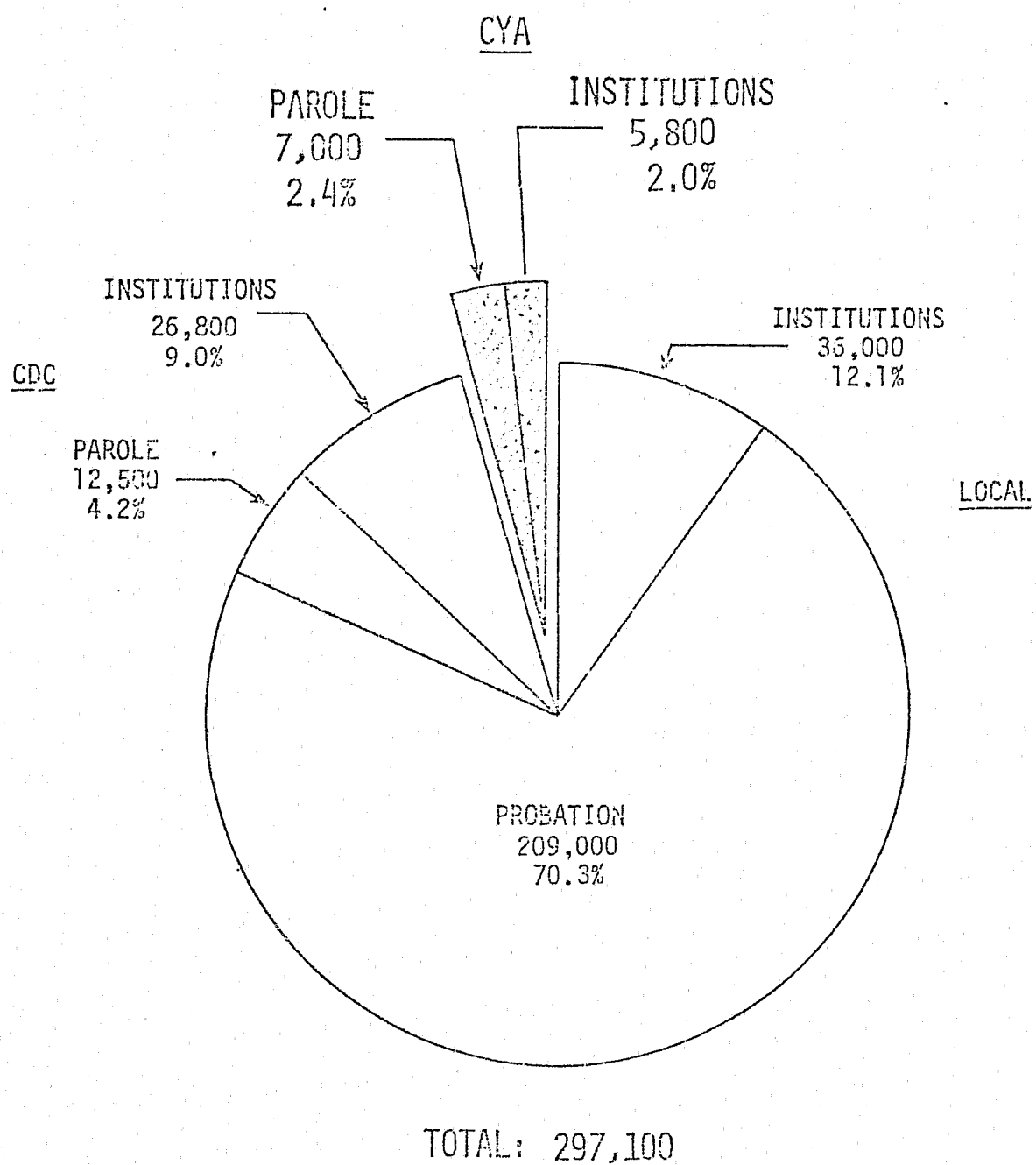
OCTOBER 1, 1981

TOTAL WARDS	12,825
INSTITUTIONS	5,919
PAROLE	6,906
COURT OF COMMITMENT (INST.)	
JUVENILE	54%
CRIMINAL	46%
COMMITMENT OFFENSE (INST.)	
VIOLENT	58%
OTHERS	42%
AREA OF COMMITMENT (INST.)	
SOUTHERN CALIFORNIA	65%
(LOS ANGELES - 45.6%)	
SAN FRANCISCO BAY AREA	19%
BALANCE OF STATE	16%
AVERAGE AGE AT ADMISSION (1980 1ST ADM)	17.5 YEARS
INSTITUTION	18.7 YEARS
PAROLE	20.2 YEARS
AVERAGE EDUCATION TEST SCORES (1980 1ST ADM)	
READING COMPREHENSION	6.8 GRADE LI
ARITHMETIC FUNDAMENTALS	6.3 GRADE LI
AVERAGE LENGTH OF STAY IN INSTITUTION (F.Y. 80-81)	13.1 MONTHS
SEX (INST.)	
MALES	96%
FEMALES	4%
ETHNIC DISTRIBUTION (INST.)	
WHITE	30%
SPANISH SPEAKING/SURNAME	29%
BLACK	38%
OTHERS	3%

YOUTH JUSTICE SYSTEM FLOW

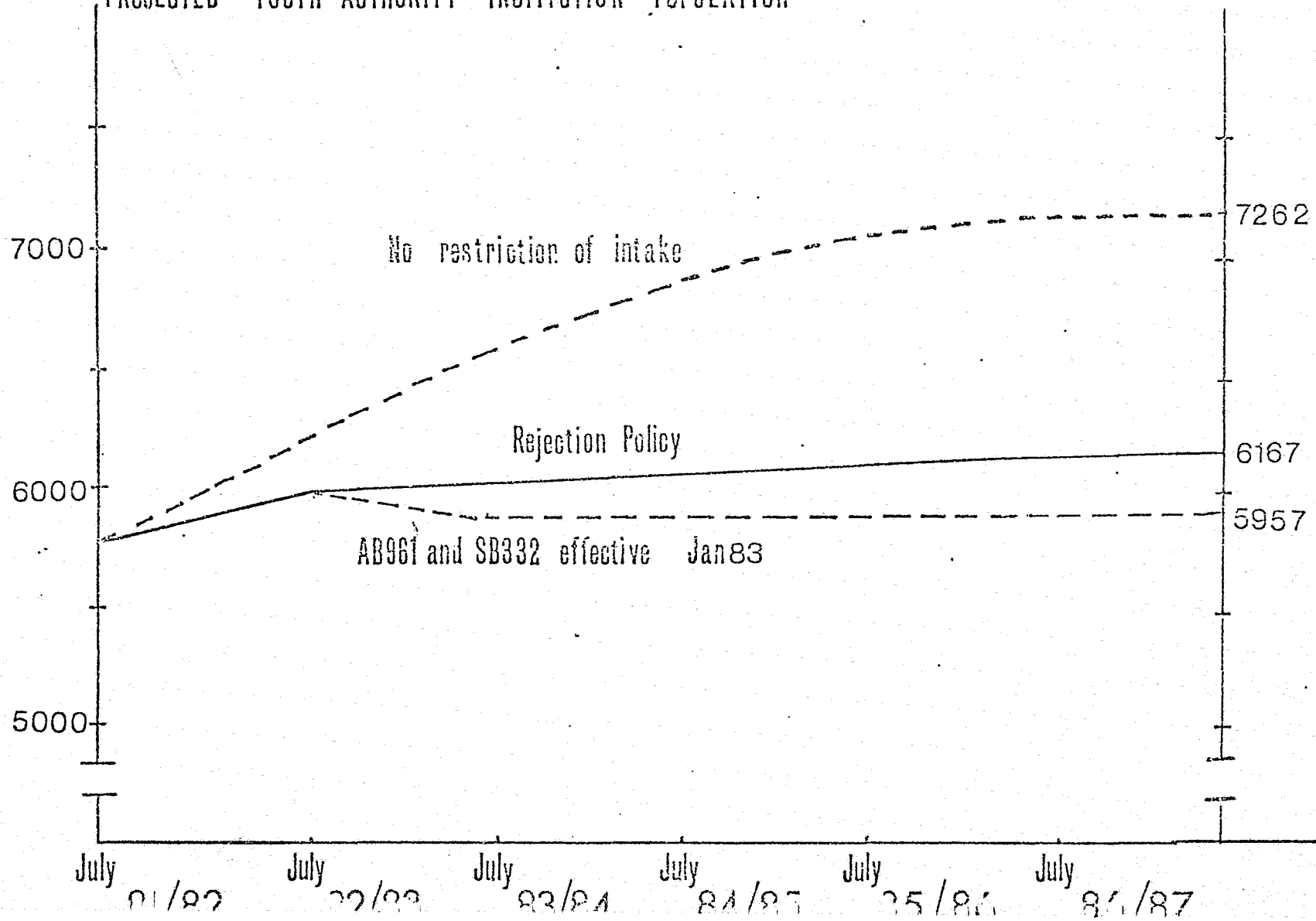


STATE/LOCAL CORRECTIONAL CASELOAD DISTRIBUTION



HOUSING NEEDS C.Y.A. 1981-82 - 1986-87

PROJECTED YOUTH AUTHORITY INSTITUTION POPULATION



BILLS SCHEDULED FOR COMMITTEE HEARING

(See Joint Rule 62)

Notice of such hearings should be delivered to the File Clerk not later than 4:00 p.m. prior to the date of publication.

