

**BOARD OF SUPERVISORS RESPONSE TO  
GRAND JURY REPORT NO. 0905:  
COUNTY YOUTH REHABILITATION CENTER IS ON LIFE SUPPORT,  
IT'S TIME TO PULL THE PLUG**

**PREFACE**

*The County appreciates the time and effort expended by the Grand Jury on its report. To facilitate a better understanding of the County's response to the report, we wish to preface our response with an explanation of the relationship between the Orin Allen Youth Rehabilitation Facility (OAYRF) and the Juvenile Hall, and also provide the budgetary context of our response.*

*The Juvenile Hall is generally not the final sentencing disposition for juvenile offenders, though it may be for a small number of offenders at any given time. Generally, the Juvenile Hall provides temporary detention for pre-adjudicated juveniles awaiting hearings or sentencing, and adjudicated juveniles who are sentenced to a treatment or rehabilitation program that has a waiting list. For example, on April 28, 2009, there were 178 youths in the Juvenile Hall, 108 of which are pre-adjudicated and 70 of which were adjudicated. Of the 70 adjudicated youths, 10 were awaiting placement in a group home or residential treatment facility, 24 were awaiting placement at the OAYRF, and 2 were awaiting placement at the California Department of Juvenile Justice. Only 34 of the 70 adjudicated youths were actually sentenced to the Juvenile Hall: 10 for just a brief stay and 24 in the newly created Youthful Offender Treatment Program (YOTP), which is funded by the State through 2009 Juvenile Justice Realignment to accommodate youths that previously would have been sentenced to the California Department of Juvenile Justice (DJJ).*

*Other than the YOTP, no treatment or rehabilitative programs are offered at the Juvenile Hall. The Juvenile Hall mainly provides temporary detention to youths awaiting placement in a treatment or rehabilitation program. Such programs include State-licensed group homes and residential treatment facilities, the OAYRF, out-of-County camp programs, and the DJJ (for violent offenders). The Superior Court also has the option of sentencing a youth to the Home Electronic Monitoring Program, which does not involve any of the County's facilities.*

*The County has cut from its 2008/09 and 2009/10 operating budgets over \$150 million, requiring the elimination of more than 600 staff positions. An additional State Budget deficit of \$8 to \$12 billion is looming and will likely have repercussions for counties and other local government agencies. In this environment, the County must look to providing services in the most economical way.*

**FINDINGS**

**Rehabilitation Youth Center's Mission**

1. According to its mission statement, the primary objective of this facility is to rehabilitate, that is to "provide a safe, drug free program that helps youth meet their social and educational dreams. Its goal is to guide treatment that will help youth strengthen the community and build stronger families." This Youth Center was not meant to be simply a detention facility that houses youth offenders.

**Response:** *The County agrees with the finding.*

## Financial

2. There were nine escapees from the facility during the calendar year 2008. According to the Sheriff's Office, the average cost relating to capturing escapees is over \$1500 per hour. The only fences on the property are intended to keep the animals from roaming. There are no security fences along the perimeter of the Youth Center to prevent youth offenders from simply walking away.

**Response:** *The County partially disagrees with the finding. We concur that there were nine absences without leave from the Orin Allen Youth Rehabilitation Facility (OAYRF) in 2008. However, not all were escapes from the OAYRF. Two youths failed to return from home visits and one failed to return from a medical appointment. The six youths who actually left the facility did so in three separate events, to which the Sheriff's Department responded. One of the youths was apprehended by the Sheriff's Department.*

*Juvenile camps and ranches are non-secure facilities and are generally not fenced or enclosed. Some counties have added fencing around their camps, but more for the purpose of keeping trespassers off of the property than for locking residents in the facility.*

*As to the cost associated with capturing an escapee from the OAYRF, the Sheriff's response to an escape event will depend on the particulars of the event, the escapee, and the Sheriff's assessment of the potential risk to public safety. The Sheriff's estimated \$1,500 per hour cost is based upon a response requiring the helicopter, a deputy sheriff, a sergeant, a lieutenant, and a dispatcher. However, the Office of the Sheriff advises that, in general, a "walk away" from the ranch facility would normally require a one Deputy response because the facility typically houses less serious juvenile offenders. The Deputy would take a report and do limited follow up such as patrol the surrounding area and check in at the youth's home, subject to pending call volume and other factors such as the nature of the original offense.*

