

A New Era in California Juvenile Justice: Downsizing the State Youth Corrections System

Barry Krisberg, Ph.D.

Distinguished Senior Fellow and Lecturer in Residence at University of California, Berkeley Law School

Linh Vuong

Research Associate at the National Council on Crime and Delinquency

Christopher Hartney

Senior Researcher at the National Council on Crime and Delinquency

Susan Marchionna

Communications Consultant to the Berkeley Center for Criminal Justice

October 2010

EXECUTIVE SUMMARY

California created a statewide system of youth corrections facilities in 1941. The newly formed California Youth Authority (CYA) was considered a major progressive step forward in juvenile justice. Part of its focus in its early years was programming designed to keep youth close to their home communities. In its first three decades, the CYA population never exceeded 7,000. Leadership and policy changes in the late 1970s and early 1980s, however, started a long period of increase in the CYA population.

By 1996, the number of incarcerated youth in the CYA grew steadily to over 10,000. The rise was driven by several major factors: a fear that a growing California youth population was increasingly dangerous, a decrease in state funding to counties for local programs, and the cost savings to counties of sending youth to the CYA rather than county facilities or group homes. After 1996, the trend of a rising youth inmate population turned around, with fewer and fewer young people being held in the CYA. By the end of 2009, the CYA held 1,499 youth. This decline in the CYA population is the largest drop in youth confinement that has been experienced by any state.

The research presented here attempts to examine the many factors that may have contributed to that “decarceration.” We also examine concurrent trends in crime, arrests, and the use of other, non-CYA forms of custody for these youth.

In 1996, California began to reverse traditional funding trends and passed legislation to make counties pay more to send youth to the CYA. The state also began giving grants to counties to build new juvenile facilities and implement new alternative sentencing programs. The influence of youth advocacy groups such as Books Not Bars, the Youth Law Center, the Commonweal Institute,

and National Council on Crime and Delinquency (NCCD) intensified in the early 2000s. However, the voters continued to embrace policies such as Proposition 21, which increased penalties for many crimes and made it easier to move young offenders to the adult courts. Also, a reorganization of state corrections under Governor Schwarzenegger moved the CYA under the control of the California Department of Corrections and Rehabilitation (CDCR), despite the objections of most juvenile justice professionals and youth advocates. The CYA is now known as the Division of Juvenile Facilities (DJF) under the CDCR. (For the purposes of this paper, we continue to refer to the agency by its older name, CYA.)

Reports of substandard conditions of confinement in the CYA began to surface, prompting the legislature to hold public hearings. The Office of the Inspector General conducted a series of investigations about alleged abusive practices at state juvenile prisons. The media began highlighting these abuses with several in-depth investigative reports. As the deplorable conditions of confinement for youth in custody appeared on front pages, some of the people responsible for sending youth to the CYA—judges, probation officers, and prosecutors—began to express public concerns that their decisions may have been doing more harm than good.

In the face of these allegations of abuse, growing evidence that recidivism rates were very high, and because the CYA had become so expensive, sending youth to state facilities became increasingly unpopular. The negative publicity worsened in 2003 in the wake of a major lawsuit brought by the Prison Law Office. Part of the litigation involved an independent investigation of the CYA funded by the California attorney general in 2003. With the investigation findings public, the

A New Era in California Juvenile Justice

state quickly entered into a consent decree in *Farrell v. Harper*, which mandated reform of many aspects of the CYA. In 2007, legislators enacted comprehensive reforms to “realign” the juvenile justice system, requiring that nonviolent juvenile offenders and parole violators be kept at the local level and shifting some funding to counties to manage the new clients.

Despite the many changes in the juvenile justice system over the last 15 years, significant reforms in state juvenile facilities are still a “work in progress.” Significant levels of violence are still

occurring at some facilities and evidence-based rehabilitation programs are still being designed and pilot-tested. Although some observers, including the Little Hoover Commission, and many youth advocates continue to call for the closing of the CYA altogether, for now, state facilities provide a needed setting for more serious youth offenders whose needs are not being met at the local level. Without a better option than existing county programs, there is concern that there will be an influx of youth being sent to adult prisons and jails, a placement far worse than the CYA itself.

This study was supported by grants from the Van Löben Sels RembeRock Foundation, the San Francisco Foundation, and the W.T Grant Foundation. The views expressed in this report are those of the authors and do not necessarily represent those of the funders.

INTRODUCTION

Behind the media and political attention focused on California prisons, which are plagued with severe levels of crowding, and a federal court order to reduce the inmate population by over 40,000, lies one of California's best-kept secrets: the state's youth correctional custodial population has declined over 80% in just over the past decade. Just since 2004 the California Youth Authority (CYA) population declined by over 5,000 inmates. The state has already closed five major juvenile facilities and four forestry camps for juvenile offenders.

A number of factors have contributed significantly to the drop in the population of the CYA, now known as the Division of Juvenile Facilities* under the California Department of Corrections and Rehabilitation (CDCR). The most frequently cited is the very negative media publicity in the early 2000s about the conditions inside facilities, the case of *Farrell v. Harper* in 2003, and realignment legislation passed in 2007 that required that more youthful offenders be managed at the county level. However, the CYA population began declining as early as 1997—before these events. The trend towards increased costs for counties to send youth to the CYA, and doubt that the CYA was an appropriate setting for many of the youth being sent there, had already begun in the late 1990s.