Day: TUESDAY Date: DECEMBER 8, 19 81

Committee: CRIMINAL JUSTICE SUBCOMMITTEE ON JUVENILE JUSTICE

CRAMER, Chairman. Time: 9:30AM- Room: note location
5:00PM change

MEASURE: AUTHOR: SUMMARY:

INTERIM HEARING

SUBJECT: California Youth Authority

Location: Sacramento Convention Center
1100 14th Street -- "Yuba-Placer Room"
Sacramento, California

BILLS SCHEDULED FOR COMMITTEE HEARING

(See Joint Rule 62)

Notice of such hearings should be delivered to the File Clerk not later than 4:00 p.m. prior to the date of publication.

Day: TUESDAY Date: DECEMBER 8, 1981

Committee: CRIMINAL JUSTICE SUBCOMMITTEE ON JUVENILE JUSTICE

CRAMER, Chairman. Time: 9:30 AM- Room: see below
5:00 PM

MEASURE: AUTHOR: SUMMARY:

INTERIM HEARING

SUBJECT: California Youth Authority

LOCATION: The Lobby
Conference Room -- Downstairs
1117 - 11th Street
Sacramento, CA 95814

DATE September 30, 19

NOTICE OF ASSEMBLY INTERIM COMMITTEE MEETINGS

JOINT COMMITTEE ON _____

COMMITTEE ON CRIMINAL JUSTICE

SUBCOMMITTEE ON JUVENILE JUSTICE

SUBJECT OF HEARING California Youth Authority

DATE DECEMBER 8, 1981

TIME 9:30 AM--5:00 PM

PLACE Sacramento

CHAIRMAN CRAMER and MEMBERS HARRIS & D. STIRLING

Recorded: YES ☒ NO ☐

Sergeant-at-Arms to Record: YES ☒ NO ☐

Sergeant-at-Arms for Other Purposes: YES ☒ NO ☐

Other Information Which May be Helpful:

PLEASE RETURN ORIGINAL AND 3 COPIES AS FOLLOWS:

- Original: Speaker's Office, 3164 State Capitol, Sacramento,
1) Copy: Sergeant-at-Arms, 225-A State Capitol, Sacramento
2) Copy: Speaker's Office, 107 South Broadway, Rm. 8009, Los Angeles 900
3) Copy: Assembly Rules Committee, Rm. 3016
(Call Alisia BEFORE SETTING ANY INTERIM COMMITTEE MEETING) 5-21

Darlene L. Fridley
SIGNATURE OF SECRETARY

Exhibit B

STATEMENT BY

ROBERT E. KELDGORD, CHIEF
SACRAMENTO COUNTY PROBATION DEPARTMENT

Assembly Subcommittee on
Juvenile Justice

December 8, 1981

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE -

MY NAME IS ROBERT E. KELDGORD. I AM THE CHIEF PROBATION OFFICER FOR SACRAMENTO COUNTY. I SHOULD LIKE TO BEGIN MY TESTIMONY WITH TWO INTRODUCTORY COMMENTS, AS FOLLOWS:

WE IN SACRAMENTO COUNTY DO NOT NECESSARILY AGREE WITH ALL ACTIONS TAKEN BY THE DEPARTMENT OF THE YOUTH AUTHORITY, AND QUITE FRANKLY, WE STRONGLY DISAGREE WITH SOME SPECIFIC ACTIONS TAKEN BY THE YOUTH AUTHORITY AGAINST SACRAMENTO COUNTY. WE ALSO BELIEVE THAT IT'S IMPORTANT TO RECOGNIZE THAT, OVERALL, THE YOUTH AUTHORITY HAS FOR MANY YEARS BEEN A WELL RESPECTED AGENCY. TRADITIONALLY, THE DEPARTMENT HAS OPERATED PROGRESSIVE AND INNOVATIVE PROGRAMS. FINALLY, THE DEPARTMENT OF YOUTH AUTHORITY IS VERY FORTUNATE TO HAVE ON ITS STAFF SOME OUTSTANDING PROFESSIONALS FROM THE FIELD OF CORRECTIONS.

ONE ASPECT OF THE YOUTH AUTHORITY'S FUNCTION TO WHICH WE IN SACRAMENTO COUNTY TAKE EXTREME EXCEPTION IS THE MANNER IN WHICH THE YOUTH AUTHORITY EXERCISES ITS ROLE IN THE ESTABLISHMENT AND ENFORCEMENT OF STANDARDS FOR LOCALLY OPERATED, LOCALLY FUNDED JUVENILE HALLS. WE ARE NOT OPPOSED TO STANDARDS. WE ARE NOT EVEN OPPOSED TO MANDATORY STANDARDS, PROVIDING THAT SUCH STANDARDS ARE REASONABLY RELATED TO VALID GOALS, THAT THEY ARE APPLIED UNIFORMLY, FAIRLY, AND REALISTICALLY, PROVIDED THAT THERE IS AN ADEQUATE APPEAL PROCESS FOR THE COUNTIES, AND PROVIDING THAT THE STATE, IN ESTABLISHING AND ENFORCING SUCH STANDARDS, ALSO FURNISHES THE COUNTIES WITH FUNDS WITH WHICH TO COMPLY WITH THE STANDARDS. WE WOULD ALSO SUGGEST THAT IF THE STATE IS TO IMPOSE STANDARDS UPON COUNTY-OPERATED JUVENILE FACILITIES, THE STATE'S OWN JUVENILE FACILITIES SHOULD CONFORM

TO THE SAME STANDARDS. IT IS OUR UNDERSTANDING THAT THIS IS NOT PRESENTLY THE CASE.

ON DECEMBER 18, 1979, IN TESTIMONY BEFORE THE SENATE JUDICIARY SUB-COMMITTEE ON CORRECTIONS, THE DIRECTOR OF THE YOUTH AUTHORITY STATED, "THE INSPECTION PROGRAM IS RUNNING INTO INCREASING RESISTANCE FROM COUNTY AUTHORITIES WHO COMPLAIN OF TOO MUCH STATE REGULATION, AND SUGGEST THAT THEY BE ALLOWED TO REGULATE JUVENILE DETENTION FACILITIES THEMSELVES. THE DEPARTMENT'S POSTURE IS THAT WITHOUT STATE SUPERVISION, COUNTY STANDARDS WOULD DETERIORATE AND THAT ENFORCEMENT IS NECESSARY TO PROTECT THE RIGHTS AND SAFETY OF JUVENILES."

TO US, THERE IS AN INCONSISTENCY, IN THAT THE DIRECTOR OF THE YOUTH AUTHORITY FEELS, ON THE ONE HAND, THAT WITHOUT A STATE ENFORCEMENT OF STATE STANDARDS, THE RIGHTS AND SAFETY OF JUVENILES IN COUNTY-OPERATED FACILITIES WOULD BE JEOPARDIZED, BUT AT THE SAME TIME, THERE APPEARS TO BE NO ENFORCEMENT ACTION TAKEN WHEN THE YOUTH AUTHORITY'S OWN INSTITUTIONS REPORTEDLY DO NOT CONFORM TO THE SAME STANDARDS.

THE BASIC PROBLEM IS AS FOLLOWS:

UNDER PROVISION OF SECTIONS 209, 210, AND 872 OF THE WELFARE AND INSTITUTIONS CODE, THE YOUTH AUTHORITY IS EMPOWERED TO ESTABLISH AND ENFORCE STANDARDS FOR COUNTY-OPERATED JUVENILE HALLS AND INSPECT THEM FOR COMPLIANCE. OUR INFORMATION INDICATES THAT IN 1978, THE YOUTH AUTHORITY BEGAN, ON A SELECTIVE BASIS, TO CITE VARIOUS JUVENILE HALLS FOR "OVERCROWDING," DECLARING SUCH JUVENILE HALLS TO BE AN "UNSUITABLE PLACE" FOR THE CONFINEMENT OF MINORS. IF THE "VIOLATION" OF YOUTH AUTHORITY STANDARDS, UPON WHICH THE CITATION IS BASED, IS NOT CORRECTED WITHIN

60 DAYS FOLLOWING RECEIPT OF THE CITATION, THE FACILITY MAY NOT BE USED FOR CONFINEMENT PURPOSES AT ALL, UNTIL SUCH TIME AS THE YOUTH AUTHORITY STANDARDS ARE AGAIN ADHERED TO.