*Absent anything unusual or any information that would lead the Deputy or the Sergeant to believe there is a heightened level of concern for public safety, no further action would be taken. This level of response is dramatically different and obviously less expensive than a search for an escapee that poses a substantial risk to public safety. But, again, it is the particulars of an event that determines the level and cost of the response.*

3. The maximum capacity of the Youth Center is 100 youths. The new state-of-the-art Juvenile Hall in Martinez has the capacity, with alterations, to absorb all of the youths now housed at the Youth Center at a cost savings to the County.

**Response:** *The County disagrees with the finding. The new Juvenile Hall only barely has the physical capacity to absorb the population of the OAYRF and such a consolidation could not be achieved at a cost savings. On the contrary, consolidation of the two populations within the Juvenile Hall could only be achieved at significant additional County cost (see response to Finding No. 4), would place the County in a crisis situation with regard to physical capacity, and would fail to comply with Court orders for the disposition of adjudicated minors.*

*The maximum physical (state-rated) capacity of the Juvenile Hall is 290 beds, including 50 beds that do not meet minimum physical plant requirements for maximum security juvenile detention.*

*The Juvenile Hall population currently averages 190 youths. The OAYRF houses 100 youths. Ignoring all other considerations such as cost and compliance with court orders, if the two populations were combined in the Juvenile Hall and the OAYRF was closed, the combined average population of 290 at the Juvenile Hall would place the County in immediate jeopardy such as it was in the early 1990s, when the County's Juvenile Hall was overcrowded, placed under a Court-ordered population cap, and under threat of decertification by the State. Moreover, consistently operating at maximum capacity severely limits the department's ability to manage high-risk populations that should not be comingled such as gangs and sexual predators, and eliminates any emergency capacity to manage peaks in population. The new Juvenile Hall was constructed to increase juvenile detention capacity by co-existing with the OAYRF and was not meant to replace the OAYRF as a sentencing option.*

*The Grand Jury's finding assumes that the Juvenile Hall and OAYRF Programs are equivalent and interchangeable sentencing options in the view of the Superior Court. This is not so. The OAYRF provides the Superior Court with a cost-effective sentencing option to high-cost private placements. Youths who are ordered by the Superior Court to be placed at the OAYRF are typically also ordered to participate in rehabilitative and/or treatment programs. Since the Juvenile Hall offers no rehabilitative or therapeutic treatment programs, placing these youths in Juvenile Hall will not meet the requirements of the Court orders for cognitive behavioral or other treatment programs.*

4. Based on its 2007-2008 Expenditure Ledger, the gross annual savings to the County resulting from the closure of the Youth Center would be about \$6.2 million dollars. The Grand Jury estimates there will be variable cost increases that should not exceed \$1.2 million dollars to house the reassigned youth in the Martinez Juvenile facility, leaving a projected net savings to the County of \$5.0 million dollars.

**Response:** *The County partially disagrees with the finding. We concur that the Expenditure Ledger shows the gross cost of the OAYRF Program of approximately \$6.2 million. However, to gain a complete understanding of the cost to operate the OAYRF Program, both the Expenditure and Revenue Ledgers must be consulted. The Revenue Ledger for OAYRF shows \$5.8 million of program revenue; the resulting net County cost to operate the OAYRF (gross cost less offsetting revenue) is approximately \$468,000. The Revenue Ledger does not identify restrictions that may exist for certain revenues. For example, approximately \$700,000 of the OAYRF revenue is categorical, meaning that the County qualifies for the revenue based on the number of juvenile camp beds it utilizes. Likewise, an additional \$3.6 million of the OAYRF revenue is restricted for prevention and early intervention services to at-risk youth and juvenile offenders and cannot be expended for incarceration costs.*

*Although the State-rated bed capacity of the Juvenile Hall is 290 beds, the County cannot afford to staff the Hall at that capacity. The Juvenile Hall is currently funded at minimum staffing levels (1 counselor to 10 youths) to house 190 residents. The state-mandated minimum staffing requirement for a secure detention setting (1:10) versus the staffing requirement for a non-secure detention setting (1:15) virtually guarantees that a secure detention setting is more costly, disregarding any administrative and facility support costs, which are also likely to increase under a proposal that significantly increases Hall population. Additionally, as a non-secure camp program, the OAYRF qualifies for state revenue for which the Juvenile Hall is not eligible.*

Consequently, the net County cost to house a youth at OAYRF is \$390/month as compared to the net County cost to house a youth at Juvenile Hall if filled to capacity of \$3,711/month.