While no single factor accounts for the drastic change in the CYA population, the research presented here points to multiple forces that came together in the mid- to late-1990s and early 2000s to change public perception, judicial behaviors, probation programs, sentencing policies, and state funding streams.

We also find that this population reduction is particularly notable because it did not result in an increase in juvenile crime, as some had erroneously predicted.

METHODS

In preparing this report, the authors gathered data from several state agencies, conducted interviews with individuals who had first-hand knowledge about the decline in the CYA population, and reviewed media coverage of youth crime. The data sources revealed how the numbers changed, and the interviews and the media review provided the context around the changing numbers. The data sources include the California Attorney General's Criminal Justice Statistics Center for juvenile arrest and placement data, and the Corrections Standard Authority for historical data on new admissions to the California Youth Authority. Interviews were conducted with those who worked on the issue at a macro-level, such as youth advocates (Lenore Anderson, former director of Books Not Bars; David Steinhart, Director of the Commonwealth Juvenile Justice Program; Daniel Macallair, Executive Director of the Center on Juvenile and Criminal Justice; Sue Burrell, Youth Law Center), and with those who saw the changes happen at the local level, such as chief probation officers (Chiefs Jerry Powers of Stanislaus County and Donald H. Blevins of Los Angeles County, formerly of Alameda County) and the court (Kurt Kumli, Superior Court Judge in Santa Clara County and formerly chief deputy district attorney). A media review was conducted through LexisNexis and several major reports were also consulted.

*For clarity, this report uses the older acronym CYA to refer to the state agency operating juvenile corrections facilities.

HISTORY AND MANDATE OF THE CYA

Rehabilitation has been the primary goal of the California juvenile justice system for more than a half century. According to the Welfare and Institutions Code 1700, the juvenile system is designed to 1) protect public safety and 2) rehabilitate youthful offenders through community and victim restoration and offender training and treatment in lieu of retributive punishment. This attitude was also reflected nationally, as evidenced by the Youth Corrections Authority Act of 1940, the model legislation with the intent of rehabilitating offenders between the ages of 16–21. This age range was deemed “a more promising time of life for dealing with delinquents or criminals than any later period.”¹ California passed this Act in 1941 and in the process created the California Youth Authority (CYA).

The newly established CYA was celebrated as a major, progressive step forward in juvenile justice. During its first three decades, the CYA was led by Herman G. Stark, Karl Holton, and Allen Breed, each a nationally known leader in the field. During this period, the youth resident population of the CYA never exceeded 7,000. During the 1960s and 1970s, the CYA instituted a number of programs designed to keep delinquent youth in local placements. However, during the administration of Governor Jerry Brown, many of these community-based programs were eliminated and the population in state juvenile facilities began to steadily rise through the administrations of Governors George Deukmejian, Peter Wilson, and Gray Davis.

The Commitment Process

The process of sending youth to CYA begins at the county level, with prosecutors, public defenders, probation officers, juvenile court judges and others who play a role in determining if a youth will be placed out of home and, if so, where and for how long. Rehabilitation is meant to be a top priority. There are several options for processing arrested youth, most of which are far less harsh than commitment to CYA. After arrest, youth can be referred to probation or counseled and released. Once referred, probation officers can close the case, place youth on probation, divert youth away from the system, or file a petition in juvenile court. Judges determine whether the youth is deemed delinquent and make final sentencing decisions, including maximum confinement time, based on recommendations by probation officers, the district attorney, and defense attorney. At this point, youth can be placed under state wardship, placed on probation, diverted, or dismissed. Wardship placements can include home supervision, county facilities, group homes, health or welfare facilities, or CYA. At each of the decision points from arrest through disposition, the youth may also be transferred for processing in the adult system. It is county probation departments that bear the cost of a youth's placement, whether it is local, state, or out of state.

¹ Coghill, H. (1943). The proposed Youth Correction Authority Act. *American Journal of Psychiatry*, 99, 890–893.

A New Era in California Juvenile Justice

A GROWING STATE YOUTH CORRECTIONS POPULATION

Although it held as many as 6,700 in 1965, the CYA population was never over 5,000 in the 1970s (see Figure 1). Then began a long period of growth, surpassing 6,000 in 1984, 8,000 in 1987, and reaching its peak of 10,122 youth in 1996. The rise in the incarcerated population was fueled by fears that there was a growing number of very violent youth in California, especially those involved in gangs. Furthermore, the rise in commitments to the CYA was driven by two cost factors. First, since the late 1960s, the state had given counties money for local programs, encouraging rehabilitation of offenders at the local level. The California Probation Subsidy Act of 1965 paid counties \$4,000 for each adult or juvenile who could be diverted to probation instead of incarcerated. This state subsidy ended in 1978, but was replaced with the County Justice System Subvention Program, which gave state grants to counties for local programming. By 1992, however, because costs continued to rise but the level of state funding did not, these grants covered less than 10% of actual county expenditures on local juvenile justice programs.² Secondly, sending youth to state prison was inexpensive compared to keeping them at the county level. Until 1996, it cost counties only \$25/month to commit a youth to the state.