AGAIN, IT IS NOT THE CONCEPT OF ENFORCEMENT OF MANDATORY STANDARDS TO WHICH WE ARE OPPOSED, BUT RATHER, IT IS THE CONTENT OF PARTICULAR STANDARDS, AND THE MANNER IN WHICH THE YOUTH AUTHORITY HAS APPLIED THEM, OR REFUSED TO APPLY THEM, WITH WHICH WE STRONGLY DISAGREE, PARTICULARLY WITH RESPECT TO THE YOUTH AUTHORITY'S TREATMENT OF SACRAMENTO COUNTY.

UNDER YOUTH AUTHORITY STANDARD 4276, AN EXISTING JUVENILE HALL BUILT IN ACCORDANCE WITH CONSTRUCTION STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION SHALL BE CONSIDERED AS BEING IN COMPLIANCE WITH THE PROVISIONS OF THE STANDARDS UNLESS THE CONDITION OF THE STRUCTURE IS DETERMINED BY THE YOUTH AUTHORITY TO BE DANGEROUS TO LIFE, HEALTH OR WELFARE OF MINORS.

THE SACRAMENTO COUNTY JUVENILE HALL WAS BUILT IN 1963, AT WHICH TIME IT WAS DECLARED BY THE YOUTH AUTHORITY TO BE IN COMPLIANCE WITH CONSTRUCTION STANDARDS IN EFFECT AT THAT TIME.

YOUTH AUTHORITY STANDARD 4272(1), IN EFFECT AT THE PRESENT TIME, PROVIDES AS FOLLOWS:

SINGLE OCCUPANCY SLEEPING ROOMS SHALL EACH CONTAIN A MINIMUM OF 500 CUBIC FEET OF AIR SPACE AND 63 SQUARE FEET OF FLOOR SPACE. DOUBLE OCCUPANCY SLEEPING ROOMS SHALL CONTAIN A MINIMUM OF 800 CUBIC FEET OF AIR SPACE AND 100 SQUARE FEET OF FLOOR SPACE.

DORMITORY TYPE SLEEPING AREAS SHALL CONTAIN A MINIMUM OF 400 CUBIC FEET OF AIR SPACE AND 50 SQUARE FEET OF FLOOR SPACE PER PERSON.

THE DIMENSIONS OF THE SLEEPING ROOMS AT THE SACRAMENTO COUNTY JUVENILE HALL ARE AS FOLLOWS: 825 CUBIC FEET OF AIR SPACE AND 82 1/2 SQUARE FEET OF FLOOR SPACE. THUS, OUR SLEEPING ROOMS ARE FAR IN EXCESS OF THE ENTIRE STANDARD FOR SINGLE OCCUPANCY SLEEPING ROOMS AND EXCEED THE REQUIREMENT FOR CUBIC FEET OF AIR SPACE IN DOUBLE OCCUPANCY SLEEPING ROOMS, BUT FALL SOMEWHAT SHORT OF THE REQUIREMENT FOR SQUARE FOOTAGE OF FLOOR SPACE FOR DOUBLE OCCUPANCY SLEEPING ROOMS.

AT THE SACRAMENTO COUNTY JUVENILE HALL, MINORS SPEND ONLY APPROXIMATELY 8 HOURS IN ANY GIVEN DAY IN THE SLEEPING ROOMS. DURING THE REMAINING HOURS OF EACH DAY, THE MINORS AT OUR JUVENILE HALL ARE LOCATED ELSEWHERE, AS FOLLOWS: THEY ARE IN THE DAY ROOM, IN CLASSROOMS, IN THE GYMNASIUM, ON THE PLAYGROUND, IN THE MEDICAL CLINIC, IN THE DINING ROOM, OR, IN GOOD WEATHER, AT THE SWIMMING POOL.

DURING THE TIME THAT A MINOR IS IN A SLEEPING ROOM, THERE ARE ALWAYS BETWEEN ONE AND THREE STAFF MEMBERS ON DUTY IN EACH LIVING UNIT. SHOULD THE MINOR ENCOUNTER ANY PROBLEMS, AN INTERCOM IS AVAILABLE AND MAY BE USED TO SUMMON IMMEDIATE ATTENTION FROM THE OFFICER(S) ON DUTY.

A MINOR WHO IS CONFINED WITHIN SACRAMENTO COUNTY'S JUVENILE HALL HAS AT HIS OR HER DISPOSAL A VAST ARRAY OF SERVICES, INCLUDING EDUCATIONAL PROGRAM, MEDICAL CARE, LIBRARY SERVICES, COUNSELING PROGRAM, RECREATIONAL OPPORTUNITIES, RELIGIOUS PROGRAMMING AND SELECTED PSYCHOLOGICAL SERVICES.

THE SACRAMENTO COUNTY JUVENILE HALL HAS BEEN REPEATEDLY INSPECTED, APPROVED, AND SOMETIMES EVEN COMMENDED BY AN ARRAY OF AUTHORITIES, INCLUDING THE SACRAMENTO COUNTY JUVENILE COURT, THE SACRAMENTO COUNTY JUVENILE JUSTICE COMMISSION, THE SACRAMENTO COUNTY GRAND JURY, THE SACRAMENTO COUNTY HEALTH OFFICER, THE LOCAL FIRE MARSHAL, THE STATE FIRE MARSHAL AND BY THE U.S. DEPARTMENT OF JUSTICE. IN HIS LATEST INSPECTION REPORT, THE FEDERAL INSPECTOR NOTED, "THIS IS A VERY WELL OPERATED FACILITY AND HAS NO PROBLEMS WITH ITS OPERATION. THIS FACILITY IS VERY PROFESSIONALLY OPERATED..." THE FEDERAL REPORT FURTHER NOTES, "THERE IS NO PROBLEM WITH THIS FACILITY - IT IS OPERATING QUITE SATISFACTORILY."

NOTWITHSTANDING THE OBSERVATIONS OF THE MANY AUTHORITIES WHO REPEATEDLY INSPECT AND APPROVE THE SACRAMENTO COUNTY JUVENILE HALL, THE YOUTH AUTHORITY HAS DECLARED OUR FACILITY TO BE "AN UNSUITABLE PLACE FOR THE CONFINEMENT OF MINORS."

SECTION 872 OF THE WELFARE AND INSTITUTIONS CODE REQUIRES THE YOUTH AUTHORITY TO ESTABLISH A MAXIMUM POPULATION LIMIT FOR EACH JUVENILE HALL. THE LIMIT WHICH HAS BEEN ESTABLISHED FOR SACRAMENTO COUNTY'S JUVENILE HALL IS 207. THE YOUTH AUTHORITY ALSO ESTABLISHES MAXIMUM POPULATION LIMITS FOR EACH LIVING UNIT IN THE HALL.

ACCORDING TO THE YOUTH AUTHORITY, OUR "VIOLATION" CONSISTED OF PLACING TWO MINORS IN A SMALL PERCENTAGE OF OUR SLEEPING ROOMS, CONTRARY TO THE SQUARE FOOT REQUIREMENTS FOR DOUBLE OCCUPANCY SLEEPING ROOM FLOOR SPACE, DESPITE THE FACT THAT WE WERE NOT IN EXCESS OF THE MAXIMUM POPULATION OF THE FACILITY AS A WHOLE. IN OUR JUDGMENT, OUR ACTIONS DID NOT RESULT FROM A DISREGARD FOR THE RIGHTS AND SAFETY OF THE MINORS CONCERNED, BUT, RATHER, RESULTED FROM THE FOLLOWING:

WE SIMPLY DO NOT BELIEVE IT TO BE APPROPRIATE, NOR IN THE BEST INTERESTS OF A MINOR, TO HOUSE 12 AND 13 YEAR OLD, RELATIVELY UNSOPHISTICATED JUVENILES IN THE SAME UNIT WITH AGGRESSIVE, HOSTILE AND CRIMINALLY SOPHISTICATED 17 YEAR OLDS. TO ENGAGE IN SUCH A PRACTICE WOULD NOT ONLY VIOLATE COMMON SENSE, BUT IT ALSO VIOLATES THE VERY BASIC PRINCIPLE UPON WHICH CLASSIFICATION OF OFFENDERS IS BASED. WHETHER IN STATE-OPERATED JUVENILE FACILITIES OR IN COUNTY-OPERATED JUVENILE FACILITIES, MINORS MUST BE SEGREGATED ACCORDING TO AGE, SEX, DEGREE OF CRIMINALITY, AND PSYCHOLOGICAL MATURITY.

