

ON THE BRINK

Conditions in California's Division of Juvenile Justice Remain Bleak as Closure Nears

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SUMMARY

On the brink of closure, California's Division of Juvenile Justice (DJJ) requires critical attention. DJJ's inherent flaws and high costs led state leaders to heed long-standing calls for the closure of its youth correctional institutions in favor of local alternatives, a process known as juvenile justice realignment. DJJ stopped most youth admissions as of July 1, 2021 and will close its doors by June 30, 2023. California's counties must avoid replicating the state's problematic prison-like environment, lack of oversight, and disparate impacts on youth of color at the local level. DJJ's failures, and consequential downfall, should stand as a warning. Repeating these failures locally will endanger our most vulnerable youth.

Youth Testimony



“At DJJ, you get so used to failure. You get so used to things not working for you. Most people get discouraged and give up because you look around and you don't see anyone succeeding from DJJ. They all gave up and just accept that they are going to be in and out of jail. When you look around and see that, it's like 'I don't see anyone else making it, so why would I?'”

(Youth Interview, 2021)

This investigation is part of a series of reports by the Center on Juvenile and Criminal Justice (CJCJ) to spotlight conditions at DJJ (CJCJ, 2019; 2020; 2020a). We rely on publicly available data, data received by request, and, most importantly, conversations with youth¹ who were recently confined in DJJ. Our research provides information on:

- California's shifting juvenile justice landscape (p. 3)
- The physical conditions of DJJ facilities (p. 4)
- DJJ's failing educational programs (p. 6)
- The culture of violence at DJJ (p. 7)
- Youths' isolation from their families (p. 12)
- DJJ's poor reentry outcomes (p. 13)
- The state's harmful lack of oversight (p. 15)

We also recommend a path forward to protect youth at DJJ and strengthen oversight of California's juvenile justice system:

- Return youth to their home counties through legal procedures known as recall petitions.
- Reinvest state funds in community-based alternatives to confinement and probation.
- Improve oversight by California's Office of Youth and Community Restoration to protect justice-involved youth.

¹ From 2018 to 2021, we interviewed or worked with nearly 20 youth who were recently confined at DJJ. CJCJ compensated all interviewed youth for their time, energy, and insights. While identifying information has been withheld for their protection, we thank and acknowledge youth participants for their meaningful contributions.

OVERVIEW

Impending closure and DJJ today

California moves its approaches to youth justice closer to home.

The state youth correctional system known as DJJ—formerly the California Youth Authority—has operated for 80 years despite rampant violence, isolation, and abuse of young people (CJCJ, 2019). Its structure was founded on an outdated 19th century penitentiary model of juvenile justice (Macallair, 2015). Amid declines in youth arrests and incarceration, the state has spent over \$200 million annually on DJJ in recent years (CJCJ, 2018a). DJJ’s inherent structural flaws and high costs led state leaders to heed long-standing calls² for the closure of these outdated institutions³ in favor of local alternatives, a process known as juvenile justice realignment (SB 823, 2020).

Juvenile justice realignment, codified under Senate Bill (SB) 823, recognizes that “justice system-involved youth are more successful when they remain connected to their families and communities” (SB 823, 2020). Under this legislation, DJJ stopped youth admissions in most cases⁴ as of July 1, 2021. Among many changes, SB 823 extends juvenile court jurisdiction for youth with DJJ-eligible offenses and allocates funding for counties to provide local care, supervision, and services for high-needs youth. Additionally, the bill establishes a state oversight agency to administer funding, collect data, and offer guidance to counties to improve local youth justice systems. Building upon SB 823, the legislature passed Senate Bill (SB) 92 in early 2021. SB 92 allows counties to develop secure youth treatment facilities while outlining sentence length limits and establishing a process for youth progress reviews (SB 92, 2021). Under this key legislation, DJJ must finally close its doors by June 30, 2023.

State leaders and youth advocates must remain vigilant about conditions inside DJJ facilities amid its impending closure.

Staff transitions may have a serious impact on youths’ safety. As DJJ’s shutdown approaches, educational staff (e.g., teachers, special education aides) will seek sustainable job opportunities. Higher quality custody staff will likely find alternative

placements while more senior employees may enter into retirement. As of June 2021, 22.52 percent of DJJ’s budgeted staff positions were vacant; for comparison, vacancies stood at 16.88 percent in June 2020 (CDCR, 2021a). DJJ administration encourages staff transitions and has committed to “placing employees into like positions at other facilities,” given the 2023 closure (CDCR, 2021b). High staff

Youth Testimony

“Most people don't even get to where I'm at. It is very difficult. They set you up for failure because they micromanage everything in DJJ. Then you come home and you don't know how to do anything.”

(Youth Interview, 2021)

² The Center on Juvenile and Criminal Justice (CJCJ) released a report in April 2020, which outlined a recommendation for phased juvenile justice realignment (CJCJ, 2020). This was the latest among calls for DJJ closure in recent decades (LHC, 2008; LAO, 2009; Brown, 2012; LAO, 2012).

³ DJJ’s Pine Grove Youth Conservation Camp, a wildfire firefighting training program for justice-involved youth, will stay open under a state-local partnership in Amador County.

⁴ A youth can be sent to DJJ until its final closure if a motion to transfer the youth to adult court was filed on a case that was previously eligible for DJJ commitment (SB 823, 2021).

turnover during adult prison closures can lead to staffing shortages and dangerous conditions (Davis, 2016). In particular, individuals entering into retirement and finding employment elsewhere left prison operations in the hands of less-seasoned staff. While DJJ continues to operate, youths’ health and safety are put at risk without watchful monitoring.

DJJ’s failures, and consequential downfall, should stand as a warning.

Most youth in out-of-home placements have experienced trauma; the experience of confinement itself can exacerbate challenges to emotional, social, and mental wellness (Burrell, 2013). California’s counties must avoid replicating the state’s problematic prison-like conditions, lack of oversight, and disparate impacts on youth of color. These issues are already present as many counties over-rely on juvenile halls at a massive average annual cost of \$285,700 per youth as of 2018 (PJDC & YLC, 2020). The state needs to ramp up oversight to protect justice-involved youth while limiting the use of confinement and cutting transfers to the adult criminal justice system. While this report focuses on concerns within the juvenile justice system, youth prosecuted as adults face greater risks to their health, safety, and future life outcomes (CJCJ, 2019a). Metrics discussed in this report can be useful for evaluating any locked youth facility, including those operated closer to home.

