

# **OFFICE OF THE INSPECTOR GENERAL**

**STEVE WHITE, INSPECTOR GENERAL**

## **23 - AND - 1 PROGRAM REVIEW**

### **CALIFORNIA YOUTH AUTHORITY FACILITIES**

**EL PASO DE ROBLES, FRED C. NELLES, HEMAN G.  
STARK, N.A. CHADERJIAN, PRESTON, AND SOUTHERN  
YOUTH CORRECTIONAL RECEPTION CENTER-CLINIC**



**DECEMBER 2000**

# OFFICE OF THE INSPECTOR GENERAL



## REVIEW OF THE TEMPORARY DETENTION (23-AND-1) PROGRAM AT SIX CALIFORNIA YOUTH AUTHORITY CORRECTIONAL FACILITIES

### REPORT

DECEMBER 18, 2000

At the request of Inspector General Steve White, the Office of the Inspector General conducted a review of the California Youth Authority's program for confining wards in their cells for 23 hours a day because of behavioral and psychological problems. Under the so-called 23-and-1 program, wards are confined to their cells for the entire day except for one hour for large muscle exercise under close supervision. Inspector General White ordered the review after persistent complaints from wards that they are placed under such detention for prolonged periods for unexplained and sometime poorly documented reasons. The purpose of the review is to provide the California Youth Authority management with the information needed to better manage the 23-and-1 program.

The review by the Office of the Inspector General encompassed six California Youth Authority facilities: El Paso de Robles Youth Correctional Facility, Fred C. Nelles Youth Correctional Facility, Heman G. Stark Youth Correctional Facility, Preston Youth Correctional Facility, Southern Youth Correctional Reception Center-Clinic, and N.A. Chaderjian Youth Correctional Facility, which at the time of the review housed a total of 4,483 wards. During the review, information was gathered on the processes, procedures, and documentation standards used at the facilities relative to confinement of wards in the 23-and-1 program. In addition, the Office of the Inspector General interviewed 70 wards to determine whether the wards were afforded their due process rights before and during their confinement in the 23-and-1 program.

As a result of the review, the Office of the Inspector General identified several issues requiring prompt attention and is hereby recommending a number of changes to improve the administration of the program. It is further recommended that the California Youth Authority consider retaining outside expertise to facilitate and expedite the needed changes.

The Board of Corrections has issued a report with similar findings and recommendations. That report is discussed below, following the findings and recommendations of the Office of the Inspector General.

## **BACKGROUND**

The Office of the Inspector General estimates that, on any given day, approximately 10 to 12 percent of all California Youth Authority wards are under lockup in a 23-and-1 program. At the time of the review, approximately one out of six wards — 16.4 percent of the wards in the six facilities reviewed — were assigned to the 23-and-1 program. Placement in such a program, especially over a prolonged period, deprives the wards of programming opportunities and lengthens their stay at California Youth Authority facilities. Long periods of isolation and the consequent lack of sensory stimuli may also increase the wards' needs for mental health services.

In general, wards are placed into temporary detention for psychological or behavioral problems that pose a threat to the safety of themselves, to the facility staff, or to other wards. Under temporary detention guidelines, a ward may be placed on a 23-and-1 program for up to 24 hours by any staff member, up to three days (inclusive of the initial 24 hours) by a treatment team supervisor, and up to seven days (inclusive of the previous three days) by the superintendent or his or her assistant. The need for continued confinement time must be reviewed and authorized at least every seven days and approved at the superintendent or assistant superintendent level. Each decision must be recorded on an authorization for temporary detention, Form YA 8.415.

## **PURPOSE, SCOPE AND OBJECTIVES**

The review was conducted to provide the California Youth Authority management with needed information on the magnitude and related problems of the various 23-and-1 programs throughout the department. The specific objectives of the review were:

- To determine whether wards are afforded necessary due process before and during placement in the 23-and-one program.
- To determine whether the wards' conditions of confinement meet legal and regulatory requirements.
- To determine whether there is adequate documentation to justify the wards' retention status.

The review included all programs in each of the six facilities reviewed under which wards are placed in a 23 and 1 programs, including temporary detention, special management unit assignment (lockup), court holds, and various miscellaneous categories.

## **METHODOLOGY**

Teams from the Office of the Inspector General simultaneously visited the six selected institutions on September 26, 2000 and performed the following procedures:

- Obtained from the Ward Information Network a listing of all wards on temporary detention status in the facility. Reconciled the listing with the actual number of wards identified by the Office of the Inspector General during the review.