AT THE SAME TIME THAT THE YOUTH AUTHORITY HAS CHOSEN TO ADOPT THE POSTURE OF RIGID ENFORCEMENT IN OUR COUNTY AND IN SOME OTHER COUNTIES, INCLUDING MR. FISCHER'S COUNTY, MERCED, SAN JOAQUIN, LOS ANGELES, ORANGE, AND SAN DIEGO, THE YOUTH AUTHORITY HAS GRANTED SPECIAL DISPENSATION TO AT LEAST FOUR OTHER COUNTIES, NAMELY, ALAMEDA, CONTRA COSTA, SAN MATEO AND SANTA CLARA, EXEMPTING THEM FROM CONFORMITY TO THIS PARTICULAR YOUTH AUTHORITY STANDARD 4272(1). THUS, THE YOUTH AUTHORITY, WHICH DESCRIBES SACRAMENTO COUNTY'S JUVENILE HALL AS "UNSUITABLE" WHEN WE PLACE TWO MINORS IN SLEEPING ROOMS OF 82.5 SQUARE FEET, RAISES NO OBJECTION WHEN SANTA CLARA COUNTY PLACES TWO JUVENILES IN A SLEEPING ROOM OF 59.3 SQUARE FEET OR WHEN CONTRA COSTA COUNTY PLACES TWO JUVENILES IN A SLEEPING ROOM OF 75.4 SQUARE FEET.

IN ADDITION, WE HAVE SOME INFORMATION WHICH WAS OBTAINED FROM THE YOUTH AUTHORITY BASED UPON DATA COLLECTED BY THEIR STAFF IN THE SUMMER OF 1980, AND REVEALS THAT THERE ARE AT LEAST THREE OTHER COUNTIES, NAMELY, BUTTE, MENDOCINO, AND SANTA BARBARA, WHICH DO NOT CONFORM ENTIRELY TO JUVENILE HALL SPACE REQUIREMENTS AND, WHICH, TO THE BEST OF OUR KNOWLEDGE, HAVE NOT BEEN CITED BY THE YOUTH AUTHORITY, EVEN THOUGH OSTENSIBLY NO SPECIAL

DISPENSATION HAS BEEN GRANTED TO THEM. FOR EXAMPLE, ACCORDING TO OUR INFORMATION, NONE OF THE SLEEPING ROOMS IN THE BUTTE COUNTY JUVENILE HALL CONFORM TO THE YOUTH AUTHORITY'S MINIMUM REQUIREMENT OF 63 SQUARE FEET FOR A SINGLE OCCUPANCY SLEEPING ROOM. NOTWITHSTANDING THIS FACT, DURING THE TWO YEAR PERIOD IN WHICH THE YOUTH AUTHORITY CHOSE TO CITE SACRAMENTO COUNTY'S JUVENILE HALL A TOTAL OF THREE TIMES FOR "VIOLATION" OF THE YOUTH AUTHORITY'S STANDARD FOR FLOOR SPACE SQUARE FOOTAGE, BUTTE COUNTY RECEIVED NO SUCH CITATION.

DESPITE OUR OCCASIONAL "VIOLATION" OF THE YOUTH AUTHORITY'S MINIMUM STANDARD FOR SQUARE FOOTAGE OF FLOOR SPACE IN DOUBLE OCCUPANCY SLEEPING ROOMS, BROUGHT ABOUT ONLY BY THE REALITIES OF DETENTION WITH WHICH WE ARE CONSTANTLY CONFRONTED, WE DO NOT BELIEVE THAT OUR JUVENILE HALL IS NOW, OR EVER HAS BEEN, AN "UNSUITABLE PLACE FOR THE CONFINEMENT OF MINORS." IN LIGHT OF THE OUTSTANDING QUALITY OF CARE AND SERVICES PROVIDED TO MINORS CONFINED IN OUR JUVENILE HALL, IT IS OUR POSITION THAT THE ADVERSE TREATMENT THAT WE HAVE RECEIVED FROM THE YOUTH AUTHORITY WITH RESPECT TO THE CITATIONS DESCRIBED, IS BASED UPON NOTHING MORE THAN RIGID APPLICATION OF PART OF A REGULATION, AND THAT THE DIFFERENCE BETWEEN THE YOUTH AUTHORITY'S REQUIREMENT FOR SQUARE FOOTAGE OF FLOOR SPACE AND THE SQUARE FOOTAGE OF FLOOR SPACE THAT WE ACTUALLY HAVE IN SLEEPING ROOMS IS NOT SO GREAT AS TO PLACE THE COUNTY OF SACRAMENTO OUT OF SUBSTANTIAL COMPLIANCE WITH THE STANDARDS.

WE STRONGLY BELIEVE THAT THE COUNTY OF SACRAMENTO SHOULD BE FOUND TO BE IN COMPLIANCE WITH THE CURRENT YOUTH AUTHORITY STANDARDS, PURSUANT TO THE PROVISIONS OF STANDARD 4276, AND WE TAKE EXCEPTION TO THE INEXPLICABLE MANNER IN WHICH THE YOUTH AUTHORITY HAS APPLIED STANDARD 4276 TO OTHER

COUNTIES, WHILE, AT THE SAME TIME, DENYING SUCH APPLICATION TO SACRAMENTO COUNTY, STANDARD 4310 PROVIDES THE RIGHT TO EACH JUVENILE HALL TO BRING TO THE ATTENTION OF THE DEPARTMENT OF THE YOUTH AUTHORITY ANY ALLEGED MISAPPLICATION OR CAPRICIOUS ENFORCEMENT OF REGULATIONS BY ANY DEPARTMENTAL REPRESENTATIVE, OR ANY SUBSTANTIAL DIFFERENCE OF OPINION AS MAY OCCUR BETWEEN THE JUVENILE HALL AND ANY DEPARTMENTAL REPRESENTATIVE CONCERNING THE PROPER APPLICATION OF THESE STANDARDS AND RELATED REGULATIONS.

THE COUNTY OF SACRAMENTO HAS EXERCISED ITS RIGHT UNDER THIS PROVISION WITH RESPECT TO THE CITATION ISSUED TO US ON APRIL 16, 1981. SACRAMENTO COUNTY HAS GRANTED A HEARING BEFORE REPRESENTATIVES OF THE YOUTH AUTHORITY IN THIS REGARD, AT WHICH TIME WE PRESENTED EVIDENCE OF SUBSTANCE OF MY TESTIMONY HERE THIS AFTERNOON. THE RESULT OF THAT HEARING WAS THAT THE DEPARTMENT OF THE YOUTH AUTHORITY DENIED OUR APPEAL.

IT IS OUR VIEW THAT THE APPEAL PROCEDURE ITSELF IS ALMOST LUDICROUS. THE APPEAL HEARING IS NOT CONDUCTED BY AN INDEPENDENT THIRD PARTY HEARING OFFICER, BUT, RATHER, IS CONDUCTED BY A REPRESENTATIVE OF THE YOUTH AUTHORITY, THE SAME DEPARTMENT ISSUING THE CITATION WHICH IS THE SUBJECT OF THE APPEAL. MOREOVER, THE DECISION ON THE APPEAL IS MADE BY THE DIRECTOR OF THAT SAME AGENCY. UNLIKE PERSONNEL MATTERS WHICH CAN BE APPEALED TO A CIVIL SERVICE COMMISSION OR TO A PERSONNEL BOARD, AND UNLIKE THE APPEAL PROCEDURE RELATIVE TO THE STANDARDS AND TRAINING OF PROBATION OFFICERS (SECTIONS 6035-6044 PENAL CODE) WHICH PROVIDES FOR APPEAL TO THE BOARD OF CORRECTIONS, WE HAVE A UNIQUE SITUATION IN WHICH THE YOUTH AUTHORITY ISSUES THE CITATION, CONDUCTS THE APPEAL HEARING, AND FINALLY DECIDES FOR OR AGAINST THE APPELLANT.

