

# **OUT OF SIGHT OUT OF MIND**

**CENTRAL SAN JOAQUIN VALLEY DELINQUENTS  
AND THE CALIFORNIA YOUTH AUTHORITY**

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## EXECUTIVE SUMMARY

For the last decade, a cluster of California counties located in the Central San Joaquin Valley have sent a larger proportion of their delinquent youths to the California Youth Authority than have most other California counties. The rate of use of the Youth Authority by Fresno, Kings, Madera, Merced, and Tulare Counties generally exceeded that of similar-population counties, and it exceeded the average of all California counties. Even when the statewide reliance on the Youth Authority declined markedly upon the imposition on counties of stiff new fees for use of the Youth Authority, these five counties continued to exceed the state average. Why is this so? What are the implications of it?

During the 1990's, California experienced wide swings in its overall economic health. A severe recession in the early '90's crippled the ability of the state and its political subdivisions to carry out a variety of programs and services. The recession, along with the actions taken by the Legislature in response to it, had a particularly burdensome effect on counties which already had a low tax base. The Central San Joaquin Valley counties' high rate of unemployment, low per capita income, and low tax revenues made it particularly difficult for them to fund programs which required the use of unrestricted general fund dollars. Traditionally, county juvenile justice systems have relied heavily on county general fund dollars.

Youths who were sentenced to the Youth Authority in the mid-1990's had the bad fortune to pass through local juvenile justice systems at a time when local systems were poorly prepared to deal with them. Having added virtually no beds to their long-overcrowded juvenile halls, even in the face of a rapidly growing populations, these counties' Juvenile Court judges had no choice but to send large numbers of out-of-control youths to the Youth Authority.

Children who lived in these counties during the early and mid-1990's and who suffered the effects of parental abuse, neglect, or ineffectiveness were easily overlooked by public programs whose job it was to assist such children. Core children's services, such as schools, mental health, and child protection systems, were so financially strapped that many children who lived in high-risk situations were not adequately assisted. Some of these children later drifted into the juvenile justice system. This study examines the lives of thirty-four such children, who were sentenced to the Youth Authority in 2000.

These children were in deep trouble before they got caught for offenses which landed them in the juvenile justice system. Many are the children of drug addicts. Most were the subject of referrals to Child Protective Services. Many have parents who were in and out of prison. Most had poor attendance and poor performance in elementary school. Most moved frequently. Mental health problems were serious and prevalent among these children. Loss, grief, and domestic violence were endemic. Most became substance abusers and school drop-outs.

The agencies who employees work with these children are not organized in such a manner as to facilitate sharing of information or to engage in joint planning to help them. Rarely did one agency know what another agency knew. So everybody worked on the part they knew about, and often nobody knew the whole story or even a major part of it. The local juvenile justice systems, too, responded to these kids' unlawful acts, but rarely knew or were able to respond to these kids' enormously complex needs.

Public protection, mental health, and justice agencies which serve children are mandated to respond to those who are most impaired, leaving attempts at early intervention optional, and, therefore, subject to the swings of a good or bad economy. In good economic times, which came in the late 1990's, there was a resurgence of the early intervention initiatives which had all but disappeared for the early and middle part of the decade. The swings might look like aggregate movements, but they have a huge impact on individual children who are caught up in them. They have an impact, too, on the taxpayers who pick up the tab for years to come, when children's needs and conduct are not attended to in a timely and

effective manner and they default to expensive drug abuse or mental health treatment and/or to juvenile and adult jails and prisons.

The California Youth Authority struggles to provide the treatment and training which it is required to furnish to the youths under its care. The Youth Authority now receives a distilled population of youths who are likely to need expensive, specialized treatment, in addition to education and vocational training. It is not funded accordingly.

The California Youth Authority maintains a system of parole supervision for those who leave the Youth Authority on parole status. Parole offices have few options for assisting parolees who need to establish a residence apart from their family of origin or for assisting parolees who have other complex needs. Parole failure is very costly for all, especially for taxpayers.

Few people understand the complex problems of the children who end up at the Youth Authority, and few people understand the intricate and tattered web of systems which support and assist vulnerable children. Few understand how easily children who are victims become victimizers and how damaging their rage and disconnectedness from other human beings can be. Few people actively advocate for improvements in local social services and local juvenile justice systems or for improvements in the capability of the California Youth Authority to work effectively with these youths.

Each community needs to examine its own practices and continue to improve its ability to assess children's problems and to intervene early and comprehensively. Also, it is appropriate and necessary for the Youth Authority to resume a role it once had and has now nearly abandoned, which is to work actively with the counties to seek and serve the most vulnerable children.

## ACKNOWLEDGMENTS

This piece of work would not have been possible without the help and support of dozens of people. The California Youth Authority took a big risk in allowing me to do this work unfettered. Its employees spent many hours answering my endless questions, and they made it easy for me to get access to data, facilities, personnel, and archival information. Nancy Baldwin, who was Chief of the Youth Authority's Research Division and is now Assistant Deputy Director for Administration, served as my contact person. This study reflects my opinions alone and does not necessarily reflect the views of the California Youth Authority.

My first education in California Youth Authority 101 was provided by the management and staff at the Youth Authority's El Paso de Robles Youth Correctional Facility in Paso Robles. They spent hours educating me about the enormous complexities of running an institution for serious juvenile delinquents. Their kindness is greatly appreciated.

Another bastion of help and support was the Youth Authority's Central Valley Parole office in Fresno, under the leadership of Supervising Parole Agent Theresa Davis. Everybody in that office gave generously of their time and talent to help me understand their work. Parole agents allowed me to spend several days in the field with them, as they did their work. I also conducted many interviews at the Parole office, both with parole agents and with parolees.

Fresno County Superior Court Presiding Judge Gary D. Hoff signed a Court Order granting my request for access to otherwise confidential information for the purposes of this study. The Fresno County Probation Department gave me access to their computer expert, Judy Talent, who developed a database which greatly simplified the process of collecting and organizing information from different agencies. They also provided an office, a desk, a computer, and people to pull files during the month-long period in which I was working with their information. Fresno County Human Services System Director David Dent and his staff made it easy to access their wealth of information, also.

In order to foster candor, interviews were not tape recorded. Extensive notes were taken. The interviewees, each and every one, are due my profound thanks for their willingness to talk.

Chief Probation Officers Larry Price of Fresno County, Bill Davidson of Merced County, John Farley of Kings County, Harry Nabors of Madera County, and Larry Rhoades of Kern County were very helpful.

My husband, Eugene Krum, was the best support system a person could have during the nearly year-long period it has taken to complete this project. Various drafts of this document were reviewed and critiqued by a few of the interviewees and also by Lyman Heine, Suzanne Greenlee, Alan Richardson, and Diana Dooley. Each provided valuable insights, and their feedback helped to markedly improve the final product.

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## PREFACE

The seeds for this project were sown slowly over many months, as I read newspaper articles about problems in the California Youth Authority. It occurred to me that Fresno County sends kids there, and although I am reasonably knowledgeable about Fresno County's juvenile justice system and other services for kids, I realized I knew close to nothing about the Youth Authority. I had little idea of who goes there, what happens while they are there, and what they are like when they come back to our communities.

I began to wonder how much other people knew. The thought crossed my mind that this might not be a topic which got much attention. The closest Youth Authority institution is in Stockton, two hours north of Fresno, and for most of us it is out of sight and out of mind. So are the delinquents who go there.

As a former Interagency Coordinator for Children's Services, school board member in the '70s and again in the '90s, Mental Health Board member, Court Appointed Special Advocate, surrogate parent for special education, Executive Team member for the Human Services System, etc., I have a hard time walking away from something which appears to need attention.

Having written previous papers on school truancy, on how the local juvenile justice system works, and on kids who were found unfit to be tried as minors, I am in the habit of periodically researching and writing on topics about which I want to know more. I am able to pursue these interests as an interested citizen not affiliated with an organization or institution. I am an amateur in the true sense of the word; I do this for the love of it.

Knowing not one person at the Youth Authority, I wrote a letter and had telephone contact with some folks who, to my surprise, took me seriously. They allowed me to spend time at the Youth Authority institution of my choice so that I could learn about the Youth Authority. Thereafter, the new Director, Jerry Harper, invited me by telephone to design and submit for approval a research project which might prove useful to the Youth Authority.

Early on, I had not known that the Central San Joaquin Valley Counties had a high rate of commitment of youths to the Youth Authority. But when I came upon that fact, I knew that this would be a logical place to start. I began to study Fresno, Kings, Madera, Merced, and Tulare Counties, seeking to learn whom they send to the Youth Authority, what happens at the Youth Authority, and what happens when they return.

My research proposal was greeted with skepticism by everybody who read it, given the breadth of its scope. They were right. Nonetheless, the more I learned, the more I knew that I was justified in wanting to assemble an overview much broader than most people would have in their frame of reference. As I came to find out along the way, very few people understand how more than one or two child-serving systems work and how they fit together. Throughout this project, I was struck with how intensely people work in their own narrow area and how little they know about what precedes it or follows it. It reminds me of an orchestra playing without a conductor and with the instrumentalists all playing their hearts out in separate rooms, unable to see or hear one another.

The more I learned about local services to children, such as Child Protective Services, education, and mental health, and about the local juvenile justice systems, the more I knew that *that* is where the focus needs to be. It is not possible to understand the challenges which the Youth Authority faces or to make reasonable suggestions on how it can improve without knowing this. So, I clung to my original desire to try to cover a broad area. In doing so, I knew from the beginning that I would have to skim across the surface of many topics, foregoing depth on issues which deserve a more substantial discussion.

There is always a tomorrow and, thus, an opportunity to pick up strands inadequately developed in this report. Research opportunities abound, and I hope that this report will spawn a surge of additional work on these topics. Actually, I accumulated many times more information than I could incorporate in this report. I concluded that in order to make a few key points forcefully, I ought not drown them in too much other information. Just the same, this report is not for someone who looks for a sound-bite description of a problem or a simplistic answer.

As a long-time resident of Fresno, I am keenly aware that one factor which limits Fresno and the Central San Joaquin Valley is its isolation from other major population centers. This study in some respects repeats that problem by confining itself to looking only at this small geographical area and not comparing it to other areas. The irony is duly noted. The first step, however, is to see yourself clearly, before you can make valid comparisons with the outside world.

One of my hopes for this project is to give a human face to people whom we usually think of in more stereotypical fashion—those hard-core delinquents who end up at the Youth Authority. So, I generally used plain language and avoided legal terms such as “ward” and “minor” and instead described these people as “kids” or “youths.” Use of the term “kids” is sometimes a stretch, since Youth Authority wards are up to 24 years old. However, the focus of this report is on the early years of these people’s lives. And, as a Youth Authority psychologist told me, most function on a level far below what their age would otherwise imply.

Also, I often used “criminal,” although “offender” is the correct legal term and “sentenced,” although “committed” is the correct legal term. And I used the term “prisons” to describe Youth Authority “institutions.”

Not surprisingly, people ask me what I expect to happen as a result of this report. Thoughtful reflection would be a good start. Spirited challenges would be fine. Anything which gets people talking about these complex subjects is to the good. My hope is that this report joins the stream of other forces which cause the pendulum of change to swing harder and faster toward the many reforms which are needed.

## I. INTRODUCTION

In April of every year, teens eagerly await word on whether they will get a summer job, will get to attend a favorite summer camp, or will receive the coveted acceptance letter to the college of their choice. In Merced County, California, in addition to these usual teen rituals, in the Year 2001, nearly 200 youths were awaiting word on when they would be allowed to go to Juvenile Hall to serve a sentence imposed by a judge months earlier.

There is no room at the inn. Merced County's Juvenile Hall, a spotlessly clean but woefully inadequate structure, was opened in 1948 serving 11 offenders and has been expanded to serve 42. The Chief of the Merced County Probation Department, which operates Juvenile Hall, says kids in his county have "no respect for authority or the system. I wouldn't either."<sup>1</sup> Despite development of lesser level alternatives, such as electronic monitoring and a day reporting center, hard-core youths continue to violate the law with impunity. The impunity lasts until their criminality is so severe or pervasive that they are sent to the California Youth Authority. In the 13 years from 1983 to 1996, Merced County sent 372 youths to the Youth Authority. In the next 4 years, it sent 420.<sup>2</sup>

In sparsely populated Kings County, a county where nearly  $\frac{3}{4}$  of the acreage is devoted to farming, but where most of the jobs are in government, including a Naval Air Station and state prisons at Avenal and Corcoran, the 37 juveniles who were sent by the Juvenile Court to the Youth Authority in 1996 constituted the highest rate per 100,000 youth population in the state. This rate was more than three times the State average.<sup>3</sup> The small population of Kings County causes small changes in the number of commitments to show large changes in the rate of commitment; however, statistically, Kings County has exhibited a high rate of use every year for the last decade.

Meanwhile, in 1992, Fresno County gained the distinction of being number two in the nation—in car thefts. The urban area of Fresno was so covered in graffiti, it looked for all the world like a community abandoned by God-fearing citizens to wanton criminals who had no respect for the property of others. Home alarm systems, barred windows, and steering wheel locking devices became unavoidable considerations for people who wanted to preserve what they had worked for. In 1996, Fresno County judges sent offenders to the Youth Authority, not just for property offenses but also for an array of violent offenses, at a rate exceeded in the state only by neighboring Kings County.

Madera County, with a 40 percent increase in population from 1990 to 2000, added a boot camp to its meager arsenal against juvenile crime in 1997, but like its compatriots in Kings County, in 1996 it sent youths off to the Youth Authority at a rate greatly exceeding that of other similar-sized counties.

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<sup>1</sup> Merced County Chief Probation Officer William Davidson, interview by author, April 13, 2001, Merced, California.

<sup>2</sup> Davidson interview.

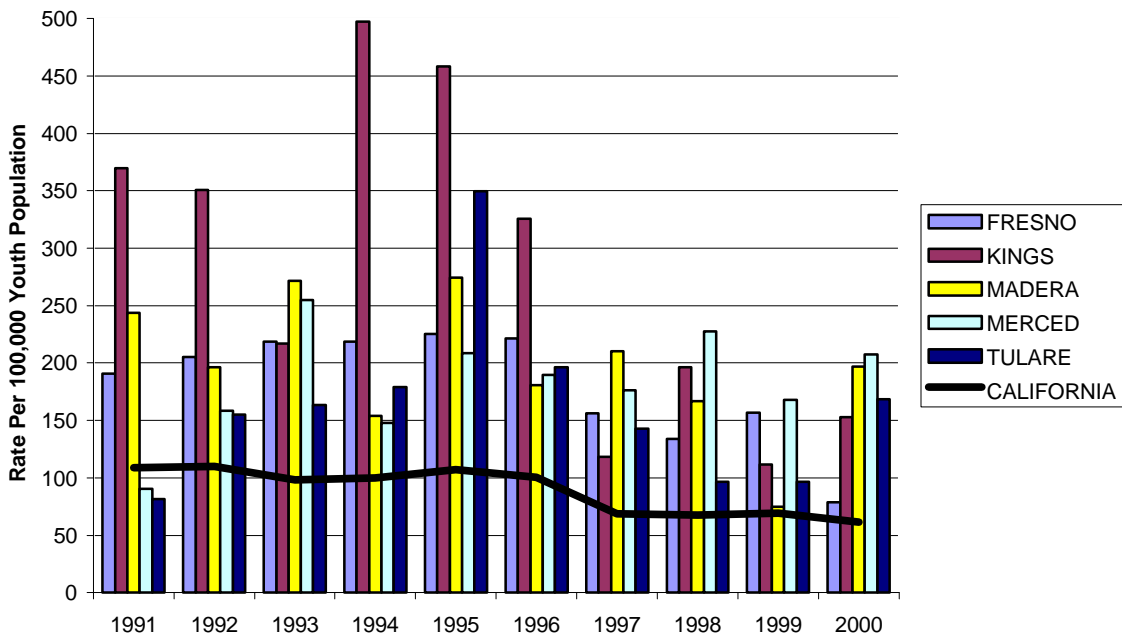
<sup>3</sup> All data regarding admissions to the Youth Authority, including rate calculations, are from data provided by the Youth Authority.

In Tulare County, which lies just south of Fresno County, in 1995 Juvenile Court Judge William Silveira, Jr., paid upwards of \$1,500 out of his own pocket to place a full-page advertisement in the local newspaper informing citizens about the woeful realities of their juvenile justice system. He stated, “We cannot place every minor who commits a crime in the youth authority.”<sup>4</sup> However, from 1992 on, Tulare County has greatly exceeded the state average rate of commitments to the Youth Authority.

In fact, in 1996 in California, the rate of commitment of juvenile delinquents (the ratio of youths sent to CYA to the total population of youths aged 12-17 in the county) was highest in Kings County, followed by Fresno, Monterey, Tulare, Del Norte, Merced, Kern, and Madera Counties in that order. Except for Monterey and Del Norte Counties, these counties nestle together in the San Joaquin Valley. Unfortunately, the year 1996 was not an aberration. As shown in Chart 1, during the last decade, except in 1991 when two of the five Central San Joaquin Valley Counties were lower than the state average, every year every county exceeded the state average.

Chart I

**RATE OF JUVENILE COURT FIRST COMMITMENTS TO YOUTH AUTHORITY BY YEAR AND COUNTY COMPARED TO STATE AVERAGE**



Source: California Youth Authority

<sup>4</sup> Judge William Silveira, Jr., “Open Letter to the Public,” *Visalia Times-Delta*, February 23, 1995, 7A.

Why? And what are the implications of this? This paper seeks to respond to these questions. The subject is enormously complex, and every aspect of it, upon examination, raises more questions. Obviously, there are no simple answers. However, attaining a clear view of the problems is a necessary and sometimes undervalued prerequisite to devising and executing solutions. This paper attempts to look broadly at many parts of a network of overlapping issues. It will attempt to demonstrate that the situation is not hopeless and that people and their governments can do better, by reshaping what we do in order to more nearly get the results we want.

These are the main points of discussion of this paper:

- Currently, delinquent children who end up at the California Youth Authority are more likely than not to have a complex mix of problems, including drug addiction, mental health issues, school failure, and gang participation. Many have never had an effective adult in their lives. In fact, many are the children of people who grew up with the same problems.
- The delinquent youth who go to the Youth Authority are likely to have shown clear-cut signs that they were in deep trouble long before they entered the door of the local juvenile justice system. Many were scared little kids just a few years before they became menacing delinquents.
- During the 1990's and into the current decade, key systems which provide services to children, especially schools, Child Protective Services, and children's mental health services have been woefully underfunded, fragmented, and unprepared to respond to those extremely needy children who drift into local juvenile justice systems and who later go on to the California Youth Authority.
- The Central San Joaquin Valley counties send far more of their juvenile delinquents per capita to the California Youth Authority than other California counties. With high unemployment and low per capita income, the poverty of these counties has rendered their county governments unable to develop effective juvenile justice systems. When these counties' judges send youths to the Youth Authority, sometimes it is because it is the appropriate choice, but often it is because of a lack of suitable local alternatives.
- Over the last few decades, the Central San Joaquin Valley counties have not developed effective systems encompassing prevention, intervention, and suppression of juvenile delinquency. Local systems have allowed kids to commit an increasingly serious array of crimes with no more than token consequences. The crime wave of the early 1990's, which peaked in the mid-1990's, has abated somewhat locally and throughout the nation, but because they started so far behind, the Central Valley Counties are hard-pressed to catch up to other counties in the development of viable systems to intervene early with children who have severe problems.
- Public policies and practices have a long tail. Since childhood is of short duration, an economic downturn during which services to children are severely constricted carries drastic consequences to children who are in need during those years. The impacts of California's severe economic upheavals of the early and mid-1990's, along with other adverse social trends, such as abuse of alcohol and other drugs, continue to play out badly—for individuals who were needy children at that time, and for the tax-paying public who now must pay the price.

- The California Youth Authority tries valiantly to live up to its statutory duty to reform, rehabilitate and educate these youths, but it, too, is inadequately equipped to address the enormously complex problems of the individuals who are sent there. And it is thinly resourced to provide the intensive services needed to help these young people successfully integrate back into our communities when they return to live among us. Furthermore, it no longer has sufficient resources to provide the linkage, support, and advocacy to local juvenile justice systems, which it was originally intended to do.
- Californians, not fully aware of the crying need to improve local and state juvenile justice systems, have responded by authorizing an unprecedented build-up of the adult prison system, which, after all, is next in line to receive young adult criminals who were not deterred in their years as kids. Initiative measures, statutes, and policies have been enacted to reduce to 14 the age at which juveniles can be tried as adults, to expand the list of offenses which could subject a juvenile to adult sanctions, and to remove from Youth Authority facilities over 800 young adults statewide whom the Court believed would be better off serving their adult sentence in a Youth Authority facility, rather than at a state prison.
- Much of what is done or not done is a function of money, not just the amount of money, but also the allowable uses of each of the piecemeal sources of funding.
- Alarmed by the cost to the State of the swelling Youth Authority population, legislators, beginning in 1997, imposed a new set of charges to counties for each youth sent to the Youth Authority. This increased the cost to the counties by millions of dollars per year. Counties, with little offsetting revenue from the State, scrambled to develop local options to reduce the flow of delinquents to the Youth Authority. But they continue to struggle to put together enough money from meager federal, state, and local sources to develop and operate local programs which are of sufficient size and quality to do the job. Poor counties, of course, are at a particular disadvantage.
- The county juvenile justice systems and the California Youth Authority have made important progress in the last few years, but as the economy slows, these gains are already beginning to be threatened. If there is not sufficient public understanding of the consequences to all of us, the slippage could become an avalanche.
- This discussion is not theoretical. It is pragmatic. Juvenile delinquents who go to the Youth Authority come back to live among us. So it matters for all of us—for our communities, our neighborhoods, our elderly, our children and grandchildren. We will live among these former delinquents and their families, and they will live among us.

The history of juvenile corrections in California is one of wide swings—gigantic waves of scandal and reform, of hopelessness and engagement, of narrow-mindedness and enlightenment, of neglect and determination. Wide swings, too, characterize the uneasy dance between the State, which operates the California Youth Authority<sup>1</sup> as part of its larger Youth and Adult Correctional Agency, and the counties, which are expected to fund and operate local juvenile justice systems. The swings are affected by a plethora of factors, making the movements jerky and unpredictable.

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<sup>1</sup> The California Youth Authority is part of the Youth and Adult Correctional Agency, which also operates the California Department of Corrections, the Youthful Offender Parole Board, the Bureau of Prison Terms, the Prison Industry Authority, the Narcotic Addict Evaluation Authority, and the Commission on Correctional Peace Officer Standards and Training.

History shows, too, that a small number of intelligent and courageous people can have a huge positive impact, just as a small number of short-sighted and closed-minded people can have a disastrous, far-reaching impact. Wise people see the political dimensions of serious juvenile delinquency in neither liberal nor conservative terms, but rather in human terms. Neither mawkish sentimentality for children nor an unapologetic focus on punishment gets to the core of the issue. These delinquents all come back to live among us. For some it will be a short stay, a brief reprieve before they commit a crime which earns them a bed in State prison. Others, despite great odds, will straighten up and live a law-abiding life. Many will fall in the vast grayness in between. None of us will be unaffected.

## II. THE CENTRAL SAN JOAQUIN VALLEY COUNTIES

For many years, the Central San Joaquin Valley counties have been the Appalachia of California, the lowest among the California counties in per capita income and the highest in unemployment. Three economic jolts worsened the already severe problems of these counties and their residents. One was the impact of Proposition 13 and successor limitations on taxation; this began to be painful during the late 1980's. Second was the severe economic recession in California in the late 80's and early 90's, as California's mighty defense industry was decimated as the Cold War ended. Third, the State Legislature responded to the declining State coffers by shifting money away from the counties in order to satisfy the State's debt to school districts.<sup>2</sup> The shift began in 1992-93, and it was a fierce blow to already struggling counties.

It is county governments who hold the major responsibility for running juvenile justice systems and other crucial child-serving programs, such as Child Protective Services and children's mental health services. All receive an always-changing mix of state and federal funding, but counties must provide the local share of the funding, as well as build facilities and operate programs.

A youth's participation in crime is a key determinant of whether he or she ends up at the Youth Authority. But so is the financial health of the county they reside in during the year in which they are before the Court. Central Valley children born in mid-1980's and maturing into criminal ways of life a decade later could not have imagined that their misdeeds would make them twice as likely as a kid in Los Angeles County to be sent to the California Youth Authority. That's if they lived in Merced, Fresno, or Madera Counties. If they lived in Tulare County, it would be three times, or in Kings County four times as likely as a Los Angeles kid.

They would probably be equally surprised to learn that if they had just waited a few years, their chances of going to the Youth Authority would decline markedly. In 2000, Kings County judges sent only about 1/3 as many kids to the Youth Authority as they had in 1995. Fresno County, too, cut its rate to about 1/3 during the same period. Merced County, meanwhile, stayed at about the same rate. Madera County and Kings County have roughly the same population, 123,000 and 129,000 respectively, and their county seats of Madera and Hanford lie only 55 miles apart. Yet during the mid-90's, Kings County typically sent twice as many delinquent kids to the Youth Authority as Madera did. What accounts for these differences?