KEY FINDINGS

Frequent Violence, Failing Schools, and Disconnection from Families

DJJ at a glance

FACILITY	N.A. Chaderjian Youth Correctional Facility (Chad)	O.H. Close Youth Correctional Facility (O.H. Close)	Ventura Youth Correctional Facility (Ventura)	Pine Grove Youth Conservation Camp (Pine Grove)
LOCATION	Stockton, San Joaquin County	Stockton, San Joaquin County	Camarillo, Ventura County	Pine Grove, Amador County
POPULATION (JUNE 2021)	254	139	225	40
CAPACITY	600	379	600	80
DESIGN	Single Cells	Open Dormitories	Single Cells	Open Dormitories

Prison-like facilities

California currently operates four DJJ facilities: one large institution in Ventura County (Ventura), two in Stockton (Chad and O.H. Close), and a fire camp in Amador County (Pine Grove). All four facilities were built decades ago based on an outdated model. The facilities place youth in sparse, prison-like cells or large open dormitories with concrete walls and razor wire. During past visits⁵ to the facilities, we have observed unhealthy conditions in youths’ living units, including rusty or broken bathroom fixtures, poorly functioning air conditioning systems, and mold growth in the showers. Three of DJJ’s facilities are large: as of June 2021, Chad held 254 youth, O.H. Close had 139, and Ventura had 225 (CDCR, 2021c). Placing large numbers of youth in close quarters runs counter to best practices, which recommend no more than 150 youth per facility (ACA, 2003). DJJ’s hostile and crowded physical environment heightens youths’ sense of isolation and reinforces a violent, prison-like atmosphere.

⁵ CJCJ staff toured DJJ in 2016, 2017, 2018, and 2019. We were unable to visit in 2020 or 2021 due to the COVID-19 pandemic.

DJJ’s conditions have worsened since the start of the COVID-19 pandemic. All told, nearly one-third of youth in custody have tested positive for the virus (CDCR, 2021d). For over a year, DJJ prohibited



Staff Testimony

“When the doors and windows were shut [during the pandemic], there were a lot of secrets hidden behind them.”

(Staff Interview, 2021)

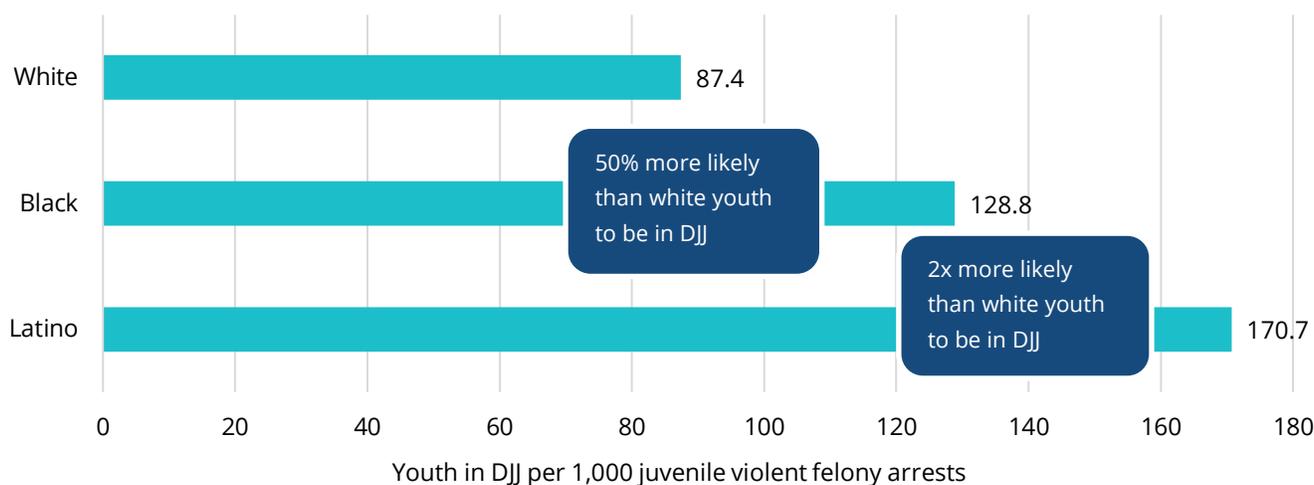
family members from visiting the facilities, which left youth isolated and out of touch with those who could best advocate for their care (CDCR, 2021d). Yet COVID-19 still entered the DJJ facilities, carried in by staff members, and it spread quickly through youths’ densely populated living units (CJCJ, 2020a). Major outbreaks occurred during the summer of 2020, the winter of 2020/2021, and the summer of 2021 (CJCJ, 2020a). DJJ responded to these outbreaks with strict limitations on youths’ movement through the facilities, hindering their access to school, work,

programming, and their peers (CJCJ, 2020a). Beginning in April 2021, DJJ resumed in-person visitation (CDCR, 2021e). Since then, DJJ’s requirements for family visitors (vaccination or a negative COVID-19 test within the past 72 hours) exceed those for staff, including those who have prolonged, daily contact with young people (CDCR, 2021e). As of October 22, 2021 just 62 percent of DJJ staff were fully vaccinated and the remaining 38 percent were subject to testing once per week (CDCR, 2021f).⁶

Stark racial disparities

Youth of color bear the brunt of DJJ’s harmful conditions. 87 percent of youth in DJJ are Black or Latino compared to 81 percent of youth arrested for violent felonies and 57 percent of the state’s population age 10-17 (CDCR, 2021c; DOF, 2021; DOJ, 2021). A Black youth is 50 percent more likely to be confined in DJJ than a white youth when arrested for a violent felony, and a Latino youth is twice as likely as a white youth to be confined per violent felony arrest (Figure 1) (CDCR, 2021c; DOJ, 2021). Racial and ethnic disparities are present throughout California’s juvenile justice system, but are starkest at DJJ (Ridolfi et al., 2020). For this reason, DJJ’s impending closure and the related transition to county-run secure facilities will disparately affect youth of color. Under this new approach, counties will bear even greater responsibility for stamping out bias at every decision point in their local justice systems.

Figure 1. Youth in DJJ per 1,000 juvenile violent felony arrests, by race/ethnicity, June 2021



Source: CDCR, 2021c; DOJ, 2021.

⁶ On September 27, 2021 a federal court ruled that all state prison staff must be vaccinated (Plata v. Newsom, 2021). The Newsom administration is appealing the decision (Venteicher, 2021).