WE WOULD OFFER, FOR YOUR CONSIDERATION, SOME SUGGESTED SOLUTIONS:
(SEE PG. 7 TAPE B-6, 352)

FIRST OF ALL, THERE IS SOME QUESTION AS TO WHETHER OR NOT JUVENILE HALL STANDARDS SHOULD BE ESTABLISHED AND ENFORCED BY THE BOARD OF CORRECTIONS PERHAPS RATHER THAN BY THE YOUTH AUTHORITY. THE BOARD OF CORRECTIONS ALREADY HAS RESPONSIBILITY FOR THE SETTING OF STANDARDS IN LOCAL JAILS AND STATUTORY RESPONSIBILITY FOR TRAINING STANDARDS FOR PROBATION DEPARTMENT PERSONNEL. THE PRESENT ARRANGEMENT UNDER WHICH ONE SEGMENT OF STATE GOVERNMENT ESTABLISHES AND ENFORCES SOME PROBATION STANDARDS WHILE ANOTHER SEGMENT OF GOVERNMENT ESTABLISHES AND ENFORCES OTHER RELATED STANDARDS, LEADS TO FRAGMENTATION AND SOMETIMES TO INCONSISTENCY. FOR EXAMPLE, THE YOUTH AUTHORITY STANDARD 4280B REQUIRES A MINIMUM OF 40 HOURS OF TRAINING FOR NEWLY ASSIGNED STAFF IN A JUVENILE HALL, BUT THE STANDARDS OF THE CALIFORNIA BOARD OF CORRECTIONS REQUIRE 120 HOURS OF TRAINING FOR THE SAME INDIVIDUAL.

SECONDLY, WE WOULD URGE THAT INSPECTIONS OF JUVENILE HALL, BY WHATEVER AGENCY, BE DESIGNED TO ASSESS THE OVERALL QUALITY OF THE FACILITY, SIMILAR TO THE PROCESS BY WHICH UNIVERSITIES, HOSPITALS, AND LIBRARIES ARE EVALUATED. AN EXAMPLE MIGHT BE THAT OF THE NATIONAL COMMISSION ON ACCREDITATION FOR CORRECTIONS WHICH EVALUATES INSTITUTIONS BY DETERMINING THAT EACH STANDARD IS EITHER ESSENTIAL, IMPORTANT, OR DESIRABLE, AND THEREAFTER GRANTS ACCREDITATION TO THOSE INSTITUTIONS WHICH COMPLY WITH 90% OF THE ESSENTIAL STANDARDS, 80% OF THE IMPORTANT STANDARDS, AND 70% OF THE DESIRABLE STANDARDS. IN CONTRAST, SECTION 210 OF THE WELFARE AND INSTITUTIONS CODE STATES THAT "ANY VIOLATION" OF THE YOUTH AUTHORITY STANDARDS "SHALL RENDER A JUVENILE HALL UNSUITABLE FOR THE CONFINEMENT OF MINORS." - (SEE PG. 9, TAPE B-6, 429)

THIRDLY, IT SEEMS CLEAR TO US THAT THE ENFORCEMENT OF ANY STANDARDS, BY ANY AGENCY OF STATE GOVERNMENT, SHOULD BE DONE REALISTICALLY, FAIRLY, UNIFORMLY AND IN A NONDISCRIMINATORY FASHION AND SHOULD PROVIDE FOR A BONA FIDE, INDEPENDENT APPEAL PROCESS. CLEARLY, THE PRESENT ARRANGEMENT DOES NOT PROVIDE EITHER A TRUE APPEAL PROCESS NOR UNIFORM ENFORCEMENT OF THE STANDARDS.

FOURTHLY, WE BELIEVE THAT ANY JUVENILE HALL WHICH WAS OPERATIONAL PRIOR TO FORMAL ADOPTION OF THE YOUTH AUTHORITY STANDARDS, BUT WHICH IS AT PRESENT IN SUBSTANTIAL COMPLIANCE WITH SUCH STANDARDS, CONSIDERED AS A WHOLE, SHOULD BE DEEMED TO BE IN COMPLIANCE WITH THE PRESENT STANDARDS, PURSUANT TO THE PROVISION OF YOUTH AUTHORITY STANDARD 4276. WE ESPECIALLY BELIEVE THAT IN CASES SUCH AS SACRAMENTO COUNTY, WHERE THE JUVENILE HALL HAS BEEN REPEATEDLY INSPECTED, APPROVED, AND EVEN COMMENDED BY AN IMPRESSIVE ARRAY OF AUTHORITIES FROM LOCAL, STATE AND FEDERAL LEVELS, AND, WHICH, AS RECENTLY AS 1976 WAS APPROVED BY THE YOUTH AUTHORITY ITSELF, SUCH FACTS SHOULD BE THE BASIS FOR A PRESUMPTION OF COMPLIANCE WITH THE YOUTH AUTHORITY STANDARDS.

AND FINALLY, WE WOULD SUGGEST THAT IF THE STATE OF CALIFORNIA WISHES TO IMPOSE NEW STANDARDS UPON FACILITIES WHICH HAVE LONG BEEN OPERATIONAL THE STATE HAS A CONCURRENT RESPONSIBILITY TO FUND THE REMODELING AND CONSTRUCTION WHICH WOULD ALLOW PREEXISTING FACILITIES TO COMPLY WITH EXISTING STANDARDS. THE SITUATION IS ANALOGOUS TO THE STATE'S ADOPTION IN 1979 OF NEW STANDARDS FOR THE TRAINING OF PROBATION PERSONNEL. PURSUANT TO THIS LEGISLATION, THE FUNDING FOR SUCH TRAINING IS PROVIDED BY THE STATE OF CALIFORNIA.

THE PRESIDING JUDGE OF THE SACRAMENTO COUNTY JUVENILE COURT HAS ASKED ME TO ADVISE YOU THAT, IN HIS MIND, THERE IS SOME QUESTION AS TO THE CONSTITUTIONALITY OF THE CURRENT PRACTICE OF THE YOUTH AUTHORITY IN CITING SOME JUVENILE HALLS AND NOT CITING OTHERS. HE SUGGESTS THAT THE PRACTICE IS UNCONSTITUTIONAL IN THAT THE YOUTH AUTHORITY STANDARDS ARE UNEQUALLY APPLIED.

FOR THREE YEARS, WE HAVE TRIED TO WORK WITH THE YOUTH AUTHORITY TOWARD A RESOLUTION OF THE PROBLEM, BUT HAVE MET WITH NO SUCCESS. WE BELIEVE, THEREFORE, THAT THE APPROPRIATE REMEDY MAY BE IN THE LEGISLATIVE REALM AND THAT THE LEGISLATURE NOW HAS THE OPPORTUNITY TO REMEDY WHAT, FOR SACRAMENTO AND SOME OTHER COUNTIES, IS FRANKLY AN UNTENABLE SITUATION.

Exhibit C

PRESENTATION TO THE
ASSEMBLY CRIMINAL JUSTICE SUBCOMMITTEE
ON JUVENILE JUSTICE
INTERIM HEARING

BY
PEARL S. WEST, DIRECTOR
DEPARTMENT OF THE YOUTH AUTHORITY

DECEMBER 8, 1981

SACRAMENTO

Mr. Chairman and Members, I am Pearl S. West, Director of the California Youth Authority. It is a pleasure to be here this morning to acquaint you with the operation of the Department of the Youth Authority as well as the California justice system in which the Youth Authority is but one segment. For your information and future reference, we have prepared fact sheets containing pertinent points about the Youth Authority. In addition, I have brought with me several large charts which are reproduced in a smaller form and attached to the fact sheet.

During my presentation this morning, it is important to remember that the justice system in California is a system and represents a continuum of services to deal with offenders. What happens to any one portion of this system, by definition, affects the rest of the system. No single portion of this system can exist in total isolation from its other components.

The justice system in California is presently undergoing a great deal of stress, fiscally, legislatively, and through the courts. Post Proposition 13 pressures have induced massive cuts in local probation services and almost every county is exploring the possibility of cutting non-mandated services for offenders as a means of reducing budgets. Juvenile ranches and camps as well as other local programs are being considered expendable. This has created pressures throughout the system not the least of which is an increase in commitments to the Youth Authority.

Charts I and II illustrate my comments about the youth justice system in California and more specifically, the Youth Authority's role in that system. Chart I depicts the youth justice system flow and shows that as of the end of 1980, the state's youth population from ages 10 to 20 was four million with reported felonies at 730,000. Arrests for these crimes totaled 150,000. Of these, 93% were handled at the local level and 7% were committed to the state (5% to the Youth Authority and 2% to the Department of Corrections). Chart II is an even more graphic demonstration of state and local level responsibility for the offender population in California. The total of all those incarcerated or on probation or parole in California is 297,100. Our pie chart illustrates that local correctional services are responsible for a whopping majority of the total correctional caseload - that is, 245,000 or 82.4% are handled at the local level. The Department of Corrections is responsible for 39,300 offenders or 13.2% of this caseload while the Youth Authority supervises a total of 12,800 or 4.2% of the adjudicated offenders in the state.