The small numbers in Kings and Madera Counties do create an exaggerated effect when shown as a rate per 100,000 youth. For example, Kings County's 18 Youth Authority commitments from Juvenile Court in 2000 are dwarfed by Los Angeles County's 465. But as a rate per 100,000, Kings County's rate is 153 while the rate for Los Angeles County is 57.5. However, the rate discrepancies occur year after year, mitigating the distortions which occur as a result of small numbers in Kings County. Further, the rate of Youth Authority commitments of each of the Central San Joaquin counties is typically greater, often considerably greater, than that of similar-sized counties from around the State.

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<sup>2</sup> This is known as the ERAF shift. ERAF stands for Educational Revenue Augmentation Fund. The shift of property tax revenue from cities, counties, special districts, and redevelopment agencies to school districts increased school property taxes and, therefore, decreased the State's General Fund obligation for funding schools.

## POVERTY

Although it is logical to look at variations in the rate of crime and variations in a county's or a particular judge's tolerance for crime, there is one variable which is profoundly important and largely overlooked. That is the capability of the counties to pay for the local prevention, intervention, and suppression activities, which are needed in order to avoid excessive reliance on the Youth Authority.

In short, the Central San Joaquin Valley counties are poor. So poor that the San Joaquin Valley counties are sometimes referred to as The Other California. Some say that if California were a nation, the San Joaquin Valley would be the South. (The Old South, actually.) Valley residents wince at such descriptions and would prefer to note that the Valley contains the most productive agricultural area in the world. Agricultural production in Fresno County alone amounts to over \$3 billion per year. Civic pride aside, the facts are compelling. California has 58 counties. This is how the Valley counties rank among the counties in per capita income:<sup>3</sup>

<u>County</u>	<u>Rank in Per Capita Income</u>
Fresno County	41 <sup>st</sup>
Kings County	58 <sup>th</sup>
Madera County	52 <sup>nd</sup>
Merced County	50 <sup>th</sup>
Tulare County	48 <sup>th</sup>

These five counties have average per capita incomes of approximately one-third less than the average per capita incomes for all Californians. The unemployment rates in these counties far exceed that of California, as shown in Chart 2. It is one of the worst regions in the entire nation for unemployment. And, a much greater proportion of the residents of these counties rely on public social services than is true elsewhere. These counties have a lower overall level of education than the average for the State, and they have more immigrants, and more children as a proportion of the population.

In the early 90's, county juvenile justice officials were forced to dismantle, piece by piece, the array of services, such as in-custody substance abuse treatment and specialized in-custody treatment programs for girls, which they had painstakingly developed in the late 70's and early 80's.

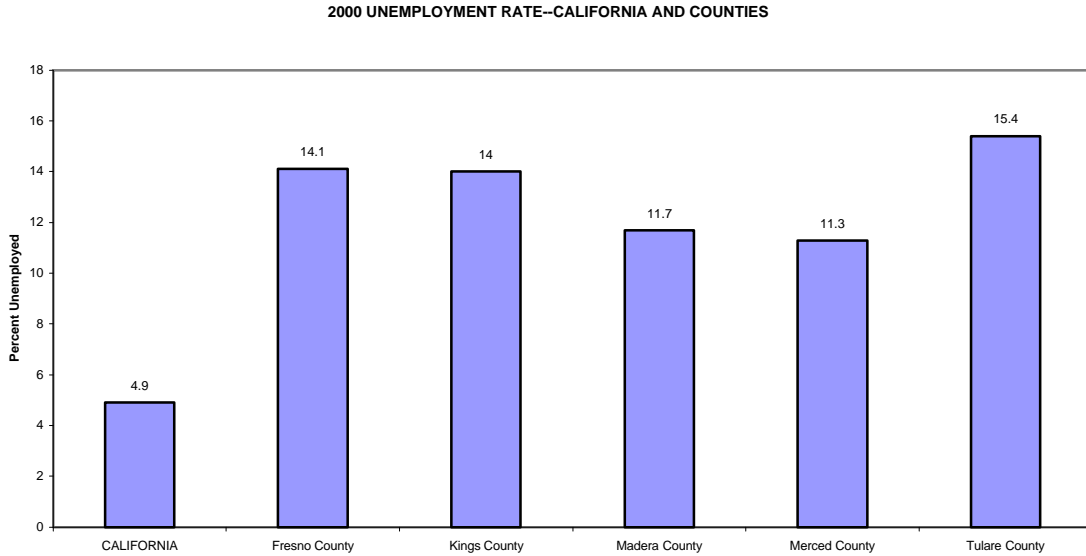
Merced County, in fact, barely avoided bankruptcy when in 1994-95, the County and the State Department of Finance signed a Memorandum of Understanding acknowledging that the county did not have the funds to finance critical services and allowing the county to defer payments for certain services provided by the State.<sup>4</sup>

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<sup>3</sup> California Department of Finance, Economic Research, California County Profiles, [www.dof.ca.gov](http://www.dof.ca.gov).

<sup>4</sup> Jennifer Swenson, *County Services: A Tale of Eight Counties*, California Research Bureau, California State Library, February, 1999, 54.

Chart 2



Source: California Department of Finance

Here are a few examples of how the impoverishment of county government played out for kids in their jurisdiction:

In 1991, Fresno County simply quit processing petitions or offering any services to kids who were runaways, chronic truants, or out-of-control. The juvenile justice system was too swamped with more serious criminals.

In Merced County, in 1996, there were the same number of Probation Officers as there had been seventeen years earlier, despite a countywide population increase of over 45,000 people during the same period.

In Tulare County, in 1995, the Juvenile Court Judge stated, “Nearly all of those minors who end up being tried for violent offenses as adults started at the ages of 10, 11, and 12 with minor misdemeanor violations. If we had successfully punished these minors and dealt with them at that stage, I am sure that we would see less of the violence than we see in our streets today.”<sup>5</sup>

In 1992, in response to employee demands for safety improvements, Fresno County made some repairs on its aging Juvenile Hall, reducing the local beds available and thereby increasing the numbers of kids who went to the Youth Authority.

<sup>5</sup> Silveira, “Open Letter To the Public.”

A judge who served in the Juvenile Court in the early 1990's in Fresno County said he had a choice of giving a serious delinquent 32 days in Juvenile Hall or a commitment to the Youth Authority, which would more likely result in a stay of a couple of years. There was nothing in between. Worse yet, the few local beds available for a 32-day commitment were restricted to property offenders. The options for violent offenders were either to send them to an unlocked group home or to the Youth Authority; there was nothing in between.

Economic woes had an impact on other services for children, too. Social work caseloads were high and resources were low, so in Fresno County a policy decision was made to constrict the entry-point to Child Protective Services. By deciding to provide only services which are mandated by state law, the agency therefore served only severely abused or neglected children and declined to serve children at high risk of abuse or whose neglect had not yet done severe damage.

Schools, too, were hard-pressed to serve the increasing array of needy children—those who were English learners, those who had special needs, those who moved often, etc. School elective classes were eliminated, as were many extra-curricular programs. Budget documents for school districts reflect the severe distress under which school systems were operating. The Fresno Unified School District's 1992-93 Proposed Budget notes that the State was experiencing a deficit of \$11 billion, and that school districts, which relied on the State at that time for 92% of their funding, were hard-pressed to make more than a guess as to what revenue they would receive. Fresno Unified began the budget process that year with a \$15 million deficit.

Cities, also strapped for cash, reduced or eliminated after-school supervised recreation programs. County libraries had to severely reduce hours of opening and had little money to purchase new materials.

Each of the Central San Joaquin Valley counties has its own unique story. But the stories are depressingly similar. Once services have plummeted and staff have either left or become demoralized, it is very, very tough to regain an upward trajectory, even when an economic stranglehold begins to loosen. In the meantime, kids are left in the lurch in ways that we will pay for year after year after year.

## POPULATION GROWTH

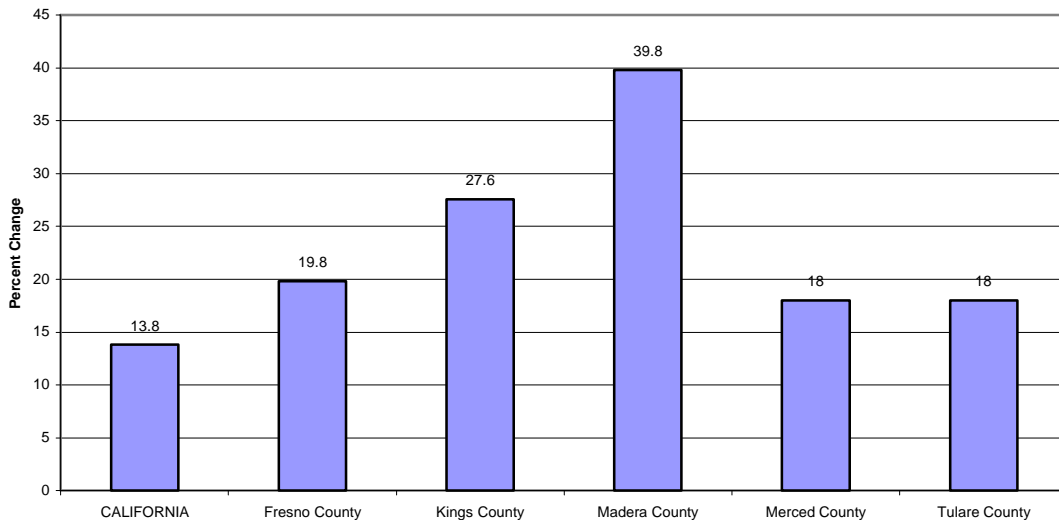
Two additional issues affect these five counties. The issues are rapid population growth and the changing ethnic mix of their populations. Each of these issues could be the topic of a lengthy paper in itself, so the implications of these issues are described far too briefly in this report.

Population growth is not accompanied by an automatic increase in resources to accommodate the specific needs of the swelling population. Jobs don't necessarily keep pace. Additional social workers, police officers, and Probation officers don't materialize, and school and juvenile justice facilities do not appear.

As shown in Chart 3, each of the counties is growing at a rate far faster than the State. Madera County and Merced County are projected to have extremely rapid growth in the coming decade, as both increasingly become bedroom communities to the Bay Area and Silicon Valley and as both attract businesses along the Highway 99 corridor. In addition, Merced will be the site of the first University of California campus in the Valley, bringing with it tens of thousands of new residents.

Chart 3

**PERCENT POPULATION GROWTH 1990-2000 IN CALIFORNIA AND SELECTED COUNTIES**



Source: California Department of Finance, Demographic Research Unit, California State Census Data Center, Census 2000

## ETHNIC MIX

Each county has a rapidly changing ethnic makeup, and there are marked differences from county to county in what these changes are. California Department of Finance Race/Ethnic Population Projections by county for ages 12-17 furnish detailed data.<sup>6</sup>

Looking at changes in this age group from 1990 to 2000, in Tulare County the White population declined from 45% to 40%; however, due to the growth in population, there were over 1,000 more White kids. The Hispanic population went from 48% to 51% in this age group, and that constituted approximately 4,700 more kids. A change in the Asian-Pacific Islander population from 5% to 6% meant 800 more kids.

In Merced County, for the age 12-17 population from 1990 to 2000, the Asian-Pacific Islander group went from 9% to 16%; this more than doubled that population from roughly 1,650 kids to over 3,600. As a percent of the total, Whites and Hispanics declined, but in real numbers they each increased by about 1,700 kids during that decade. Projections for 2010 for Merced County show a decline of about 1,350 White kids in this age group, and a growth of over 4,000 Hispanic kids and 600 Asian-Pacific Islander kids. The percentages and numbers of African-American and American Indian youths have stayed fairly small and stable over time.

The demographic shifts have far broader implications than just a changing ethnic mix. In the Merced City School District, for example, during 1998-99 nearly 39% of the students were English learners, compared to about 25% statewide. The dominant home languages, besides English, were Spanish, Hmong, Mien, and Lao. Seventy-seven percent of the students qualified for free or reduced price meals, compared to about 48% statewide. Also, over 40% of their kids receive CalWORKs (formerly Aid to Families with Dependent Children), compared to 16% statewide.<sup>7</sup>

In the Fresno Unified School District, as the student population went from 54,000 in 1975 to 78,000 in 2000, the White population of students went from 64% to about 20%. In 1999, the elementary population was over 50% Hispanic and over 17% Asian. Nearly 1/3 of the District's students are English learners, and over 2/3 qualify for free or reduced price lunches. Mobility, which measures the number of enrollments after the first month of school plus the number of drops during the year, totals a staggering 54% District-wide and over 60% at the elementary level. Nearly 39% of the students receive public assistance. There are 101 languages spoken by its students and their families.<sup>8</sup>

Meanwhile, in the Central San Joaquin Valley, school districts often have teaching staffs of whom 70-75% are White. Relatively few teachers can converse with parents in the language of the parent, if it is other than English.

Voters, too, are predominantly White. Anybody who has worked on an election campaign for school bonds or for juvenile justice facilities is faced with the cold reality of having to convince an older, whiter population of voters to pay taxes to provide services for what some see as not-necessarily-welcome immigrant children. For most voters, this is not too problematic. But getting the extra votes needed to clear a super-majority hurdle is no small job.

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<sup>6</sup> State of California, Department of Finance, *Race/Ethnic Projections with Age and Sex Detail, 1970-2040*, Sacramento, California, 1998, <http://www.dof.ca.gov/HTML/DEMOGRAP/Race.htm>.

<sup>7</sup> California Department of Education, Education data: <http://www.ed-data.k12.ca.us>.

<sup>8</sup> Fresno Unified School District, Office of Research, Evaluation and Assessment

### **III. WHO GOES TO THE YOUTH AUTHORITY**

In this cauldron of rapid change, who are the adolescents who end up at the Youth Authority? Is there more to know about them than just the facts of the crimes which they have committed? If we know more about them, can we apply what we have learned to today's young children, and can we take steps which result in a reduction in the numbers of adolescents who penetrate deeply into the justice system?

One of the aims of this paper is to give a human face to the otherwise abstract subject of serious juvenile delinquency. Consequently, a review was performed on records of thirty-four youths from Fresno County who were committed to the Youth Authority in 2000. They were *all* of the kids committed during a half-year portion of 2000. Thus, there was no opportunity to hand-pick cases.

No claim can be made that this sample of thirty-four is large enough to accurately reflect the profile of the whole Youth Authority "Class of 2000" or that the findings would be the same if the sample came from another county. Perhaps people will be curious enough about this to repeat this process on a larger scale and in different jurisdictions. In any case, the Youth Authority's description of its current population correlates well with what is described herein. And, Juvenile Court Judges from all of the counties in this study agree that they, too, see many children whose problems have been well known for many years before they become fodder for the youth or adult prison systems.

For this study, Court, Probation, school, Child Protective Services, and Human Services System records were reviewed, pursuant to a Court Order granting permission for the purpose of this study. Naturally, names are changed in this report in order to protect confidentiality. The fact pattern for each kid is so distinctive that their stories are presented in segments, in an attempt to avoid revealing information which could be attributed to one youth or family. Thus, for example, the school part is presented separately from the mental health part.

### **LOOKING AT SPECIFIC KIDS**

Of the thirty-four, four were females. At the time a judge sentenced the thirty-four to go to the Youth Authority, seven were age 18, nine were age 17, seven were age 16, six were age 15, four were age 14, and one was 12. Records listed sixteen as Hispanic, eleven as White, five as Black, one as Asian, and one as "Guamanian." On average, the period between their first arrest and their entry into the Youth Authority was three years and three months.

It is perilous to rely on written records to learn about human beings. Not everything in these records is true, and no record tells the whole story. And, the subject of the record rarely has "voice" in his or her own file. Consequently, in order to get a more authentic feel for these youths, twenty of them were interviewed for this report at six different Youth Authority institutions.

Every one of the thirty-four kids had very serious problems long before entering the juvenile justice system. When you look at their Court and Probation records, they look like criminals, which they are. When you get a glimpse of their earlier history, you see that just a few years earlier, they were scared little kids.

Surely there are some kids at the Youth Authority who made one huge mistake and did not have a troubled past, but there was none in this sample. Two earned their way to the Youth Authority by committing a crime so horrific there could be no other reasonable choice. Although these two youths had no prior criminal record, both had suffered enormous neglect and abuse as small children. They traveled

the well-worn path from victims to victimizers. Others of the thirty-four committed offenses which were very serious, and they had prior records of offenses. Many others, however, were committed to the Youth Authority as what people in youth corrections refer to as the “thickness of the file” cases. These are cases in which a youth’s frequent return trips to Juvenile Hall and/or their noncompliant, disruptive, and assaultive actions while in detention caused those in charge to throw up their hands and send one more kid to the Youth Authority. It was not that their crimes were so major; it was that they continue to display anti-social, out-of-control behavior, and they do not respond to attempts to help them or make them change.

Not surprisingly, data from various agencies do not correlate perfectly. However, the records of these thirty-four kids reveal the following:

*It isn’t easy to even get the names right. Some kids have had more than one last name in their short life. Others have had so many different spellings of their first or last name in various records that it becomes difficult to know what name to ask for when you try to access records.*

*Determining who their parents are and how many siblings they have is elusive. Usually, Mom is one identifiable person, although she might have gone back to Mexico ten years ago or have been in and out of prison for years. Dad, however, was more likely than not to have been no more than a sperm donor. A succession of mom and dad surrogates has been in and out of the lives of many of these children. Without a doubt, some of these parent-figures did their level best to rear responsible children. Others, however, were so mired in their own huge problems that they provided little nurture to their offspring.*

*Many of these kids have siblings, step-siblings, and half-siblings. It is hard for them to give a simple answer when asked how many siblings they have. One even has a brother less than four months younger than he; the father of these boys had two pregnant girlfriends simultaneously.*

*If there is one common denominator, it is the use of alcohol and other drugs by the adults in the lives of these children. While methamphetamine, crack cocaine, heroin, and marijuana are major factors, alcohol, alone or in combination with other drugs, still earns the number one ranking for sheer volume of destruction of human lives.*

*Thirty of the thirty-four kids’ parents or guardians received public assistance on their behalf at some point during their lives.*

*Thirty-one were the subject of referrals to Child Protective Services at least once. Some were referred again and again, generally by an ongoing stream of neighbors, teachers, and health care providers. Some were removed from their parent(s) and placed with a relative or in foster care.*

*Seven of the thirty-four received mental health services prior to being admitted to Juvenile Hall. Twenty-one of the thirty-four received mental health services during the time they were at Juvenile Hall. County Mental Health records do not correlate with Juvenile Hall notations regarding mental health interventions, so these numbers are a best guess.*

Although there are themes which run through the lives of these kids, the one thing that stands out above all else is how very different they are from one another. Interviews with 20 of these kids at Youth Authority institutions, and interviews with another 35 or so older youths (young adults, actually) who are

on Youth Authority parole, reinforces this impression more deeply with each interview. Viewing seriously delinquent kids as a group does not begin to square with reality, and, thus, cookie-cutter solutions will never work.

The other inescapable conclusion is that these kids' lives were enormously complex before they arrived on the doorstep of the juvenile justice system.

## **CHILDHOOD EXPERIENCES**

These are some of the early childhood experiences of these children:

*Troy entered school 14 times in elementary school. He attended 13 elementary schools, one of them two separate times. His mom is a crack addict and a prostitute. He lived in eight out-of-home placements, with periods on the street as a runaway between placements. He was 13 when he was first arrested. His father, a drug user, is in prison. He has several step-siblings, the children of several fathers, and all of them have been in foster care.*

*Roy did not enter school until age 7. When interviewed at the Youth Authority, he said all the other kids knew how to read by the time he entered school. He said his mother had been too busy with the kids to enroll him in school. Roy repeated second grade, but he was a child of low-average intelligence, and despite Special Education assistance, he never caught up. Roy's little brother has cerebral palsy, requiring a lot of attention. Roy shuttled between various adults, all of whom were highly unstable. Both of Roy's parents were 16 years old when he was born.*

*Roberto attended 13 elementary schools. He was assessed for Special Education at age 9, at which time he was diagnosed as having weaknesses in rote memory, word memory, auditory processing, and thinking and reasoning skills. He began to exhibit poor attendance in the second grade, and in the third grade, school officials were begging for Roberto to get help at home with his homework and his attendance. Roberto's mom, a crack addict, was in and out of prison and psychiatric care. His father's whereabouts were unknown. Roberto shuttled between his aunt and his grandmother, when his mom was in prison.*

*Bobby's lawyer tried unsuccessfully to use an insanity defense. Small wonder. Records indicate he has been sexually abused almost all of his life and has been trying to commit suicide since age 10. His mother, whom he has not seen in years, is a methamphetamine user and a prostitute, and his father is in prison. Bobby's county of residence was a different county than the one where he lived in a group home when he was arrested and sentenced to the Youth Authority. It is believed he lived in at least 20 foster care settings.*

*Rupert's mom was known, well known, to Child Protective Services before he was born. She gave birth to 8 children from at least five fathers. Rupert was the sixth child. By the time he was 8 years old, there had been 26 referrals to Child Protective Services. Reports alleged that his mother left the kids home unattended with no food or electricity. The children had severe dental problems, smelled of urine, and had head lice. The children were removed from their mother's care only temporarily once when Rupert was 10. Rupert attended ten elementary schools. His Special Education diagnosis indicated weaknesses in impulsivity, poor attention and social skills, weak perceptual and fine motor skill, with intellectual potential believed to be low-average to borderline. Rupert's*

*mother did not attend school conferences while he was in elementary school, but she did come to a School Attendance Review Board hearing when he was in the 10<sup>th</sup> grade to complain that her CalWORKs grant was affected by his nonattendance.*

*Miguel attended 10 elementary schools. He received medication for his attention deficit disorder, and he was regarded as intellectually limited. When he was 9, Child Protective Services officials were called when his mom left the kids alone and the house caught fire. His sisters received a good deal of attention from Child Protective Services, but Miguel was virtually forgotten by the system when he ran away from various foster home and group home placements. His mother died of an overdose of heroin and alcohol. She had been convicted earlier of child cruelty and drugs and prostitution charges. His father is in prison.*

*When Terry was 8 years old, Child Protective Services discovered that he and the other 10 children in the home had severe head lice and scabies. Terry's head had been shaven but still had open sores from the scabies. Some of the children lived in a garage with "cockroaches everywhere." Officials believed the children were physically abused by their mother, and a significant other, who was on parole for drug charges. Terry began using marijuana and beer at age 11, and he says he became sexually active at age 12.*

*Donald attended eight elementary schools. He was in and out of Child Protective Services out-of-home placements since the age of 10. A younger sister was born drug exposed and with syphilis. His mother was in jail and prison off and on for drug use; his father had problems with drugs, weapons, and violence. It appears that Donald's mother continually disappointed him by getting released from jail, then promptly abusing drugs and getting sent back, crushing his hopes. Donald tested just above the cutoff to receive services as a developmentally delayed person. At school, he displayed vile language, poor attendance, and poor conduct from the beginning.*

*Catherine lived in 14 different out-of-home placements. It is impossible to know how many schools she attended, because there is no system which tracks enrollment in different school districts. Catherine herself says she doesn't remember anything before the sixth grade. When Catherine was 11, a social worker wrote in her report, "Catherine told the undersigned that she feels there so much going on [with CPS] and what's going to happen? Catherine told the undersigned that she has lived a hard life and after much hesitation said she was afraid for herself and her siblings to return home. Catherine is very guarded with her thoughts and emotions."*

*John's social worker wrote, "Much confusion and back and forth re visitation and possibility of reunification; dad very hostile." Subsequently, John's infant sibling died due to disabilities associated with prenatal exposure to drugs. Records allege that his father became irate when, as the infant was on life support, the father learned that the hospital would not pay for the funeral, and, therefore, refused to give consent for the cessation of life support. Neither of the infant's parents ever held him before he died. John now states that he has a sibling who is "resting in peace."*

*Alfonso attended only two elementary schools. However, his mother called the second school, when he was in the sixth grade, to announce that she had no control over him and he refused to come to school. Trouble had surfaced years earlier. Alfonso, who counts eleven siblings, including three who are the product of his father and his mother's sister, exhibited poor behavior and attendance from the second grade on. His sixth grade report card contains the teacher's plaintive notations: "Alfonso, you have so much to*

*give but you're choosing the wrong road. Stop, and think what's right." "Check attendance; 50% absence. It is hard to do the work when you're not on the job. Alfonso, you can do it, but you have to be here." And, finally, "Not in school enough to have grades."*

*Carl was the subject of referrals to Child Protective Services ten times from the ages of 3 to 13. One referral was "rejected," two were "unfounded," five were "unsubstantiated," and one was "founded," in that order. By the time a report was believed to be founded, Carl was deeply depressed and talked about wanting to kill himself. At school, he was found to be weak in written expression, possessing a short attention span, poor social skills, low self-esteem, and hyperactivity. A goal for Carl at school was that "student will converse honestly and factually 60% of the time."*

*Judy's mother receives SSI payments due to her mental disability. She uses alcohol and methamphetamines, and she has been the victim of domestic violence. Judy's father has been in prison for drug-related offenses. Judy attended nine elementary schools. Her step-father receives SSI payments due to his alcoholism and other health problems. Judy has seven siblings. Child Protective Services became involved when she was 2 years old.*

*Raymond came to the attention of Child Protective Services when he was 6, at which time a relative stated that his mother had abandoned him and his three siblings. His mother was reported to have 10 aliases and 13 birthdates. An apartment manager reported that his mother distributed alcohol and drugs to children. Raymond's family at one time lived with a registered sex offender. By age 13, Raymond stayed home from school, drank beer, and took care of his younger siblings. He had attended six elementary schools. His mother was 16 when he was born.*

*William began a series of psychiatric hospitalizations when he was 6. Despite being heavily medicated, William's conduct got him suspended from school five times in the fifth grade. When he was in the sixth grade, William stated unequivocally he wished he was dead. He was diagnosed as having severe impulsivity, seizure disorder, and brain injury due to very early gestational cocaine.*

*A Child Protective Services report involving the younger siblings of one of the kids who is part of this study stated that the children became dependents of the Court because the mother and father "engaged in a domestic dispute, each parent trying to get the other to take said minors, and neither parent wanted said minors in their care. Said minors were pushed back and forth from one parent to the other several times, the result being said minors were left with their [relative] by both parents." The older child, who now resides at the Youth Authority, was overlooked by Child Protective Services. When this child was born, the mother was 15 and the father was 17.*

*Lorena, when interviewed at the Youth Authority, said she knew her mother was doing bad stuff in the bathroom, but her mom taught her that what happens at home stays at home. She said she cried when her mother kept her home from school to take care of the younger children, but she didn't have any choice. She said if she had told people at school, it would have made things worse, because her mother would be mad at her and she and her siblings would be separated in foster care.*

Perhaps the most painful part of the foregoing stories is that they are only a sample. Each story, if told more fully, would reflect much more horror than can be captured in a short paragraph. And, if all thirty-four stories could be told, it would be clear that not one of these children had a childhood which

would fall inside an average range, no matter how broadly the definition of that is stretched. These children are severely under-attached to other human beings and severely under-nurtured.