² Nieto, M. (1996). *The changing role of probation in California's criminal justice system*. Sacramento: California Research Bureau.

The CYA had the facilities and infrastructure that the counties did not have for holding wards on a long-term basis, but these cost incentives had the effect of encouraging counties to send short-term wards to the state as well. At least until the early 1990s, the counties did so with some confidence in the CYA's standards and practices. Although some advocates, lawmakers, and judges were starting to doubt that it was always an appropriate setting for the youth sent there, most stakeholders believed the CYA to have decent facilities, programming, and services. In fact, probation officers reported being as shocked as the public when horrible stories about the CYA later began making front-page news.

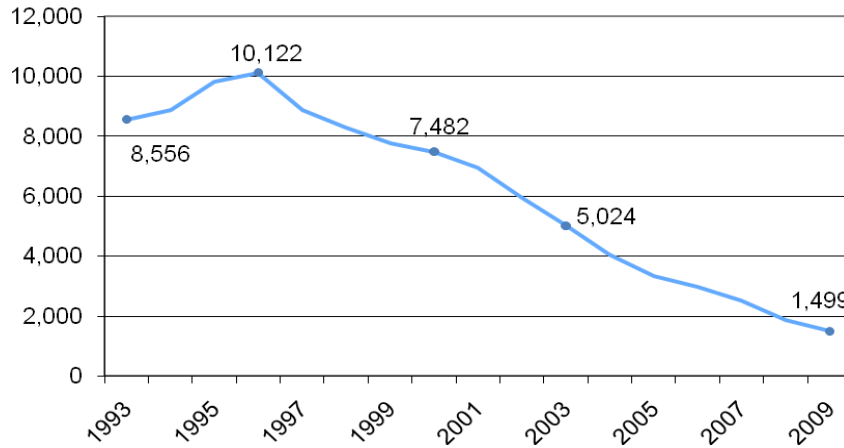
A SHRINKING STATE YOUTH CORRECTIONS POPULATION

Figure 1 shows that since its peak in 1996 the CYA population has steadily declined, falling to 1,499 in December 2009. Pending legislation would make the state youth corrections system even smaller and experts believe the population will continue to decline.³

³ California Department of the Youth Authority, Ward Information and Parole Research Bureau. (n.d.). *A comparison of the Youth Authority's institution and parole populations: June 30 each year, 1993–2002*. See http://www.cdcr.ca.gov/reports_research/docs/research/pops_93-02.pdf.

Figure 1

Population of CYA, 1993-2009



Admissions and Length of Stay

Like any custodial system, the CYA population is determined by the number of admissions and the length of stay of these admissions. The changes in policy and practice described in this report mainly speak to changes in admissions. While length of stay has increased somewhat, the driving force behind the decline in the CYA population has been a decline in admissions.

New admissions fluctuated between 3,500 and 4,000 from 1985 to 1996. Then began a sharp decline, with new admissions dropping a full third in the year after the state began charging the counties more for youth sent to the CYA, and continuing to drop to just 504 new admissions in 2009.

The average length of stay among CYA inmates also fluctuated, but generally rose since the late 1990s. The average length of stay in the decade leading up to 1996 was 21.1 months, while between 1997 and 2009 it was 25.4 months. This change was most likely due to toughened penalties for youth offenders as well as lower-level offenders being sent to counties, thereby increasing the proportion of more serious offenders with longer sentences sent to the CYA.⁴

⁴ CDCR (2010). *Population Movement Summaries*. See http://www.cdcr.ca.gov/Juvenile_Justice/Research_and_Statistics/index.html.

IMPACT ON PUBLIC SAFETY

Reported Crime

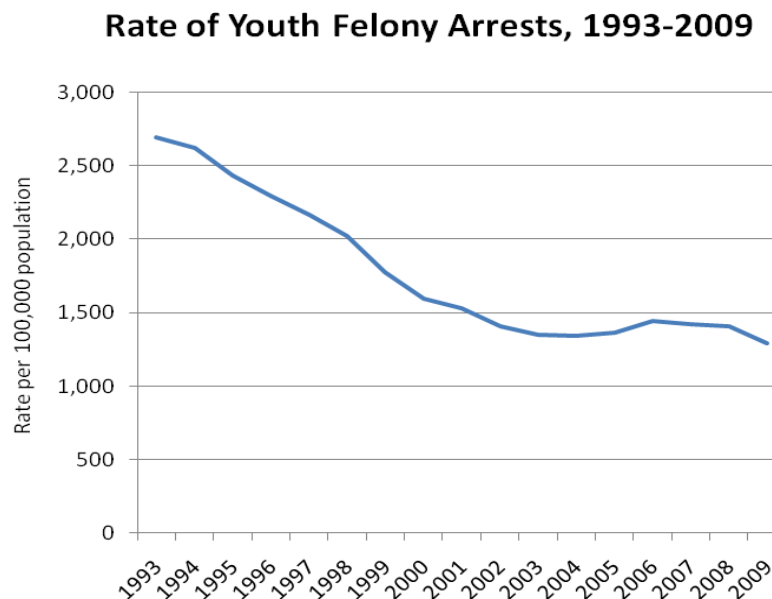
Prior to 1996, California’s rate of reported violent crime was rising while the property crime rate was falling. From 1996 to 2009, both violent and property crime rates steadily declined to their 25-year lows of 454 per 100,000 for violent crimes and 1,548 per 100,000 for property crimes in 2009.⁵ The dramatic decline in the CYA population was not associated with an increase in crimes reported to the police.

