

DIVISION OF JUVENILE JUSTICE

1600 K Street, 3rd Floor
Sacramento, CA 95814



September 19, 2013

Honorable David P. Warner, Presiding Judge
San Joaquin County Superior Court
PO Box 201022
Stockton, CA 95201

Re: San Joaquin County Grand Jury Report

Judge Warner,

I have reviewed the Grand Jury report following their tour of the California Department of Corrections and Rehabilitation (CDCR) Division of Juvenile Justice (DJJ) Facilities, in Stockton, CA. The Grand Jury identified two findings and made recommendations to which I have developed corresponding responses. We appreciate the interest of the Grand Jury in DJJ facilities and their professionalism in identifying physical plant issues that are critical to the safety, security and the well being of youth in DJJ facilities.

In April 2013, the Grand Jury conducted their annual tour of the Northern California Youth Correctional Center (NCYCC), N. A. Chaderjian (NACYCF) and O. H. Close Youth Correctional Facilities (OHCYCF) which are located within the boundaries of San Joaquin County. During the tour the Grand Jury observed several maintenance issues that if left unattended could impact the health and safety of the facility and developed two related findings and recommendations.

Overview

The Division of Juvenile Justice's (DJJ) mission is to protect the public from criminal activity by providing education, training, and treatment services for youthful offenders by assisting local justice agencies with their efforts to control crime and delinquency; and by encouraging the development of State and local programs to prevent crime and delinquency. The DJJ is also organized to include the needs of victims and communities through the provision of direct services, as well as programs targeting youthful offenders.

Legislative and policy changes in recent years have served to reduce crowding in DJJ facilities and to clarify the role of DJJ within the juvenile justice system. The California Legislature through Senate Bill (SB) 81 (Ch. 175, Stats. of 2007), Assembly Bill (AB) 191, (Ch. 257, Stats. of 2007), and the courts (*Farrell v. Beard*) have significantly changed the types of youth entrusted to DJJ's care.

Since reaching a high of 10,122 juvenile offenders in 1996, the number of juveniles committed to DJJ has steadily declined to the current July 2013 population of 1082.

DJJ currently serves:

- Male and female juvenile offenders committed by county juvenile courts with Welfare and Institutions Code (WIC), 707(b) offenses and non-707(b) sex offenses requiring registration under Penal Code (PC) 290, consistent with SB 81 and AB 191;
- Male and female juvenile offenders remanded to adult court and directly committed to DJJ under WIC §1731.5(a);
- Youthful offenders sentenced to adult prison, under 18 years of age, and ordered by the court to be housed in DJJ institutions until age 18 ("M" number cases), and those committed to adult prison and transferred at age 18 ("E" number cases) under WIC §1731.5(c);
- Youthful offenders requiring emergency housing services as prescribed by law and requested on a contract basis by counties; and
- Youthful offenders requiring diagnostic services by law or requested on a contract basis by counties.

The vast majority of youths are now directed to county programs enabling direct access and closer proximity to their homes, families, social programs and services, and other support systems. The youths committed to DJJ have been convicted of the most serious and violent crimes and are most in need of the specialized treatment services necessary for their success. These youths represent approximately one percent of the 225,000 youth arrests each year in California.

While a declining youth population has reduced the overall need for DJJ facilities, the changed nature and sophistication of today's youthful offender population, combined with court mandates, stipulated agreements, and remedial plans have resulted in caps to DJJ program populations which are less than our facility capacity. These caps are designed to improve programs and services to the youthful offender population and to enhance the implementation of DJJ's Integrated Behavior Treatment Model.

Response

The Grand Jury identified the following two findings and recommendations:

Finding 1

"The buildings and grounds maintenance issues observed are significant enough to jeopardize the health and safety of the youths and staff members." Specific areas noted were:

- Underground plumbing is leaking in multiple locations

- Rain gutters are not being cleaned as grass/weeds were seen growing in many of the gutters
- Some floor tiles are partially or completely missing
- Ceiling tiles over sleeping areas show signs of water damage
- Exterior paint on some buildings is peeling

Recommendation

“The Youth Authority Administrators of NACYCF and OHCYCF determine all repairs needed, prioritize the repairs needed for the welfare of the youths and make the necessary repairs.”