Nor would it be more economical if one calculated only the key variable costs of adding 100 youths to the Juvenile Hall population with no commensurate increase to Hall Administration and Operations costs. Since approximately \$4.3 million of the revenue supporting the OAYRF is categorical (restricted to juvenile camp programs and prevention/early intervention services), closure of the OAYRF would not enable the County to apply the revenue against increased incarceration costs at the Juvenile Hall. Therefore, the incremental net County cost of closing the OAYRF and adding 100 youths to the Juvenile Hall – considering only supervision staff and food costs – can be calculated as follows:

|                                     |                                   |                    |
|-------------------------------------|-----------------------------------|--------------------|
| 2.8 FTE* Counselors per 10 minors = | 28.0 FTE Counselors               | \$3,724,000        |
|                                     | 2.0 FTE Institutional Supervisors | 328,000            |
| 2.8 FTE Night Shift Counselors =    | 2.8 FTE Counselors                | 372,400            |
| Additional Meals at \$11/day =      |                                   | 401,500            |
|                                     |                                   | 4,825,900          |
| Less Transferable Revenue =         |                                   | -1,235,500         |
|                                     |                                   | <u>\$3,590,400</u> |

\* 2.8 FTE Counselors would be required to meet the 1:10 staffing ratio in a 24-hours per day / 7 days per week institution utilizing two work shifts during daytime hours.

Approximately \$3.6 million in Juvenile Probation and Camps Funds (fixed allocation) could theoretically be utilized to provide prevention and early intervention services to juvenile offenders, but could not be utilized to mitigate increased incarceration costs at the Juvenile Hall. Upon closure of the OAYRF, \$700,000 of revenue would be forfeited.

Likewise, other placement alternatives such as other counties' ranches or group home foster care would also incur approximately \$4 million in additional County cost for 100 new placements, as compared to the \$468,000 of net County funds spent at OAYRF.

## Facility and Grounds

### Kitchen:

5. After purportedly spending in excess of \$500,000 two years ago on kitchen renovations and other improvements, grand jurors found that the majority of the deficiencies outlined in Grand Jury Report 0503 still exist. In addition, this grand jury found other deficiencies such as rusty steam table containers, a dirty sock on a rusty food scale, and other inadequacies.

**Response:** The County partially disagrees with the finding. Every finding from Report 0503 has been addressed and corrected, and the State's biennial inspections made no findings pertaining to the kitchen program. The base of the steam table is old and due for replacement, but does not come into contact with food. Naturally, the presence of a sock on the steam table would be unacceptable to facility administration, but staff did not witness this occurrence nor did staff observe "other inadequacies", which were not specifically identified by the Grand Jury. It should be noted that, in addition to biennial State inspections, the County's Environmental

*Health Program routinely conducts unannounced inspections of the kitchen program, providing ample external monitoring of conditions.*

6. The only restroom in the cafeteria building has been out of service for several months. This restroom was used by both staff and youth offenders.

**Response:** *The County partially disagrees with the finding. The restroom was out of service intermittently over a period of several months and has since been repaired and is in working order. The restroom is only for staff, not residents. Resident restrooms are located in the dormitories.*

7. The staff could not provide evidence of training and/or medical clearance for youth workers in the kitchen.

**Response:** *The County agrees with the finding. Although the staff person on site during the Grand Jury's visit did not know where to locate the documentary clearance for youth workers to participate in the kitchen program, residents do receive Food Safety Training through the school and all residents are medically cleared by the on-site nurse prior to admittance to the OAYRF.*

#### **Main Dormitory:**

8. Our inspection found worn out mattresses in the dormitory for older youth.

**Response:** *The County agrees with the finding. Note, however, that all mattresses were replaced with new mattresses as of December 1, 2008.*

9. An air conditioning system was not in evidence in a building that frequently reaches temperatures in excess of 100 degrees.