There are many tragedies in these kids' stories. One of the greatest, however, is that their growing tangle of problems escalated into criminality during the very period beginning in the late 1980's through the mid-1990's, when their county of residence was least able to help them to safer ground.

Of these thirty-four, twenty-one were born in 1982 and 1983, so when they were 8 and 9, school budgets were severely strapped, Child Protective Services were severely restricted, and children's mental health services were nearly inaccessible. The paucity of services is further complicated by the fact that when budgets are tight, agencies are less likely to work well together due to the actual lack of resources, the competition among the agencies for the same sources of funding, and the bunker mentality which develops. As these kids' criminality escalated, few options were available to rein them in. As Juvenile Courts in the Central San Joaquin counties and throughout the State sent youths in record numbers to the Youth Authority during the mid-1990's, these thirty-four kids were the 12, 13, and 14 year-olds working their way through the minimal local steps which led them to the Youth Authority in 2000. Actually, a few made their second trip to the Youth Authority in 2000, having failed parole or committed new law violations.

While many of these kids had access to Fresno County's new boot camp, which opened at the end of 1997, all of those who entered were kicked out of boot camp and sent back to Juvenile Hall. They were either too hard core by the time they got there or they were the hyperactive, unboundaried type of kid who will never do well in a boot camp setting. There were no other options, other than short-term warehousing in an overcrowded Juvenile Hall.

A kid we'll call James is one of the thirty-four who went to the Youth Authority in 2000. His path through school, Child Protective Services, and the juvenile justice system is instructive.

*James was 12 when he was first arrested for sexual battery. After 27 days in detention, charges were dismissed, and the case was referred to Child Protective Services. James's mom was a drug addict, whose medically fragile infant received a great deal of attention from Child Protective Services, while James remained relatively invisible to social workers. James was defiant, angry, and aggressive in elementary school. He was diagnosed as having poor spatial memory, severely delayed visual-motor skills, and Attention Deficit Hyperactivity Disorder. Following his release after the first stint at Juvenile Hall, James was cited by police again and again, but he was re-referred to Child Protective Services. He was booked and released several more times, as his arrests continued. His placement at home on Supervised Home Detention failed when he ran away and a warrant was issued for his arrest. Eventually, he was placed with his grandmother and required to complete property offender and substance abuse classes. As his arrests and runaway episodes continued, he kept getting caught and eventually served 63 days in the Juvenile Hall program for pre-adolescent minors. James's life of crime accelerated into increasingly serious crimes. A 1999 Probation report to the Court states, "This officer feels that a commitment to the C.K. Wakefield School [the County's commitment program for males] is an appropriate recommendation in this case. The minor is 14 years 10 months old.... As C.K. Wakefield is not available, this officer will recommend that the minor be placed on 90-days electronic monitoring and be returned to his mother's custody. A California Youth Authority commitment was strongly considered." Later, James wreaked havoc on the county's boot camp program, where he was ejected for being "constantly disruptive," hostile, and immature. Back in Juvenile Hall, he assaulted another kid, yelled racial slurs, acted out sexually, and spit blood at staff. The Probation Officer's final report to the Court stated, "It is apparent to see the*

*minor did not take the opportunity to alter his behavior, but has openly shown disregard for this Court ordered conditions of probation. While incarcerated, he has demonstrated no respect for others or for authority. Furthermore the minor has exhausted all programs at the local level. He has demonstrated by his behavior that he is a threat not only to himself for inflicting injury, but has made threats towards staff. It is the opinion of this officer the minor just does not care.” James was committed to the Youth Authority at the age of 15 ½.*

His story is not so different from the others who went to the Youth Authority. They were in trouble as small children, then became entwined in the juvenile justice system from ages 10 to 14 or so. Some were bounced back and forth between the juvenile justice system and the child protection system. Most failed Supervised Home Detention. Many went to group homes, some within the county and some in other counties. They invariably ran away from group homes or created such great disturbances that they got kicked out. Sixteen of them went to boot camp, but all of them were ejected due to noncompliance or disruptive conduct. Six others were excluded from entry into boot camp due to health, mental health, or violent conduct issues. Many spent one or more stints of a few months at a time in Juvenile Hall, where they created unending disruptions. Many of them simply wore out the staff at whatever group home or custody facility they were in.

Few kids do so badly so consistently. In 1995, when Fresno County sent its largest number of delinquents, 197, to the Youth Authority, over 4,000 petitions were filed against youths alleged to have committed a crime serious enough to warrant intervention. So, the question remains, what, besides their non-stop bad behavior, describes the ones who land at the doorstep of the Youth Authority?

## **RECURRING ISSUES**

There are a host of issues which crop up again and again.

### **BRAIN DEVELOPMENT**

It would be impossible to read these kids' files and not notice that nearly all of them were born to parents who were heavy users of alcohol and other drugs, and most, probably all, spent their early years in highly unstable environments. The combination is likely to have left them with an inexplicable combination of poorly constructed brain “wiring” and experiences which cause the brain's neural pathways to develop responses which promote survival but which detract from pro-social patterns of behavior. Bruce D. Perry, M.D., Ph.D., states, “[P]aying attention to the neurobiological impact of developmental experiences—traumatic or nurturing—will yield great insight for prevention and therapeutic interventions.”<sup>9</sup> He and others are producing a growing body of literature on this subject.

### **HEALTH**

Records reviewed on these thirty-four youths are sketchy about health issues. However, it appears that one of these youths has severe hearing loss in one ear from untreated childhood ear infections. Another kid is blind in one eye from an unspecified incident when he was one year old. Many have asthma. And more than a few have suffered head injuries. One was stabbed. Several have seizure disorders. One has sickle cell anemia. One had hepatitis A, hepatitis C, and was treated for exposure to

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<sup>9</sup> Bruce Perry, M.D., Ph.D., Scholastic, Inc., *Aggression and Violence: The Neurobiology of Experience*. [http://teacher.scholastic.com/professional/bruceperry/aggression\\_violence.htm](http://teacher.scholastic.com/professional/bruceperry/aggression_violence.htm)

tuberculosis. Several were treated for sexually-transmitted diseases. Several were in car accidents, and others had suffered falls serious enough to cause a concussion.

## SUBSTANCE ABUSE

Thirty of the thirty-four admitted using alcohol and/or illegal drugs. One youth explained, “I ran out of medication, so I used the drugs to help me out.” Three of the four not admitting substance abuse were on heavy doses of psychiatric medications. The average age of onset of substance abuse in these kids was probably about the fifth grade. The vast majority were under the influence of drugs when they committed their crimes.

## MENTAL HEALTH

Notes from various records regarding mental health issues include these, each for a different youth:

- Suicidal talk; hit school counselor because he “talked shit about my father;” depressed; suspicious and negative
- Chooses not to participate in sex offender counseling
- Molested by older brother; received mental health services at school
- Coping deficit; paranoid, hypervigilant; major depression
- Threatened suicide
- Constant suicidal thoughts; cut wrists with broken glass; standoff with police; long history of depression and suicide attempts; auditory hallucinations
- Suicidal; family problems; believes she has split personalities; physical abuse by stepfather
- Bizarre behavior, smeared feces; acute stress disorder; psychotic disorder
- Risperal for “mental instability”
- Suicidal; emergency psychiatric care
- Constant suicide watch; depressed, angry, borderline personality disorder, schizophrenia
- Angry regarding parental abandonment
- Doesn’t care about anything; dangerous to self and others
- Primitive, survival-based thinking, guarded with personal information
- Medications prescribed, but parent refused approval; little insight; poor judgment
- Troubled, depressed, anxious, unruly, aggressive, oppositional, major depressive
- Major depression; intermittent explosive behavior; oppositional defiant
- Suicide history, Attention Deficit Disorder; antisocial personality disorder
- Emotional concerns
- Five-minute suicide watch; 3 weeks in inpatient psychiatric care
- Psychiatric hospitalizations beginning at age 6; out of control, suicidal
- High levels of anger and hostility; fights at school beginning third grade
- Psychiatric hospitalization; takes anti-depressants; attempted drug overdose
- “No mental health issues;” self-harming behavior when angry; 5-minute suicide watch
- Talks about suicide
- Takes medication for anger and depression; conduct disorder; impulse control disorder

It should be noted that in Fresno County mental health services were rationed until the late 1990’s to children whose parents were organized and willing enough to get them to mental health appointments, generally during daytime work hours, except for the few children who received mental health therapy at school. A 1993 letter from a contracted counseling agency to Child Protective Services advised that therapeutic counseling was being discontinued because the mother failed to bring the child, then age 9, to

the second appointment, and the mother's phone was disconnected. It added that the mother could not bring the child because she has a job during the day. There was no follow-up by Child Protective Services. Tough luck for the kid. In another case, a child, age 12, was discharged from a program for sex offenders "because he received the maximum benefits of the program, not because of completion," according to Probation notes about a discussion with the County Mental Health therapist. The report indicates the therapist told the Probation staffer that the youth was still at high risk to re-offend. A few short weeks later, he molested four little girls. He, and the 9-year-old referred to above, ended up at the Youth Authority in 2000.

One youth was diagnosed by a Board-certified child psychiatrist as suffering from major depression with psychotic features, conduct disorder, marijuana and alcohol dependence; borderline and antisocial personality traits, and psychosocial stressors, with a Global Assessment of Functioning score of 35. A different psychiatrist advised the court a few months later that this youth's need for accountability outweighed his mental health needs. Apparently the second psychiatrist saw this as an either/or choice. The Youth Authority now has the opportunity to attend to both problems.

## LOSS AND GRIEF

It is impossible to quantify the movement of primary caregiver adults in and out of the lives of these children. Clearly, however, the never-ending changing panoply of parents, relatives, and foster parents, not to mention social workers, mental health providers, teachers, and Probation officers would be a dizzying experience for any child.

These children have had a great deal of exposure to death, of siblings, parents, and other loved ones, to imprisonment of adults in their lives and of themselves, and of simple unavailability of adults due to intoxication. Exposure to domestic violence has been a given for many of these kids.

It should be noted that some drug-abusing parents do eventually achieve sobriety and a responsible lifestyle. But those who are in their teens when their children are born and who achieve sobriety a decade later are still in their 20's when their children are sinking into substance abuse and criminality. The grandma who has taken care of the children in the meantime might be well shy of 40 years old when grandson first appears before the Juvenile Court. The children might be too far down the path for recently cleaned-up parents to snatch them away from ruin. The grief load of the parents could well be as large and burdensome as that of their children. Many of them had a childhood strikingly similar to that of their own children.

In interviews at the Youth Authority, youths spoke sympathetically of foster parents and adoptive parents who tried to steer them straight. "I never gave them a chance," one girl said of the many foster parents with whom she lived. "I never let them get close to me. It wasn't their fault. They were real nice. They tried." Another youth said of his adoptive father, "I was the thief from the time I was a little kid. My father kept warning me about the consequences of my conduct. He did everything he could. He was right. When I get out, I hope to make him proud of me."

And many can describe adults who consistently yelled at them and belittled them. More than a few talk about adults who said to them, "You'll never amount to anything," or words to that effect.

A few of these kids were not even nominally under the care or supervision of any particular adult. When contacted by a Probation Officer, one kid's mom said he lived with his dad, and his dad said he lived with his mom. Another kid's mother and grandmother had their phones disconnected while the girl was in Juvenile Hall, and they provided no way in which they could be contacted. On Court records,

several kids' home addresses were the Juvenile Hall address, and their school was listed as the Juvenile Hall or the Boot Camp school. Unfortunately, the accuracy of this cannot be disputed.

## EDUCATION

It is impossible to assemble complete records of these kids' march through the schools. Although there are some computerized student records within a school district, there is no master computer which tracks a child's move from one district to another. For purposes of this paper, the most important records were the elementary school report cards with teacher's comments and also special education records. Neither is computerized, and both are kept in separate locations.

After reviewing records regarding roughly three-fourths of the school years of 30 of the thirty-four youths in this cohort, there are themes which emerge readily.

Most have fairly low cognitive ability. Many test in the low-moderate ability range. Although it seems axiomatic that you don't get to the Youth Authority by having displayed intelligence, on the other hand, the low cognitive functioning has to be interpreted with caution. After all, most of these kids never attended school regularly. Most failed to turn in homework assignments. Most had nobody at home dogging them about the importance of education. So, their true cognitive potential is affected by disuse.

They might perform poorly on tests, but they are not stupid. Their best-honed skills are what have allowed them to survive. For example, they appear to have highly developed radar for who likes them and who does not. A non-scientific guess would be that they are less adaptable than other children to different adult personalities. Report cards consistently show that these kids, in elementary school, responded well to most teachers, showing progress in their conduct and performance during the school year. Conversely, they did really badly in other years, and the teacher's negative comments on the report card portrayed a mutually unsatisfactory relationship.

The Catch-22 for teachers is that if they get too assertive with the parent regarding the child's tardiness, absences, and poor conduct and performance, the family simply moves.

Records for nineteen of the thirty-four indicated a history of special education needs. Nine were in Special Day Classes, seven were in the more limited Resource Specialist Programs, and two were considered Severely Emotionally Disturbed. One received speech and language services. Three others were assessed by the Central Valley Regional Center and found to be "borderline," not qualifying for the services provided to developmentally disabled people.

Here are some notes gleaned from school records, each for a different one of the youths who went to the Youth Authority in 2000:

*Seizure disorder, grand mal type since 4<sup>th</sup> grade; not taking medication; suspicious eye injury; referred to program for free school clothes; "could easily be an A or B student if she did not miss so much school;" 10 suspensions beginning grade 4; 39 conduct referrals; lived in Emergency Housing in 7<sup>th</sup> grade*

*In 4<sup>th</sup> grade, told two girls, "I'll let my dog rape you again." Weakness in verbalization; failing grades; dropped out; classified as homeless*

*Poor attention, concentration, attitude, and attendance*

*In fifth grade, school began preparing to legally exclude child, due to the danger he posed to other children as a sexual molester*

*Attendance poor; failed to serve detention; child while in elementary school told police officer his friends would be “pimping girls” and “raping bitches”*

*Repeated grade 2; grade 3-- “doesn’t pay attention,” grade 4—“needs more effort,” grade 5—“needs help in reading and writing”*

*Grade 2—weak in visual sequential memory, expressive and receptive vocabulary, auditory processing; very low reading and comprehension, “needs to pay attention, stay in seat; comment from school nurse, “Home conditions are crowded and environment is marginal”*

*In 7<sup>th</sup> grade, kid told another kid, “I’ll have my mom beat you up.”*

*Grade 3—“Patrick seems very comfortable and happy in class but often needs to be pushed to focus on lessons and complete assignments. His study habits can be improved by signing and turning in homework daily. We will continue to provide him every encouragement and support at school. He needs to be in school every day.” Grade 7—“Patrick has low language abilities. He is disorganized and frequently off task. He has a difficult time focusing. He is frequently tardy. He functions at 3<sup>rd</sup> grade level.”*

*Weaknesses in impulsivity, poor attention and social skills, poor perceptual and fine motor skills; intellectual potential is low average to borderline; “has difficulty expressing himself when upset”*

*Behavior problems all grades; grade 4—threatened children with sharpened stick; grade 7—“needs to work on attitude toward adults”*

*Weak auditory discrimination and auditory memory; poor attendance; in grade 4 “told a boy loudly in classroom, ‘I’m going to fuck your mama.’”*

*Did wonderfully in school until the 4<sup>th</sup> grade, then slipped precipitously; grade 5—was “playing suicide” and bruised another kid*

*Retained in kindergarten; placed later in program for gifted children, began to slip in grade 2; eleven suspensions beginning in 2<sup>nd</sup> grade*

*Visual-motor skills are severely delayed; lack of concentration and attention; aggressive and defiant; disruptive and impulsive, poor spatial memory; grade 4—hit a girl very hard, then kicked her; teacher had to get help to pull him off the girl*

*Grades 2 and 3—used “nasty language” to girls; attitude and behavior problems; reading at 4<sup>th</sup> grade level in 8<sup>th</sup> grade; listed by school district as homeless*

*Weak in written expression, short attention span, poor social skills, “has tendency to exaggerate to peers in an effort to be liked and accepted”*

*Repeated grade 1 but missed half of second year of grade 1; poor attendance at all grades*

*Grade 7—threatened to shoot another student; swears, walks out of class; threatened to have “grandma cuss the teacher out”; suspended 18 times, beginning in the 5<sup>th</sup> grade*

*Grade 5—“Jared states that he is on seizure medication that he takes daily. This information is not part of his health record.” “Jared wants to live with his dad in Turlock. He said at home he has to take care of younger children and cook for them and there is often not that much food in the house. He is a very disturbed child and really needs counseling.”*

*Grade 5—failed proficiency tests; came to school with knife in backpack; received social promotion; stabbed a girl in the leg with a pencil; made fun of teacher; school district placed notifications in file that he received social promotions in 6<sup>th</sup> and 7<sup>th</sup> grade.*

*Poor receptive and expressive language in Spanish and English; severe reading problem; retained in kindergarten and 3<sup>rd</sup> grade; severe learning disabilities; schooling interrupted by frequent long trips to Mexico with parents; grade 3—“I am unable to give Tomas grades because he cannot read and therefore cannot do the work.” Grade 8—hits other kids; grade 9—wrote graffiti on school building: “Sur 13,” “Fuck Bulldogs,” and “Kill Bulldogs”*

*Counseling at grade 1; behavior management problem—fighting, throwing chairs, cursing; had hepatitis B, not a carrier now; recently had hepatitis A; positive TB skin test; skin allergy; repeat referrals for free school clothing*

When they committed crimes serious enough to gain entry to the Youth Authority, not one of these youths was attending school. Although a few might have been enrolled in school, all were on the streets, not participating in school in any meaningful way.

Interestingly, in interviews with current Youth Authority residents and with Youth Authority parolees, nearly all have high praise for the schools which they attended in their local Juvenile Hall and at the Youth Authority. To their surprise, they *like* school when they attend regularly and receive instruction geared to their level. Many make striking progress, often gaining a grade level or two with just six months of steady work. It no doubt helps their concentration to know that in a jail setting, misbehavior is not tolerated and consequences are close at hand. It should be noted that several interviewees spoke passionately about how much they hated missing school when they were in the elementary grades. But the adults in their lives insisted that they stay home, to take care of other people in the household, sometimes adults and children alike.

Effective learners are people who have self-discipline, who are willing to apply themselves for hours at a time, day after day. If there’s anything these delinquent kids do not have, it is self-discipline. So the imposed discipline of a locked setting can do wonders for their educational attainment. Some take advantage of this, and some do not.

In discussing schooling in the lives of these delinquents, a major element which should not be overlooked is the wake of chaos and disruption they leave for others. Imagine what it is like for other children in their classes. And for their teachers. And for school administrators. And for the entire apparatus of attendance officers, expulsion panels, etc. In addition, a good many of them, especially those who move frequently, whether with their family or via Child Protective Services, leave without returning textbooks, sports equipment, musical instruments, etc., which belong to the school.

## SEXUAL ACTIVITY

Sex happens. Often. It happens between adults in private, between adults in the presence of children, between adults and children, and between children. Sexual self-control is in short supply for many of the adults and children whose records were studied for this report. Here are some samplings from our cohort of thirty-four:

*A 17-year-old male had a sexual relationship with a mentally-challenged 12-year-old girl.*

*A fifth grader was molested by a close relative, also a minor. He then repeatedly molested a mentally-challenged child at school.*

*A youth, whom reports say was likely sexually abused his whole life, allegedly sexually abused another youth while both were in a psychiatric hospital.*

*A youth said he was sexually abused by another youth at Juvenile Hall.*

*A twelve-year-old male molested four little girls. Repeated earlier reports that he was the victim of molestation were dismissed as unfounded.*

*A youth said he was sexually active at age fourteen and has had about 30 partners.*

*A sixth-grade male, while at school, put a stuffed dog down his pants and made sexual gestures and comments.*

*In two of the thirty-four homes, the families had an adult high risk sex offender in the home.*

Instances of these kids making sexual comments, gestures, and insults, etc., to each other and to staff fill the chronological logs recorded by Juvenile Hall staff. Unlawful sexual activity is less frequent but not unknown in a Juvenile Hall setting.

At least four of the youths studied are themselves parents.

## GANGS

Youths are asked about gang affiliation when they are booked into Juvenile Hall. Twenty-five of the thirty-four admitted to gang membership, and two claimed membership in two gangs simultaneously. The gang breakdown was Bulldogs, 9; Peckerwood, 2; ESF-14 (Eastside Fresno), 6; Crips, 3; Sureños, 3, WFN (West Fresno Norteños), 1, and Youth Ruthless Boys, 1. A few of these youths are such socially maladapted misfits that it strains credulity to think that they are even allowed to hang around with any actual gang members. Others are deeply attached to the gang and are eager to follow its elaborate beliefs, rituals, and practices.

Again, affiliation with rival gangs gives these delinquent kids one more thing, and it is a major one, to fight about. And fight they do. They taunt, disrupt, annoy, threaten, punish and generally make life miserable for one another and for the adults at school, in Juvenile Hall, and elsewhere who are trying to guide them into a law-abiding life. Many proclaim their gang identification via tattoos, one more problem which they will likely have to remedy, when and if they want to participate in mainstream society.

The point of the foregoing lengthy and painful discussion of a small number of the roughly 1,800 youths statewide who were sentenced to the Youth Authority in 2000 is neither to revel in lurid information, nor to disrespect the people whose lives are discussed. The point of this examination of their early life is to point out that for virtually all of them, their lives were chaotic for many years, well before they entered the juvenile justice system. Whatever safety nets there might have been, did not catch these kids.

As they wrecked their own lives with criminal activity, they victimized scores of other people. These thirty-four young people perpetrated crimes including kidnap, robbery, assault with a deadly weapon, burglary, home invasion robbery, sexual abuse of a minor under 14, auto theft, receiving stolen property, possession of a concealed weapon, armed robbery, assault, sodomy, rape by force and fear, lewd and lascivious conduct, attempted murder, sale and possession of drugs, arson, vandalism, causing great bodily injury in the commission of a felony, and, of course, violation of probation.

Had they been born just a few years later, in Fresno County they might have been helped considerably by being under the watchful eye of a Probation Officer on their elementary or middle school campus. Or they might have been identified and provided services under the Repeat Offender Prevention Program. Or they might have benefited from Drug Court, and possibly the in-custody substance abuse unit, recently re-instituted after a decade-long absence. They might have been helped by the Youth Accountability Board, or Youth Court, or the Victim Offender Reconciliation Project.