Extreme isolation

DJJ confines youth in cells for the majority of the day. Between June 2020 and June 2021, youth at DJJ spent an average of 9.6 hours outside of their cells per day (CDCR, 2021a). Assuming that youth sleep approximately eight hours a day, this leaves an additional six to seven hours every day of waking time in isolation. DJJ’s actions are dehumanizing and consistently violate the rights of youth. As shown in Figure 2, DJJ has significantly increased the amount of time youth spend in their cells in the last year. The current average isolation times are greater than averages over the past three years for youth in all single cell units. For those who are locked down for behavioral control purposes, cell time increased in 2019-2020 compared to the prior two years and remained high in 2020-21. COVID-19 restrictions, which kept some youth confined in cells nearly around the clock, may explain greater average cell times in 2020-2021. DJJ’s highly restrictive response to the pandemic is in line with its pattern of cruel over-reliance on isolation.

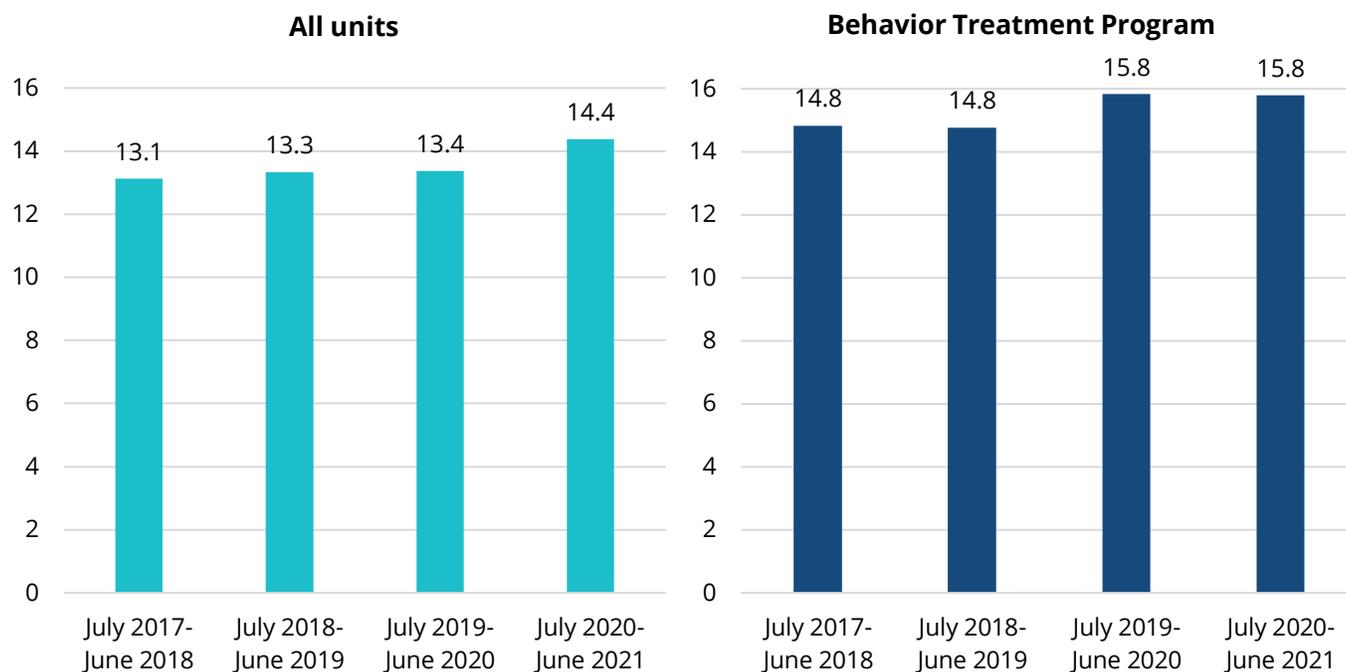


Youth Testimony

"When COVID hit, I spent 22-23 hours in my room a day."

(Youth Interview, 2021)

Figure 2. Average hours in a cell per day, all units and BTP*, July 2017-June 2021



Source: CDCR, 2021a. *Behavior Treatment Program (BTP) refers to a lockdown unit that places youth who exhibit violent or aggressive behavior in a highly restrictive setting. Note: Pine Grove and O.H. Close are omitted due to missing data on out-of-cell time as well as for differences in their facility designs, which place youth in open dormitories rather than single cells.

Long periods of confinement and an opaque release process

Youth may spend years at DJJ without knowing how much time they have left (Youth Interview, 2021). Young people arrive without a definite release date. Then, their behavioral records and progress in programming play a role in determining how long they must remain at DJJ before returning home. For many, this process is too opaque to be motivating, and can even be demoralizing. Among youth released from DJJ in 2020, the average length of confinement was 2.4 years (CDCR, 2021g). Many youth enter DJJ in adolescence and are released as young adults. Spending this critical life stage behind bars can

impede healthy development (Wheeling, 2017). Moreover, research has shown that confining youth for long periods of time does not reduce their chances of committing a new offense after release; in some cases, it may actually increase recidivism (Mulvey et al., 2011).

Pervasive culture of violence

Violence is a part of daily life for youth at DJJ. From the moment they arrive at intake, youth are vulnerable and must find their place within DJJ's complex gang hierarchy (Youth Interview, 2021). After joining the general population ("core units"), the violence continues with routine fights on the schoolyard or large-scale riots in the living units. Youth learn to operate in a heightened state of vigilance, always looking over their shoulders and keeping a close watch on the social dynamics within the institution (Youth Interview, 2021). For many, this mentality is difficult to shed after they are released from DJJ. Youth return home traumatized, both from their direct experiences with violence and from the fear that the constant threat of it instilled in them (Youth Interview, 2021).

Youth Testimony

“Before I got to DJJ, older people were telling me ‘In [DJJ] you’re going to do hella fighting’ so I came here ready to fight and thinking it is going to be all political, like prison or something... I was 19, looking around at everyone and a riot cracked off. And I realized it is just a bunch of little kids acting immature. It is just younger kids showing how big and bad they are just to live up to the name [of DJJ].”

(Youth Interview, 2021)

Nearly all youth are exposed to violence over the course of several years, an average length of stay in the institutions. DJJ reports monthly data on the number of youth subjected to batteries, riots (termed “group disturbances”), forced sexual acts, and fights (“mutual combat”) (CDCR, 2021a). Altogether, there were nearly 690 such incidents involving nearly 1,600 youth⁷ during the one-year period between July 2020 and June 2021. During this time, DJJ’s population averaged just over 700 youth. This amounts to approximately 19 youth involved in or affected by violence each month out of every 100 youth at DJJ. With these trends occurring month after month, it is likely that much of the population encounters at least one form of violence during their confinement.