Juvenile Arrests

The juvenile felony arrest rate reached a 25-year high in 1991, at 2,902. Figure 2 shows that the rate consistently declined since then—throughout the years of the decline in the CYA population—to 1,345 per 100,000 youth aged 10–17 in the general population in 2004 and, after a brief rise in 2005–06, dropped to a 50-year low of 1,290,345 per 100,000 youth aged 10–17 in the general population in 2009.⁶

This drop in juvenile arrests is important in two ways. First, to some extent, it most likely contributed to the decline in CYA custody—fewer arrests generally mean fewer youth in the system. Second, and more importantly, the decline in CYA custody *did not* contribute to a decrease in public safety (that is, a rise in arrests), as some feared it would.

Figure 2



⁵ California, Office of the Attorney General, Criminal Justice Statistics Center. (2010). *Crime in California, 1983–2009: By category*. See <http://ag.ca.gov/cjsc/glance/data/1data.txt>

⁶ California, Office of the Attorney General, Criminal Justice Statistics Center. (2010). *California arrest rates, 1960–2009: Total felony violations*. See <http://ag.ca.gov/cjsc/glance/data/5data.txt>

Adult Arrests and Incarceration

Similar to juvenile arrest rates, the adult felony arrest rate began a decline in the 1990s from a high in 1989 of 2,577 to 1,586 in 2009.⁷ This is relevant to the CYA population decline since many of the youth who exit the youth prisons have passed their 18th birthday and are eligible to be arrested as adults.

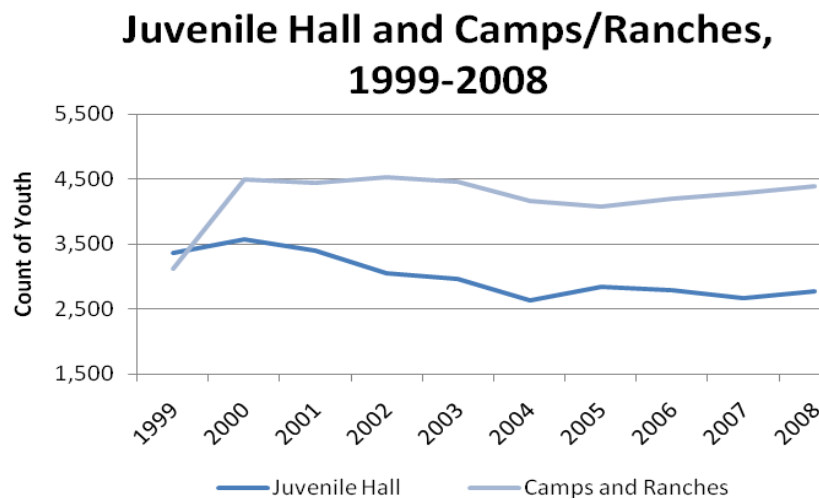
Unlike CYA population figures, California’s prison population grew in this period, from 131,232 in 1995 to 166,569 in August 2009.⁸

ALTERNATIVES TO THE CYA

County Custody

A question that arises when one considers that counties no longer send as many of their delinquent youth to the CYA is, where did they go? Counties have several alternatives to the CYA. Most youth sentenced to residential placement in the county will serve their time in juvenile hall or county camps or ranches. Figure 3⁹ illustrates that, while there were some increases at the beginning of the past 10 years, the number of post-disposition youth placed in these settings has remained static or dropped. (Youth being detained in juvenile halls awaiting trial are not included in these numbers, since CYA youth are not likely to have that status.)

Figure 3



⁷ California, Office of the Attorney General, Criminal Justice Statistics Center. (2010). *California arrest rates, 1960–2009: Total felony violations*. See <http://ag.ca.gov/cjsc/glance/data/5data.txt>

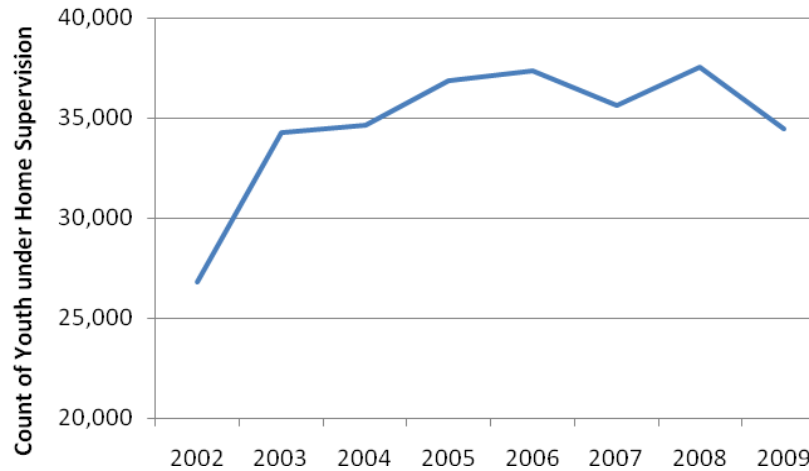
⁸ CDCR. (2009, Fall). *Corrections: Moving forward* (CDCR Annual Report). See http://www.cdcr.ca.gov/News/2009_Press_Releases/docs/CDCR_Annual_Report.pdf