Better yet, children now can be identified and their truancy addressed more vigorously by the multi-agency, award-winning Keep Kids in School program. And their parents can receive voluntary services designed to prevent the family from going to Dependency Court and facing removal of the children. And their parents have options for substance abuse treatment only dreamed of just a few years ago. In fact, there are programs in place now, such as Happy Healthy Infants Program and Babies First, which aggressively seek out women with risky pregnancies and infants in risky home situations, not to rip children away from marginal parents, but to try to achieve an attached and nurturing relationship between parent and child from the beginning. And there is a multi-agency infant and toddlers treatment program for children in high-risk situations.

All of the Central San Joaquin Valley counties have enjoyed a renaissance of cost-effective and humane services for children and families, due in part to a clear recognition of the futility of the situation in the early and mid-90's, and due more importantly to large surpluses which developed in the late 90's in California, fueled in part by a result of the "dot.com" revolution. The federal government, too, enjoyed unparalleled riches. Unfortunately, the dot.com boom is being followed by the dot.com bust, whose full dimensions are not yet known. But it is clear that the funds which flowed into the State's coffers from capital gains taxes on the sale of stock options have taken a multi-million dollar dive.<sup>10</sup>

Regardless of the status of the economy, the counties still retain responsibility for providing care for children whose parents are not up to the task.

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<sup>10</sup> Scott Thurm and Mitchel Benson, "Vanishing Windfall: Weak Stock Market Is Beginning to Pinch Some States' Budgets: California Faces Hefty Drop In Tax on Capital Gains and Exercise of Options," *The Wall Street Journal*, May 14, 2001, 1.

## IV. THE COUNTIES

The following discussion of the path which each of the five Central San Joaquin Valley counties has trod during the last decade is no more than a thumbnail sketch. Each county had a much more complex set of characters, incidents, and turning points than can be described here. People who deserve the most credit are smart enough not to want it; they know that to let others beam in reflected glory is more likely to foster further progress. Glory, actually, is in short supply.

These counties have suffered from a lack of resources which is very real. They have also suffered from a failure of political will on the part of elected officials and the top administrators whom they employ, who, more often than not, were better at hand-wringing than they were at arm-wrestling, better at following than leading, and better at apologizing for poor systems than explaining to the tax-paying public that they will have to spend money on the front end in order to save money on the back end. When elected officials did put measures on the ballot to raise funds for new juvenile halls, the public was not exercised enough to approve such measures, most of which required 2/3 for passage. The sole exception was Tulare County, where a tragic event galvanized the community, and a general purpose temporary sales tax requiring a majority vote was approved by 60% of the voters in order to build new juvenile facilities. Nonetheless, each county has inched its way forward.

The following section on Tulare County includes lengthy quotations from a 1995 full-page newspaper advertisement written and paid for by Judge William Silveira, Jr. It provides a detailed and compelling description of Tulare County's juvenile justice system in 1995. It also portrays effectively the extreme frustration of Judge Silveira. Both the description and the frustration apply quite well to the other counties, also. The numbers are different, but the issues are similar in each of the counties.

### TULARE COUNTY

In 1999 Tulare County distinguished itself by opening the first juvenile detention facility built in California in the last thirty years. Its odyssey toward building the new 210-bed facility goes back to the late 1980's, when the full effect of Proposition 13 hit the counties. Strapped for funds, Tulare County closed and did not replace the Robert K. Myers boys ranch, and opted, instead, to get by with a combination of unlocked group homes (which were paid for largely by state or federal sources,) its aging and overcrowded juvenile detention facility, and, of course, the California Youth Authority.

The county struggled along with the 60-bed Glenn Moran juvenile detention facility, which in the 1990's typically held 70-72 youths. According to Judge William Silveira, "The constant overriding issue was to keep kids moving out of Juvenile Hall."<sup>11</sup> The lack of capacity of the overburdened juvenile justice system to hold kids accountable did not go unnoticed. In 1992, the Tulare County Grand Jury called a news conference to "accentuate the pressing need to mitigate a crisis that is building within the juvenile justice system." The report described the system as "a deep and open sore that has been festering for years."<sup>12</sup>

Having felt for years the growing community outrage over the failure to hold youths accountable, and responding to abject begging on the part of juvenile justice officials, the Board of Supervisors agreed to spend \$700,000 of the County's money to convert an old, abandoned Sheriff's honor farm to a boot camp for juvenile offenders. Two new people were elected in 1993 to the Board of Supervisors on a

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<sup>11</sup> Silveira, "Open Letter to the Public."

<sup>12</sup> William M. Seymour, "Crisis in Tulare County Juvenile System," *The Fresno Bee*, May 27, 1992.

platform of opening a boot camp. It opened to much fanfare in 1994. But it was no more than a drop in a bucket, when there was a sea of need.

A horrible event in 1995 galvanized the community. Kelly Scott, a 35-year-old optician, was shot and killed when gang members shot across the street and the gunfire accidentally hit Scott, who was driving his truck with his 2-year-old daughter seated beside him. His wife and 6-month-old infant were driving in a car just ahead of his truck. Scott and his family were totally innocent. Scott's death galvanized the community in ways that no other event, and no amount of information and pleading by beleaguered juvenile justice officials and the Grand Jury had been able to do.

Following quickly after Scott's death in early February, the Board of Supervisors, spurred by well-attended community forums, agreed to put on the June ballot a measure authorizing a temporary ½ cent sales tax to raise funds to build a new Juvenile Detention Center.

Prior to the election, believing that the community did not understand the depth of the problems in the juvenile justice system, Judge Silveira wrote a full-page description, which filled the page with six columns of small print. Anybody who read all of it would have a good working knowledge of the problems. Here are some excerpts:

The Superior Court has been asking the Board of Supervisors for a very long time for a new Juvenile Hall and asking the Board to plan for it. As a matter of fact, a master plan for a new facility was done several years ago at a cost of \$200,000, and shelved by the then Board of Supervisors who simply said there was no money to build and that they were not going to ask the public to come up with it.

The present Juvenile Hall is nothing but a gangrenous, half useless limb in dealing with the problem of youth crime that we are presently facing. Its maximum capacity is 60 and many days (at risk to the lives of the inmates, their supervisors, and public safety) the building has upwards of 70 minors. Juvenile Hall has in fact been running at population capacity for several years and the answer has been to not take juveniles into custody for crimes at all but to cite them into court. For the ones actually booked into the Hall we have a point system by which we rate the seriousness of their offenses and the juvenile's potential for violence based on past records. Those deemed to be the least dangerous are released on an electronic monitor when someone more dangerous is put in the Hall. This creates a revolving door effect.

The word has long since been out on the street that you can commit a crime, especially a less serious, assaultive one, or a property crime, and you won't be detained in the hall. This situation has reached such a scandalous point that many police agencies aren't even bothering to book minors into the hall for felony assaults, but rather to cite them to appear in court because the police know the hall is already overflowing with detained juveniles.

What kind of message does this send to the victims of the crime—burglaries, car thefts, vandalism, batteries, threats? It sends the message that nobody is doing anything about the problem. The wrongdoers get the same message and are emboldened by the system's inability to detain them.

Despite its much-heralded success the electronic monitoring system is not a deterrent to violence or crime-prone youth. The electronic monitor can easily be cut from the leg. A monitor violation can not be responded to instantly.

This sort of system also leads to a monstrous increase in paperwork. When these kids do not show up in court on their citations, warrants have to be issued. Even those arrested on warrants are released before scheduled court dates because of an overfull Juvenile Hall. We now have 441 warrants outstanding for youths who have either failed to appear in court or who have escaped from group home placement. We also have juveniles committing serious misdemeanors faster than we can adjudicate them with the impunity born of the knowledge that they won't be kept in the hall. . . .

Within the last two weeks, nine youth have been expelled from [boot] camp and returned to Juvenile Hall pending court proceedings for involving themselves in gang violence. . . . This, of course, has caused a further outflow of detained minors from the hall (because of the in-flow of minors expelled from the camp.) Those released were obviously persons who needed to be there in the first place. Many of them have subsequently failed to appear in court.

We have also had a dramatic increase in just the last two months of minors booked into the Hall for serious felony offenses and pending adjudications as to whether they should be tried as adults. Just in the last month and a half we have acquired nine juveniles charged with murder/attempted murder. Even from the date of initial booking, this process takes a minimum of four weeks to proceed to hearing. Probation reports must be prepared which set forth numerous factual issues. These reports must be before us at the time we make a determination about whether the individual should be tried as an adult. These documents might be prepared more quickly if we had an adequate probation staff. We don't and they can't. . . . This situation further aggravates the population problem at the Hall and our ability to detain juveniles. . . .

We have been asking for the staff and a Juvenile Hall for ten years, and every year the situation has gotten worse. All we have been told is there is no money and the public officials changed with appropriating the money won't ask the public for it. . . . <sup>13</sup>

Judge Silveira's treatise also identified a number of additional problems:

- He noted that as of October, 1994, Tulare County had 21 juvenile delinquents placed in group homes within the county and 118 in out-of-county group homes. There were also thirty-four in foster care within the county and 21 in foster care out-of-county. These placements were more often than not due to lack of local incarceration and/or treatment options, not because the unlocked group home setting was the best idea.
- Many juvenile delinquents have serious mental health problems, and there is no system to deal appropriately with them.
- As of October, 1994, there were approximately 2200 juvenile delinquents on probation, but only 154 were being supervised by Probation. The rest were on a "banked" caseload, which meant that they received attention only if a severe new problem arose.
- Drug tests were rarely used for juvenile delinquents who were known to have drug problems, because there would be no place to put them if they were found to have used drugs recently.

Tulare County reaped the benefit of two converging events. One was the unfortunate death of an innocent man, notably a White, professional man. The other was the simultaneous presence of a judge who had served in the Juvenile Court long enough to understand every dark corner of the system, and who was willing to speak passionately, knowledgeably, and tirelessly about the need to make long-overdue improvements. Larry Price, who was Chief Probation Officer of Tulare County at the time, called Judge Silveira the "most proactive" judge he has worked with and noted that Judge Silveira was "not afraid of the pain."<sup>14</sup> Measure J passed with approval by 60.16 percent of the voters, and the facility was opened in late 1999.

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<sup>13</sup> Silveira, "Open Letter to the Public."

<sup>14</sup> Fresno County Chief Probation Officer Larry Price, interview by author, July 11, 2001, Fresno, California

Tulare County now operates a modern 210-bed juvenile detention facility and a nearby new Youth Facility, which began as a boot camp and has evolved into a broader-scope in-custody treatment program where youths stay for 4-5 months and receive intensive aftercare for another few months.

## **KINGS COUNTY**

In Kings County, it would be safe to say that juvenile justice system officials are committed in word and deed to local treatment of juvenile offenders, and they are equally committed to sending youths to the Youth Authority just as soon as they have worked their way through the local options. Chief Probation Officer John Farley is unapologetic about the County's high rate of commitments to the Youth Authority, noting that his county is more proactive and more conservative than other counties. He says they are more aggressive in going after criminal behavior, so a youth there might go to Juvenile Hall the first time he steals a car, while in a large, urban county, a car thief might just get a letter the first time, then go to court only after six or so more car thefts.<sup>15</sup>

Like the other Central San Joaquin Valley counties, Kings County is severely strapped for resources, so it has had to cobble together whatever it can. Voters recently turned down a ballot measure which would have increased the sales tax in order to build a new adult jail. The juvenile system would have been happy to use beds in the old adult jail for juvenile delinquents. The county's boot camp was created from aging buildings which had served many uses in the past, supplemented by new portable buildings. The county managed to open their boot camp in 1996, the year before the State began charging an arm and a leg to counties who sent youths to the Youth Authority.

The Kings County Juvenile Hall has 58 beds but often houses 64 juveniles, including a 15-bed girls' unit and a 19-bed lockdown unit for youths who otherwise would go to the Youth Authority. Recently, the county successfully competed for a \$759,481 grant from State general funds to remodel and improve the Juvenile Hall, increasing its beds by 3. In addition, the county successfully competed and was awarded \$271,738 of state funds for a Repeat Offender Prevention Program.

Its pride and joy, however, is its boot camp system, which consists of one 90-day program for boys and one for girls, and of one 150-day program for boys and one for girls. The girls programs are specifically oriented toward the unique needs of females. It is at the boot camp programs that community members interact with youthful offenders, and offenders have a chance to work their way into a more productive lifestyle. Chief Probation Officer John Farley is understandably proud of this.

## **MADERA COUNTY**

Like the other counties, Madera County's juvenile justice woes trace back to the 1980's, at which time overcrowding in Juvenile Hall became so severe that commitments were kept to no more than 60 days. In succeeding years the county employed electronic monitoring and home supervision, and it utilized unlocked group homes as a default placement for youths for whom there was no room in the Hall.

After experiencing a tidal wave of increasingly violent juvenile crimes, including several murders, Madera County dipped into its Court construction fund to pay for a new \$1.6 million boot camp. Opened in May, 1997, the boot camp emphasizes education and mental health. It offers parenting classes for the youths' parents, and it maintains small caseloads for aftercare. After beginning as a one-year program with half in custody and half out-of-custody and under Probation supervision, the program later

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<sup>15</sup>Kings County Chief Probation Officer John Farley, interview by author, March 6, 2001, Hanford, California

evolved into a two-year program with an average of 6 months in custody, followed by a program of graduated supervision in the community for another 18 months.

Meanwhile, its aging Juvenile Hall with 30 beds, 10 of which were created by converting a gym into a dorm, frequently housed 50-60 youths until the Board of Corrections decreed that it should never house more than 40. The average commitment at Juvenile Hall is about 30 days, and there is little pretense of any treatment.

A new Juvenile Hall with 70 beds will open in the coming months. The path to get there was long and tortuous. A \$15.2 million bond measure to build it was on the ballot in November, 1996, and it received 63.1 per cent approval, short of the required 66.7 per cent. A low voter turnout at a subsequent special election the following March yielded the approval of 65.6 percent of the voters, again just short of the 2/3 needed for passage. Only 15 per cent of the registered voters bothered to vote in the second election.

Subsequently, the county applied for a limited pot of federal construction funds for a new Juvenile Hall and was initially turned down but received funding of nearly \$8 million on the second try. If it were not for the skill and persistence of Chief Probation Officer Harry Nabors, it would never have come to pass.

## **MERCED COUNTY**

Having avoided bankruptcy in 1994-95 only by the State's agreement to defer payments which Merced County owed to the State, Merced County has struggled mightily to right itself. Functions of government which depend heavily on the County General Fund, such as the Probation Department, have barely scraped by. The ripples are felt throughout the juvenile justice system. The Juvenile Court virtually ignores misdemeanor offenses, concentrating instead on more serious crimes. In November, 1996, there were 11 youths in Juvenile Hall on charges of murder, and on any given day there are more youths in the 42-bed Juvenile Hall on murder charges than in the adult jail, which houses 600 people.<sup>16</sup>

Merced County currently has an average length of stay in its Juvenile Hall of 8-10 days. There is a Day Reporting Center for youths who would be in Juvenile Hall if there were room, and there are police-probation teams who provide intensive supervision for the worst of the non-incarcerated offenders. Federal funds have made some of these new services possible. Still, the judge who has to devise sentences for the youths who come before him and are found to have committed serious crimes, struggles with what to do. So kids who, according to the Chief Probation Officer, could have been treated locally if there were adequate resources, are sent to the California Youth Authority. The judge agrees that this is so, and there is sadness and frustration in his visage when he says, "What the hell else can we do with them?" In the meantime, the check which Merced County writes each year to the California Youth Authority went from \$25,000 in 1995-96 to \$1,289,638 in 1999-00. Although the fee increase was accompanied by "offsetting" state revenue to help counties operate or expand juvenile ranches or camps, Merced County has no such facilities, so it received nothing.

Merced County is on the cusp of breaking ground on the first and second phase of a new Juvenile Justice Correctional Complex that will eventually be built out to a 240-bed facility. The first two phases will be composed of a 60 bed detention unit and 60 bed treatment/commitment unit for a total of 120 beds available for occupancy approximately July 2003. It, too, has traveled a tortuous path. For years Merced County has gotten by, badly, with a 42-bed juvenile hall built in 1948 for 11 offenders, and added onto in a haphazard manner over the years to bring it to its current capacity.

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<sup>16</sup> Davidson interview

Merced County maintains a waiting list of 150-200 kids who have been sentenced by the Juvenile Court to do time in custody, but for whom there is no room. Excerpts from newspaper articles tell the story.

Excerpts from a December, 1997 article:

“We have a 50-year-old hall for runaways,” said William Davidson, chief probation officer for Merced County. “It’s housing murderers.”

So far this year, the Merced County juvenile center has exceeded capacity on 306 days. With 42 beds, Davidson tries to keep fewer than 50 youths in the center.

Ten years ago, it was rare to have juveniles facing homicide charges, Davidson said. As a result, most of the laws dealing with children have remained the same for decades, setting rules for issues like truancy and vandalism, instead of murder and violence.<sup>17</sup>

Excerpts from an April, 1998 article:

A just-completed study says Merced County desperately needs to build a new juvenile hall to house 193 youthful offenders right now, and 433 by the year 2020.

At any one time there are about 150 convicted youths waiting for a bed at Juvenile Hall to become vacant so they can serve their time. Some wait up to six months.

When the door does slam behind them, they normally serve one-third of their sentence, and much of that time may be spent at home under electronic surveillance.

Some begin their Juvenile Hall stay, only to be kicked out in a few days and told to come back later. That happens, frequently, when a judge orders an accused youth detained at the hall and a bed has to be made available.

Chief Probation officer William Davidson has applied for a state grant to expand the existing juvenile hall by six beds. But, he said, he has been told by state officials that the odds for getting the grant aren’t good. They don’t want to spend the money to expand a hall that is ready to fall down.

Because the current hall can’t house all the youths who should be behind bars, some have to be sent to juvenile care homes and lockups outside the county, including the California Youth Authority. That costs an average of \$3,500 to \$4,000 per month for each offender.

At any one time, between 90 and 100 local juvenile offenders are incarcerated outside Merced County. That makes for an annual bill of up to \$4 million. A large part of the tab is picked up by the state and local governments. But the cost to Merced County still is about \$1.5 million.<sup>18</sup>

Excerpts from a June, 1998 article:

There is no money to replace Merced County’s dilapidated juvenile hall, but when federal or state grant funds do become available, county officials want to be ready to grab their share. To that end, the Board of Supervisors on Tuesday will consider hiring an architect to do preliminary design work on a juvenile justice complex and determine how much it will cost.

This is [County Public Works Director Paul] Fillebrown’s description of the [current] facility: “Too small, too old and too dilapidated for continued use to detain juvenile offenders. . . . The

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<sup>17</sup> Patrick Giblin, “Overcrowding plagues youth lockups,” *The Modesto Bee*, December 28, 1997.

<sup>18</sup> Bob White, “Merced told juvenile hall way too tiny,” *The Modesto Bee*, April 12, 1998.

juvenile hall is not amendable to patchwork, temporary or partial improvements; it has outlived its useful life and should be replaced as soon as practically possible.”<sup>19</sup>

Excerpts from an April, 1999 article:

Because of the drastic need for more beds at the hall, and because state officials have refused to dump any more money into the old, outmoded structure, county officials thought they had a reasonable shot at getting some of the \$170 million in state and federal money available.

Unfortunately, virtually every other county in California had the same idea, filing juvenile hall grant applications that totaled almost \$600 million.

“Do I sound bitter?” [County Administrator Gregory] Wellman asked, after he pointed out that last year the California Youth Authority drastically increased the amount it charges counties to house many juveniles committed to CYA facilities. “We use to pay about \$30,000 a year,” Wellman said. “Our projection for next year is \$1.2 million.”

If Merced County had a new juvenile hall, it would be able to house many of those juveniles. Without the new hall, the county will have to keep on paying the state and other juvenile-care homes and lockups outside the county to house them.<sup>20</sup>

During the 1990’s Merced experienced the same precipitous updraft of the volume and severity of juvenile crime described by Judge Silveira in Tulare County. And in both counties, the absence of lower- and intermediate-level sanctions allowed kids to commit crimes with impunity for a very long time before serious and expensive consequences, such as a term at the Youth Authority, came to bear.

Chief Probation Officer William Davison meticulously knitted together whatever meager strands of resources he could find, and he methodically built public awareness and advocacy. And, he kept his antennae keenly tuned to any federal or state developments which might yield precious dollars. Meanwhile, he cultivated county supervisors’ interest, since there are virtually no federal or state dollars which do not require local matching funds. This was no small challenge for Merced County, which had narrowly avoided bankruptcy in the mid-1990’s.

In 1996, Davidson began inserting announcements in the Merced newspaper which showed each week how many kids were booked and released, and how many were on a waiting list to do their time at Juvenile Hall. In 1997, he organized a 12-member team to prepare a needs assessment. One of their tasks was to review a random sample of 250 cases in which youth were sent to out-of-county placements or the Youth Authority. The upshot was a finding that over half could have been kept locally if there had been appropriate local resources.

Eventually, the knitting resulted in useable fabric, still not the whole garment, but pieces which would ward off the cold. Having been turned down in its initial request for funds from state and federal sources, Merced County decided to spend its own funds, \$15 million, to build Phase 1 of a three-phase project. Phase 1 consists of a living unit to house 60 delinquent youths, an intake area, administrative offices, and a courtroom. The County then was successful in obtaining a grant of state funds via the Board of Corrections, which, when combined with the county’s one-fourth share, will be enough to construct Phase 2, which will consist of another 60 beds. Phase 3, which will allow the county to complete its planned 240-bed Juvenile Justice Complex will await funding in the future. Meanwhile, Phases 1 and 2 are underway simultaneously and expect to be opened for business in approximately 2 years.

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<sup>19</sup> Bob White, “New juvenile hall on Merced agenda, *The Modesto Bee*, June 22, 1998.

<sup>20</sup> Bob White, “Merced youth hall unfunded,” *The Modesto Bee*, April 17, 1999.

## FRESNO COUNTY

Fresno County's juvenile justice system chronology of the last decade is painful to recount. The County is just now considering the purchase of land for a new juvenile justice complex. Nobody knows where the money will come from to build or operate the proposed complex. This follows a decade of much gnashing of teeth and little action.

An editorial in *The Fresno Bee* in 1990 describes the county's adoption of its budget. "Probation and juvenile justice programs didn't endure much damage in the new budget, in part perhaps because there's so little left to damage.... Th[e] terrain is bound to [get] smoother, if only because no one can imagine things getting any worse...."<sup>21</sup> Budget cuts from the late 1980's post-Proposition 13 squeeze had eliminated many of the programs which had been developed from the mid-'70s on. But things did get worse. Much worse.

As the years went by, Juvenile Hall employees threatened to sue if safety improvements were not put in place, and if proposed staffing cuts were implemented. Attacks on staff, escapes, and the suicide of a 15-year-old followed. Some safety improvements were made. In 1992, Juvenile Hall officials infuriated police and others when they sent a memo asking police to avoid sending them youthful offenders whenever possible and notifying them that they would often immediately release youth brought to the hall, due to lack of staff to supervise them.<sup>22</sup> An editorial a few days later described the juvenile justice system as "a shell of its former self. In many ways, it's a system in mothballs—program after program has been stripped away, an entire unit of Juvenile Hall has been shut down, and the bulk of juvenile cases are tracked, nominally, by two probation officers, each assigned to an astonishing 500 cases."<sup>23</sup>

In 1992, Fresno County achieved the dubious distinction of becoming second in the nation in vehicle thefts. A staggering 13,000 vehicles were stolen that year. Most of these thefts were done by juveniles. Later, much later, when the county opened a boot camp in late 1997, surprised youths were incensed to find themselves at the boot camp after one or two or three car thefts; they believed, based on past history, that they were entitled to seven car thefts before they would spend any time locked up.<sup>24</sup>

Talk resumed among the Grand Jury and public officials regarding the need for a boot camp, although *The Fresno Bee* pointed out that the idea had been "simmering on county burners for 15 years."<sup>25</sup> In 1993, the Board of Supervisors placed on the ballot a measure to institute a half-cent county-wide sales tax to bolster the county's sagging justice system. However, two members of the Board actively opposed the measure, and it went down to defeat, having garnered 51.4% of the vote, far short of the 2/3 needed for passage. Three weeks later, *The Fresno Bee* reported that Fresno recorded its 89<sup>th</sup> homicide for the year, "ending a five-day period in which it averaged more than one killing a day, vs. an average of one every four days. Almost hour by hour, new chapters are written in our community's tragic tale of violence. People are scared. The cops can't keep up."<sup>26</sup>

By the mid-'90's, the City of Fresno's Mayor Jim Patterson was so disgusted with the inaction of the Board of Supervisors that he successfully instigated City-paid programs to punish graffiti vandals and to help with the operating expense of the still- hoped- for boot camp.

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<sup>21</sup> "The County's New Budget," *The Fresno Bee*, August 17, 1990, Metro Section, B6.