The Youth Authority is the disposition of last resort for the juvenile court which commits to the Department the more serious and habitual offenders for whom local resources have been exhausted. 54% of our population comes from the juvenile court. The Youth Authority also represents an option for youthful offenders, ages 18-20, from the criminal court if the

judge feels they are too sophisticated for local jurisdiction but too immature for state prison. 46% of our present population were committed from the criminal court. Jurisdiction over juvenile court commitments expires at age 21 or 23 for more serious offenses. Departmental jurisdiction over criminal court misdemeanants is to age 23 and criminal court felons until age 25.

Presently the Department has 5,893 wards in 10 institutions and 6 conservation camps and supervises 7,000 wards on parole. The rated capacity of our institutions is 5,340 which means that we are presently operating at 110% of capacity. For the past seven years, the Department has been experiencing an unprecedented increase in the rate of commitments to the Youth Authority from the local level of 46%. In 1973-74, the rate of commitment was 70 per 100,000 people in 1980, an increase of 46% for that 7 years.

Another factor contributing to Youth Authority population is the length of stay of young people in our institutions and camps which has increased from 11.1 months in 1972 to 12.9 months in 1980. This factor only makes a dramatic difference in Youth Authority housing needs when you realize that every added 30 days length of stay creates a need for 400 additional beds. While increased length of stay is undoubtedly in response to a rising concern over crime, it is important to note that the

responsibility for establishing the length of incarceration and for paroling young people from Youth Authority institutions rests solely with the Youthful Offender Parole Board. This Board was legislatively separated from the Department in January 1980 and is now a completely separate organization with its own administration within the youth and adult corrections agency.

ASSEMBLYMAN STIRLING:

The Department has thus far been successful in administratively handling its overcrowding problems without serious incident to wards and staff. While we are committed to seeking alternatives to construction of new facilities, we are exploring a modest capital construction program with the administration. In addition, we have instituted a revised intake policy and are not accepting some of the more serious or habitual adult cases as I've just described to you.

The mission of the Department of the Youth Authority was revised in the current session by Senator Presley's SB 193 to mandate public protection as its primary goal, through the provision of training and treatment to correct and rehabilitate young persons who have committed public offenses.

ASSEMBLYMAN STIRLING:

I would like to comment here that the policies and procedures which guide the operation of the Department are detailed in several departmental manuals which are available to staff at every departmental location and are also available for public scrutiny. In addition, the more substantive departmental policies and procedures including those which govern the handling of wards are set forth in Title 15 of the California Administrative Code and have gone through a statewide public hearing process before being adopted.

At this point, I would like to share with you some thoughts relative to testimony that was given to you on November 13 in Chino as well as some information about departmental operations and really appreciate the opportunity that is offered here to set the record straight. While you have heard testimony from a few staff there, some of whom are highly disgruntled, I hope that you will not base your opinions of the Youth Authority totally on their comments alone. For every person who appeared before you with a negative posture about the Department, there are literally hundreds of Youth Authority staff whom you will never see who are highly dedicated, hard working, motivated and perform their job functions in an outstanding manner.

I think it is appropriate in the Department's testimony to speak to the morale of staff. I believe the staff morale of the Youth Authority is very good...if...you take the following factors into consideration: 1) The correctional arena by definition is a constant high stress, high pressure type of job; 2) The Youth Authority is at 110% of bed capacity, which for us is extreme overcrowding with concomitant difficulties and problems in discipline and program and with handling people within the facilities. I worry much as to whether it gets worse and we have to keep everybody inside all the time; 3) The public attitude, as reflected by the media and the press, is very demanding at this time with mixed and conflicting expectations; 4) Budget monies are extremely tight and resources are not easily available to assist in the complicated problems of corrections; 5) Staff perceive that recent legislation increases the demands on them without the provision of any additional resources and staff feels that that's necessary to do the job; 6) Lastly, that inflation and interest rates in the general community for people who wish to promote or move or even live on correctional salaries has become extremely difficult. Now, if you take all of the above factors into consideration, I believe that the morale of the staff of the Youth Authority is especially high. We have a very dedicated staff who are working under extremely difficult conditions with an extremely difficult clientele and I think they are doing a hell of a good job. As an indication of morale, let me put before you some statistics

regarding promotional opportunities in the Department. In a two-year period beginning September 30, 1979 through September 30, 1981, we have had 683 promotions out of a staff that has numbered 3,800. This means that approximately one out of every five positions in the Youth Authority was filled by a promotion during the last two years. Another example of the healthiness of the Department is in the number of applications for entry level and promotional examinations. In a recent exam for Parole Agent I, there were approximately 2,350 applicants while the Department is budgeted for only 294 staff in the Parole Agent I position. For Senior Group Supervisor, there were 520 applications received while there are only 30 positions available. I think these examples are indicative of a strong continuing interest on the part of staff who want to work in the correctional arena and who are willing to compete for promotions.

I would like to put the issue of recidivism into context. The Youth Authority has approximately 6,000 young people in its institutions and 7,000 on parole. Every one of these 13,000 young people have failed at the community level. The family has failed, the school has failed, the total community has failed. Finally, the local jurisdiction says, "We have used every available resource and we no longer can handle this young person--you take him." Hence, the Department receives each year approximately 3,500 first commitments, each of whom has

committed crimes against the laws of our society and has been deemed locally to be lost and incorrigible. The average first commitment to the Youth Authority is 17 years old and has a sixth grade reading ability and sixth grade math ability and essentially no job skills. They are with rare exceptions, hostile, angry, fearful and acting out and the Department does protect the public by locking them up. We incarcerate them and they do time. Much has been said about "success" and "failure" rates in our Department. Let's place this much discussed issue into perspective. If only 10% of these 6,000 youngsters we have in our institutions make a successful adjustment in the community, that is 600 losers who have turned into self-sustaining citizens. A success rate of 20% would mean 1200, 30% would mean 1800, 40% would mean 2400. Based on 1978 releases - with a 24 month follow-up cohort, the parole success rate was 55.5%. Considering the fact that we start with 100% failures, a return of 3,330 young people to the streets as useful citizens is not a bad track record for the Department especially after the cities and communities of California had given up on them.

ASSEMBLYMAN STIRLING:

I understand that training was mentioned to you in a negative fashion in the November 13 hearing. I think the Department has an outstanding training program. The California Youth Authority

allocates its training resources based on three different types of needs. These are basic skills training, performance maintenance, and one time need training.

In 1980-81, over 170,000 hours of training was provided to Youth Authority staff. Eighty percent is provided by Youth Authority staff trainers.

The Youth Authority emphasizes training of line staff. Eighty-seven percent of the training budget goes to the Institution and Camps Branch and to the Parole Branch. Of that, 70% was allocated for positions that directly deal with wards -- the Group Supervisors, Youth Counselors, shift supervisors, teachers and field parole agents.

New Group Supervisors and Youth Counselors must learn their skills in Youth Authority training programs. 213 hours is provided within their first year of employment. This includes three weeks at the Department's Training Academy in Modesto within 90 days of hiring and a 40-hour course in crises intervention techniques.

Forty percent of the training provided to parole agents deals with arrests, search and security. Twenty-six percent was for treatment skills.

Seventy-five percent of the training for Group Supervisors was for security.

Let us now discuss the Youth Authority's Ward Grievance procedures. In almost every recent major prison disturbance, investigation of the causes has confirmed the existence of pervasive, long-standing and legitimate inmate complaints directed at conditions, policies or personnel within the besieged institution.

Responding to a clearly perceived need in late 1972, my predecessor at the California Youth Authority adopted a basic grievance procedure design which includes criteria established by the National Advisory Commission on Criminal Justice Standards and Goals.

Ward grievance procedures were implemented in all Youth Authority institutions, camps and parole offices by 1976. Lack of funds always means it takes a long time. This same year, the Law Enforcement Assistance Administration (LEAA) declared our ward grievance procedure an exemplary project worthy of replication by correctional agencies in other states. In fact, this grievance system has subsequently been studied by correctional systems throughout the world and has become the system upon which most other correctional grievance systems in the United States have been based. Also in 1976, the

Legislature enacted laws to mandate ward grievance procedures for all Youth Authority wards. Ward grievance procedures are designed to provide a method of redress for ward complaints about matters which are within the Department's control. The system provides wards the opportunity for a full hearing, written responses within specified time limits, and rights of appeal by either party, including an appeal to independent review by a neutral person not employed by the Department.