Available data suggest that DJJ’s rates of reported violence are substantially higher than those in California’s adult prisons. Approximations of violence in prisons for the July 2020–June 2021 period, which are reported as disciplinary write-ups, show that DJJ’s “mutual combat”⁸ incidents occurred seven times more often, per capita, than “fighting” incidents in adult institutions (CDCR, 2021h). Likewise,

⁷A single youth may be included multiple times in these statistics.

⁸ DJJ uses the term “mutual combat” to refer to fights between more than one youth that do not rise to the level of a “group disturbance” (defined as “the disruption or interference of normal facility operations resulting from six or more youthful offenders participating in a large scale fight”) (CJC, 2019).

“batteries” at DJJ occurred more than eight times as often, per capita, as either “batteries” or “assaults” in adult prisons.

Although violence rates were high during the July 2020-June 2021 period, they are considerably lower than in past years (Figure 3). Violence declined immediately after DJJ’s first COVID-19 outbreak in mid-June 2020 when the facilities adopted stricter public health measures. These included unit-level lockdowns, individual quarantines, and major modifications to school and programming (CJCJ, 2020a). During the year that followed, youth spent far less time outside of their living units, and many spent days or weeks isolated in their cells. These conditions, while exacting a heavy psychological toll, reduced opportunities for violence.

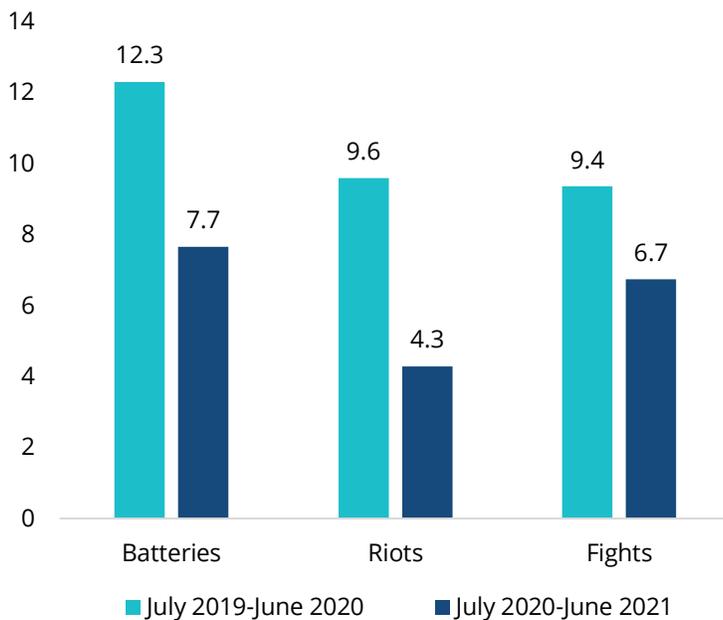
Regardless of a secure facility’s design, the programs it offers, or the training courses provided to staff, many fail to keep youth safe. Juvenile halls, camps, and high-security state facilities are all premised on a youth correctional model that strips away a youth’s family and support system, replacing them with corrections-minded staff. These harsh conditions breed conflict and require youth to place safety concerns ahead of their educational or rehabilitative goals (Fry et al., 2018; Lepore & Kliever, 2013; Maslow, 1943; Youth Interview, 2021). DJJ’s inability to protect youths undermines any attempts at rehabilitation.

Staff misconduct, use of force, and underreporting

DJJ staff frequently use physical force against youth and, in many cases, engage in outright misconduct. CJCJ has learned of troubling incidents involving DJJ staff through our formal interviews with youth and staff as well as our reentry planning and recall advocacy over several years. These include staff setting up fights between young people, calling youth demeaning and offensive names, reinforcing a toxic power dynamic in which they arbitrarily punish and reward, and physically harming youth in areas of the DJJ

facilities without camera coverage (CJCJ, 2019; 2020; Youth Interview, 2021).

Figure 3. Rate of youth involved in a violent incident each month, per 100 youth in DJJ facilities



Source: CDCR, 2021a.

Twice a year, the California Office of the Inspector General (OIG) publishes descriptions of the staff misconduct incidents they investigated in that period (OIG, 2021).⁹ According to these reports, staff have been accused of using excessive force against youth, being negligent in their supervision, and having inappropriate relationships with youth (OIG, 2021). A 2020 OIG report summarizing use of force statistics across all youth and adult facilities highlights a critical failure at DJJ: administrators are not reviewing and elevating serious use of force allegations in a timely manner (OIG, 2020). In fact, several of the published allegations against DJJ staff concern false reporting or a lack of reporting following an incident (OIG, 2021). For this reason, there may be severe under-reporting of abuses at DJJ meaning the situation is likely worse than the official reports reflect.

⁹ The OIG can only investigate incidents that have been formally reported to them by DJJ.

DJJ's reported use of force rate is nearly 10 times higher than the rate for adult prison facilities; DJJ constitutes 0.6 percent of the total population in the California Department of Corrections and Rehabilitation, but 6 percent of its investigated use of force incidents (CDCR, 2020a; 2020b; OIG, 2020). Staff use of force against youth has recently declined across all categories. It dropped from 18 per 100 youth during the July 2010-June 2011 period to nearly six per 100 youth in the July 2020-June 2021 period (CDCR, 2021a).¹⁰ However, use of chemical force (e.g., pepper spray) against youth remains high. Chemical spray impacts more than four per 100 youth each month from July 2020 through June 2021 versus roughly seven per 100 youth in the facilities each month in July 2010-June 2011 (CDCR, 2021a).

Injuries and deaths in custody

According to monthly data, the equivalent of two youth are injured every day at DJJ. Many injuries arise from beatings, fights, and riots, nearly equal to the number that originate from everyday activities, such as playing sports or performing maintenance in the facilities. In the one-year period from July 2020 through June 2021, DJJ

reported 726 injuries across a population that averaged 702 youth (CDCR, 2021a). 44 of these injuries were severe enough to require outside medical care and about two out of five (44%) were inflicted by other youth. In line with violence rates, youth injury rates declined substantially following DJJ's first COVID-19 outbreak in 2020—likely the result of cuts to out-of-unit activities and social interaction among youth (CJCJ, 2020a).



Staff Testimony

“The numbers don't reflect the violence because the population has been so locked down. It's a more segregated institution today. There's more isolation.”

(Staff Interview, 2021)

In addition to injuries, two young people died in DJJ's custody in 2019 (DOJ, 2021a). These are the only deaths reported at DJJ in the last ten years. An agency spokesperson explained that both deaths resulted from serious underlying medical conditions, but few details could be shared about the medical care each youth received while in custody (CDCR, 2020c).