<sup>22</sup> Alex Pulaski, "Officials: Juvenile Justice System Eroding," *The Fresno Bee*, February 1, 1992, A1.

<sup>23</sup> "Juvenile Justice, Dismembered," *The Fresno Bee*, February 5, 1992, B6.

<sup>24</sup> Elkhorn Correctional Facility Commander Leslie Knobel, interview by author, March 13, 2001, Fresno, California.

<sup>25</sup> Stevan Rosenlind, "Proposed Camp has Promise for Youths," *The Fresno Bee*, August 13, 1992, B1.

<sup>26</sup> "Hope Amid the Violence," *The Fresno Bee*, November 26, 1993, B4.

In January, 1996, Larry Price, who had been Chief Probation Officer in Tulare County during the period when it opened a boot camp and passed a sales tax to build a new juvenile hall, became Chief Probation Officer of Fresno County.

Even after receiving a \$1.9 million Department of Justice construction grant to build a new boot camp, the supervisors continued to wrangle. One Supervisor argued that juvenile offenders in Juvenile Hall should sleep in cocoon-like chambers in shifts, thus expanding the number of youths who could be housed there. He also said they should be required to use a pedal device to generate electricity to heat water for their showers, and they should eat “jail biscuits.” The Supervisors wrangled over the location of a boot camp, an issue which was not settled until after two new supervisors were seated following an election in which the need for a boot camp was a dominant issue.

After endless wrangling about what, how, and where to have a boot camp, to the point that the federal grant was in jeopardy, one was finally opened in December of 1997. In the mid- and late 90’s, as California got past its various fiscal upheavals, money began to trickle into justice systems. Fresno County did some remodeling and other improvements at Juvenile Hall, increased Probation supervision of minors, developed specialized caseloads, implemented Youth Accountability Boards, Youth Court, and a host of other programs, all small in scale but important in chipping away at the problem. Not surprisingly, as its local options expanded in the late 90’s, its commitments to the Youth Authority declined. To be sure, the increase in fees charged for the use of the Youth Authority contributed to the decline, but the fees had everything to do with the Supervisors’ willingness to expand juvenile justice services locally, in order to avoid the fees.

It should be noted, too, that Fresno County’s Probation Department won a prestigious award from the Smithsonian Institution in 2000 for its innovation in automation. Many other counties are still rely on extensive paper files which must be physically moved from one location to another and viewed by one user at a time. Fresno County’s system, using an internet browser, allows multiple authorized users to have access to files from any location.

Fresno County Supervisors in late 2000 changed their mind about wanting to expand the county’s boot camp and instead decided to replace its aging Juvenile Hall in order to accommodate kids who needed housing while they await their day in court. The Board of Corrections awarded Fresno County a \$10.7 million grant in 1999 for the boot camp expansion, then rejected the County’s request to use it instead towards a new Juvenile Hall, but said it would consider a request for a smaller and less costly boot camp addition. The previously proposed boot camp expansion would have cost far more than was available to pay for it, and also neighbors objected to the prospect of having violent offenders housed there.<sup>27</sup> The revised application for \$6.4 million was then rejected when the needs assessment which was attached to the application was deemed to be outdated. Currently, Fresno County officials are considering whether they might house juveniles at the antiquated 30-bed Juvenile Hall which Madera County is abandoning when Madera County opens their new 70-bed facility.

On February 18, 2001, The Fresno Bee published a Special Report, 16 pages of stories by Barbara Anderson, George Hostetter, and Lesli A. Maxwell with photographs by Kurt Hegre, entitled “Hall of Shame.” The stories and photographs relentlessly and unsparingly document the sorry conditions of the building in which the youths who are detained there and the staff who work there must spend their time. The first few paragraphs foretold what was detailed in the rest of the articles and photographs.

Fresno County Juvenile Hall is an overcrowded maze of crumbling cells and dingy dorms where 300 or so boys and girls from ages 9 to 17 live in chaotic conditions that leave ample opportunity for the strong to prey on the weak.

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<sup>27</sup> “State Denies Elkhorn Funds Appeal: County’s Paperwork Error Disqualified the Application,” *The Fresno Bee*, January 19, 2001, B1.

It is a place where five youths stuffed into a cell built for one is not unheard of and three is common. Where a boy sitting on a toilet in a communal bathroom never knows when he'll be slugged by a rival. Where a boy sleeping in a dorm might be awakened by a penis poking against his cheek.

It is a place where youths facing criminal charges as varied as murder, rape, robbery and theft are locked in cells for as long as 23 hours a day. Where sexually active teen-age girls sleep next to fourth-graders. Where guards often pull 16-hour days and sometimes receive little or no training before going out to watch over some of Fresno County's most violent youths.<sup>28</sup>

Time will tell whether the work of these reporters will rouse the heretofore somnolent community to demand something better. It looks good. The Board of Supervisors, with two new members, appears to have a solid majority who will find a way to do what is needed. A strong citizen committee is in place, also. A new County Administrative Officer has shown by his actions that he considers this is a priority, and he intends to address it with breadth of vision and with a long-term perspective.

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<sup>28</sup> Barbara Anderson, George Hostetter and Lesli A. Maxwell, "Hall of Shame," *The Fresno Bee*, February 18, 2001, Special Report, 1.

## **V. THE LOCAL JUVENILE JUSTICE SYSTEMS**

In each county, the people who work in the juvenile justice systems perform their day-to-day duties in the context of their county's unique history and of the abilities and personalities of the current leaders. Many are only dimly aware of that history and how it has shaped their practices. Some, if they learn how other counties do things, assume there are immutable reasons why local practices cannot change. Others press hard against the ramparts which resist and repel meaningful change.

County systems focus on making it through the day and through the fiscal year. They are not hotbeds of research or analytical activity or long-term planning, either by county staff or by outsiders. In all likelihood, only recent grant-funded programs carry any research component or any systematic examination of outcomes. Such activities are regarded as luxuries not affordable to cash-strapped systems just trying to make it through their mandated duties.

### **THE PEOPLE WHO RUN THE COUNTY JUVENILE JUSTICE SYSTEMS**

By and large, the people who run county juvenile justice systems are competent and caring people who are truly devoted to their work. Many are downright heroic in the work they do. However, they work in a system which is hard-pressed to support and sustain good work.

Responsibilities are fractionated, so there is no one person who is in charge of a county's juvenile justice system. That's part of the problem. The people who have the most responsibility to direct the system are the judges and the Chief Probation Officers. But each has serious limitations.

#### **JUDICIAL OFFICERS**

Although there has been some outstanding advocacy on juvenile issues by judges in the five counties, more generally the judiciary has a hard time advocating long enough and loud enough to get the attention which juvenile issues need.

In some counties, the Courts utilize subordinate judicial officers known as Commissioners in Juvenile Court assignments. The Commissioners are employees of the Court, subject to hiring and firing by the Judges. Judges serve 6-year-terms and are appointed by the governor or elected by the people. Commissioners are generally not in a strong position to advocate vociferously for improvements in the juvenile justice system.

In addition, although Judicial Administration Standards in California now call for juvenile court judges to serve for three consecutive years, this notion is of recent vintage and is not mandatory. Not many years ago, it was common to have a new juvenile delinquency court judge every year. It is often a rookie assignment for a new judge, a duty which has to be done before moving on to the more prestigious and visible judicial assignments. In some counties, it was rotated annually among the small pool of judges, so a judge might have the assignment every few years for a one-year stint.

In Fresno County, of the total 45 judicial officers, only 3 work in the Juvenile Delinquency Court at any one time, and another 2 work in Juvenile Dependency Court. Fewer than half of the judges have ever worked in either juvenile court. Also, juvenile courts are often situated in a location apart from the rest of the courts. Juvenile courts need to be near the juvenile hall, so that kids can attend court hearings without the need to arrange secure transportation. Many judges have filled in for a day or two in Juvenile

Court or have heard a few juvenile cases in their regular courtroom, but most of them have not handled a fulltime Juvenile Court assignment.

There is a huge variation from judge to judge and from county to county as to how engaged Juvenile Court judges are in the assignment. Some confine their work to deciding on the legal issues presented each day within the four walls of the courtroom. Others spend virtually every waking moment working both within the courtroom, and, in equal measure, working within the community to spur the development of resources to serve children and their families. Virtually all leave the assignment drained by the experience.

## PROBATION OFFICERS

In the juvenile justice system, the Probation Department has an array of duties which go far beyond the public's perception that it provides supervision for people who are "on probation." It does that, and it does much more. The Probation Department receives police arrest reports and makes a complex set of decisions on whether to handle the case informally or to refer it to the District Attorney, who might then prepare a petition for the Court. The Probation Department provides information to the Court for the various hearings which ensue, and it makes recommendations to the Court for the ultimate disposition of the case. The Probation Department utilizes and sometimes runs a variety of unlocked programs for juvenile delinquents, and it operates locked facilities, such as juvenile halls.

Chief Probation Officers are hired, supervised, and can be fired by the Superior Court Judges. For some years, there has been a tug-of-war between the judges and county Boards of Supervisors, each of whom wants to have the power to hire the Chief Probation Officer. Judges so far have held on, and they have a logical case to do so, since it is the Probation Department which carries out the orders of the Court. In the juvenile arena, the Probation Department operates the many programs and services, including the locked facilities, which the Court relies on. Boards of Supervisors also have a compelling claim, in that they approve the budget for the Probation Department. Thus, Chief Probation Officers live in a netherworld with each arm being tugged in a different direction. They need intelligence, excellent diplomacy skills, and above all, the patience of Job.

The truth is, there is only so far that either judges or Chief Probation Officers can or will go in advocating for improvements in the juvenile justice system. It isn't that they don't advocate. But the reality in which they work is that this cause is low on the list of the general public and people who run for and are elected to public office. Getting tough on crime is popular (as long as it is with state and federal funds, not local funds.) Implementing systems which deter youths who are catapulting themselves into criminality is not as popular.

Fresno County Chief Probation Officer Larry Price recalls a time in the late 1980's when he was Chief Probation Officer in Tulare County, and the Board of Supervisors tried unsuccessfully to pressure the Superior Court judges to fire him. He had had the temerity to object to the Board deciding to close the Robert K. Myers boys camp for delinquent youths. They did this while Price was out-of-town and without consulting him as to the consequences of this action. The judges did not fire Price, but the Supervisors did close the boys ranch without replacing it. It was a decision for which the residents of Tulare County have paid dearly for years.

## ATTORNEYS

In most counties, the attorneys who prosecute and those who defend in juvenile delinquency courts rotate in and out of those positions at a clip of every 3-12 months. One judge said he has to show the attorneys where to look in the law books to find the statutes which apply to their work. Although in one county a judge stated that his court has profited from having the same competent attorneys for years, frequent rotation of rookie attorneys is the norm. The Juvenile Court assignment for attorneys is often either a rookie's first assignment or a rest-and-relax assignment for burned-out attorneys from the adult court. Since Juvenile Court proceedings are nearly always closed to the public, there is little scrutiny as to how the attorneys do their job. People whom they represent are not in a strong position to complain. Some attorneys are outstanding and are truly committed to their work. Many are just passing through.

Referring back once again to the thirty-four youths whose lives were reviewed for this study, two of these youths were represented by attorneys who did not contest the decision of an agency that they were "borderline" and, therefore, not eligible for services for developmentally disabled people. A more experienced attorney might have understood the lifelong implications of this and might have at least inquired as to what procedures exist to appeal that decision.

## OTHER OFFICIALS

There are many other personnel who are critical to the work of the Juvenile Court. One judicial officer stated unequivocally that he will quit his job if he loses the two mental health workers on whom he has come to rely. Also, competent Court administrators, Court clerks, and court reporters make a world of difference in the operation of the court process and the larger system of which it is a part.

## CITIZEN INVOLVEMENT

Citizen involvement is vital to the support and improvement of juvenile justice systems. This is not a new thought. Ellingston noted this in his 1948 book.

The public knows astonishingly little of what actually goes on in its criminal courts, jails, reformatories and prisons. Yet criminal justice reflects pretty closely the social conscience of the community. Certainly in the long run no system for the administration of criminal justice will rise to higher levels than those set by public approval. At the same time, progressive and imaginative administration of a rational system can raise the public's standards. As do all society's institutions, the criminal justice system and public opinion constantly react on one another.<sup>29</sup>

Pearl West, who served as Director of the Youth Authority from 1976 to 1981, stated, "Citizen advocacy could go a long way toward overcoming the bureaucratic inertia and political ignorance which restricts the relatively small amount of funding which could make all the difference between success and failure in working with offenders."<sup>30</sup>

Grand Juries and Juvenile Justice Commissions are the key forms of citizen involvement. Juvenile Justice Commissioners are appointed by the Superior Court, and although they have broad statutory powers to investigate and recommend, they can do little more. Sometimes they are a crucial factor in fostering improvements; too often they are paper tigers.

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<sup>29</sup> John R. Ellingston, *Protecting Our Children from Criminal Careers*, (New York: Prentice-Hall, Inc., 1948), 57.

<sup>30</sup> Pearl West, "The Taxpayers' Revolt: Budgetary Crisis in Corrections," *California Youth Authority Quarterly*, Winter, 1979, 7.

The importance of building public knowledge and support is sometimes forgotten by staff who find it time-consuming and inconvenient. In one county, a new Juvenile Court judge summarily disbanded a community group which had built a solid record of suggesting improvements for Juvenile Hall. They had advocated for hiring a recreation director and for expanding rape counseling, pregnancy and parenting programs. They also requested a new volunteer training program, worked toward appropriate attire for staff, and campaigned to remove television programs and videos of inappropriate content. For their efforts they were fired.

## TURNOVER AND VACANCIES

One strong current which flows through the juvenile justice system in all of the Central San Joaquin Valley counties is that of chronic personnel turnover and vacancies. Guards in boot camps and juvenile halls are often students working their way through college. Many leave the minute they finish college and qualify for a better job. Some counties rely on extra-help employees who work, sometimes for years, without receiving the employee benefits which other employees get. The process for hiring a fulltime county employee can take months, further complicating the job of keeping facilities fully staffed. It is very hard to mount and sustain a coherent program in these circumstances.

Here are some of the impacts in the counties:

- The Tulare County Juvenile Detention Facility has had as many as fifty vacancies at one time during the last year. It is now fully staffed, but only after strenuous effort, which will be hard to sustain.<sup>31</sup>
- In the four years in which the Madera County boot camp has been in operation, it has been fully staffed for only 2-3 months. In June of 2001, there were seven vacancies out of eighteen line staff. Out of the eleven remaining, at least eight were known to be applying to other departments. Three out of four sergeants were believed to be applying elsewhere, also. Of the eighteen line staff, half are new in any year.<sup>32</sup>
- Merced County has undergone the same massive effort to achieve full staffing at its Juvenile Hall. Even so, it is hard-pressed to come up with qualified people to fill in behind absent staff members.<sup>33</sup>
- Kings County benefits from the migration, because it has a generous retirement system and attracts personnel from Madera and Tulare Counties.
- Fresno County, also, gains employees from Madera and Tulare Counties. Although it ranks high among the State's counties in pay for Probation Officers, it loses people in the lower-paying guard/counselor positions rapidly. Its boot camp can count on having 7/8<sup>ths</sup> of its staff having been there for less than a year at any given time.<sup>34</sup>

Worse yet, there is a swift and unending migration of workers from low-paying counties to higher-paying counties, from guard jobs to Probation Officer jobs, from counties with poor retirement

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<sup>31</sup> Nancy Rusk, Deputy Chief of Institutions, Tulare County Probation Department, interview by author, April 12, 2001, Visalia, California.

<sup>32</sup> Rick Dupree, Boot Camp Superintendent, Madera County Probation Department, interview by author, June 21, 2001, Madera, California.

<sup>33</sup> Franz Moosbauer, Merced County Probation Department Division Director, interview by author, May 3, 2001, Merced, California.

<sup>34</sup> Leslie Knobel, Elkhorn Correctional Facility Commander, Fresno County Probation Department, interview with author, Feb. 20, 2001, Caruthers, California.

systems to counties with better retirement benefits, from counties which do not pay for health care benefits for employees' dependents to those who do, from county jobs to Youth Authority jobs, to State adult prison and parole jobs, and to federal agency jobs. Naturally, it infuriates counties that the State easily outbids them in competition for employees. The buildup of the state prison system during the last decade and the prevalence of prisons in the Central San Joaquin Valley counties have exacerbated this problem for the counties. In fact, it has depleted the counties of many talented people, who would have become middle managers and the future top managers at the county level. The brain drain will have severe consequences in the counties for years to come.

## **THE CONTENT OF LOCAL JUVENILE JUSTICE PROGRAMS**

It would take another eighty pages to fully describe the content of the juvenile justice programs in the five target counties. What follows leaves out many parts, and, instead, focuses on those aspects which bear most directly on the subject matter of this study. It is important to begin by describing the political climate of the early and middle 1990's.

As the juvenile crime juggernaut gained steam in the early '90's, at a time when counties had only a tiny capacity to deter or detain increasingly violent youth, the belief grew among the general public that something drastic needed to happen. Lacking a detailed knowledge of the juvenile justice system, political leaders and the general public looked to adult systems as a model. These are some of the manifestations of that belief:

- There are fewer youths who qualify for treatment as juveniles in the court system. The list of crimes for which youths could be tried in adult court was expanded. The age at which youths could be tried as adults was lowered to age 14. And adults convicted of crimes committed at ages 18-24 were disallowed from serving their time in the Youth Authority.
- New juvenile locked facilities are decidedly prison-like in their construction and operation. They could not be mistaken for a therapeutic facility.
- Counties embraced the military model as a way to shape up out-of-control youth. Boot camps were looked upon as a solution by which adults could regain the upper hand with seriously delinquent kids whose lives lacked structure and discipline.
- Nationwide and statewide, thousands of additional police officers were hired, without a corresponding increase in the court system or in Probation Departments or the array of social services agencies who provide services to kids. Similarly, funds for adult jails and prisons were far more plentiful than for juvenile justice facilities.

Meanwhile, the judges and Probation Departments and others who constitute the juvenile justice systems were becoming more keenly aware of the limitations of adhering to simplistic nostrums. They yearned to return to programs which they had been forced by budget cuts to curtail or eliminate. So, as the economy improved, counties began to reinstate programs which intervened early in a youth's criminality and which dealt with their underlying issues, such as substance abuse.

Accountability of errant youths for their behavior is the dominant theme. Early intervention strategies such as monitoring their school attendance and performance, providing substance abuse treatment, overtly teaching the elements of good character, and having a Probation Officer watch closely enough to catch and correct minor transgressions makes much more sense than adjudicating and imprisoning a youth for major crimes. It doesn't always work. But for many kids it does. One Probation

Department finds that buying a membership in the Boys' and Girls' Clubs does wonders for younger kids who are just edging into a delinquent lifestyle. Sometimes, solutions are that simple.

In addition, many Probation Departments are learning to work more closely and effectively with other child-serving agencies. There are more and more teams of Probation Officers, school officials, social workers, mental health clinicians and others who are learning, sometimes slowly and painfully, to work together to assist children and their families. Many of these teams are fairly new and are evolving toward improving their effectiveness.<sup>35</sup>

## DELINQUENTS' CHARACTERISTICS

Earlier in this study, great attention is given to the complexity of the issues which afflict the subset of juvenile delinquents who end up at the Youth Authority. There are a few characteristics which pervade the larger population of juvenile delinquents and which deserve further discussion, since they so profoundly complicate the job of running programs, services, or institutions.

All of these counties are beset by ferocious youth gang problems. It is well beyond the scope of this paper to adequately describe the dimensions of the problem, explain their etiology, or recommend effective interventions. It would be a fit topic for a separate study. However, gangs are an unmistakable fact of life in each of the counties. The smallest counties, Kings and Madera County, are every bit as affected as the more populous counties. The southernmost Central San Joaquin Valley counties, Kings and Tulare, sit uncomfortably at the dividing line between the territory of the Sureños and the Norteños. This guarantees non-stop conflict, on the streets and in locked facilities. Crips, Bloods, Peckerwoods, and an unending variety of other gangs dominate the lives of far too many young people. Intervention by officials is likely to be in the form of law enforcement—gathering and comparing intelligence, making arrests, and gaining convictions. Since many of these youths do not attend school in any meaningful way past about the 7<sup>th</sup> or 8<sup>th</sup> grade, school intervention programs are not likely to reach them, unless such programs begin with kids who are in the 5<sup>th</sup> or 6<sup>th</sup> grade. Also, due to strapped budgets, supervised after-school activities are in short supply in virtually every county.

All counties cite a growing influx of youths with increasingly serious mental health problems. Although nobody has all the mental health services they would like for youths who enter the juvenile justice system, some counties do far more than others. In a few counties, mental health professionals provide reasonably thorough screenings for every youth who enters a detention facility. Most counties utilize little more than a suicide risk screening. There is very little actual treatment available for kids in a locked setting. In most lockups, kids might have brief access to a psychiatrist for a medication review, especially if they come in already taking a psychiatric medication or if the need for such is obvious, even to the most untrained staff. Few arrive having ever seen a mental health professional before. Locked juvenile facilities often have kids on "suicide watch," but one juvenile hall official admitted that this is really on paper only, since they do not have sufficient staff to do the frequent checks that "suicide watch" requires. Others do the suicide checks regularly, but this is likely to consist of a visual sighting by a guard; it is not a conversation with a trained mental health professional. Officials in several counties also commented that they did not use to have "cutters," kids who injure themselves with self-inflicted cuts.

There seem to be more and more kids diagnosed with Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder, and a wide variety of learning disabilities in Juvenile Halls. There are more than a few kids who suffer from poor auditory discrimination. Guards at juvenile halls are generally untrained to deal with the important nuances of how to interact effectively with such kids. Some of these kids create havoc at institutions, which by their nature rely on a degree of compliance and orderliness

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<sup>35</sup> Many of the same or similar programs were in place in the 1970's and until the late '80's, at which time budget cuts brought about their demise. So they are new in the sense that they are newly-reinstated.

which is next to impossible for these kids to achieve. Not surprisingly, they are regarded by staff as discipline problems, and they tend to escalate in their misbehavior into such a downward spiral that they might end up more and more deeply in the justice system, when their original offense was not so terribly serious. Many are placed in solitary confinement, which provides the separation from other kids which helps staff make it through an already chaotic day, but which, for some kids, seriously exacerbates their anxiety and misbehavior.

All counties freely admit they need to do a better job with female delinquents. Since few girls enter the juvenile justice system, and since their needs are vastly different than the needs of males, they have gotten short shrift. This is another area which needs action, based on the many studies which have already been done.

## BOOT CAMPS

Interestingly, the boot camps within the Central San Joaquin Valley have retained their military super-structure but have developed programs within that structure which are specifically suited to the age and developmental needs of youths who go there. Even the most criminally-oriented 15-year-old is still 15 years old.

Boot camps which began with a strong in-your-face orientation quickly succumbed to excessive gang activity, general rebellion against control, and excessive expulsions from the program. In one county, the promise that kids who were kicked out of the boot camp would be sent the Youth Authority was honored, thus actually raising the county's Youth Authority commitments once the boot camp was opened. As more experience was gained, boot camp programs have evolved into programs which stress keeping the kids busy from early in the morning to bedtime, incorporating vigorous physical activity, having the kids out of their cells and purposefully occupied as much as possible, and infusing overt instruction in acceptable conduct throughout the day. Boot camps have learned that if you want to wring bad behavior out of kids, you have to replace it with new beliefs and skills about good behavior. Truly, they have to teach the values which most adults try to instill in children from infancy, but which for whatever reason, did not get implanted in these kids.

The four boot camps in the Central Valley counties are constantly evolving, as they learn more about what works. One change has been toward longer sentences by the judge, so that there can be sufficient time in custody but, more importantly, a longer time for follow-up while the youth is back in the community. A sentence of one or two years is not uncommon. Consequently, youths can be in custody for about six months, and they can be intensively supervised on probation for many more months. Most boot camps have highly structured after-care programs, tapering down the level of supervision as youths show that they can behave properly in the community. This is a far cry, and, of course, a big improvement, from 10-30 days in Juvenile Halls with no real program and with minimal supervision upon release.

- In Madera County, a parenting class is required for parents who wish to visit their child while he or she is at boot camp. The class is well received by parents and provides a good connection with the Probation Department, a connection which proves invaluable when the youth is released under Probation supervision. The boot camp carries strong education and mental health components.
- In Tulare County, infused for every waking moment of every day are highly structured programs which teach about development of good character and which teach how to identify and turn away from criminal thinking and toward pro-social thinking. Adults who work there must utilize these lessons in their conduct, also. It is a huge and crucial undertaking to get all of the adults up to speed on how to do this all of the time.

- In Kings County, in addition to its strong education component, many community members come to the boot camp to teach skills to young people. They learn not to fear young delinquents, and the youths become comfortable with people they might not ordinarily have interacted with. Also, boot camp youths perform public service, such as free car washes for senior citizens, which connect both youths and their community.
- In Fresno County, boot camp is not all drill and discipline. Boot camp youths have many opportunities to go into the community to perform community service. Their color guard is used throughout the county. Inside the boot camp, they have access to education and mental health services. And they hear victims of crimes describe unsparingly the impact the crime has had on them and their loved ones.