CHAIRMAN CRAMER:

Over the years, some staff have expressed concern and fear of being wrongly disciplined as a result of false allegations by wards. They have also been concerned about wards not being held accountable for such false allegations. However, statistics for 1980 show that of almost 10,000 grievances filed, only 149 or 1.5 percent included serious allegations against staff. Only 27 of these allegations were found true. Further, the Department has been training staff in their rights concerning ward allegations and in procedures for filing charges of "slander" against wards. Wards who have falsely accused staff are subject to disciplinary action. We find that staff who have been trained in these procedures are more willing to accept the system. All staff will have received this training by December 31, 1981.

Welfare and Institutions Code Section 1766.5 (i) requires an annual evaluation of the Ward Grievance Procedure by an independent evaluator. For the past three years, the independent evaluators have concluded through interviews with randomly selected wards that the existence of the Ward Grievance Procedure has resulted in much less violence than would be the case if wards did not have a legitimate means of expressing their complaints. As required by Welfare and Institutions Code 1766.5 (i), we will continue to submit annual reports and independent evaluations to the legislature for their review.

Another internal institution and ward management tool is the Disciplinary Decision Making System which was introduced in our institutions in 1973. Its purpose is to provide procedural safeguards for wards accused of serious violations of institution rules. The basic concept was to provide for increasing levels of administrative review as disciplinary sanctions become more serious.

The facilitating factor in establishing this system in our institutions was a 1974 Supreme Court ruling which held that the Fourteenth Amendment's due process clause protects residents of correctional institutions facing punitive sanctions. The court spelled out minimal due process requirements:

1. Advance written notice of charges no less than 24 hours before his/her appearance at a disciplinary hearing.

2. The right to call witnesses and present documentary evidence in his/her defense.
3. Providing substitute counsel in certain cases.
4. An impartial fact finder.
5. A written statement as to the evidence relied on and reasons for the decision.

During Fiscal Year 1980-81 there were 5,497 serious incidents processed in the DDMS procedure with 5,290 wards involved.

Disposition of 65% or 3,433 of the serious incidents was handled by staff and the remainder were referred to the Youthful Offender Parole Board for disposition.

Youthful Offender Parole Board actions involved time adds for 1,725 wards averaging 3.1 months. Of these, 133 cases involved transfers to another institution. In the balance of the cases (132) there were transfers without time adds, cancellation of parole plans, or no action.

The four most serious offenses wherein Board actions were taken were: assault on wards, 511; escape or attempted escape, 353; drugs and alcohol, 314; interfering with duties, 158. There were 77 cases of assault on staff. If the ward had multiple charges, only the most serious offense was used in this tabulation, or if two identical charges were involved, it is listed only once.

The Department may request formal court action when a ward is suspected of committing a criminal offense in an institution. For instance, during 1981, at one Youth Authority institution, 23 serious incidents were referred to the District Attorney; 15 were accepted for prosecution. Of those, 8 were found guilty of either the original charge or a lesser charge resulting from plea bargaining. The other seven are still being processed.

There has been much discussion around the Youth Authority's day pass program. Let me see if I can add some clarifying information for the committee. First, the Youth Authority does have a day pass program. Secondly, the purpose of the program is to provide wards, who are still under the jurisdiction of the Youth Authority but who are in the latter stages of the time they will spend in the institution an opportunity to spend limited periods of time in the community with family and/or responsible adults. This time provides the opportunity for family ties to be strengthened and to develop information that will assist in an appropriate parole program for the ward.

During the calendar year 1980, the three Stockton institutions, housing approximately 1,200 wards, granted 4,302 day passes. Of these, 20 wards escaped, with one escapee becoming involved in an additional crime, vehicle theft. Approximately 30 wards lost their day pass privileges for returning late to the institution, possession of contraband (marijuana), alcohol on the breath, and failing to comply with the responsible person's instructions.

Wards in the Department do not receive day passes without careful scrutiny and review. This includes the fact that they must be in the latter half or one-third of their stay before their parole consideration date. Evaluation of other factors include:

- The ward's past history, commitment offense, the community reaction at the time of the offense, and, if necessary, the result of an updated community reaction report.
- Past escape history.
- Family relations.
- Observable positive behavior/attitude modification.
- Academic or vocational progress.
- Overall progress toward meeting treatment goals.

To give you another example of our day pass program, in Southern California the Youth Training School in Ontario, with an average population of 1,200 wards, granted 686 day passes during the first 11 months of 1981. A total of 17 disciplinary actions resulted; three for escapes, five for failing drug tests, eight for late return, and one for reckless driving.

There are two factors of which I would like you to take careful note as I summarize our day pass program. The first is that the Department handles many thousands of day passes every year with a very small number of incidents. Secondly, that in our institutions that house our older, more mature, and perhaps more difficult cases, we approve a significantly smaller number of day passes than at our institutions which house our lighter weight offenders.

The safety of staff, wards and the public continues to be of the highest priority for the Youth Authority. The well being of each of these groups is inherently congruent with the mission of the Youth Authority - the protection of society.

Since 1975, the Department has spent nearly \$8,000,000 to improve security within its institutions. Federal grant funds were developed for this purpose as well as monies from the State general fund. A partial list of improvement projects undertaken includes renovation of ward security rooms, security sound systems, modification to control centers, cathodic protection, upgrading of high voltage systems, emergency power generators, modifications to youth counselors stations to improve security, installation of suicide prevention hardware, etc.

Considerable effort has also been made to upgrade staffing ratios in institutions. Because of fiscal constraints, this issue has received little support from control agencies. Addition of man years continues to be the most difficult budget issue to sell.

These improvements have occurred as a result of several internal task forces composed of different levels of staff working together to submit recommendations to the Department on safety/security related issues. The most recent task force developed minimum safety/security standards for institutions and camps. Upon review and comment by relevant labor organizations, these standards will be adopted as Department policy.

Not included in the \$8,000,000 figure previously quoted, is the Department's ongoing effort to improve the treatment programs it provides for wards. It is the Department's strong position that while we need to continue to improve our physical plant and upgrade our security hardware and staffing patterns, these improvements cannot supplant the safety benefits to be derived from an effective treatment program coupled with good ward supervision practices and good ward-staff relationships. When one considers that many of our facilities are open dorms, and ward to staff ratios after 9:00 p.m. are almost always above 20 to 1, the high priority this issue must receive is readily apparent.

As I mentioned earlier, the Department's facilities are overcrowded. We are at 110% of capacity.

At this point, I must share with you some of the effects of overcrowding.

Overcrowding creates expensive pressures on both staff and wards. Increased workers compensation costs and increased employee sick leave are a result of overcrowding.

Ward misbehavior increases as excessive numbers are crowded into places of fixed capacity and program resources are taxed beyond tolerable levels. This misbehavior must sometimes be punished by increasing the amount of time a ward must remain in the Youth Authority, thus further exacerbating the population problem, with its concomitant expense.

Some ward misbehavior is directed toward staff, which increases the hazards of working in our institutions and camps.

When institutions and camps are overcrowded, much of the ability to effectively classify wards and assign them to appropriate facilities and treatment programs is lost. This decreases the effectiveness of rehabilitation programs and increases the danger to staff and wards.

Another problem is the overcrowding of institution detention units. These units are analogous to a jail within an institution. They are primarily for short-term discipline, or the holding of a ward until a disciplinary procedure is completed. As in a community where the jail is full, we must often release wards from detention space back into the general institution population before we feel it is timely simply in order to make room for wards whose misbehavior is more recent or more serious, or both.

I believe it is very clear that overcrowding is an extremely serious problem for the California Youth Authority.

I would like to mention our new population management system. About three years ago the Department started development of a revised system to assure that each institutionalized ward is placed in an optimum program for that person to the maximum extent possible. This is necessary so that the public is protected, individual ward needs are met, institution facilities are kept at or very near budgeted capacity, and to meet legal requirements. We started to introduce these changes in mid-1981; they will be fully operational by January 15, 1982.

There has been some concern voiced that the Department does not provide appropriate information to the Youthful Offender Parole Board to aid in their decision making process concerning whether or not to grant parole to a ward. I differ with this criticism in that I think we do provide the Board with very appropriate information. Every ward has a set of goals which are reviewed every 60 days by institution staff which includes living unit staff, education staff, vocational education staff and others who come in contact with the ward on a regular basis. These assessments are geared toward two basic questions. 1. What skills does a ward have to have to re-enter the community and live in a law abiding fashion? 2. Would the ward, if paroled, constitute a danger to the community?

Let me talk for a moment about the Department in areas that have not been brought up in previous testimony.