⁹ Corrections Standards Authority. (2010). *Juvenile hall population summary, 1993–2008 and Camps population summary, 1993–2008*. Obtained via special request.

A New Era in California Juvenile Justice

A key alternative to incarceration is home supervision or probation, in which the youth lives at home under supervision of the probation department. Figure 4¹⁰ shows rising trends in the use of home supervision, which usually includes intensive supervision, electronic monitoring, day reporting, or some other form of probation.

Figure 4
Home Supervision, 2002-2009



Transfers to the Adult System

In the past few years, California has seen an increase in direct files to adult court (Figures 5 and 6).¹¹ Serious juvenile cases may go to adult court if a juvenile is deemed unfit for juvenile proceedings, but in such a case, a prosecutor has initially filed the case in the juvenile court. With a direct file to adult court, a prosecutor bypasses the juvenile justice system. In addition to Proposition 21, which required that juveniles charged with certain violent crimes be tried in adult court, the increase of direct-file cases may reflect that prosecutors believe that there are fewer options for very serious offenders in lieu of the CYA. With many judges tacitly refusing to commit youth to the CYA, and because many county facilities are not designed to hold juveniles for extended periods of time, prosecutors may be resorting to direct file. However, this tactic may not be succeeding. There has not been a major change in the number of persons under the age of 20 serving time in adult facilities, suggesting that the rise in direct files has not resulted in more young people being sent to CDCR. For example, in 1999 there were 2,811 new admissions to CDCR of persons under the age of 20. By 2009, after the major decline in the CYA population, the number of felony admissions to CDCR of youth under age 20 was only 2,594.¹²

¹⁰ California, Office of the Attorney General. (2010). *Juvenile justice in California 2002–2008* [Series]. See <http://www.ag.ca.gov/cjsc/pubs.php#juvenileJustice>

¹¹ California, Department of Justice, Office of the Attorney General. (2010). *Juvenile justice in California 2002–2009* [Series]. See <http://www.ag.ca.gov/cjsc/pubs.php#juvenileJustice>

¹² See http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/index.html.

Figure 5

Direct Files to Adult Court, 2003-2009

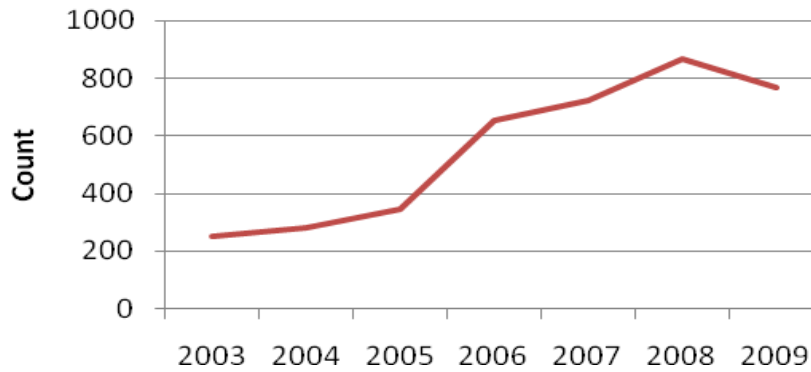
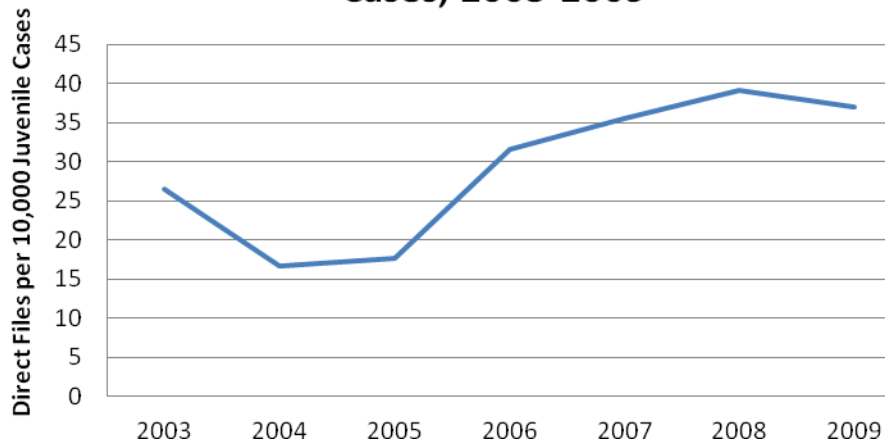


Figure 6*

Direct Files per 10,000 Juvenile Probation Cases, 2003-2009



*This table revised October, 2011.