Suicides attempts and self-harm

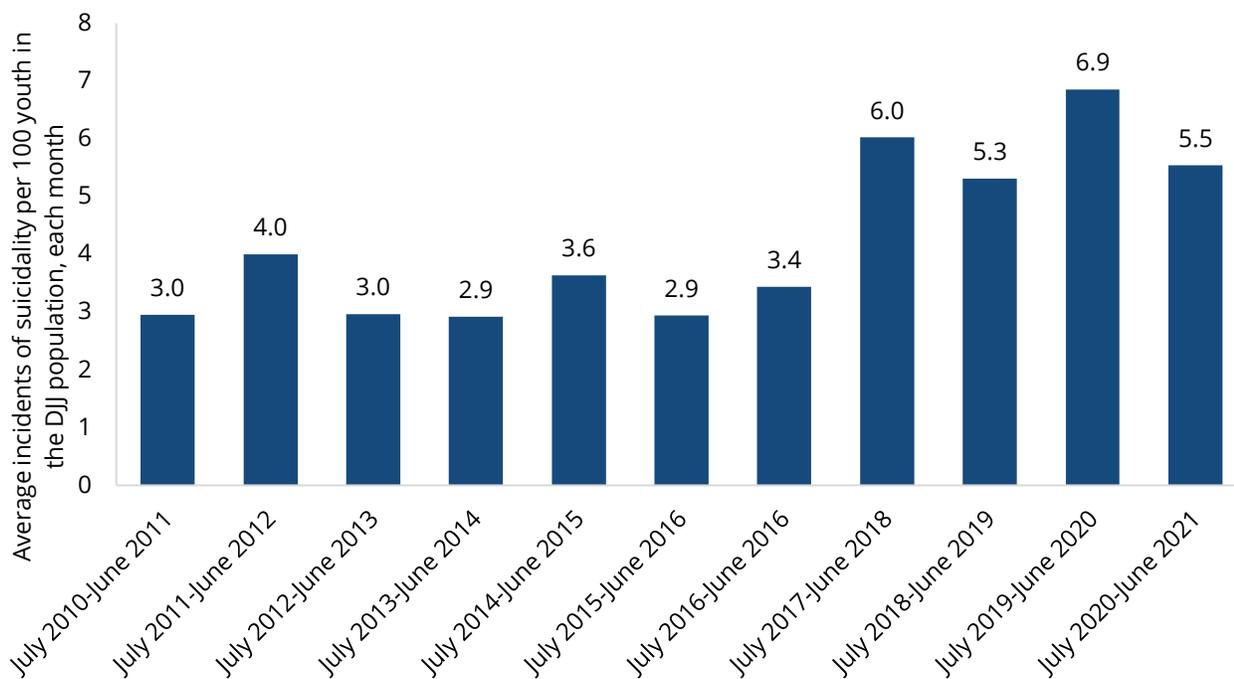
DJJ reports hundreds of incidents of suicidality¹¹ every year. Between July 2020 and June 2021, there were seven suicide attempts and 467 total instances of suicidality within a population averaging just over 700 youth (CDCR, 2021a). In other words, an average of five youth¹² attempted suicide or were reported as being at high risk for suicide out of every 100 youth in the facilities each month. These numbers represent a modest decline from the prior year (July 2019-June 2020) when suicidality peaked at nearly seven youth out of every 100 in the population each month (Figure 4). Confined youth are at a high risk of experiencing a mental health emergency given the trauma they experience in secure facilities and their underlying psychological needs. In fact, suicide attempts increase as youth move deeper into the justice system (Teplin, et al., 2015).

¹⁰ Due to inconsistencies in the total use of force statistics provided by DJJ, these rates are calculated after totaling all forms of force used, even when multiple forms are used during a single incident (e.g., a youth is pepper sprayed and handcuffed).

¹¹ Suicidality includes youth who attempt suicide as well as youth placed on suicide precaution, intervention, or watch.

¹² A single youth may be included multiple times in these statistics.

Figure 4. Incidents of suicidality (suicide attempt, intervention, precaution, and watch) each month per 100 youth in the facilities, July 2010-June 2021



Source: CDCR, 2021a.

Low educational achievement, far below statewide averages

Just over a third of youth attend high school at DJJ (CDCR, 2021a). Youth and staff describe school as chaotic and sometimes violent, an environment that is not conducive to learning (CJCJ, 2019). DJJ’s

Youth Testimony

“Older guys have been waiting to get into a program for two years. Then I realized I have to sit on the hall every single day for two years before I might even have a chance at one of those jobs that I actually looked forward to.”

(Youth Interview, 2021)

three high schools, located at Chad, O.H. Close, and Ventura, score poorly on state standardized tests. In the 2018-19 school year,¹³ no students were proficient in math or science, and just 8 percent (eight total students) were proficient in English language arts (CDE, 2021). For comparison, the statewide average in 2018-19 was 30 percent of students proficient in science, 32 percent in math, and 57 percent in English Language Arts (CDE, 2021).

For a school whose students are supervised around the clock, DJJ has a perplexingly high absence rate. From July 2020 through June 2021, roughly one in eight youth were absent from high

school each day (CDCR, 2021a). California’s county-run youth facilities are also plagued by student absences, with some reporting rates as high as 69 percent (Youth Law Center, 2019). DJJ exemplifies the

¹³ The most recent data available through the California Department of Education.

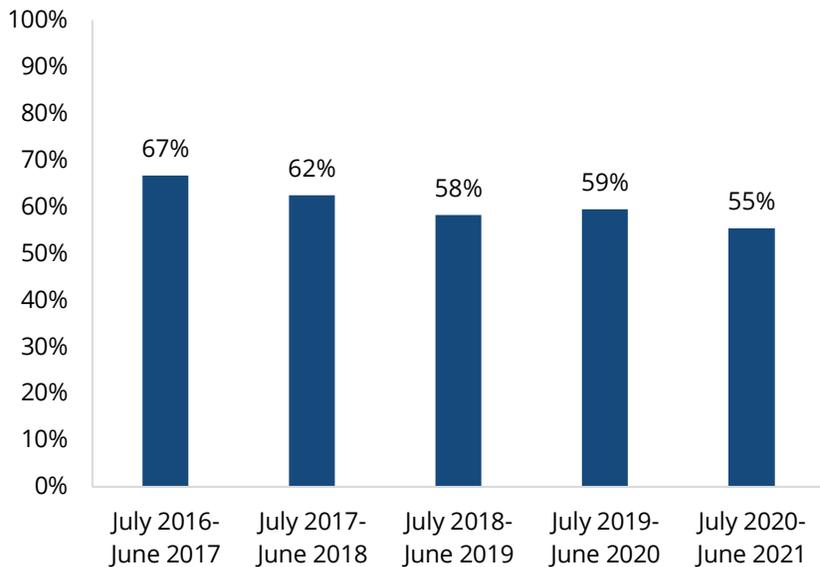
educational challenges that exist in nearly all secure juvenile justice facilities. Schooling in these facilities is often hampered by high rates of violence, low attendance, poor teacher quality, and frequent student turnover due to new admissions and releases (OJJDP, 2019; Youth Law Center, 2019).