First, the Youth Authority stands at the head of the list of Departments in state government in terms of affirmative action. 40.1% of our staff are minorities and we have accomplished this without sacrificing quality. A strong, aggressive affirmative action program is a benefit to public protection and programs because of the marked increase in percentages of minority wards in institutions.

Next, the state is now knee deep in implementing the complicated processes of labor relations and collective bargaining. The Youth Authority, through pre-planning, training, and preparation work is one of the best prepared Departments in all state government to enter into the labor relations process. We are prepared to shoulder our responsibilities in negotiating

bargaining, implementing contracts, and handling strikes. You should be aware, as I am sure that you are, that much of the criticism aimed at the Department for the past year or two has been the direct result of employee organizations posturing in an attempt to obtain votes and exclusive representation of large groups of state employees.

An area of responsibility that many people are not aware of is that the Department of the Youth Authority is required by statute to establish minimum standards for juvenile halls, camps and ranches, and jails that detain minors for periods in excess of 24 hours. Annual inspections of these facilities have been mandated by the State through the Department of the Youth Authority for juvenile halls and camps operated by the probation department since 1970. While standards can be viewed in a negative light, I believe that counties have used the opportunity presented by Youth Authority enforcement of juvenile hall and camp standards to correct programmatic and physical deficiencies on a routine and timely basis. As a result, maintenance of juvenile halls and camps has become a stable item in county budgets. There are, to my knowledge, no major court suits pending around the issue of adequateness of these facilities; a very positive situation when compared with the condition of jails or prisons throughout the State and Nation, which are in need of major renovation, remodeling, and rebuilding and many of which have been the scenes of tragic bloodshed. These factors have resulted in the adoption of national standards by the American Bar Association, American Correctional Association, and the National Association of Juvenile Family Court Judges, to name but a few of the most prominent professional organizations in the field. Traditionally, such standards have been the blueprint for legislation.

The Department provides training programs for personnel from local agencies in the area of probation, juvenile law enforcement and juvenile institutions. During the past year, the unit presented 38 training sessions for some 1470 personnel.

Probation training which was attended by 480 staff included both supervisory and line staff training. Topic areas included safety and security, update on juvenile and adult law and process, individual, group and family counseling techniques, court report writing and crisis intervention.

Juvenile law enforcement training which was attended by 160 personnel covered investigation techniques in child abuse, sex crimes and missing children, interviewing and interrogating juveniles, the role and function of juvenile officers, adolescence and adolescent rebellion, juvenile law update and youth and prison gangs.

Juvenile institutions training was attended by 860 staff and included supervision of groups in an institutional setting, laws of arrest, search and seizure, theories of growth and adjustment, substance abuse and interviewing and counseling.

The program is self-supporting.

One of the strongest elements of our program efforts is education. The Department provides remedial instruction for the academically deficient; special education for wards who have identified physical, emotional, or mental handicaps; regular high school instruction; college-level programs

for those that can benefit from them; vocational and pre-vocational education; work experience and on-the-job training programs; survival skills programs with emphasis on job seeking and job keeping skills; school and recreational library services; and recreation and physical education.

Many participants in remedial education make 3 or 4 months gain in achievement level for each month in the program, with the average being about 1½ months gain per month. This is an extremely significant average, since the typical Youth Authority remedial student gained at less than half that rate during his previous public school experience.

During 1980, 630 wards graduated from high school and 172 earned G.E.D. certificates. Again, this is very significant in that nearly 70 percent of Youth Authority wards were school dropouts prior to coming to us.

By now, I am sure you have noted that the Department is strongly program oriented. This is for several very excellent and basic reasons. First of all the Department is mandated by law to carry out protection of the public through training and treatment. Secondly, programs provide one of the strongest safety factors for both staff and wards in our institutions. In this sense, programs give a large assist in the overall management of an institution. The riot at New Mexico was an example of a correctional lockup without programs. Last, but by no means least, our research has shown that the most influential factor in whether or not a parolee makes a successful adjustment in the community is the ability to obtain and keep

a job. It is obvious that wards in our jurisdiction need education and vocational skills lacking when they come to us in order to accomplish a successful and uneventful re-entry into the community.

I would like to speak briefly of something about the Youth Authority's ward population which rarely comes to the attention of the California public. What one hears about almost exclusively are the crimes committed by young people in the community before they are committed to the Youth Authority, and sometimes after they have returned. This is one side of the coin, of course, a most important one, and a tragic one for the victims and for society as a whole. There is another frequently overlooked side of the same coin, however, and this speaks to the potential and the actuality of these same young offenders to perform in ways which help society and which demonstrate that with encouragement and training, their energies can be harnessed to law-abiding, productive and positive behavior.

The most prominent case in point in this regard involves the work done by more than 500 wards in eight camp programs to fight major fires throughout California. In 1980, these wards spent more than a quarter of a million hours on the fire lines and this year, when major fires have been fewer, the total will approach 200,000 hours. In dollar savings alone this is approximately \$6,000,000 if we compute the hours at the basic wage level. The savings in terms of houses, timber and watershed are incalculable. Youth Authority wards played a major role in containing the disastrous fire outbreaks last year in Los Angeles County and near San Bernardino, among many others, and this year they spent several days without rest in Napa County when a foothill blaze caused widespread destruction to homes near the City of Napa. For their work at the San Bernardino blaze in 1980,

they were honored last February by a legislative resolution presented by Senator Ruben Ayala and Assemblyman Bill Leonard. The award was given to one ward who represented the hundreds who had spent thousands of hours on the fire lines.

Camp wards routinely do other public service work that is rarely recognized. They were out in the wind and rain last year to reinforce the Delta levees that were crumbling under the onslaught of storm and tide. Routinely they work in state parks, national forests and other public sites to make them cleaner and safer for the public who enjoy these facilities.

Public service projects are not limited to wards who work in the conservation camps. Those incarcerated in institutions likewise extend themselves to help others, very often at their own initiation.

Earlier this year, when the entire nation was outraged by the tragedy of the children in Atlanta, the wards at the Youth Training School staged their own talent show and raised \$600 which was sent to the families of the victims. Wards at Fenner Canyon camp raised an additional \$300 by holding their own fund-raiser.

Wards of the Karl Holton School in Stockton this past year have helped build three Little League baseball diamonds and have cleared sites for Police Athletic League soccer fields in the community. They also spent a day at Micke Grove Park in Lodi painting 48 picnic tables and spent more than two months to help beautify the grounds of the Stockton Boys Club.

Wards in a nursing program at the Ventura School go out on a regular basis to a convalescent home in Oxnard where they help feed and care for the elderly and helpless residents.

Wards of Wintu Lodge at the Northern Reception Center Clinic hold an annual Halloween party for tiny tots of the Oak Park Methodist Church Day Care Center, and this year they presented the center with a \$100 check that they raised in a bake sale. They also have hosted parties in the institution for developmentally handicapped children in the community.

Wards from the three Stockton institutions frequently do cleanup and maintenance work at the Stockton City Camp at Silver Lake--assistance which the financially hard-pressed city deeply appreciates.

A unique public-service project last year was the restoration of the Cannonball Express by wards of Pine Grove camp. This was an old locomotive that was used as a movie prop and now resides in full splendor and color in the Amador County Museum in Jackson, thanks to months of painstaking work contributed by the wards.

Wards of Preston routinely assist at the Amador County fair with maintenance and cleanup work. Late last year, Youth Training School wards repaired 40 abandoned bicycles, contributed by the Chino Police Department, and donated them, all repainted and in perfect working order, to underprivileged children in the community.

Not too long ago, wards at Oak Glen Camp received a letter of commendation from the Riverside County Fire Department for their work on a San Bernardino National Forest blaze last August. The letter noted, in part, that the crews had walked "to and from the fireline to the spike camp, at an altitude of 8,000 feet, which took approximately two hours over some rugged terrain and then putting in a full day's work on the line. . . .If people can handle working in those areas, they can work anywhere in the State of California and match any crew with their performance in the United States."

I think those wards, in that letter, represent the bottom line of what the Youth Authority is all about. Young offenders are sent to the Youth Authority because there is still a chance to redirect them from criminal careers toward full and productive participation in society's endeavors. Many are able to demonstrate that they have this potential, and we simply cannot afford to abandon the many thousands of young people who come under the Department's jurisdiction to a lifetime of incarceration and an endless cycle of crime.

Finally, I want to tell you unequivocally that the Department of the Youth Authority is basically sound, healthy and stable. Good correctional programs protect the public and are cost effective. Every young person who leaves the correctional system and becomes self-sustaining saves tax payers \$22,000 per year. Incarceration, even if it is simply warehousing, is still the most expensive way to incapacitate an offender. Effective correctional programs offer the opportunity to save both money and lives.