CONTEXT OF THE DECLINE

Rehabilitation at the County Level

After the CYA population peaked in 1996, it began a steady decline that continues today. In the mid-1990s, CYA facilities were growing increasingly crowded, so CYA administrators developed plans for increasing capacity by 25%, mainly through new construction. State lawmakers balked, citing the costs to the state, the increasing use of the CYA as a catch-all system for even very low-level offenders, and growing concern about the quality of care received there. Instead the legislature passed SB 681 in 1996, which set up a sliding scale of costs, making the minimum monthly payment \$150 per month per juvenile offender.

Payments increased as severity of offense decreased, with the least severe offenders costing counties \$2,600 per month, or 100% of the actual cost to the state. This structure encouraged counties to find rehabilitative options for less serious youth at the county level; the CYA should be reserved for the most serious youth, whose needs could not be met at the county level. Several other factors were also at work. AB 2312, also passed in 1996, authorized \$33 million to support local juvenile justice programs. The Juvenile Crime Enforcement and Accountability Challenge Grants gave nearly \$50 million to local counties to support graduated sanctions at the local level and nearly \$500 million for the construction of local juvenile facilities.

Increasing Costs of the CYA

The cost to the state to house a youth in the CYA has always been higher than adult prison, in part because of the serious needs of youth sent there. Other factors contributing to high per-capita CYA costs include the salaries of CYA

corrections staff and maintenance of deteriorating state youth facilities. In 1996, the annual cost to house a ward in the CYA was \$36,118. In 2003, before the Farrell consent decree, this cost had already risen to \$83,223. The Farrell consent decree has required hiring more medical, mental health, and education staff for CYA facilities and this has led to cost increases. As the youth custodial population has decreased and a number of CYA facilities have been mothballed, the agency's overhead costs have remained largely the same and state personnel rules have slowed the process of reducing the CYA workforce. This drove the annual cost per youth to \$218,000 in 2007. With California's state budget already in crisis by 2001, it is not surprising that the CYA became a target for budget cuts and pressures to close more CYA facilities.

Realignment Legislation

In 2007, the state passed historic "realignment" legislation: SB 81. Though it had been pushed for before 2007, many believe that the growing cost of the CYA, along with the cost of implementing the reforms required by the Farrell lawsuit, helped SB 81 to pass when it did. The bill redefined placement options, allowing only the most serious violent offenders and sex offenders to be sent to the state; all other offenders had to be kept in county facilities. (Counties were also allowed, but generally not forced, to recall from the CYA juvenile offenders who had been committed on a nonserious offense.) SB 81 further changed the population of the CYA, as nonviolent youth were no longer sent to state facilities. Although the state provided some additional money to the counties for their increased caseloads, many chief probation officers felt blindsided. With little warning, they had to accept youth into their facilities who were previously sent to the CYA. The chief probation officers had

A New Era in California Juvenile Justice

initially opposed SB 81 and complained that they had little time to prepare their facilities and programs for the changes. There is ongoing uncertainty that state funding to offset county costs will still be available as the state budget deficit becomes more severe.

The reduction in new admissions to the CYA averaged several hundred fewer youth each year statewide. While not all of these youth were sent to county placement options, this is a substantial number that could not easily be absorbed into the various county placement options. The influx, which included young people with multiple mental health, special education, and substance abuse treatment needs, and the associated costs of providing these services made for big changes in the already burdened and tightly budgeted county systems. Furthermore, since youth who were sent to the CYA and youth who remained with the counties were based on each youth's current offense without regard to priors, youth with very serious offense histories currently being held for a lesser offense remained the responsibility of the counties. For example, a youth with several violent priors currently being held for a relatively minor property offense would stay with the county, even though his priors might suggest the need for a more secure setting. Probation chiefs feel this new county population has contributed to increases of in-custody incidents, gang activity, and difficulty in finding appropriate programming for these deeper-end youth. There are, however, no data that support these anecdotal observations. On the other hand, chief probation officers interviewed for this report also held the view that probation departments have come out better for realignment. Counties have been forced to get creative, to augment or develop local programs for youth, and to change the way their local facilities are run. They have increased the use

of such approaches as community probation and intensive supervision, and have increased prevention efforts. They have found that keeping these youth at the local level is not only cheaper than the current costs of the CYA, but it gives youth access to local programs and services and keeps them connected to their families and communities.