Limited opportunities for post-graduate education

Youth who are high school graduates describe having large blocks of unfilled time (Youth Interview, 2021). Although DJJ offers college courses and career technical education (CTE), a significant and growing share of youth appear not to be receiving any educational programming (Figure 5). Combined enrollments in high school, college, and CTE make up just 55 percent¹⁴ of DJJ’s total population (CDCR, 2021a). The true share of youth engaged in education could be even lower as some may be enrolled in multiple programs.

Secure facilities like DJJ claim to rehabilitate youth and prepare them for success after release. In reality, they are releasing young people without having provided a quality education and, in some cases, after youth have spent weeks or months without any structured educational programs. When youth are absent from school or not enrolled in a program at all, their confinement time is spent watching television, playing cards, or sleeping. As part of a system premised on rehabilitation, DJJ and local facilities are failing at their core responsibility to prepare youth for their eventual return to the community.

Figure 5. Total enrollment* in high school, college, and career technical education as a percentage of DJJ’s average daily population, July 2017-June 2021



Source: CDCR, 2021a. *Some youth may be enrolled in more than one educational program. The true percentage of unique youth enrolled in classes may be lower.

Disruption amid the pandemic

During the COVID-19 pandemic, youth have far less access to classes and programs at DJJ, which limits their educational and rehabilitative progress. Young people told us that DJJ staff visited their cells during the pandemic to pressure them into signing paperwork for programming they never received (Youth Interview, 2021). These programs are supposed to be the bedrock of their DJJ commitment sentence, so we are particularly troubled to learn that youth are not receiving access to such programs. Additionally, young people experienced or witnessed situations where a single behavioral write-up led to a youth being dropped from a program, class, or work duty. This can significantly delay a youth’s progress towards their release from DJJ. Such disruption is especially harmful if youth are dropped from a required program or one that is only offered intermittently throughout the year.

¹⁴ If youth who have work assignments are added to the number enrolled in an education program to give a rough estimate of the youth who are occupied in some fashion during the day, 86 percent of DJJ’s population is engaged in a structured activity (CDCR, 2021a). However, the true percentage may be lower due to some youth both holding jobs and taking classes. At minimum, 14 percent of youth are unoccupied during the day.

Staff can seriously affect the opportunity youth have to go to school, work, learn life skills, and ultimately return home. They have discretion to pause, advance, or push back youths' commitment due to programming results. A young person can only advance through the levels system used at DJJ if they meet treatment, education, and employment expectations (CHHS, 2020). However, DJJ has severely limited these advancement opportunities during the COVID-19 pandemic. Staff reduced educational programming to "teachers rotating from unit to unit for short meetings with students... youth [spending] far less time in contact with their teachers and their school work [consisting] mostly of packets" (CJCJ, 2020a). Limited access left virtually no room for substantive program advancement.

Staff Testimony

"The youth at DJJ have been through the most extreme conditions—there's no real direction in how we will handle them. When we went through the Farrell lawsuit, there were specific programs and trainings. The group now is the least trained, the least exposed to treatment, and has the least chance of success."

(Staff Interview, 2021)

Disconnection from families

DJJ places youth in facilities far from their families and communities, with nearly half of youth over 100 miles from home (CDCR, 2021c). Long distances and institutional limitations on family engagement have long impacted the well-being of youth at DJJ. Barriers include high travel costs, restrictive visiting policies, and invasive high-security practices (e.g., body searches) that can be particularly traumatic for young children visiting their loved one (CJCJ, 2019). Consistent family engagement while a youth is

confined is critical¹⁵ for their wellness and future reentry outcomes.

Since March 2020, COVID-19 precautions have led to significant changes in youths' contact with their families (CJCJ, 2020a). In lieu of in-person visits, DJJ began providing opportunities for video visits limited to one video visit per youth only on weekends (CDCR, 2021i). In the one-year period from July 2020 through June 2021, DJJ hosted an average of 1,008 monthly visitors, the equivalent of less than 250 visitors per week (CDCR, 2021a). DJJ does not provide data on

Youth Testimony

"When I got there, it looked like they were going to open a bunch of programs but that all completely fell apart. Especially when COVID hit, you sit on the hall all day and don't leave. You do that for days, months, and the months turn into years."

(Youth Interview, 2021)

¹⁵ For example, see: Caitlin, J.T. (2015). Recent Victimization and Recidivism: The Potential Moderating Effects of Family Support. *Violence and Victims*, 30(2): 342-360.

how many youth receive visitors (a single youth can account for multiple monthly visitors); at most, approximately one-third of youth received a visit in an average week. These monthly visitor trends appear consistent with recent years.¹⁶

Meanwhile, phone calls increased 45 percent compared to the one-year periods of July 2018-June 2019 (CDCR, 2021a). Additionally, although DJJ often promotes its Family Advisory Councils as a major asset, few families were able to participate in these meetings even before the pandemic (CJCJ, 2019). From July 2020 to June 2021, Council meetings halted nearly completely (CDCR, 2021a). Overall, limited opportunities for family engagement at DJJ are cause for serious concern particularly during a pandemic marked by increased fear, distress, and social isolation.

THE PATH FORWARD

Improving youth outcomes and addressing weak oversight

Poor reentry coordination

Most youth who are released from DJJ return to the justice system. The latest data show that approximately three-quarters of youth (76.4 percent) were rearrested, half of youth (50.5 percent) were convicted for a new offense, and more than one-quarter (28.6 percent) returned to DJJ or were committed to prison within three years of release (CDCR, 2019).¹⁷

DJJ's high recidivism rates are concerning. They starkly illustrate this system's failure to prepare youth for release and reentry. Inconsistent release practices across California counties, struggles with unemployment, and a lack of resources upon release from DJJ contribute to DJJ's disconcertingly high recidivism rates (CJCJ, 2019).

The environment created at DJJ, which purports to be rehabilitative and educational, is actually one marked by a profound power imbalance, where a single misstep—as defined by a staff member—can lead to the denial of release by the Board of Juvenile Hearings (BJH).