**Response:** *The County disagrees with the finding. The kitchen, recreation room, and dormitories are air conditioned. All conditioning systems are in satisfactory working order. The thermostats on all of the systems are set at 73-74 degrees. Although the outdoor temperature often exceeds 100 degrees during the summer, we are unaware of internal building temperatures ever exceeding 100 degrees.*

10. The insect eradication program consists of fly strips hanging from the ceiling. A heavy infestation of insects, particularly flies, is due in large part to the close proximity of the living quarters to compost piles and animals.

**Response:** *The County partially disagrees with the finding. The OAYRF is a ranch program in a natural outdoor setting. Insects are inherent in such a setting. State standards prohibit the use of pesticides at the facility, so the Probation Department uses non-chemical eradication methods. Fly strips are a small part of the eradication program. The Probation Department also uses two air curtains in the kitchen that emit a blast of air when the door is opened to prevent the entrance of insects, as well as electrical bug lights. In the spring of 2008, the Probation Department also began utilizing fly predators, which are tiny stingless wasps that eat flies and are harmless to humans and animals. As part of the insect abatement program, the Probation Department also*

*removes manure regularly, composts waste properly, and maintains water devices in good repair.*

*Compost piles exist on the ranch property, but are not in close proximity to the living units, ranging in distance of about 70 yards from the back door of the recreation room to about 125 yards from the back of the kitchen.*

**Nurses Office:**

11. A nurse is available Monday-Friday from 9:00am-5:00pm. Youths needing medical treatment are transported to the Contra Costa Regional Medical Center in Martinez at all other times, including weekends, holidays, at night, or if there is a life-threatening emergency.

**Response:** *The County agrees with the finding.*

12. There were hypodermic needles in an unlocked cabinet and a dirty sink in the nurse's office.

**Response:** *The County partially disagrees with the finding. The nurse's office is a locked office. Only medical staff has access to the nursing office due to HIPAA (Health Insurance Portability and Accountability Act) requirements. When the nurse is not present, medical supplies including hypodermic needles are stored securely in the locked office.*

**Grounds:**

13. The rehabilitation complex is on approximately 50 acres of land, most of which is not being utilized. The property is strewn with old cars, an abandoned challenge course, incomplete projects, abandoned computer equipment, broken tools, debris, and junk.

**Response:** *The County agrees with the finding, with the clarification that surplus items are stored in confined and specific areas rather than strewn across the property.*

14. Commercial metal shipping containers, now being used for storage, contain dangerous electrical wiring and open gasoline containers.

**Response:** *The County partially disagrees with the finding. The electrical wiring exists in a storage container but the wires are not hooked to electrical current, so there is no danger. Moreover, the storage containers are locked.*

15. A dilapidated barn with parts of the roof and sides missing is located in the center of the property. A large abandoned plastic tank is stored near the horse corral along with debris.

**Response:** *The County agrees with the finding. Much of the ranch property cannot be improved as it comprises marsh and seasonal wetlands that provide a nesting habitat for waterfowl. Established in 1992, the pond is required to compensate for expansion at the Byron Airport. The barn sits on this land, and is home to many long-tailed swallows, which are also a protected species. Due to its remoteness to the living quarters, the barn presents no danger to staff or residents. The water tank (the large abandoned plastic tank) was installed by a local farmer who planned to grow some crops in the front pasture. However, the poor soil quality could not support the crops, the farmer abandoned the project, and the Probation Department determined*

*that the cost associated with removing the tank is prohibitive. The tank, while unsightly, poses no public health or safety threat and does not interfere with ranch operations.*

16. Abandoned electrical switch panels and water pumps, some of which may be hazardous, are present throughout the property.

**Response:** *The County partially disagrees with the finding. These items exist but, while unsightly, present no hazard to residents or staff. There are no live electrical panels or water pumps that are abandoned on the property.*

#### **Livestock:**

17. The animals at the Youth Center include a horse, a few goats, chickens, and llamas. None of the animals appeared to have shelter from the sun, rain or cold.