INSTITUTIONAL ABUSE AND THE STRUGGLE FOR YOUTH JUSTICE

Despite the decrease in the incarcerated youth population that commenced towards the end of the 1990s, the CYA's problems continued. The violence within the state facilities was beginning to become public, starting with the inmate murder of a CYA counselor, Ineasie Baker, in 1996. Many familiar with the CYA believe that it was this incident that began the era of extensive 23-hour solitary confinement of many youth. The practice of 23-hour lockups consisted of isolating youth (with behavioral and psychological problems) in their cells for 23 hours a day, for days and even months on end, with one hour of large-muscle exercise.¹³ In some instances, the Office of the Inspector General found that youth were denied this one hour and, in other instances, that this one hour of activity was conducted in a wire cage. This practice prevented youth from receiving any programming or services to which they were entitled. But high levels of violence within the CYA had begun long before Baker's murder. A 1989 lawsuit over the lack of special education programming had given the Youth Law Center (YLC) a unique window into the disturbing practices of the CYA: the suit provided inmates with YLC contact information. In the following

¹³ California, Office of the Inspector General. (2000). *23 and 1 Program Review*. See <http://www.oig.ca.gov/pages/reports/bai-reviews.php>

A New Era in California Juvenile Justice

years, YLC was inundated with letters from inmates and families of inmates detailing abusive practices. With overwhelming evidence of abuse coming from youth themselves, youth advocates in the 1990s began actively lobbying for improved conditions and even the outright closing of the facilities. YLC and other like-minded organizations such as NCCD, the Center on Juvenile and Criminal Justice, and Commonweal began coordinating their efforts, meeting frequently to discuss strategies for pushing reform of the CYA.

With the passage of Proposition 21, youth advocates fought even harder to keep youth in local, rehabilitative facilities. Proposition 21, passed by California voters in March 2000, increased penalties for certain delinquency offenses and *required* transfers to the adult system for youth aged 14 and over who were charged with murder and/or certain sex crimes. Books Not Bars began organizing families of youth incarcerated in the CYA to lobby for the shuttering of the youth prison system. Their campaign was a very public one, working to keep the cause in the media constantly, informing the public not only of the abuses, but also of the possible alternatives, like the Missouri model, a successful juvenile corrections reform effort in the Midwest.

With so much happening around CYA reform, groups like Books Not Bars and the Youth Law Center began educating judicial leadership not only about the changes in law but also about the options counties had for their youth. YLC began a listserv among the public defender community, educating them about different legislation and initiatives taking place. As these decision makers were beginning to realize the abuses and violence that youth were facing in the CYA, coupled with the agency's high pricetag, these re-education efforts were timely. Many juvenile justice practitioners

began reconsidering committing youth to the state, with several Bay Area counties even declaring a moratorium on youth commitments to the CYA, though follow-through was uneven.

Support in the Legislature

Between 1999 and 2000, state leaders began taking a new look at the CYA. As Chairman of the Committee on Public Safety, State Senator John Vasconcellos held a number of public hearings over the allegations of abuse in the CYA. As a result of these hearings, the Office of the Inspector General and the Attorney General conducted a series of investigations, publishing scathing reports about rampant abuse, along with conditions of confinement, such as the use of cages and extended, 23-hour lockdown periods.

In 2003, Senator John Burton pushed through a significant piece of legislation altering juvenile justice proceedings. The Youthful Offender Parole Board had, by then, gained a reputation of being out of touch with the CYA and conditions within the facilities, constantly lengthening sentences of youth without knowing the conditions to which they were being subjected. SB 459 took away most of the Parole Board's authority, putting in place a different governance structure. SB 459 also allowed counties to recall wards who were not receiving proper treatment. Lastly, the law allowed juvenile court judges to set maximum confinement time for inmates to be less than the maximum term an adult would receive for the same offense, which had been the prior practice.

Another champion of CYA reform in the State Senate was Senator Gloria Romero, a consistent advocate for reform, holding legislative hearings and authoring several bills. Senator Romero became very involved in CYA

A New Era in California Juvenile Justice

reform after she obtained a videotape showing the beatings of two youth by several CYA youth at the Chaderjian facility. There were also well-publicized suicides of youth who had been placed in the 23-hour solitary confinement program. Senator Michael Machado, chair of the powerful budget subcommittee covering CDCR, authored SB 81 that led to the major realignment in 2007.

Lawsuits

Several lawsuits were brought against the CYA in the early 2000s, including one that required all 11 health care facilities to obtain state certification. The biggest and most influential case, however, was *Farrell v. Harper*, filed in 2003 by Prison Law Office. The Farrell suit challenged practically all aspects of incarceration in the CYA, including physical safety of wards, segregation, medical and dental care, mental health care, programming/rehabilitation (i.e., education, substance abuse treatment, sex offender treatment, exercise, physical facilities, religion), access to courts and redress of grievances, use of force, disability discrimination, and sex discrimination.

At the same time that the Farrell suit was filed, California was undergoing a change in leadership at the top level. Gray Davis, who often turned a blind eye to the accusations against the CYA, was being replaced by Arnold Schwarzenegger. Schwarzenegger visited CYA facilities, saw the cages used to deliver “education” to incarcerated youth, and soon after took steps to end their use in the CYA.¹⁴ This change in leadership is one of the main reasons the lawsuit resulted in a consent

decree in 2004. In the next year, both plaintiffs and defendants agreed to the findings of several expert reviews; remedial plans were finalized, and a schedule for reform was set. Yet despite the “cautious optimism”¹⁵ of advocates following the Farrell suit, the reforms have still not materialized as quickly as they had hoped, and stories of inmate abuse, violence, and decrepit facilities are still frequently found in the media.