Youth Testimony

“Coming home from DJJ, you have nothing. No reentry plan. Nothing. Yeah, my PA [Parole Agent] and my counselor made a little reentry plan on paper, but they're not familiar with my geographic region... so what they put down is the bare minimum. [When] I came home, I was really on my own. That's my situation right now. I'm trying to make all that negative into a positive.”

(Youth Interview, 2021)

¹⁶ In the most recent one-year period from July 2020 to June 2021, DJJ visitors decreased 3.9 percent compared to the prior year (July 2019 through June 2020) and dropped 9.5 percent from the one before that (July 2018 through June 2019).

¹⁷ The most recent data on recidivism rates of young people returning to the community from DJJ are in reports on youth released in Fiscal Year 2014-2015 (CDCR, 2019). Recidivism is reported for three years following the release of 220 youth in the FY 2014-2015 cohort, using recidivism measures of convictions, arrests, and returns to state custody.

The BJH has jurisdiction over youths' release from DJJ, operating similarly to that of a parole board in adult court. It is the BJH's responsibility to conduct initial case reviews and annual reviews, set a discharge date for young people's release from DJJ, and order the discharge of young people from DJJ to the jurisdiction of the committing court (CLI, Article 4). The BJH also oversees youths' parole board dates, which are young people's chance to gain release on parole from DJJ. This affords the BJH tremendous power over the confinement and release of youth; power which reportedly can be swayed by negative staff write-ups.

Furthermore, DJJ often falls short of their reentry coordination obligations. The aftercare and safety plan that youth create with DJJ staff is imperative to their successful community reentry. Despite the existence of a reentry program at DJJ¹⁸ and the clearly defined responsibility to communicate with

Local collaboration leads to success

CJCJ has recently supported San Francisco County's successful WIC § 779 petitions to recall three young people from DJJ to the county. We commend the San Francisco Bar Association for their leadership in returning youth from DJJ to ensure their well-being during the COVID-19 pandemic and beyond.

county probation departments,¹⁹ young people report a lack of coordination between DJJ and their respective county probation departments. DJJ often fails to provide youth with their birth certificate, ID, or other important personal documents, forcing them to obtain these critical records on their own (CJCJ, 2019). Unfortunately, DJJ's poor reentry coordination reflects broader problems that exist in juvenile facilities across California.

Recommendation: Expand the use of existing legal procedures to bring youth back to their home counties.

DJJ does not have adequate facilities, staff, nor programs to provide young people with the rehabilitative care and education necessary for their long-term success. Local leaders across California need to address DJJ's inadequacies by returning youth to their home counties. A growing number of recall petitions across the state demonstrate that, as the closure date for DJJ approaches, counties' responsibility to provide adequate alternative rehabilitative options for young people locally is particularly urgent. Attorneys can petition courts to change, modify, or set aside the DJJ commitment through one of several legal mechanisms.²⁰

Recommendation: Reinvest state funds in community-based alternatives to confinement and probation.

Each year, California provides hundreds of millions of dollars to counties for their local juvenile justice systems. State funds for these purposes, such as the Juvenile Justice Crime Prevention Act (JJCPA), are largely spent by probation departments on staff salaries rather than non-law enforcement agencies or community-based organizations (CJCJ, 2018; CDF-CA, 2018). Reinvestment in community-based

¹⁸ A March 2020 California Department of Health and Human Services Presentation identifies reentry coordinators, planning groups, and workshops as key components of DJJ's reentry program (CHHS, 2020).

¹⁹ Assembly Bill 1628 shifted youth parole supervision duties for youth released from DJJ in California from DJJ Parole Services to county probation departments, and necessitated transparent and collaborative communication between DJJ and county probation departments across the state.

²⁰ For example, WIC § 734 provides that a young person only be committed to DJJ if the judge of the court is convinced the young person will benefit from the "reformatory educational discipline" at DJJ. WIC § 736 (a) necessitates that the division (DJJ) has sufficient facilities, staff, and programs to supply that care. WIC § 779 states that changes to a young person's commitment can be made if it is shown that DJJ cannot deliver the required "reformatory educational discipline."

programming for youth can provide greater benefits at a lower cost than confinement (Justice Policy Institute, 2009).

California's decades-long decline of youth in detention and on probation signals a need for Juvenile Justice Realignment Block Grant (JJRBG) funds, as well as other critical youth justice grants, to be invested in non-law enforcement and community-based service providers. Current state legislation supports reinvestment in community-based alternatives to detention and probation. The Continuum of Care Reform Act, Assembly Bill (AB) 403, became state law in 2015. The legislation established a recognition that short-term placements (optimally six months in a family home-like setting) are more effective for a young person's care, rehabilitation, and personal development than longer programs or detention sentences (AB 403, 2015). In line with this precedent, SB 823 requires the state to close DJJ in favor of local placements and programming. The bill established the Juvenile Justice Realignment Block Grant (JJRBG), which will provide additional annual funding to counties for the care of youth who would have otherwise gone to DJJ (SB 823, 2020). California's decades-long decline of youth in detention and on probation signals a need for JJRBG funds, as well as other critical youth justice grants, to be invested in non-law enforcement and community-based service providers.

Limited Oversight

- DJJ needs more eyes on youth safety, staff conduct, programming, and conditions until closure.

DJJ's chronic oversight failures surfaced as COVID-19 swept through its large, congregate institutions (CJCJ, 2020a). In addition to exacerbating isolation and halting already-limited programming, the pandemic revealed the inadequacy of oversight at DJJ. CDCR's Office of the Ombudsman is responsible for receiving questions and grievances from people inside DJJ facilities as well as state prisons. In 2020, the office received only 28 inquiries to its hotline from DJJ's population of over 700 youth (CDCR, 2020d). Low numbers of Ombudsman inquiries are particularly concerning given the impacts of COVID-19 on youths' lives in locked facilities. However, this trend is not new. Since 2015, inquiries regarding DJJ fell by 64 percent while its youth population remained relatively consistent (CJCJ, 2021). With declining involvement and little transparency, the Ombudsman fails to function effectively in its oversight role.

This troubling lack of transparency has plagued DJJ for decades. In 2003, the Prison Law Office managed a lawsuit (*"The Farrell Lawsuit"*) filed against the state youth correctional system over its harmful treatment of youth (CJCJ, 2013). The Farrell lawsuit led to over a decade of uncharacteristic transparency through mandated court monitoring and reporting (PLO, 2018). When the Farrell lawsuit was dismissed in early 2016, DJJ returned to its veiled conditions under a fragmented patchwork of oversight (CJCJ, 2019).