As has been noted, the constant turnover of personnel makes it hard for boot camps to offer a consistent and high-quality program. Also, hiring a constant stream of people who have some college education but who are usually very young and have not reared teenagers of their own, makes it tough. Not all of the adults who are hired to work at boot camps have strong values and a good work ethic, so it is hard for youths to find such staffers credible, and it is hard for management to eke out a consistent program. Nonetheless, boot camps at least have a program. Of course, they have kids in custody for approximately six months, so they actually have an opportunity to make a difference.

## JUVENILE HALLS

Most juvenile halls, on the other hand, have a revolving door with an average length of stay which is often just a few days for youths who are detained awaiting court proceedings and rarely more than 60 or 90 days for youths who have been to court and are “doing time.” There are a few exceptions to this. Tulare County has a Youth Correctional Center Unit within its Juvenile Detention Facility where it houses up to 15 youths who otherwise would go to the Youth Authority in a highly secure and structured program which lasts, typically, from 8-12 months in custody, followed by close probation supervision thereafter. Tulare County also has an impressive complement of mental health professionals who serve all of the youths who are locked up. Also, Kings County has within its Juvenile Hall a unit for up to 19 youths who otherwise would go to the Youth Authority. They are in custody for six months. Fresno County has a new Substance Abuse unit, where youths remain in custody for 120-180 days.

Otherwise, juvenile halls provide shelter, food, and a contained sphere of influence for kids, and programmatically, they bring in community people to provide instruction in such matters as substance abuse and family planning. However, few would claim to be doing much to teach kids the skills they need to succeed on the outside. They know this and would dearly love to do more, if only the public recognized the needs and the benefits and, therefore, provided the resources.

## EXCLUSIONS

Harkening back to the all-too-true life stories of the thirty-four youths whose lives were researched for this study, it is not difficult to see that the current incarceration options only began to respond to their enormous needs. As was mentioned earlier, of the thirty-four, sixteen attended boot camp, and all of them were kicked out for non-compliance or disruptions. Six more were refused admittance because they did not meet the criteria. One was excluded from a boot camp, because of his asthma and, according to the Probation Officer’s report to the Court, “because of the lack of family to reunify with upon completion of the program.” A Youth Authority Parole Agent will have to determine who he reunifies with when he is released from the Youth Authority.

Not surprisingly, the judges who sentence kids to a boot camp often wish the camp would be more flexible in its entry criteria and more adaptable to kids who do not easily fit into the boot camp program. Boot camp directors, however, find that to keep the program viable, they have to restrict it to those youths who can profit from it. There isn't a right answer to this dilemma; it is merely a reflection of the tensions which arise when you have difficult, complex kids and very few choices as to what to do with them.

This drives home the unfortunate truth that the Youth Authority now gets an increasingly distilled cut of the youthful offender population. The distillation *excludes* those, and there are many, who profit from boot camp or other local programs. It *includes* kids who fail local options or who are excluded from them.

Reading a list of who all are excluded from boot camp programs is a lot like reading the entry profile for the Youth Authority. Boot camps typically exclude kids with medical problems, mental health problems, who use any psychotropic medications, who have a full-scale IQ of under 70, or a history of arson, sexual offense, or use of a weapon which resulted in serious bodily injury to another person.

None of these five counties claims to have much in the way of treatment for young sex offenders. The range of treatment is generally (a) to send the youth to a private-sector therapist and return the youth home and hope for the best, (b) to place the youth in an unlocked group home where treatment is offered, or (c) send the youth to the Youth Authority. For young sex offenders, a Youth Authority commitment often comes while they are quite young, there being so little else available for them.

Group homes are the invisible bulwark of the juvenile justice system. Sometimes they are used when a kid essentially has no home to return to. Sometimes they are used because they offer high-quality, specialized treatment. Often they are used as an in-lieu-of-Juvenile Hall when there is neither space nor meaningful treatment for offenders. For most of the kids who go to group homes, 50% of the cost is borne by federal funds and another 20% by state funds. So, the 30% county share is a bargain, compared to the cost to counties of building and maintaining beds and programs in a locked juvenile hall facility. It is a Faustian bargain.

## **FUNDING**

The bald truth about funding for operating locked facilities for juvenile delinquents is that for years there has been no earmarked source, forcing the people who run them to stitch together whatever resources they can get by whatever means. Counties struggle to build facilities, and they provide guards, "counselors," as they are known, so few in number that they have their work cut out for them just maintaining order. However, serious program components are not easily acquired.

The key to understanding the funding of county juvenile justice systems is to understand the concept of net county cost. Boards of Supervisors watch carefully every penny which comes from their always-strapped General Fund. They are markedly less concerned about programs in which county funds are heavily supplemented by state or federal funds. For example, when a bed in a locked Juvenile Hall facility and a bed in an unlocked group home facility carry the same annual cost, but the net cost to the county, after the federal and state funds have paid their share, is about 2/3 of the total amount for the Juvenile Hall bed, but only 1/3 of the total amount for the group home, the group home becomes a good choice in the county's eyes.

As a result, counties do not have the fiscal incentives which they need to develop alternatives which are best suited to the long-term needs of both delinquent kids and the taxpayers who foot the bills. For those delinquent kids who cycle in and out of group homes, with periods in between in which they are runaways living on the streets, and for taxpayers who pay for the more costly alternatives down the road,

this does not make sense. This would make a fine topic for serious research. In truth, nobody wants to touch it.

Federal Temporary Aid to Needy Families (TANF) funding and Social Security Act Title IV-E funding are now the mainstays by which Probation Departments pay for the care of juvenile delinquents. Neither source was originally envisioned for that use. Their use, for providing case management services and for providing services for in-custody kids whose caregivers would otherwise be eligible for cash assistance (formerly known as Aid to Families with Dependent Children or AFDC, now TANF), constitutes a federal bail-out of the nearly collapsing California county juvenile justice systems. This came to pass in the early 1990's, when bellwether Los Angeles County threatened to close some of its network of ranches and camps for juvenile delinquents. A serious reduction in County programs would have had devastating consequences for communities, and for the State, which would be expected to pick up the slack. So, the federal government came to the rescue, and it has become the county systems' best friend.

Similarly, Probation Departments are not entitled to any specific sources of funding for mental health services. They have to beg and bargain for them. Medi-Cal does not reimburse counties for mental health services for people who are incarcerated, so Probation officials have to argue hard to get the county to use their Realignment funds for such services.

Probation Departments struggle to acquire and pay for additional services for delinquent youth. Unfortunately, it is virtually unheard of for a Probation Department to have a social worker who can facilitate contact and work out problems between delinquents and their families. Probation Officers and institutional staff do their best, but they are not trained, nor do they have time, to focus on this. Fortunately, educational services are mandated by law, so they are available for every kid. Problems do occur when, for example, gang enemies have to be separated for everybody's safety. That means they cannot be in class together, and there is usually no way to accommodate this except to keep somebody out of class. There are other problems, but at least Probation officials don't have to beg for core educational services.

Perhaps the most important survival skill for Chief Probation Officers is to provide services with the lowest possible net county cost. Those with the most skilled business managers do this quite well. Boards of Supervisors rarely, if ever, want to engage in a discussion of the long-term and the overall implications of concentrating on net county cost.

Counties do not have to pay the State when their adult County residents go to the state prisons. So, occasionally, juvenile justice system officials exercise the option of simply waiting for a repeat offender to turn 18. His next offense will likely result in a trip to prison, at no cost to the County. For a trip to the Youth Authority, on the other hand, the County's share of the total cost could be as much as \$31,000 per year for an unknown number of years.

## **JUDGES IN THE JUVENILE DELIQUENCY COURT**

It is always dangerous to generalize about a group of people. However, if there is one generalization which holds true from county to county and from year to year, it is that judges experience great frustration when they serve in a Juvenile Delinquency Court assignment. They come to work each day with the hope that they can hold kids accountable and at the same time halt their slide into criminality. But they have neither adequate time to consider each case nor sufficient options for appropriate sentences.

There aren't really any good years in this assignment, but some years are worse than others. Fresno County Commissioner Philip A. Silva, who served in the delinquency assignment for a decade, initiated, unbidden, his own annual reports to the Presiding Judge of the Superior Court. They reflect his experience in his courtroom for the year. His reports for 1996 and 1997 provide a valuable historical perspective.

Here are excerpts from his report for 1996:

The caseload can best be described as overwhelming. The "Daily case average" ranged from 19.8 in January to a high of 39.2 in June. . . . [T]he stress level is high. The months of May and October brought my court staff and I almost to the point of burnout. There were far too many occasions when I had up to 8 different trials in progress at the same time, and this meant that I had to continue these cases day to day until completion. . . . Further, without the experience of keeping clear and concise trial notes, a jurist would be hard pressed to keep the cases separate and be able to fairly recollect and decide the cases on the evidence presented. I had 197 trials. . . .

. . . .When the court system fails to initially hold minors accountable, then these young minds mistakenly develop a belief that they can get away with murder (pun intended.) Thus, it is absolutely important for the court to have sufficient and adequate resources to impact the first time offender. . . . Because of the dismal number of beds in our . . . facility . . . it was difficult, to say the least, to "protect society" and at the same time serve "the best interests of the minors" when the court primarily had two extreme dispositional options available, i.e., community service and the California Youth Authority. . . . This year I had a record number of commitments to CYA , 131....The community should not have to continue to live in fear of its youth.

His 1997 report portrayed a decidedly more upbeat tone. After pointing out that he conducted 6,806 hearings in 1997, versus 5,843 the prior year, he had an average of 25 cases per day, and he had as many as ten simultaneous trials, he stated:

I am highly encouraged by the progress Fresno County is making in addressing our juvenile crime problem. The year before last (1996) was a year the juvenile court was severely limited in dispositional options, and detention and treatment bedspace. . . . Last year (1997) brought welcomed cooperation between the Superior Court, Probation, and our County Board of Supervisors in attacking a serious problem with gangs and juvenile delinquency in general. Presently, we are in a transitory period of developing an excellent residential boot camp program for non-violent offenders (both boys and girls), [and] restructuring our [in custody] program to include a small segment of violent offenders.

A prime example of the effects of restructuring is the fact that less wards were committed to the California Youth Authority in 1997 (85) than in 1996 (131).

For the first time in a very long time, I elatedly sense constructive changes in a system of justice that was long overlooked.

Twenty judges who have served as Judge of the Juvenile Delinquency Court at some point during the last decade in the five Central San Joaquin Valley counties were interviewed for this report. They run the gamut in their attitudes and beliefs about the responsibility of the Court to advocate for resources for the juvenile justice system. They also are very different from one another in their interest and knowledge of the issues of juvenile delinquents, and, in fact, of all juveniles.

Most judges reported that their training for the Juvenile Court assignment consisted of someone saying to them, "Here's your courtroom; there are the files." Most begin by reviewing the laws which pertain to juveniles, much of which they have not seen since they studied for the Bar Exam, if then. Needless to say, there was not a child development major or a former social worker or educator or mental

health clinician among them. They are judges; their background is in the law. Of necessity, they must rely heavily on the advice of others. The Probation Department is the main source of advice.

Probation Departments serve both adults and juveniles. Their juvenile departments are staffed with some people whose knowledge and experience is primarily with adults and with others who have some prior education or experience with youth issues. You'd have to look very hard to find one who had an extensive background in children's mental health issues or in child development, however. A judge interviewed for this study observed that most Probation officers are more like police officers than they are like social workers. Similarly, the lawyers who represent the various parties in Court are trained in law, not in children's issues. This is pointed out as a description, not as a criticism. It helps to explain why there are such vast disconnects between the various segments of the child-serving systems.

Some judges were cautious in response to interview questions, but most appeared quite happy to have somebody inquire into their daily work, which they find deeply important and frustrating. Although none complained about being overworked and unappreciated, clearly they are. Because of statutory requirements making nearly all Juvenile Court hearings confidential, the judges' work is done behind closed doors, so few people have any idea what their work entails. Even other judges don't know, unless they have had that assignment. One judge said, "This assignment is out of sight, ought of mind to other judges. This is worse than being on a submarine in the Navy. I feel like a mushroom. Thank God for e-mail." Nearly all of these judges also hear dependency (neglect and abuse) cases. One judge said the attitude of other judges is, "You can send me to hell before I will ever hear another [dependency] case."

By and large, judges work incredibly hard in the Juvenile Court assignment. They have heavy court calendars, and they have an equal amount of work outside the courtroom informing, pleading, and cajoling people who might possibly furnish services to the youths who appear before the Court. Typically, judges either lead or are heavily involved in interagency coordinating councils, which seek to organize and enhance services to children and their families. They rarely have time, however, to visit child-serving programs or to check first-hand on services, such as counseling, in which they order kids or families to participate. Although Juvenile Justice Commissions in each county are required to inspect all group homes within the county, it is not likely to be a high priority for a judge to facilitate an action which might result in the closing of a group home, thus reducing one more option available to the county.

There isn't anything easy about being a Juvenile Court Judge. However, there are some particularly vexatious issues. Here are a few of them:

- There is a no-man's land in the law for children who have been found to be Dependents of the Court due to neglect or abuse and who are drifting into delinquent behavior. Under the law, a kid is to be served by one system or the other, and there is a process by which Child Protective Services and Probation determine which agency will have jurisdiction over a given kid. There are a good many kids who need to continue to receive services provided through the Dependency system and which would have to be discontinued, due to lack of a source of payment, if they are passed to the Delinquency system. At the same time, these kids need to be held accountable for their delinquent acts. It appears that a significant proportion of the kids who end up at the Youth Authority have occupied this no-man's-land. When they do so much bad stuff, or such horrific stuff that they tip over into the Delinquency system, they might be arriving at the Youth Authority's door much sooner than other kids whose delinquency was deterred by meaningful consequences earlier on.
- In most counties, psychological evaluations are performed infrequently and very late in a kid's criminal career. It has a lot to do with who pays. Typically, County Mental Health Departments provide limited mental health screening and some response to mental health

crises while a kid is incarcerated. This is not the same as a psychological evaluation, which judges often want to see in order to help them make the most appropriate decisions to best protect the community, hold the youth accountable, and reform the youth. Psychological evaluations are paid for by whoever asks for them. So, attorneys rarely ask, because they have no budget to pay for them. Often, it is the Court which requests the evaluation, so it is the Court who pays. When you read psychological reports prepared at the Court's request prior to the Court sentencing a youth to the Youth Authority, you have to wonder what would have happened if this evaluation had been performed at a much earlier point.

- Judges are at a loss to understand how they can see before them, not infrequently, kids who are, for example, 13 years old and who are virtually illiterate, who have never been assessed for eligibility for services for the developmentally disabled, who simply quit going to school, whose mental health referral years ago received no response, whose parents did not follow up with referrals from school nurses for health care, etc. "What am I supposed to do?" the judges ask. Similarly, attorneys who represent these kids in Court after they have been charged with delinquent acts say, "We are attorneys. What do people expect us to do?"

Some judges pound on the rostrum at Board of Supervisors meetings, speak to service clubs, provide strong leadership to interagency groups, and much more. Others protect themselves by drawing their world more narrowly. One said, "What I have is what I have, and I don't have control over getting any more." Another judge said, "I didn't create the system, and I don't know how to correct it. I majored in political science and went to law school and became a prosecutor. I really don't understand social work."

The priorities of the Court in any county are determined collectively by all the judges, working under the leadership of a Presiding Judge. Juvenile Court is just one small segment of the work of the Court as a whole. Its needs might or might not make it to the top of the Court's priorities, especially in regard to advocacy before the public and Board of Supervisors.

Although judges are not apologetic about incarcerating youths who have shown that they need it, they anguish over the lack of adequate local resources. All of them believe that it is a moral imperative, as well as a legal mandate, to try to salvage errant kids. Here are some of their comments:

*Juvenile Hall has so dehumanized kids. I wouldn't put my dog in a kennel that's in such great disrepair. Bringing kids into Juvenile Hall reinforces how little we care about them. There ought to be more dignity and respect. There is no real advocacy for kids. It is frightening that emotionally disturbed kids don't get diagnosed or treated. Certainly we owe the younger children, 14 and 15 and younger, a shot at good services locally; treat kids with dignity and respect, it is the humane thing to do. It is more likely to make them successful.*

*If we don't rehabilitate kids, we'll pay the rest of our lives.*

*I am not willing to give up on trying to salvage kids. We owe it to the kid and to the community to make them productive. This isn't bleeding hearts; it is common sense.*

## THE WORK OF OTHER CHILD-SERVING AGENCIES

Juvenile justice officials have both good relationships and tenuous relationships with people in other child-serving agencies. Sometimes the people who head the agencies get along well, but the line level workers do not. Sometimes the opposite is true. The bottom line is that while structures which facilitate cooperation are helpful, it is relationships between individuals that make the difference

The thirty-four youths whose records were studied for this report are not representative of the broad spectrum of the children who are served by various agencies. Their stories, however, demonstrate that our child-serving systems have a long way to go to effectively work with these extremely complex kids. There are a number of problems which become evident when records of various agencies on the same kid are reviewed.

One of the most serious problems is that the judge who is trying to figure out what is an appropriate disposition for a particular case, has limited information, even in a "long-form" social history. If the judge and the Probation Department knew more about the history of these kids, they would be even more dissatisfied with their current options than they already are. And they might work with others to create more and better options.

For example, if you knew a kid had been placed in fourteen different foster homes already, you might want to strongly encourage Child Protective Services officials to develop systems to reduce placement-hopping in children's lives. Also, you might want to urge Child Protective Services officials to develop specialized settings for those dependent/delinquent children who require intensive services. Sending them to an out-of-county group home is likely only to increase a kid's certainty that he or she is a throw-away kid. They will behave accordingly.

Another problem for this batch of thirty-four kids is that social workers assigned to investigate allegations of abuse or neglect, in some instances, had woefully inadequate training, experience, and supervision. Nowhere is this more evident than in allegations of sexual abuse. It is disturbing to study the case of a youth who went to Youth Authority after he molested other children, then see that in Child Protective Services files, there are reports that when he was a small child, he was allegedly molested, and these reports, year after year, were deemed to be "unsubstantiated." From reading the social workers' notes, it appears that they failed to follow up on a number of leads which might have led to a different conclusion. There are several of the thirty-four cases, not just one, which highlight the importance of the work of social workers, and the consequences of inadequate work.

While it is easy to criticize the work of the social worker, it is more important to recognize that faced with a truly impossible caseload, finding an allegation to be "unsubstantiated" and moving on to the rest of the stack is an inevitable response. Nobody should be more concerned about this than practitioners in the juvenile justice system. They are the recipients of the fallout, and it is not correct to say that it is not their problem.

Similarly, the juvenile justice system receives the fallout from poor mental health services. A 1996 letter from a Fresno County mental health clinician to Child Protective Services is but one example of how mental health services were doled out.

Parents John and Jane and their three children were referred on 7/29/96 to be assessed for counseling.

The [referral form] indicates that the parents are active untreated substance abusers who were being referred to substance abuse programs. As you may be aware, Youth Link does not provide services to individuals with substance abuse problems until they have achieved at least six months sobriety and are actively working a program, such as Alcoholics Anonymous.

Because [the parents] have not yet dealt with their substance abuse problems, no services may be offered to them at this time. The three children will be scheduled for assessments.

So, one of the children of these parents went on to the Youth Authority in 2000. That kid is in an Intensive Treatment Program at the Youth Authority, costing probably \$50,000 per year. The policy reflected in the letter has been changed in the last couple of years, but there are still many people in the justice system pipeline who were subject to policies of various agencies which tended to exclude from treatment the very people who needed it the most. In fact, it is still a problem to get meaningful mental health treatment for the children who need it the most. They are the children who live with adults who have not organized their lives in such a way as to recognize the need for or actually get help for their kids. Most of them do not want others poking into their private lives; they do indeed have secrets.

There are other instances, more than a few, in which it is quite evident that the social worker or the Probation officer did not read the whole file on a kid. A report to the Court, for example, might say that a kid has no history of suicidal ideation or gestures, when the record shows that there have been many. Or, a social worker will accept a mother's assurances that everything is fine, when the file shows that the same assurances were given on the dozen or so other occasions when a dozen or so other social workers talked to the mother. The fact that there continue to be new referrals should cast doubt on the mother's veracity, necessitating a closer examination of the situation.

Yet another issue that arises with this group of thirty-four kids is that they were often a major source of information about their own life history, and this introduced all sorts of errors and omissions into the record. Probation officers collect life history information for the social study which they prepare for the Court. Often the kid alone, or the kid with a parent or grandparent, is the source of much of the information. The same happens when a mental health professional, often an intern, does a psychological evaluation for the Court. These kids are lousy historians. Probably all kids with turbulent childhoods are terrible at self-history. They don't have a wide enough perspective to know what is "normal" and what is not. So they omit breathtakingly large aspects when describing their lives. And, they have spent their life suppressing things which are too painful to deal with, so those things are not mentioned either. For example, few kids will volunteer that their mother supports the family by prostitution.

The social history prepared by the Probation Officer lives on and on for those kids who go on to the Youth Authority. The Youth Authority relies on the accuracy of that report, as does the Youth Authority Parole Agent years later. For example, a Parole Agent believed that a parolee on her caseload spent his childhood living with a kindly grandmother, who pampered and spoiled him to the point that he was totally undisciplined. This information was gleaned from a Probation Officer's report prepared years earlier. The Probation Officer was told this by the kid and his grandmother. A review of other records, however, revealed that he attended seventeen elementary schools, living with his drug addict mother whenever she was out of prison, and with other adults when she was gone. "I wish I had known that," the Parole Agent said. This kid was paroled to his grandmother, and he failed parole and was sent back to the Youth Authority for a second try.

The flaws, therefore, in the accumulation of important information to the judge, whose job it is to devise an appropriate sentence, limit the judge's ability to make the best choice. Even more importantly, they limit the likelihood that the Court and its component parts (the prosecution and defense attorneys and the Probation Department) will be actively engaged in the improvement of systems which find and assist the most needy children, as early as possible.

Confidentiality laws and limited use of technology contribute to the poor flow of information. Even when a judge orders that information may be shared among treating agencies, it rarely happens. This is partly out of habit, partly out of fear of violating confidentiality, and partly due to lack of anybody to

make and send copies. Counties, especially poor counties, are slow to incorporate technology into the operation of their agencies. It has only been in the last few years that county agencies have made significant headway in computerizing records. There is still very little use of technology to transmit records from one location to another.

This discussion would be incomplete without mentioning the persistent problem of nobody wanting to take responsibility for diagnosing and helping kids with extreme behavior problems. For example, here is a lengthy note written by a middle school teacher when referring a student, who later became one of the thirty-four who went to the Youth Authority, to the principal's office:

*Darius entered my class on Nov. 8. From day one, his hyperactivity has been an extreme problem. He interrupts me constantly, pesters me and everyone around him. He is demanding and then emotional if I don't cater to him. Immediately, he asks thousands of useless questions. Darius is on hyperactivity medication but does not take a dose after lunch. Frankly, I am simply worn out by his interrupting and demanding behavior. It is not fair to the others when I am spending every minute catering to Darius's needs. What can we do? This pupil is physically unable to control himself . . . and I can no longer tolerate such a handful. Not even 10 seconds goes by before Darius loudly demands answers (example) "Where is my seat?" "Why are we doing this?" "What is this word?" "Where did you get that poster?" " Why can't we just sit where we want?" "Who is that?" etc., etc., etc. He refuses to raise his hand, but just yells out his interruptions.*

Darius was sent to On-Campus Suspension in response to this teacher's complaint. Neither Special Education nor Mental Health officials believed that Darius belonged under their purview or that he could benefit from their services. His disruptive behavior continued at Juvenile Hall and on to the Youth Authority, where he assaulted a staff member, resulting in a Court ordered additional period of confinement at the Youth Authority.

Finally, mention must be made of yet another category of truly disenfranchised kids, those who are placed outside their county of jurisdiction. Many are in group homes. The sending county must arrange and pay for mental health services, if they are needed, but the receiving county must provide free and appropriate public school education. If the school thinks the kid needs mental health services in order to benefit from school and the sending county disagrees or simply does not make arrangements, the kid loses. And, school personnel, having been burned again and again, are not likely to try very hard to see that suitable arrangements are made.

## **KERN COUNTY**

Although it lies directly south of Kings and Tulare Counties at the southern end of the San Joaquin Valley, Kern County was not included in this study. Despite its geographical proximity, its juvenile justice system, and, therefore, its reliance on the Youth Authority are markedly different than the other counties. Because Kern County is often considered as part of the same geographical block, it is worth briefly describing how and why its juvenile justice system is different from the Central San Joaquin Valley counties.