- Interviewed staff at detention units for an overview of the unit procedures for managing wards while in detention and for documenting the wards' activities from initial placement to termination of detention. In addition, for each ward, the Office of the Inspector General specifically requested the following information:
  1. Justification for the initial detention and the identity of the individual who authorized it.
  2. Justification for subsequent extension(s) and the identity of individuals who authorized them.
  3. Records showing whether staff visited wards in detention each day and, if applicable, why not.
  4. Records showing the date and time of large muscle exercise, or reason for exclusion.
  5. Records showing whether wards received daily meals; showers; religious services, if requested; education services; and necessary medical attention.
  
- Completed a ward profile form (sample attached) from documentation provided by the institution staff.
  
- Interviewed each ward on temporary detention who gave permission for such an interview.
  
- Inspected the cell or room of each ward to assess general conditions of confinement and to document the presence of hygiene items, writing materials, condition of utilities, and the cleanliness of the room.

For temporary detention units having fewer than seven wards, the Office of the Inspector General completed a sufficient number of interviews to comprise an overall minimum of ten interviews for the facility. A total of 70 wards were interviewed during the review. All forms completed during the review were entered into a relational database for appropriate analysis.

#### **STATISTICAL ANALYSIS OF WARDS ASSIGNED TO A 23-AND-1 PROGRAM**

The chart shown on the following page provides a breakdown of the wards assigned to a 23-and-1 program on September 26, 2000 at each of the six California Youth Authority facilities selected for review. In total, the Office of the Inspector General found that 16.40 percent (approximately one of every six wards) of wards in the six facilities were confined to their cell or room for 23 hours on September 26, 2000. The Heman G. Stark Youth Correctional Facility, with 28.36 percent, had the highest percentage of wards in the 23-and-1 program, while the Southern Reception Center and Clinic had the lowest at 4.81 percent.

The total number of Heman G. Stark Youth Correctional Facility wards in a 23-and-1 program included 164 wards that the California Youth Authority headquarters had exempted the facility from reporting to the Ward Information Network. The Office of the Inspector General included this number because these wards in fact were in a 23-hour lockdown status. The overall percentage of wards in a 23-and-1 program for the six facilities would decline from 16.4 percent to 12.74 percent, and the Heman G. Stark Youth Correctional Facility's percentage would decline from 28.36 percent to 14.84 percent if the 164 wards were excluded from the calculation.

### Wards in 23-and-1 programs

September 26, 2000

Name of Facility	Wards on Temporary Detention	Wards in Special Management Units	Wards on Court Holds	Wards on other 23-and-1 Programs	Total Wards on 23-and-1 Programs	Total Facility Population	Percent of Wards on 23-and-1 Programs
El Paso de Robles	30	40			70	771	9.08%
Fred C. Nelles	14	102			116	732	15.85%
Heman G. Stark	71	109		164	344	1213	8.36%
Preston	8	49	13	2	72	565	12.74%
Southern Reception Center	5			15	20	416	4.81%
N.A. Chaderjian	22	88	3		113	786	14.40%
<b>TOTALS</b>	150	388	16	181	735	4483	16.40%

The Office of the Inspector General also found that the Heman G. Stark Youth Correctional Facility and the N. A. Chaderjian Youth Correctional Facility had placed a substantial number of wards in their special management units for prolonged periods of time. The program guides for both facilities provide for a program stay of four months. Wards may remain in the program longer than four months because of demonstrated negative behavior or other special factors. For the wards in these two facilities who were assigned to special management units on September 26, 2000, the following data provides a breakdown of the length of stay:

	HEMAN G. STARK	N.A. CHADERJIAN
TOTAL WARDS	109	88
> 4 MONTHS	16	13
> 6 MONTHS	8	7
> 8 MONTHS	9	0

## FINDING 1

**The Office of the Inspector General found that a significant portion of the wards interviewed said they were deprived of their rights while housed in temporary detention units.**

Many of the wards interviewed told the Office of the Inspector General that they were denied activities prescribed in Section 7200 of the *California Youth Authority Institutions and Camps Manual* to ensure the well-being of wards in temporary detention. Specifically:

- **Twenty-six of the 70 wards (36 percent) said they did not receive the required one hour out of their room in each 24-hour period.** Some wards said that time out of the room was occasionally cancelled, especially on weekends. In addition, there appear to be questions as to what constitutes one hour of “large muscle activity,” as required by the *California Youth Authority Institutions and Camps Manual*. In some cases, “large muscle exercise” consists of placing restrained wards in the dayroom to watch television. At one facility, this activity is carried out by placing wards in wire cages.
- **Sixty-three of the 70 wards (90 percent) said they had not been provided with religious counseling.** Some said that they had never seen a chaplain in the detention unit.
- **Twenty-four of 70 wards (34 percent) said they had not been allowed required phone calls.** Wards in lockup status are allowed to make at least one phone call per month.
- **Twenty-eight of 70 wards (40 percent) said they had not received regular visits from their treatment team staff after they were placed in temporary detention.** When a ward is in temporary detention, the ward's assigned treatment team staff is required to make daily visits to the detention unit to help the ward quickly transition back to the living unit.

The allegations presented above are difficult to validate or refute because the California Youth Authority has not prescribed uniform standards for documenting the activities of wards in temporary detention. For example, review of documentation at the six facilities disclosed that the staff does not always identify by name the wards who received large muscle exercise. The Office of the Inspector General also found no documentation of wards requesting or receiving religious services. Only two of the six facilities visited maintained consistent documentation of treatment team visits to wards in detention. Other facilities provided documentation of only sporadic visits of between one and three times a week, with

the documentation sometimes not legible. No explanation was provided for the lack of visitation.

#### **RECOMMENDATION**

**The Office of the Inspector General recommends that the California Youth Authority prescribe standardized requirements for documenting activities mandated for wards held in temporary detention and other 23-and-1 programs. Consideration should be given to maintaining a comprehensive compendium of information on each ward in a centralized file to ensure that issues and activities related to due process and conditions of confinement are carried out and appropriately documented.**

**The Office of the Inspector General requests that the department implement this recommendation within 60 days of this report.**

#### **FINDING 2**

**The Office of the Inspector General found that the reasons for detention are not clearly documented.**

Sixty-one of 70 wards interviewed (87 percent) told the Office of the Inspector General that they were notified of the reason for their temporary detention, but in reviewing the computerized temporary detention summaries and the authorization for detention report (Form YA 8.415), the Office of the Inspector General found that most contained only generic terms such as “danger to others,” “group disturbance,” or “gang fight” as reasons for detention. Without a clear explanation of the circumstances and reasons for the detention, it may be difficult to justify the propriety of the detention if it is questioned or challenged.

#### **RECOMMENDATION**

**The authorization for detention report should include clear justification of the need to isolate a ward in temporary detention. A supervisor should review the report to ensure that the detention is legal and appropriate and that the ward’s mental health and medical needs have been met and documented.**

#### **FINDING 3**

**The Office of the Inspector General found that living conditions in the wards’ rooms and cells are substandard.**

The Office of the Inspector General’s inspection of the room and cells found many of them in disrepair. The walls are covered with graffiti, lighting is inadequate, and there is poor temperature control. Inadequate room heating is exacerbated by wards dressed only in their underwear and socks. The Office of the Inspector General staff also found that many wards plugged room air vents to alter the airflow, causing the room to accumulate stale odors. Specifically, the following conditions were noted:

- Fifty-four percent of the wards' rooms were missing basic hygiene items such as soap and toothpaste.
- Sixty percent of rooms contained writing materials.
- Thirty-three percent of the rooms had dirty walls or floors, and substances, including dirt, covering room air vents.
- Twenty-six percent of rooms were found to have inadequate lighting.

The Office of the Inspector General recognizes the inherent difficulties in maintaining the condition of the temporary detention rooms and cells, but given that wards spend 23 hours a day in the rooms, sometimes over extended periods, sub-standard living conditions could have significant adverse physical and psychological affects on the wards.

#### **RECOMMENDATION**

**The Office of the Inspector General recommends that the California Youth Authority develop uniform guidelines to ensure that temporary detention rooms and cells are inspected at reasonable intervals and that deficiencies noted during the inspections are rectified.**

#### **FINDING 4**

**The Office of the Inspector General found that the California Youth Authority headquarters does not have the timely and reliable information necessary to effectively monitor management of 23 and 1 programs at the facilities.**

The potential adverse impact of the 23 and 1 program upon the wards' physical and psychological well being is profound. The management of California Youth Authority facilities therefore must exercise utmost care to ensure that detention of wards is fully justified and that the wards are not being detained for excessive periods. By the same token, it is incumbent upon the California Youth Authority headquarters management to closely monitor the 23 and 1 programs to ensure that they are properly administered at the individual facilities.