Effect of the Media

Mainstream media picked up many stories of abuse within the facilities throughout the period of CYA population decline (see Table 1). Videos and news reports continued to surface, with several leading news outlets such as the *Los Angeles Times* and the *San Jose Mercury News* conducting in-depth investigations. For the first time, the public knew about the incidents and trends that occurred behind the closed doors of the CYA. Abuse was perhaps the most common, ranging from inmate-inmate and inmate-staff violence, to staged fights and forcing girls to participate in pornographic videos. Newspapers also reported inmate deaths, both homicides and suicides, and quoted parents describing the desperate situation their kids faced and the lack of response from authorities. Other stories covered the 23-hour isolation practices, the deterioration and outdated facilities, and the worsening mental health conditions for youth.

¹⁴ California, Office of the Governor. (2004). *Governor Schwarzenegger announces settlement in CYA case* [Press Release]. See <http://gov.ca.gov/press-release/2677/>

¹⁵ From interview with Sue Burrell of YLC.

Table 1
Sample of Media Stories from 1999–2005

| | |
|----------------------------------|--|
| Dec. 24, 1999 | <i>Head of California Youth Authority resigns under fire</i> , Associated Press |
| Jan. 9, 2000 | <i>California Youth Authority shifts from rehab to brutality</i> , Los Angeles Times |
| 2001, 2005, 2007 | Various reports by the Office of the Inspector General revealing abuse within facilities. |
| 2004 | Video: <i>System Failure: Violence, Abuse, and Neglect in the California Youth Authority</i> , Books Not Bars |
| Dec. 30, 2003 | <i>Dog bite at N.A. Chaderjian Youth Correctional Facility</i> , YouTube, http://www.youtube.com/watch?v=GFdz349InCQ |
| Jan. 20, 2004 | <i>Youth beaten down at Chaderjian Youth Correctional Facility</i> , YouTube http://www.youtube.com/watch?v=rV4JzOM2QAk |
| Jan. 28, 2004 | <i>Allegations of abuse being investigated—scathing report on Youth Authority</i> , San Jose Mercury News <i>Young inmates caged, drugged, state study finds</i> , Associated Press |
| April 1, 2004 | <i>Videotape shows guards beating two CYA inmates</i> , Associated Press |
| Sept. 2004 | <i>Cover-up feared in prison death – 4th Youth Authority inmate to die in custody this year</i> , San Francisco Chronicle |
| Nov. 23, 2004 - Jan. 21, 2005 | <i>California Youth Authority</i> (in-depth six investigative report series), San Jose Mercury News |

A New Era in California Juvenile Justice

IN THE AFTERMATH...

In the past 15 years, the number of youth incarcerated in the CYA has declined more than 80%. This decline did not come as a result of large increases in spending on new alternative programs, but rather a series of changes in funding structures as well as changed attitudes on the effectiveness of the youth prison system. In fact, it is possible to see the ongoing state budget problems as one major cause of reducing the CYA population that will continue into the immediate future. Most importantly, this decline in the youth prison population did not endanger public safety; California crime rates have continued to decline and fewer youth are being arrested. Although some youth who might have gone to the CYA are now sent to county camps and ranches, many youth are being rehabilitated at the local level under probation supervision.

The reduction in the number of youth confined at the state level has not hugely impacted counties in a negative way. The shifting of youth back to the county has allowed—or, in some cases, forced—probation officers, judges, and district attorneys to get creative with their resources, to find and create local alternatives, and to invest in programs that work for their communities. Some counties are converting or building new facilities to house long-termers, but even these youth benefit from serving time in a local setting.

With the CYA population so greatly declined, its facility conditions are still changing at a slow pace. Although preventing new admissions and removing nonviolent youth from the CYA is certainly a step in the right direction, finding

appropriate alternatives for serious youth offenders is critical.

We have already seen a rise in the number of juvenile cases being filed in adult court. Without a plan for effective rehabilitation for serious offenders, it is likely that more of them will be sent to adult prison, which would in many ways reverse much of the progress that has already been made in reducing the CYA population. There must be an alternative to adult prison; youth should be afforded a rehabilitative environment where their safety and well-being can be guaranteed.

As noted earlier, the radical decline in the CYA population is one of the state's and nation's best-kept secrets. Other large states such as New York, Ohio, Michigan, Texas, and Illinois have achieved significant reductions in their state youth corrections populations, but not to the same extent as California. In each of these locales, the public exposure of abusive practices, stories of institutional violence, and budgetary pressures are driving the decarceration movement. While the decline in the CYA population has yet to free up significant funding to expand local prevention and intervention programs, these budgetary shifts are likely to be achieved in the coming legislative session.

The California experience illustrates how the reduction of incarcerated youth can save lives and cost less money than expensive and failed state facilities. Perhaps the lessons of the declining youth inmate population can offer clues on how to better manage our bulging adult corrections system in California.

Berkeley Center for Criminal Justice, University of California, Berkeley

2850 Telegraph Avenue, Suite 500, Berkeley, CA 94705-7220 Tel: 510-643-7025 Fax: 510-643-4533
www.bccj.berkeley.edu

The National Council on Crime and Delinquency

1970 Oakland Broadway, Suite 500, Oakland, CA 94612 Tel: 510-208-0500 Fax: 510-208-0511
www.nccd-crc.org