Kern County has a long history of being both willing and financially able to incorporate prevention and early intervention into its services, to build facilities, and to provide treatment within the community for those who need it. When economic times were tight in the early 1990's, it mothballed a juvenile justice facility, so when the Legislature began requiring counties to make large payments for youths whom the county sent to the Youth Authority beginning in 1997, Kern County was able to re-open

an existing facility. That, along with adroit financial management and a long history of early intervention, put it in a different position than the other counties.

Consequently, its rate of first commitments to the Youth Authority in 1997 was well below the State average. And, according to Youth Authority figures, its payment to the Youth Authority in 1999-00 was approximately \$800,000; whereas Fresno County, which has a similar size population, had to pay approximately \$3.5 million. Fresno County has twice as many youths at the Youth Authority currently than Kern County. Also, Youth Authority data show that compared to the Central San Joaquin Valley counties, Kern County tends to send to the Youth Authority those youths for whom there is a lower charge on the Youth Authority's sliding scale.

Although Kern County shares many of the demographic features of the other San Joaquin Valley counties—high unemployment and low per capita income, for example—it has one salient difference. It receives property tax revenues far greater than the other counties, due mainly to its petroleum-rich land. It should be noted, however, that very little of Kern County's Probation Department budget comes from the County's General Fund. Most comes from state and federal sources.

## VI. THE CALIFORNIA YOUTH AUTHORITY

The founding fathers of the California Youth Authority would likely be disheartened if they could see that in 2001 the state and local juvenile delinquency systems struggle with many of the same problems they had hoped to remedy. The current condition is a far cry from what they envisioned when, with hope and optimism, in June of 1941, the California Legislature adopted the Youth Correction Authority Act based on the Model Youth Correction Authority Act prepared by the American Law Institute. The Act, whose title was soon amended to become the Youth Authority Act, set out in Welfare and Institutions code Section 1700 its purpose “to protect society more effectively by substituting for retributive punishment methods of training and treatment directed toward the correction and rehabilitation of young persons found guilty of public offenses.”

The California Supreme Court recognized the value of early intervention when, in a 1943 opinion upholding the legality of the Youth Authority Act, it stated, “The great value in the treatment of youthful offenders lies in its timeliness in striking at the roots of recidivism. Reaching the offender during his formative years, it can be an impressive bulwark against the confirmed criminality that defies rehabilitation.”<sup>36</sup>

### BEGINNINGS

A key aspect of the new Youth Authority, one which represented a quantum leap from existing juvenile justice systems, was to incorporate into the system a careful, scientific study of each youth as they came into the state system, so that a plan of treatment could be implemented which most directly responded to the specific needs of the youth. It was consciously designed as a means of getting away from mass punishment, which was believed to be the training ground which produced adult criminals. The Youth Authority was designed also to have responsibility for granting parole, and for assuring supervision of new parolees.

In addition to diagnosis, rehabilitation, and parole, the founders of the Youth Authority expected it to have a major role in supporting delinquency prevention and intervention in each of the State’s counties. Although consultant services had been provided since 1928 by a Supervisor of Probation within the State Department of Social Welfare, the California Youth Authority from its beginning paid a great deal of attention to local services. Heman G. Stark, Chief of the Division of Field Services for the Youth Authority, wrote in 1948, “. . . The Youth Authority has looked to good treatment at the local level as the soundest possible method of handling youths involved in law violations. The Youth Authority has always recognized that good law enforcement, sound probation administration and operation, and adequate detention and treatment facilities at ‘home’ means more children treated and rehabilitated without recourse to already crowded Youth Authority facilities.”<sup>37</sup>

A Justice of the Court of Appeals, who had served earlier as Juvenile Court Judge, spelled out the relationship between the Youth Authority and local juvenile justice officials in an article in 1949. He wrote, “The Field Services Division . . . makes child welfare surveys in cities and counties and helps organize delinquency prevention and recreation programs. The juvenile court judges should realize . . . that the prevention of delinquency is probably more important than detention and treatment after the delinquency has occurred. . . . [T]here are some courts (not many) which commit to the Youth Authority persons who could be handled locally to better purpose if local probation services were adequate. If requested by the local judge, the authority will make a survey of the county’s facilities, or lack of them,

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<sup>36</sup> Herrera, 23 Cal. (2d) 206.

<sup>37</sup> Heman G. Stark, Chief, Division of Field Services, California Youth Authority, “Probation Field Service Provided,” *California Youth Authority Quarterly*, Fall, 1948.

and make impartial recommendations. With such a survey the judge is in a good position to require of his board of supervisors that such facilities be supplied.”<sup>38</sup>

County juvenile justice systems were in disarray. Karl Holton is quoted in Youth Correction Authority Board Minutes of March 8, 1942, as having said, “I think if the Youth Correction Authority never did anything else for the State of California than to eventually force through some control, standardization and supervision, minimum casework and minimum responsibility for County Probation Departments and parole work in correctional institutions, we would more than justify our existence.”<sup>39</sup>

The State’s hands were hardly clean. When the Youth Authority started its work in 1943, the State had not added any new beds in its correctional schools since 1924. California’s population had virtually doubled from 4 million to nearly 8 million during that time. Thus, children who were committed to state correctional schools were placed on long waiting lists and held in juvenile centers or county jails while waiting for a state bed to become available.<sup>40</sup>

Worse yet, the State’s three institutions had undergone so many problems that the Youth Authority was required to take over their operation in 1943. As a result of a series of scandals and investigations, and amidst frequent turnover of leadership, staff who remained at the institutions were demoralized to the point of near breakdown as an effective workforce. Suicides, escapes, and cruelty to youths were endemic in the institutions.

From its reform-minded beginnings, the Youth Authority has swayed one way and another as state officials have changed direction and as the availability of resources has swelled or ebbed.

As public policies have changed, the Youth Authority’s institutions have expanded and contracted accordingly. During the 1940’s and 1950’s, the Youth Authority opened a variety of ranches and camps for juvenile offenders. The 1960’s and 1970’s brought new Youth Authority institutions which were more prison-like in their construction than the ranches and camps. Another institution was added in the 1990’s.

In the early 1970’s, three Youth Authority facilities were closed, two for good and one for a couple of years, when the Youth Authority population dwindled. This followed implementation in 1966 of a state subsidy to counties so that counties could provide intensive probation supervision of delinquent youths in their communities, rather than sending so many of them to the Youth Authority.

Also, under Governor Ronald Reagan, who served two terms beginning in 1967, the emphasis shifted to community treatment, both for juvenile offenders and also for the mentally ill of all ages. For both mental health and juvenile corrections, the philosophical shift was not accompanied by funds sufficient for the provision of adequate local services. The legacy of this lives on.

Yet another major change occurred in the mid-1970’s, when federal legislation effectively brought a halt to the incarceration of “status offenders.” Status offenses are those which would not be a crime if the person were an adult, such as truancy, runaway, out-of-control, etc. Counties, faced with limited resources, opted to spend their dollars on responding to hard-core delinquents, thus leaving literally on the streets those kids whose pre-delinquency might have been halted with minimal help. The old adage “a stitch in time saves nine” was relegated to oblivion. Again, we continue to reap what we have sown.

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<sup>38</sup> A. F. Bray, “The Juvenile Court and Its Relation to the Youth Authority,” *California Youth Authority Quarterly*, Winter, 1949, 20.

<sup>39</sup> Lawrence B. McVicar, “A History of the California Youth Authority,” Master’s Thesis, California State University, Sacramento, January, 1973, 36.

<sup>40</sup> McVicar, 14.

## THE YOUTH AUTHORITY TODAY

The Youth Authority inhabits the dark corner where society's best intentions and its worse hypocrisy slam into each other. The statutory purpose of the Youth Authority is to protect the public and to rehabilitate errant youth.<sup>41</sup> It is funded in such a manner as to limit its success in either.

Today, the Youth Authority is a prison system for kids. Many of those kids are the misfits whose complex, overlapping problems manifested themselves early on but were never addressed effectively. They got overlooked by Child Protective Services, ignored by mental health, they dropped out of school, and they were not deterred by local juvenile justice systems which were not equipped to deal with them.

The judges interviewed for this report freely admit that committing a kid to the Youth Authority is often done as a default when they have exhausted the inadequate local options, not necessarily because the kid needs to become a prisoner of the State. When kids go to the Youth Authority, the county and the Court effectively wash their hands of responsibility for them. They become the State's problem. One Chief Probation Officer said, "The State is responsible for what happens at CYA."

Some judges make an effort to visit Youth Authority institutions. Many do not do so; they don't really even have time to visit the local programs upon which they rely. Many judges learn about the Youth Authority from Youth Authority representatives in workshops at annual Juvenile Court judges' conferences. Also, they talk to a Youth Authority intake person, who provides them the information they need when they are considering their sentencing options. Generally, learning about the Youth Authority is a low-priority item; the local system has pretty much given up on kids whom it sends to the Youth Authority.

Unfortunately, this means that Juvenile Court Judges rarely engage in advocating for the Youth Authority to have the resources it needs to do its rather staggering job. It isn't exactly in the judges' job description to pay attention to the Youth Authority, but when you survey the terrain to see whose job it is, there are not many natural sources of advocacy.

So, the Youth Authority is in a virtual no-man's-land. Organizationally, with 6,776 youths in institutions and another 4,776 on parole as of June 30, 2001, it is dwarfed by the Department of Corrections, which houses about 160,000 adult inmates at any one time. It is not well tied to the county juvenile justice systems, who produce its "product," and it is not in a position, for example, to advocate for better local services which might salvage kids earlier on. It straddles between county systems and the state prison system, and it looks more like the latter than the former.

The youths who are at the Youth Authority range in age from 11 through 24. The average age in the Youth Authority institutions is 19. However, as a Youth Authority psychologist noted, their maturity level is often well below what their chronological age would indicate. In the eyes of the law, people age 18 and over are adults. If you go talk to them at the Youth Authority, you would consider them kids.

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<sup>41</sup> The statutory mission of the Youth Authority now, per Welfare and Institutions Code §1700, is "to protect society from the consequences of criminal activity and to that purpose community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young persons who have committed public offenses."

The Youth Authority provides courses of study for its youths in Gang Awareness, Anger Management, Parenting, the Impact of Crime on Victims, and Social Thinking Skills. It provides substance abuse treatment and sex offender treatment. It provides employability skills. It has Special Counseling and Intensive Treatment programs for youths with mental health issues. And it provides education services tailored to the needs of each kid. It requires its youths to pay restitution to their victims and to perform community service.

The Youth Authority has many strengths. Perhaps the greatest strength is that many of its employees are extraordinarily caring and effective with the youths who go there. Also, for many years the Youth Authority has maintained a good reputation for the quality of the diagnostic work done at its reception centers. It also has some first-rate substance abuse and sex offender treatment programs and some excellent vocational training. And parolees have high praise for the quality of the education they received in Youth Authority institutions.

The Youth Authority operates eleven institutions and four separate and two institutional-based youth conservation camps. Fire crews from the Youth Authority camps perform hundreds of thousands of hours of fire suppression services in a year. The camps are operated jointly with the California Department of Forestry. The eleven institutions are differentiated by age of wards and by treatment needs. The Youth Authority maintains Reception Centers in Sacramento, Norwalk, and Ventura.

Unfortunately, virtually all of the problems which plague the county juvenile justice systems apply, also, to the Youth Authority. It is funded sufficiently to serve as a prison; it is not funded sufficiently to prepare its very damaged youths to successfully live in society upon release. To be sure, no amount of funding would be enough to rehabilitate some of these youths. On the other hand, the best brains in the Youth Authority believe, based on their experience, that many of these youths are salvageable. Stanford University does not need to worry about a flurry of admission applications from Youth Authority graduates. However, most, if given the tools and if supervised closely, can live among us without further law violations.

As is true at the county level, there are some cold realities about the Youth Authority which bear examination. Meaningful vocational training is in short supply; most parolees do not come out with a marketable skill. The high quality sex offender treatment and substance abuse treatment programs are available only to a few of the many who need them. The Youth Authority is a de facto state mental hospital for youths, but it is in no way prepared to fulfill that role. Its mental health services are short in supply and distributed in ways more reflective of historical patterns unique to each institution than of equity of access to the people who need it.

Very needy kids can stay on waiting lists for months or even years before they get into the highest quality treatment programs. The Youth Authority is forced to ration the best (and most expensive) treatment to youths who are closest to their parole date, so kids with a long sentence can be there for a long time with their treatment needs inadequately addressed. Take for example, the cohort of thirty-four kids sent to the Youth Authority in 2000. Two were diagnosed as needing high-end mental health treatment; both were on a waiting list in mid-2001. They were receiving some stop-gap help in the meantime.

Another one of the thirty-four kids had been ejected from one of the Youth Authority's high-end mental health programs, because he was too assaultive and too immature. Some kids, in fact, are shuttled between mental health treatment programs and what most of us would call solitary confinement. A Program Description by one of the Youth Authority institutions describes one of its living units as a Behavior Change Program and another as a Recalcitrant Program. It states, "These programs provide a service to this institution by isolating and detaining disruptive wards." No doubt they do. It is hard to think what these disruptive wards will be like when they are released from the institution.

Like the county systems, the Youth Authority has suffered from frequent changes in leadership and from difficulty in competing for employment and retention of the small pool of professionals, such as psychologists and psychiatrists. It also suffers from inability to keep positions filled at all levels of the organization. During the last decade there have been vast periods with no director and with vacancies or interim appointments in many key management positions. Although the Youth Authority had only four directors for nearly the first four decades of existence, there have been nine directors in the last 20 years.

Staff shortages seriously cripple even the finest Youth Authority treatment programs. A vacant staff position in an area where there is even one really high-maintenance kid can bring to a grinding halt anything more than preserving order with all the other kids. Also, vacant positions or absences of existing staff anywhere in the Youth Authority can necessitate having staff serve mandatory double-shifts. Naturally, there are a host of problems associated with this.

If the county systems suffer from lack of an aroused citizenry demanding that they be required to provide humane and effective treatment of delinquent kids, as well as reasonable protection of the public, the silence is even more deafening when it comes to advocacy for the Youth Authority. It is unlikely that in the history of the Youth Authority, any candidate for the Legislature included in his or her platform a plank for improvement of the Youth Authority. Its residents are pariahs.

Another collision in the Youth Authority's dark corner results from the fact that there is no common understanding of how and why and with what impact mental health problems, substance abuse problems, and conduct problems intersect. The counties haven't been able to figure it out. The best child development specialists, neurobiologists, and psychiatric researchers can't yet sort it out. Modern society hasn't figured it out. Although we might not literally expect the Youth Authority to figure it out, we do not hesitate to criticize the Youth Authority when their inability to resolve kids' complex problems becomes evident.

## **WHAT YOUTHS SAY ABOUT THE YOUTH AUTHORITY**

About twenty kids who are currently at the Youth Authority were interviewed at six Youth Authority institutions for this report. These twenty are part of the thirty-four kids whose records were reviewed extensively. A separate group, whose childhood records were not reviewed, was interviewed, some in a one-on-one interview in an office, and some in their homes along with their parole agent. This second group of interviewees was made up entirely of Youth Authority parolees.

There are several observations based on these interviews which rise to the top of the list. One is that most of the youths on parole state that they needed to be locked up for a long time. More than a few echo what staff also said-- that they were entirely resistant the first year of incarceration, thinking it over the second year, and cooperating and fully participating in the program during the third year. Secondly, these youths are really quite resilient. Many of them, maybe one-half, will actually go on to live fairly decent lives. Some will require another stay or two at the Youth Authority or in jail or in prison, but some of them, too, will mature with time. Third, most are appreciative of the aspects of being at the Youth Authority which were helpful to them. For every youth, it is highly individual as to what they think was the most helpful. And finally, these kids tend to be much more immature than their age-mates on the outside.

It seemed that youths enjoyed being interviewed, once they could tell that it was a conversation and not an in-your-face encounter. For one thing it broke up their otherwise somewhat boring daily routine. For those who were interviewed one-to-one, it was a rare chance to have a genuine conversation in which somebody asked their opinion without there being any consequences for their response. All of them were quite pleasant and easy to talk to, even the one who was confined to a cage for the interview. Obviously, they are not always that nice for staff whom they see every day. Some were quite verbal and would like to have talked on and on. Others were less articulate but still willing to talk.

Kids experience the same programs and circumstances very differently from one another. You could talk to two kids who were in the same living unit during the same time period, and each would have experienced it completely differently. Obviously, they arrive with different mind-sets and experiences. It seems pretty universally true, too, that if a kid goes from one institution to another, he nearly always likes the second one better. Surely the kid's own maturity plays a role in this.

Girls don't go from one institution to another, because all of them are in one institution. Clearly, females at the Youth Authority have very different and often much more complex needs than males. From early in their lives, girls often feel responsible for nurturing and caring for others. This feeling of responsibility extends not only to siblings, but also to the very adults who are supposed to care for their girls themselves. Most have been molested. By the time they arrive at the Youth Authority, they are hard. Really hard. They reek of pain.

Females constitute only five percent of the first admissions to the Youth Authority. A study entitled "Profiling the Needs of Young Female Offenders" provides an excellent discussion of issues involving females at the Youth Authority.<sup>42</sup>

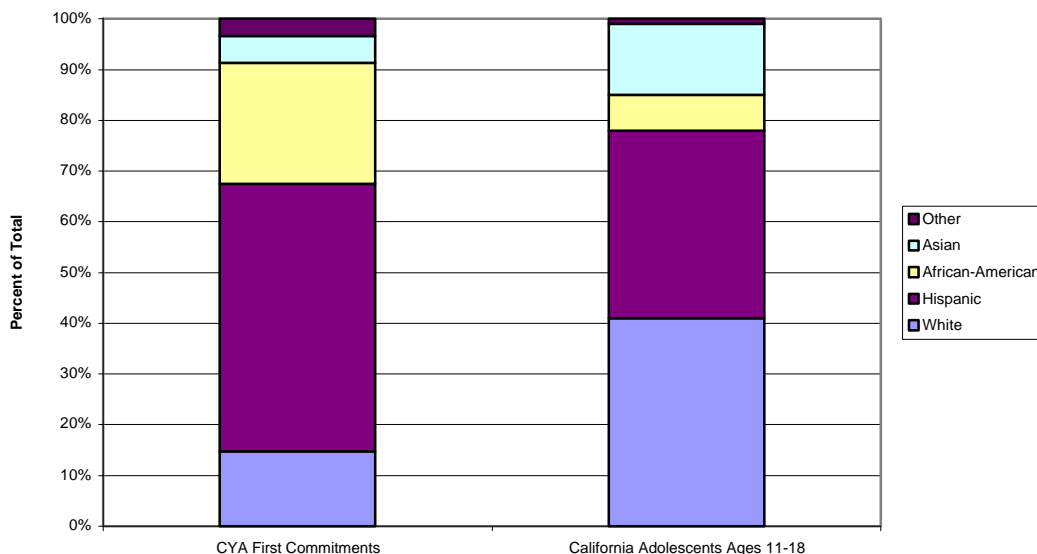
As is true in the county juvenile justice systems, Youth Authority commitments are more heavily Hispanic and African-American than is the general population. As depicted in Chart 4, in 1998, CYA first commitments were 14.7% White, 52.7% Hispanic, 23.8% African American, 5.3% Asian, and 3.4% Other. In the same year, the California population of adolescents ages 11-18 was 41% White, 37% Hispanic, 7% African American, 14% Asian, and 1% Other.

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<sup>42</sup> Barbara Owen and Barbara Bloom, *Profiling the Needs of Young Female Offenders*, Final Report to the Executive Committee, California Youth Authority, December, 1997.

Chart 4

**RACE & ETHNIC ORIGIN OF CYA FIRST COMMITMENTS VS CALIFORNIA ADOLESCENTS--1998**



Source: *A Comparison of First Commitment Characteristics, 1989-2000*, State of California, department of the Youth Authority, Administrative Services Branch, Research Division, Ward Information and Parole Research Bureau, 7. Also, Charlene Wear Simmons, Ph.D., et al., *California Adolescents Ages 11-18: A Fact Sheet*, California Research Bureau, California State Library, October 1999, 1.

Because it is impossible to summarize what youths said in interviews, here is a sampling of what they said, presented in their own words. These are from people currently incarcerated at the Youth Authority:

*Here I am learning about drugs and how to deal with anger. I like the schoolwork. I wish we could go out like they do at DeWitt. I wish we had more to do, like jobs, so you could feel like you are more freer or stuff.*

*Preston is good. Here I learned how good a gang is to get in your mind and get you to get on the reaction side. I didn't understand this before. This is the first step to help me recover. I use to stay high. This was the whole basis of my life. Parents should praise kids when they do right; I got more attention when I did negative things; people looked up to me. I was a god to them. When I was sentenced to CYA I felt really beat, like I lost everything. After I came here, I gave myself a chance to gain everything back. After I go to bed at night I think about the way I acted, just stupid, immature, showboating in front of people. Now I have a lot of confidence in myself. I didn't use to.*

*CYA just makes people worse. There is too much fighting, violence, gangs. You learn fighting and criminal thinking. They try to give people hope, but they force people to do things not called for. In groups, they try to make you do dumb stuff, then the other wards make fun of you; this causes fights. I have learned to just keep quiet. All YA does is increase your criminal thinking. When you get out, you're going to want to fight. My advice to people on the outs is to calm down. YA ain't no joke. One good thing about being here is that my little brother quit banging.*

*I feel really bad I let my Parole Agent down. He stuck his neck out for me. I got too comfortable. Alcohol is my problem, so I gotta make use of my time here. Now I am learning thinking skills and 12 steps. At night I feel blessed to lay in this bed, not in prison. I could have got 25 to life for drinking and driving. Someone could have been killed. I have had so much anger burning in me for so long.*

*In CYA you can talk to staff; there are good counselors. You can walk around. Some staff are unprofessional; it is an edge in their voice, their tone of voice. The good ones treat you like a person. School is good. I needed a good listener when I was 12.*

*CYA is bad; I am here. It is good because a lot of people want to help you. I like it because it is a place to be. You can feel safe or feel threatened. Some people want to bring you down; others care and want to help you. It is helpful to be here. I have plans I wouldn't have had on the outs—to get my GED, go to college and become a computer tech or go into accounting. If I wasn't here, I would be dead, doing drugs, in the gutter. I have begun to feel hope. I am away from gangs and drugs. I am afraid to open up to a therapist. I am paranoid, not very trusting.*

*I don't know who I want to be, but I know who I don't want to be.*

*I was in lockdown. They had to take everything from me to give me a reality check. They treated me like an animal. In lockdown, I went to Islam. The chaplain talked to me about many of the things I needed to know. My family is Catholic, but they are happy with anything that gets me on the right track. The staff don't know how we feel and what we've been through, but the Imam knows.*

*The judges don't know what we go through. They need to take a class or something.*

Many complain bitterly, usually about gang activity and about insensitive staff. But many also believe they would be dead if they had not been forcibly removed from the lifestyle they were living “on the outs,” as they call it.

Not everybody who goes to the Youth Authority is a disturbed kid with a tragic childhood. However, the hard swing of the Youth Authority population toward those who are, in part, is a product of the sliding scale fee structure which took effect in 1997. The fee structure charges \$150 per month for kids who are convicted of Category One offenses, the most serious crimes, such as murder. Apparently, legislators believe that it is the State's responsibility to incarcerate these offenders. At the other end of the scale, it costs counties \$2,600 per month for kids sent to the Youth Authority for Category Seven offenses, such as revocation of parole on a technical violation or other offenses less serious than the previous six categories. Level Five, Six, and Seven offenses cost the counties \$1300, \$1950, and \$2600 per month, respectively. Both Youth Authority and county officials agree that many of the kids in these three expensive categories are sent to the Youth Authority not because of their criminality, but because their criminality is fed by such huge problems, such as mental health issues, that the county has no other choice for where to put them. It is cheaper to send them to the Youth Authority than to create from thin air a locked setting where staffing is sufficient to deal with the kid's unique problems. And it is half or less than what it would cost to send them to an unlocked residential treatment facility.

The sliding scale, as has been mentioned, has prompted counties to develop in-custody programs, such as boot camps, which pick off the less-costly-to-treat kids. So, what's left for the Youth Authority are those who are least suited to the limited array of local options. The effects of the sliding scale carry a long tail. Those counties who sent only kids in the lowest cost categories to the Youth Authority in the early years have the least burdensome invoices now. On the other hand, those counties who were slow to

develop options for the most costly kids, now have an annual bill which is staggering. These counties are trapped with a high annual invoice, until the high-cost kids are released from the Youth Authority and until the inflow is made up largely of the lower-cost kids.