**Response:** *The County disagrees with the finding. All of the animals have shelter. A variety of mangers exist including commercially purchased metal sheds, wood shelters built by the residents, coops for chickens and ducks, and small private mangers for goats giving birth.*

#### **Youth Programs**

18. The Youth Center's staff supplied the Grand Jury with their Residential Handbook and also with a draft of a Youth Guide. The Guide is intended to supersede the handbook. However, as of January 2009 this guide has not been approved by senior management.

**Response:** *The County agrees with finding. The policies and procedures in the Residential Handbook are current. The purpose of the Youth Guide is to communicate the policies and procedures using more constructive terminology. At the time of the Grand Jury's visit, the Probation Department was still making aesthetic improvements to the draft Youth Guide. Since the Residential Handbook is still relevant, staff was at no disadvantage in continuing to rely on it pending the release of the Youth Guide. The Youth Guide has since been released.*

19. The following treatment/program options are listed in the Residential Handbook: Family Counseling, Therapeutic Community, Restitution Service, Alcoholics/Narcotics Anonymous, Drug and Alcohol Assessment, Drug and Alcohol Counseling, Transition Program, Anger Management, Life Skills, Gang Diversion, Residential Commissary, Teen Parenting, Senior Tutors, Religious Guidance, Work Crew, Athletic League and Field Trips. Many of these treatment programs and services are inadequate or unavailable. Only court ordered programs are mandatory.

**Response:** *The County partially disagrees with the finding. Of the programs listed above, only Family Counseling and Teen Parenting are currently unavailable. All other programs are available to all residents as determined by their individual treatment plans ordered by the Superior Court.*

20. The Youth Center's manual describes an Animal Husbandry Program. The Grand Jury could find no evidence of instructors, a formal curriculum, or any youth involved in such a program. Animal Husbandry, apparently once a viable program at the Youth Center, is no longer functioning.

**Response:** *The County partially disagrees with the finding. This innovative program is managed by a lead Probation Counselor with the assistance of three other Counselors, who provide instructional materials and hands-on training to small groups of residents. Most new residents are initially fearful of the animals but, through time and education, learn to develop an empathy for them. The program materials developed by staff cover the anatomy of a goat, brooding behavior of chickens, and caring for the coat of the llama, as well as providing routine and emergent medical attention for all of the animals.*

*The program has not suffered any reduction in staff support or other resources and continues to be viable. At any time, from 8 – 15 youths participate in the program.*

21. Delta Vista High School offers a program through which the youths can obtain their GED. This program is funded by the Contra Costa County Office of Education.

**Response:** *The County agrees with the finding.*

## RECOMMENDATIONS

The 2008-2009 Contra Costa County Grand Jury recommends that:

1. With the goal of closing the Orin Allen Youth Rehabilitation Center, conduct a feasibility study and develop an exit strategy. Both objectives shall be accomplished within 6 months. The feasibility study will determine how the Youth Center population can be integrated into the Martinez Juvenile Hall, and what cost savings would be realized.

**Response:** *The recommendation will not be implemented as it is not warranted and not reasonable. Closing the OAYRF and transferring its population to the Juvenile Hall would increase net County costs by approximately \$3.6 million. Moreover, as a maximum security detention facility, the Juvenile Hall does not provide rehabilitative, therapeutic and behavioral treatment programs that are required by order of the Superior Court for ranch residents. The minimum security OAYRF provides cognitive programming to help youths make socially appropriate choices with the added benefit of remaining in the County, close to their families, rather than being placed in out-of-County foster care or group homes. Juvenile justice best practices indicate that youths benefit most from the least restrictive environment, in terms of rehabilitation. The OAYRF is a best practice model in the field of Juvenile Justice.*

2. Within 6 months, the County shall investigate all possible productive uses and revenue sources which might be realized from the closure of the Youth Center. Alternatively, the County shall consider the sale of the land and buildings.

**Response:** *The recommendation will not be implemented because it is not warranted and not reasonable. Since most of the revenue that supports the OAYRF cannot be transferred to offset the costs of increasing the population at the Juvenile Hall, the recommendation is not economical. Particularly during periods of tight budgets, the County must look to maximum use of low-cost sentencing options such as the OAYRF.*