California's poor monitoring of DJJ facilities contradicts national and international standards. The Ombudsman and Hiring Authority,²¹ tasked with overseeing DJJ, are housed within CDCR, the same institution that manages DJJ. Other U.S. states such as Illinois and New York maintain independent monitors over their youth correctional systems to avoid conflicts of interest and ensure youths' safety (CANY, 2018; JHS, 2018). Requirements by the International Ombudsman Association reflect the importance of monitoring by individuals with no connection to the agency being overseen (IOA, 2009).

Until DJJ officially shuts its doors in 2023, the state needs more eyes on safety, staff conduct, programming, and daily conditions for youth in its care. Currently, the OIG provides limited oversight of DJJ as part of its monitoring in CDCR's prisons and programs (PEN § 6125-6141). A recent OIG report on staff use of force flagged that DJJ administration omitted policy violations from its use of force reviews, which were later uncovered (OIG, 2020). For example, DJJ incident commanders missed clear policy violations 50 percent of the time compared to 33 percent in adult institutions. The OIG appears to play a shrinking role in monitoring DJJ: the Office reviewed 269 use of force incidents in 2017 and 359 in 2019, but only 136 incidents in 2019 (OIG, 2020).

²¹ The Hiring Authority reviews allegations of staff misconduct and, when they see fit, requests additional investigation by the Office of Internal Affairs. The Hiring Authority then determines penalties such as staff suspensions.

- County-level juvenile justice systems lack transparency and accountability.

Issues with transparency and accountability also exist at the local level, where youth will remain as DJJ closes. The Board of State and Community Corrections (BSCC) oversees California’s local correctional systems: setting juvenile detention facility standards, inspecting facilities, tracking population data, and administering millions of dollars in state grants. However, the BSCC—dominantly led by law enforcement—takes limited action to hold local systems accountable (CJCJ, 2015; PJDC & YJC, 2020). The agency also fails to provide consistent or comprehensive data on youth in the juvenile justice system. As a result, youths’ families, attorneys, and advocates are often left in the dark.

Under SB 823, California must establish a new Office of Youth and Community Restoration (OYCR), which will be responsible for overseeing the local systems that have contact with tens of thousands of youth (SB 823, 2020). The OYCR will serve as an ombudsperson, expand local diversion opportunities, report on critical data, and take over the BSCC’s administration of grants pertaining to justice-involved youth. This office is, in large part, the backbone of the state’s plan to end DJJ’s legacy in favor of local systems by ensuring accountability and transparency.

Recommendation: Improve oversight of detention facilities and the broader juvenile justice system.

As California moves its juvenile justice system in a new direction, counties and their probation departments must be held to a high level of accountability. The OYCR offers an important opportunity to improve accountability across counties. California must properly fund this new office. The OYCR can then effectively investigate complaints, collect and analyze data, manage youth justice-related grants, and provide technical assistance. Additionally, we recommend that state leaders transfer the BSCC’s facility oversight responsibilities to the OYCR. The BSCC’s law enforcement-dominated leadership²² and status quo-driven agency culture has led to serious failures²³. The agency lacks a clear mission, undermining the need for state-level oversight of local correctional systems (LAO, 2021). BSCC is currently incapable of setting nationally recognized standards, inspecting for compliance, and responding to harmful conditions. A youth-focused entity like the OYCR can ensure juvenile detention facilities are held to an appropriate standard of care for California’s youth.

Moving forward, the state must invest in additional staff and strong leaders for the OYCR as the office takes on additional duties to protect all youth in county-level justice systems. The OYCR requires staff who are knowledgeable in youth development, as well as youth with lived experience in decision-making, to improve oversight. Governor Gavin Newsom initially proposed only \$3 million for the OYCR in the Fiscal Year 2021-22 California Budget (Assembly Budget Subcommittee #5, 2021). Justice-involved youth, community-based organizations, and advocacy groups then pressed for increased funding to help the OYCR fulfill its robust responsibilities. In response, Governor Newsom and the Legislature more than doubled the initial proposal to a \$7.6 million ongoing budget alongside \$20 million in one-time funds (DOF, 2021a).

²² The majority of the BSCC Board (8 out of 13 members), including the Board Chair, have correctional and/or law enforcement backgrounds (BSCC, 2021).

²³ In 2019, media reporting unveiled serious issues in California jails under BSCC’s watch (Pohl & Gabrielson, 2019). For example, Kern County held people experiencing mental health crises in barren cells sleeping on yoga mats.

CONCLUSION

Heeding the lessons of DJJ's failure

In less than two years, DJJ will close its doors, bringing an end to a system that has endangered generations of youth. For the thousands who were neglected and abused over 80 years, including those subjected to staff beatings, staged fights, or sexual abuse—there may be solace in its closure. However, DJJ's failures are not unique to its four facilities. The harms we have chronicled in this report exist, to varying degrees, throughout the juvenile justice system. California's camps, ranches, and juvenile halls are violent places where staff routinely deploy pepper spray, youth with disabilities are often denied their basic rights, and the state oversight body meant to protect youth turns a blind eye to their mistreatment (Fraley & Debolt, 2013; Fremon, 2021; LAO, 2021; Loudenback, 2019; Morgen, 2020). Now, in many counties, these facilities will take the place of DJJ, adding high-needs youth to their dwindling populations.

In the midst of this major transition, California must heed the lessons of DJJ's failure. Chiefly, that large, prison-like facilities are inherently violent, and that treatment is rendered less effective when delivered behind bars. Ensuring that DJJ is not replicated at the local level will require a wholesale reevaluation of secure confinement throughout the state. State officials and advocates must also maintain focus on the young people still in DJJ's custody. For the 677 youth who were confined in the facilities on June 31, 2021 (and the possibly dozens more officially committed but not yet transported to DJJ on that date), independent monitoring must continue (CDCR, 2021c). Through data requests, tours, staff and youth interviews, and individual case advocacy, we plan to hold the DJJ system accountable until the last youth leaves on June 31, 2023.

The next two years will present special challenges. There will be staff turnover, unfilled positions, declining morale, and reduced public scrutiny, all of which puts youth at risk. This is made more concerning by the fact that California lacks a system of accountability for its youth correctional system. However, this historic closure offers California the chance to reinvest state dollars into what keeps youth safe: vigorous oversight, alternatives to secure facilities, and a platform that uplifts the voices of California's youth.

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Please note: Jurisdictions submit their data to the official statewide or national databases maintained by appointed governmental bodies. While every effort is made to review data for accuracy and to correct information upon revision, CJCJ cannot be responsible for data reporting errors made at the county, state, or national level.

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