Judges ought not be meting out justice based on the cost of the sentencing alternative which is selected. But most have some awareness of the costs of various choices, and they are very aware of the availability of space at the existing local alternatives. Similarly, members of the Youthful Offender Parole Board, who make parole decisions for youths at the Youth Authority, manage to produce shorter average lengths of stay when the Youth Authority is badly overcrowded and longer lengths of stay when the Youth Authority population declines. During the mid-1990's when the Youth Authority population peaked at about 10,000, the average length of stay was about 21 months; when it declined at the end of the decade to 7,500, the average length of stay stretched to 27 months.<sup>43</sup>

Counties see this as manipulation by the Youth Authority or its parent agency to increase revenue, and they chafe at having no control or input regarding length of stay. The Youth Authority, however, notes that their population is more heavily weighted to kids who have committed violent offenses and/or have more complex problems, thus necessitating more time in custody. Actually, it is the Youthful Offenders Parole Board which determines length-of-stay. There are other factors which play into this matter, but it is mentioned mainly to illustrate the unfortunate bad blood between the counties and the Youth Authority.

With length of stay, as well as a host of other issues, the Youth Authority is in a damned-if-you-do and damned-if-you-don't position. Short stays imperil public safety; long stays imperil county budgets.

## PAROLE

A 1948 article in the Youth Authority Quarterly neatly frames the subject of parole, as envisioned in the early days of the Youth Authority.

*For half a century, progressive penologists have contended that the ultimate objective of any correctional system is fitting the paroled offender back into community life. This development of socially useful habit patterns, of acceptable modes of conduct is what we mean when we speak of "rehabilitation." It is in the parole period that the entire correctional program will be tested; the institutions' training programs are measured along with the efficacy of the parole operation itself.*<sup>44</sup>

The Youth Authority, in projecting parole violator admissions in the coming years, projects that "within four years, 40 percent of all releases to parole will return to the CYA custody due to violations committed while on parole."<sup>45</sup> This does not include people who, while still on CYA parole, go to adult prison for new offenses or those who go off parole but then commit new offenses. And it does not include those who leave a Youth Authority institution with no parole obligation.

There is no way to ascertain a true recidivism rate. The Youth Authority can only track parolees while they are on parole. After that, tracking is impossible. People in the Youth Authority guesstimate that recidivism is somewhere between 50 and 70 percent.

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<sup>43</sup> *Population Management and Facilities Master Plan 2001-2006*, California Youth Authority, January 2000, 2 and 5.

<sup>44</sup> Howard Ohmart, State Supervisor of Parole, Youth Authority, "Successful Parole a Community Responsibility," *California Youth Authority Quarterly*, Vol. 1, No. 2, Fall, 1948.

<sup>45</sup> *Population Management and Facilities Master Plan 2001-2006*, California Youth Authority, January 2000, 5.

This can be looked at as a glass partly full or partly empty. If half or even one-third of Youth Authority wards go on to live successfully in society, that is not an unimportant achievement. On the other hand, it would be hard to think that this could not be improved upon.

Old-timers who worked in parole thirty years ago remember their early days, when parole agents visited with families when a kid was first sentenced to the Youth Authority. They informed the family of what to expect, urged them to stay in contact with their son or daughter, provided a link through which families could ask questions or lodge complaints about issues which arose while their child was incarcerated, and assisted during the parole period.

Parole is nothing like that now. Parents are invited to come to an orientation meeting when their son or daughter has been sentenced. There is no further contact between Parole and the family until their son or daughter is about to be paroled. At that time a pre-parole plan is prepared and presented to the Youthful Offender Parole Board. A parole agent verifies the arrangements regarding where a parolee will go to live.

Meanwhile, there is contact between the Youth Authority institution and the receiving parole office. Sometimes the receiving Parole Agent visits the soon-to-be parolee at the institution, in order to get acquainted and to review parole expectations.

Youth Authority parolees might well have spent five or more years locked up. Many began their trips to Juvenile Hall at the ages of 10-14. The impact of those years of incarceration on a person's readiness to join society is hard to fully grasp. While the public was protected during those years, the public was at the same time guaranteed that a parolee would emerge with huge developmental deficits to overcome. The Youth Authority provides a good education and tries its best to teach ways to make appropriate decisions in society. But, these youths will come out without knowing how to drive or having a driver's license, they are likely to come out totally broke, and they are likely to have had little or no interaction with adults except those who work at the Youth Authority. Many have either nobody at all or nobody who lives a crime-free lifestyle to go live with. They don't have funds for the first and last months' rent on an apartment. They don't have money to pay for a phone hook-up, which they need immediately in order to get and keep a job. They have no recent experience using a bus. They might live in a remote rural area with no access to transportation to attend, for example, AA meetings, as ordered by the Youthful Offender Parole Board.

Many return, there being no other option, to the woefully inadequate home in which their criminal lifestyle was nurtured in the first place. The Youthful Offender Parole Board's directive that they not associate with, for example, gang-involved peers might be next to impossible to comply with.

Not surprisingly, youths with a strong and law-abiding family to return to do well on parole. They have a support network to help them get a job, to transport them wherever they need to go, and generally to keep them on the straight and narrow. Sometimes that strong support system is a girlfriend, not the family of origin. Others, who are not without sources of support, become discouraged quickly and devolve into the lying, excuse-making, and weak-willed actions which got them into trouble in the first place. When they are surrounded with drug-using friends, the best Youth Authority training is sorely tested. Some make it; many don't.

Many require a second or third stay at the Youth Authority to achieve the maturity they need to get and stay on the straight and narrow. This should not come as any big surprise. There is a world of difference in maturity in virtually everybody, for example, from age 17 to 20, and from 20 to 23. And the words "age 15" and "mature" rarely fit together in the same sentence even for the best kids. Given the poor social skills and the cloistered life of Youth Authority parolees, it isn't necessarily a poor investment

to send them back for another try. Many are not ready to handle the responsibilities which go with sudden freedom. Some get there eventually.

Parolees are quite willing to state their opinions about their lot in life:

*There need to be more resources for pre-parole and parole. When I came out on parole, I was pretty institutionalized. I was paranoid crossing the street. I was uncomfortable with so many people around. There is a lot of pressure—job, school, pregnant girlfriend. I wish people had helped me learn about options on the outside, such as financial aid for college, Labor Ready, and a certification program for computers. My advice to CYA for each ward is at least give him the resources to become someone; don't just lock him up and send him out even angrier when he gets out.*

*CYA became high security after the death of a staff person at [another CYA institution.] It became less a program and more an institution. They stopped fundraisers, weights, Boys & Girls Clubs, pools, barbecues, and movies. As for the 12 Steps and social thinking, nobody (staff) ever uses it. Most of the staff were overpaid babysitters.*

*My first week of parole, I went to school and lived with my grandma and grandpa. My second week I did community service packing food at Cornerstone. My third week I got high with my old friends. I got high smoking weed, then I got right back into selling drugs. I had two dirty drug tests, and my Parole Agent kept giving me more restrictions. It would have helped for me to be in a better area away from gangs and the streets.*

*Parole is good; you are happy when you get out; your homies call you, then you're back to your old ways.... On parole the second time, I am getting back on track and staying away from my homies.*

*Parole? I hate it. Its like if you've been scratching at this box and finally you tear a hole in it and get out. It's such a relief. It is good to see that your loved ones still care about you. You feel judged before people get to know you. You still have a monkey on your back which is holding you back from opportunities. You get ridiculous excuses as to why they can't terminate parole. This adds to my anger. It's not all bad. Don't get me wrong. I accept what I did. You gotta make yourself a bigger man. Some people stereotype you. I am proud of myself. I support myself, my fiancée, and my kids. I don't ask for a dime. I have my own place and car.*

*On parole you have to be way more responsible. I didn't know how to order at a restaurant. It is odd to hold real money. It feels strange to go through a door and close it to go to the bathroom*

*I don't like saying I'm on parole. I am embarrassed. I don't know how to get a job.*

*On parole, everything is moving fast around me; I pretty much stay in my room with the door closed, because I am use to solitary confinement. It is really frustrating. At DMV, I waited in a long line, then it closed before I got to the front.*

Good Parole Agents are worth their weight in gold. The average length-of-stay for a parole violator who returns to a Youth Authority institution is around 20 months at an average annual cost of over \$40,000. If the parolee commits a new crime which lands him or her in a state prison, the taxpayers will be paying in excess of \$25,000 a year. The Youth Authority pegs the cost of parole supervision for

one year as \$5,830. So, the close assistance and supervision of a skilled parole agent can be a good bargain for all.

Parole is yet another dark corner where the Youth Authority is buffeted by conflicting currents. It has to allocate its finite resources between incarceration and parole. And it has to weigh the need to preserve public safety by keeping people locked up versus the reality that everybody in their care will one day be released. Parole is always going to come up short in this equation.

In the short run, it is easier to maintain tight controls over any circumstances in which a kid is allowed out of the prison perimeter for any program, such as community service, than it is to explain to an angry public how they gave a dangerous criminal an opportunity to escape. Youth Authority personnel can recount in painful detail the storm which descended on their heads whenever any kid escaped or perpetrated any harm while outside of the institution. So, the easy thing is to severely limit opportunities for wards to edge into the outside world, prior to the time they are formally paroled.

You could call this the choirboy effect. Just as it occurs in schools and in local juvenile justice systems, the more amenable kids are picked off for the Youth Authority's model programs. Others are selected for its best substance abuse treatment programs. The ones who are the most uncontrollable are excluded from the best programs. Some are left to rot in "disciplinary" living units. Then they are released on parole.

Most parole agents have a caseload of just over 50 parolees. Specialized caseloads for gang-involved kids or sex offenders might be smaller, closer to 35. And, there is intensive supervision in the early weeks after release. Parolees have a raft of obligations to fulfill, such as a mandatory 80-hour community service requirement, and programs required by the Parole Board such as substance abuse counseling, parenting, mental health counseling, etc.

The biggest complaint of Parole Agents is that by their reckoning 60-75% of their time is taken up with paperwork. Parole is a technology backwater, requiring a great deal of filling out of forms in outdated, labor-intensive ways. A parole violator's lucky day could simply be that his Parole Agent simply does not have time to do the paperwork involved in revoking his parole. So if it is a minor violation, he might be allowed to slide. In addition, when there are Parole Agent vacancies in any of the sixteen parole offices, there is not likely to be an immediate replacement, nor is there backup help when Parole Agents go on vacation. So whole caseloads are handled on a crisis basis by the remaining staff.

But the reality is that there is far less likely to be a public outcry when a parolee becomes involved in a serious crime than when a kid who is still in an institution goes to work at a minimum security job site and does something awful.

Parole Agents have a very tough job. They all agree that a kid who is kept busy every minute with purposeful activity is less likely to get into trouble than one who hangs around home doing nothing. But they are left largely to their own devices to form linkages with employers, health care and mental health providers, and to assist in arranging transportation and a host of other services. Their available time to do so is extremely limited, since their primary responsibility is to make the required number of contacts with each parolee. Many contacts are made by having the parolee come to the Youth Authority office; some are done in the field.

Employment and housing are perhaps the biggest areas of need for parolees. By and large, parolees are expected to find a job on their own. For many, this is a formidable hurdle, not so much due to a lack of entry-level jobs but more because of their severe deficit in social skills. Many report feeling sheer terror when a prospective employer calls them. Even with the best role playing activity on job hunting while in the Youth Authority, they choke when it is the real thing. In regard to housing, there is

very little money in the budget to pay for transitional lodging for parolees who have no suitable place to go. A parolee who told a Youth Authority staff member, “You pick us up out of the mud and clean us up; then you throw us back in the mud,” is not wrong.

Parole Agents are not likely to have contact with the social workers or teachers or Probation officers who knew their parolees and their families over a period of years. Similarly, County Probation Departments, and judges and other human service workers are not likely to ever see or have a conversation with a Youth Authority Parole Agent.

Good Parole Agents are incredibly good. They inspire confidence in the parolees and their families. They walk the line between being a helper and a monitor. They spot lies, call bluffs, and cajole or direct as the circumstances dictate. They save lives. They salvage lives. They save the taxpayers many hundreds of thousands of dollars.

## **VII. CONCLUDING THOUGHTS AND RECOMMENDATIONS**

The issues presented in this report are neither simple nor trivial. However, the dozens of steps which can help to remedy the problems are not exactly rocket science. Most of them are common sense. Many of the issues can be addressed more successfully than we are currently doing by knowing they are there, acknowledging that they are real and that they matter, by examining them from every angle, and by embarking on a course of action. When accompanied by a strong sense of moral imperative, these steps in the hands of people who are willing to lead, become immensely powerful. Nobody has to do everything, but everybody has to do something.

Both the counties and the Youth Authority are doing the right things. The problem is that they are doing the right things on a small scale and over a short period of time and based on unstable funding.

## **GETTING INFORMATION ABOUT WHAT WORKS**

There is no lack of information about what works. Compilations of think tank, university-based research, and governmental reports on juvenile delinquency are available in libraries and via the Internet.

The recently-released Little Hoover Commission report titled “Never Too Early, Never Too Late To Prevent Youth Crime and Violence,” covers the territory of early intervention. Its appendices contain a treasure trove of references. The Commission’s soon-to-be released report on children’s mental health should prove useful, too. And its excellent 1999 report “Now in Our Hands: Caring for California’s Abused and Neglected Children,” gives a valuable roadmap regarding the beleaguered foster care system.<sup>46</sup>

The California Board of Corrections, in the course of preparing to allocate funding for “Challenge Grants,” has assembled a wealth of information about unmet needs and about promising programs. This is progress. However, the allocated funds are minuscule, compared to the identified needs.

## **THE STATE-LOCAL RELATIONSHIP**

It is time to do another of the periodic adjustments which are needed from time to time in the roles and relationships of the State and the counties in regard to juvenile justice.

The State needs to be less willing to be the dumping bin for those kids whose complex problems manifested themselves very early on and for whom local responses were inadequate. Via the Youth Authority, the State needs to resume the role it once had in assisting local jurisdictions to address their early-onset, multi-problem kids. The taxpayers should demand it.

The Legislature needs to embrace the fact that it is both legitimate and necessary for the State to prescribe standards for local juvenile justice systems and to monitor and report on compliance. At the same time, it needs to provide a stable and adequate funding base for children’s services, especially juvenile justice services at the local level. Equalization mechanisms need to be implemented, so that poor counties are not left in the dust. Equity of access to services should be a State concern, so that there is not excessive inequity of access depending on a kid’s county of residence.

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<sup>46</sup> Little Hoover Commission reports can be obtained by contacting the Commission at 925 L St., Suite 805, Sacramento, CA 95814, e-mail [little.hoover@lhc.ca.gov](mailto:little.hoover@lhc.ca.gov), telephone (916) 445-2125, fax (916) 322-7009; website [www.lhc.ca.gov](http://www.lhc.ca.gov).

State standards for local detention facilities for kids should be based not on the premise that such facilities have to be “hard” to accommodate the seriously-criminal kids who now come into the system, but rather on a detailed understanding of what preceded these kids’ trips to Juvenile Hall, and therefore, what architecture facilitates the programs and services which might obviate the need to keep returning.

In addition to resuming its earlier role of assisting local juvenile justice systems, the Youth Authority should beef up its small but exemplary services to victims of juvenile crime.

Counties, for their part, should continue to act on the knowledge that criminality is one of many facets of the kids whom they serve in the juvenile justice system. They know that locking up kids briefly, then releasing them is likely not sufficient to deter the very complex kids described in this study. They do not have the tools to do otherwise, except on the tiniest scale at this point.

County juvenile justice systems should continue to move away, as they have begun to do, from the premises of the adult penal system. They should embrace the idea that longer incarceration with far more lengthy and substantial aftercare is humane and effective. As a CYA psychologist explained, these kids have grown up so devoid of boundaries that they need the boundaries of a locked institution to contain them. Then they need to be habilitated to recognize and respect the other boundaries which shape our daily lives. This is not a short-term job. Nor is it of any use if the youth is not released with close supervision in a manageable situation. Dumping the kid back into the same swamp with little support is of no benefit to anybody.

One of the great flaws of local jails (Juvenile Halls) and state prisons (Youth Authority institutions) for kids is that in separating kids from their loved ones, there is rarely an attempt to accommodate the fact that, for good or ill, these are the only people whose eyes light up when the kid enters the room. Kids know this, and they will in all likelihood return to some sort of relationship with their family. Would we rather act as though this is not so, or try to help a kid manage it effectively? In the entire Youth Authority, there is only one family counseling program at one of its eleven institutions. It is an inexpensive program for families of kids about to be paroled, and it is much appreciated by the families. Another aspect of this separation of kids from families is that families’ lives go on while their son or daughter is at the Youth Authority. A host of family events, good and bad, go on, and there is little opportunity for the incarcerated youth to keep up with or emotionally accommodate these events.

Yet another fact is that many Juvenile Hall and Youth Authority kids are parents, and many become parents while they are on probation or parole. It seems axiomatic that their offspring are at high risk. So it would seem that good public policy would wish to have these offspring and their parents form strong attachments with one another. Better yet, effective parenting needs to be encouraged as much as possible. The Youth Authority offers parenting classes, but the subject of how to accommodate the needs of these offspring needs a major look. Parole officers are not trained in early childhood development, so they are not always as effective as they might be in detecting and resolving problems regarding very young children in the homes of parolees. It seems axiomatic, too, that parolees who are parents need to get a job right away, so that they can assume economic and other parental responsibilities.

Then, of course, there is the problem of distance. Many parents do not have the transportation to travel long distances to see their incarcerated child. Kids tend to explain the lack of visits by saying, “I don’t want my Mom to see me here. It would just hurt her.” Transportation can be a problem at the local level, too, but it is less of a problem.

Currently, there are no local facilities to accommodate long-term commitment of youths. But, if local facilities and programs were available, it is hard to think of a reason why these youths’ needs for accountability and also for treatment and training could not be met as well or better locally than at a State institution. This is not likely to happen, at least on a large scale. But it is useful to consider what the

Youth Authority has to offer that is unique and which could not be offered at a local level. Actually, the Youth Authority does have some features which could not be duplicated locally. For example, the Youth Authority's strong, long-term relationship with the California Department of Forestry yields a camp program which is very beneficial to youths, to the public, and to the communities they return to. Nonetheless, much of what the Youth Authority provides in its treatment and training programs could be offered just as readily locally or regionally.

The experience of several of the county boot camps in having a long commitment time, say 18-24 months, with 6 or so months in custody followed by many months of monitoring with the ability to re-commit to custody during that time, seems to be working quite effectively. Although the boot camp population is a less impaired group than the youths who go on to the Youth Authority, in at least one County there is a growing realization that many youths once considered too hard core for boot camp actually function well in a somewhat modified version of boot camp.

Another important reason to reduce the use of State incarceration and increase the capacity for longer-term local incarceration is that gang problems are worse at the State level. The term "prison-spawned gangs" is often applied to adult prisons. Unfortunately, it could just as well apply to the Youth Authority. Gangs pose staggering problems at every level. The Youth Authority works mightily to keep gang activity in check. But when at a Youth Authority institution reserved for older and more recalcitrant wards there is a living unit listed as a "gang-free" living program, it is evident that the other eleven living units are gang-influenced, if not gang-dominated.

Gangs are a huge problem at the local level, too. But there is less of an exporting effect of statewide gang problems within a county system than there is among State institutions. The Youth Authority has the additional disadvantage of having among its population a few wards who have returned to the Youth Authority to serve time following revocation of parole, after the young adult has served a term for another offense at an adult prison. The cross-contamination problems are ferocious.

One additional aspect of the state—local relationship which needs another look involves parole. This subject of whether Youth Authority parolees should be released to a State parole agency or to a County Probation Department has been kicked around during every decade of the Youth Authority's existence. Parolees generally rely heavily on services provided through County agencies, such as medical care, mental health care, and employment services. County Probation Departments wouldn't necessarily win any awards for their close ties with other county agencies. It seems reasonable, however, to work toward closer ties among Youth Authority Parole, County Probation Departments, and county agencies. It is a detriment to all that there is so little direct contact among these entities.

## **ADVOCACY**

Zealotry has its place. It is easy to fall into accepted norms, especially the one that keeps us silent when we need to speak up. Everywhere from the Board of Corrections to local Juvenile Justice Commissions, and all points in between, people need to be unafraid to be considered ardent youth advocates. While the State and counties have spent hundreds of millions of dollars on jails and adult prisons, juvenile facilities and services have been allowed to slide so badly that, at worst, they become mere feeder systems for the adult facilities.

**Judges** should assume responsibility for knowing as much as possible about the impact of the sentences they impose. They should visit Youth Authority institutions and become conversant with their strengths and weaknesses.

Both **State and local justice system officials** should be very candid with people who want to learn about them. Displaying only the best aspects serves only to guarantee that there will be no advocacy to remedy the deficiencies of the less adequate aspects.

**Policy-makers** at the state and local levels need to require that their staff furnish the following information on every item they act on regarding human services:

- The long-term consequences of this are . . .
- The impact on children is . . .

For example, there should never be a substance abuse treatment program or an adult mental health program which does at least acknowledge that there might be children dependent on these adults, and those children's needs should be considered.

**Candidates** for election for Boards of Supervisors or the Legislature should be able to state:

- Children's issues include . . .
- My proposals in regard to children's issues are . . .

**News media** representatives who interview candidates for office should ask early on about the candidates' knowledge of and positions on children's issues.

## **HIGH PRIORITY ISSUES**

As long as the Youth Authority has good leadership, it will continue to work through the many issues which have kept it from being all that we need for it to be. Meanwhile, the Office of the Inspector General will be, appropriately, breathing down the neck of the Youth Authority. And other advocacy groups will work with the Department and/or meet it in Court to force changes.

In the meantime, the action needs to be at the local level, long before our kids are even considered Youth Authority material. If there are two issues which deserve the highest priority, they are substance abuse treatment for the adults in these kids' lives and for the kids themselves, and, secondly, the need for intensive work pre-natally and post-natally wherever there is a known high-risk situation. There are many successful programs which address both of these issues. But they reach only a few of the many people who need them.

## **HUMAN RESOURCES**

At every point, workers who have the most direct contact with severely troubled children are those who are the most inexperienced, the most untrained, and the most poorly paid. Furthermore, throughout California, there are severe shortages of trained professionals in key child-serving professions—social work, education, and mental health. Consequently, severely troubled kids might have a lot of contact with poorly paid and poorly trained social workers, group home staff, and Juvenile Hall or Youth Authority "counselors." They are likely to have very little contact with experienced clinicians anywhere.

Perhaps the biggest hole of all is the severe shortage throughout the State, and the nation, for that matter, of child psychiatrists. This is a severe problem, one which the State needs to remedy, since the shortage is in part the product of public policy decisions made by the Legislature years ago to steer medical school students into primary care positions and away from specialties. Some children are literally transformed from chaos into relative normality by medications, under the monitoring and supervision of a skilled psychiatrist, one who does more than just write out prescriptions. Many of the kids at the Youth Authority never had the chance, earlier on, to see if that might apply to them. If we had enough child psychiatrists, we would then have to commit to using them and working out the problem of who pays. A Special Education administrator, interviewed for this report, stated without a hint of shame that in his school district an Individual Educational Plan would never include a recommendation that a kid see a psychiatrist, because then the District would have to pay for it.

It should be noted, also, that schools are hard-pressed to spend their scarce resources on non-instructional services, such as professional mental health or health care for children. Even high schools, which do have counselors, employ only one counselor for every 400-500 kids, and those counselors work with students on class schedules, etc., not on personal issues. In any case, the most troubled children are likely to have dropped out before high school.

Finally, and most importantly, we must recruit, groom, and honor people who are willing to *lead*. We don't need caretakers of the status quo. We need people who will step out of the usual comfort zone and explain to the public what we need. And to demand that elected officials be expected to think of and act on the best information available about the long-term consequences of their actions. They need to build community understanding and support.

We cannot afford to settle for any less.

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#### USEFUL WEB SITES

American Psychiatric Association, [www.psych.org](http://www.psych.org)

California Board of Corrections, [www.bdcrr.ca.gov](http://www.bdcrr.ca.gov)

California Department of Corrections, [www.cdc.state.ca.us](http://www.cdc.state.ca.us)

California Department of Finance, [www.dof.ca.gov](http://www.dof.ca.gov)

California Employment Development Department, Labor Market Information Division, [www.calmis.ca.gov](http://www.calmis.ca.gov)

California Legislative Analyst's Office, [www.lao.ca.gov](http://www.lao.ca.gov)

California Little Hoover Commission, [www.lhc.ca.gov](http://www.lhc.ca.gov)

California State Association of Counties, [www.csac.counties.org](http://www.csac.counties.org)

California State Library, California Research Bureau, [www.library.ca.gov/CRB](http://www.library.ca.gov/CRB)

California Youth Authority, [www.cya.ca.gov](http://www.cya.ca.gov)

The Fresno Bee, [www.fresnobee.com](http://www.fresnobee.com)

The Great Valley Center, [www.greatvalley.org](http://www.greatvalley.org)

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National Alliance for the Mentally Ill, [www.nami.org](http://www.nami.org)

National Institute of Mental Health, [www.nimh.nih.gov/](http://www.nimh.nih.gov/)

Office of Juvenile Justice and Delinquency Prevention, <http://ojjdp.ncjrs.org/>

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