The Office of the Inspector General, however, found a lack of consistency in the administration of 23 and 1 programs at the various facilities. The review by the Office of the Inspector General also revealed that the California Youth Authority headquarters does not have the timely and reliable information it needs to enable it to effectively monitor the facilities' programs. Under prescribed procedures, each facility is supposed to update the Ward Information Network on a daily basis to provide accurate and current information relative to the wards' confinement. In its recent management review audit of the Heman G. Stark Youth Correctional Facility, however, the Office of the Inspector General found that the information in the Ward Information Network was neither accurate nor reliable.

Without such information, it is not possible for the California Youth Authority headquarters to effectively monitor the programs.

### RECOMMENDATION

**The Office of the Inspector General recommends that the California Youth Authority director require all institutions and camps to complete a daily report justifying the continued detention of each ward in a 23-and-1 program beyond the following time limits:**

<b>Special Management Unit</b>	<b>Four months</b>
<b>Temporary Detention</b>	<b>30 days</b>
<b>Other 23-and-1 Programs</b>	<b>30 days</b>
<b>Lockdown</b>	<b>One day</b>

### BOARD OF CORRECTIONS REPORT

In October 2000, the Board of Corrections released a quality assurance project study report entitled "The Institutions Operational Quality Assurance Project for the California Youth Authority." The report resulted from a nine-month review of operational standards, policies, and practices in California Youth Authority institutions. The Board of Corrections report makes a number of important recommendations to address the problems identified during the review. Many of these recommendations overlap or complement the recommendations presented in this report by the Office of the Inspector General on the temporary detention program at California Youth Authority institutions.

Following are relevant quotes from the Board of Corrections report:

*(a) Segregation occurs when the ward is separated or isolated from the general population. The Director shall identify categories of segregation and shall develop policy, procedures and timeframes for all of the categories of segregation. When applicable to the category of segregation, development of the policy and procedures shall be done in cooperation with the medical director and/or the mental health director.*

*(b) For each category of segregation the policy and procedures shall include:*

- 1. written justification of the initial placement in segregation and reason for continued placement;*
- 2. level of approval required to place a ward in segregation;*
- 3. due process review;*
- 4. administrative review of non-disciplinary segregation;*
- 5. applicable medical and mental health reviews;*
- 6. access to recreation...;*
- 7. access to education...;*
- 8. provision for administration of necessary nutrition and fluids, access to a toilet, and a full complement of institution clothing to provide privacy...; and,*
- 9. level of staff supervision and monitoring required.*

*(c) The Director shall develop a schedule of ward performance goals and measures for returning wards from disciplinary segregation to the general population.*

*(d) Except when necessary to ensure the safety and security of the institution, wards who are segregated shall not be denied normal rights and privileges available at the institution. Such denial shall be justified, documented, and incorporated into the review process. When segregation is for the purpose of discipline, the regulation regarding discipline shall apply.*

## **THE NEED FOR OUTSIDE EXPERTISE**

The necessity for immediate change in the temporary detention programs is emphasized by the similarities between the recommendations by the Board of Corrections and those of the Office of the Inspector General concerning major aspects of the 23 and 1 programs. The department should consider implementation of the recommendations by early 2001 a priority.

The Office of the Inspector General recommends that the California Youth Authority consider obtaining the assistance of an experienced juvenile justice practitioner from outside the agency to facilitate and expedite the changes needed in its temporary detention programs. To provide that assistance, the Office of the Inspector General suggests that the California Youth Authority consider retaining the services of Eugene R. Moore, Director of Consultative Services for the North American Family Institute and former director of the Arizona State Department of Juvenile Corrections. Moore is uniquely qualified to assist the California Youth Authority in this endeavor. He was a member of the Inspector General's task force that evaluated the California Youth Authority and that followed up on several Office of the Inspector General investigations that found systemic policy and procedural deficiencies that had contributed to sustained allegations of abuse of wards, primarily in lock-up facilities

When Moore was appointed director of the Arizona State Department of Juvenile Corrections, the department was under federal court monitoring following a ruling that the department facilities were in violation of constitutionally protected standards related to conditions of confinement. Moore was immediately charged by the governor with the task of ushering the Department of Juvenile Corrections out of federal court monitoring by implementing the changes necessary to bring the department into compliance. Eliminating substandard conditions in the department's lockup unit was a major focus of the governor's mandate to Moore, and Moore was successful in carrying out this goal. The problems confronting the California Youth Authority are strikingly similar to those experienced by Arizona during Moore's tenure as director of the Arizona State Department of Juvenile Corrections.