DJJ recognizes that safety and security for staff and youthful offenders is ensured by the operational condition and efficiency of the facility. Malfunctioning security equipment compromises security and productivity as well as the health and safety of youthful offenders and California Department of Corrections and Rehabilitation (CDCR) staff. Insufficient maintenance also causes equipment downtime resulting in improper heating, cooling and air condition, unsanitary conditions, and failures to meet environmental quality standards for domestic water, wastewater, and air quality. While funding is pending, DJJ acknowledges the obligation to uphold policies, laws and state legislature requirements by decreasing state’s liability ratio of lawsuits regarding fire/life/safety issues by proper maintenance of the juvenile facilities.

The authority and responsibility for facility maintenance is delegated to the Superintendent of each facility. The Chief of Plant Operations is responsible for running computerized maintenance and operations reports to all the Superintendents to set facility maintenance priorities.

Each DJJ facility Superintendent has the responsibility to hold his/her staff and supervisors accountable for maintaining a clean and healthy environment for youthful offenders. This is accomplished through daily reviews of living conditions and processing of work orders, monthly inspections and annual supervisory reviews and evaluations. To ensure the grounds and living units are maintained on a daily basis each facility currently has their own living unit and building inspection processes in addition to the quarterly facility assessments and bi-annual Environmental Health Audits conducted by the Department of Public Health. When repairs are identified, staff input these into the facility work order system which allows plant operations to review and schedule repairs.

As noted in the Grand Jury report, the facility infrastructure at NCYCC is over 60-years old. Recently, as a result of the construction of the new hospital, NCYCC transitioned from well water to water supplied by the city. This has caused some stress on the infrastructure causing leaks which require repairs to areas throughout the facility. Our facility plant operations staff continue to make repairs whenever problems occur while maintaining the facility maintenance programs.

Those items that may require additional funding outside the facilities operating budget are included if future funding requests from DJJ's support budget.

Response to Identified Maintenance Issues

Underground plumbing is leaking in multiple locations:

Underground plumbing/irrigation leaks are repaired when the issue/awareness of the problem is brought to the attention of Plant Operations via work order, email or telephone call. If it is discovered to be a plumbing (potable water) issue, it is the policy of Plant Operations to complete repairs as soon as possible as to not interrupt any services to the staff and "youth". Irrigation issues are a secondary concern unless it poses an immediate threat or danger. Due to staff vacancies and available funding, it has been necessary for Plant Operations to direct our efforts to the highest priority issues within NCYCC. We have recently started repair work on the irrigation issues that have been identified in the report. Our plan is have the issues completed by October 31, 2013.

Rain gutters are not being cleaned as grass/weeds were seen growing in many of the gutters:

NCYCC rain gutters and roof maintenance (cleaning and drains maintenance) are scheduled to be completed on an annual "Preventative Maintenance" schedule/program. These items are considered an important part of maintaining our structures' integrity. In April of 2013, Plant Operations staff completed a thorough inspection and service of all roofs and gutters at OHCYCF. Inspection and service of all roofs and gutters at NACYCF is scheduled to be completed by October 2013.

Some floor tiles are partially or completely missing:

Floor tiles are replaced and repaired as identified (via work order system) throughout the entire NCYCC facility on a maintenance level. We have experienced a larger issue on the NA Chaderjian (NAC) living units. Through disruptive behavior by the youth (flooding of their rooms, etc.) the floors on the living units, have received severe water damage and, as a result, over time have loosened a significant number of the floor tiles on the living units. Plant Operations monitors the situation, and through the work order system, we ensure the potential hazard of loose/uneven floor tiles, are negated. The issue at NACYCF is on a larger scale than Plant Operations can address with its current resources, therefore, the facility has submitted a "Special Repair Project" (SRP) request, for the removal and sealing of the remaining floors at NACYCF. To date, two units have been completed and the remaining halls are awaiting design and funding.

Ceiling tiles over sleeping areas show signs of water damage:

Ceiling tiles on the living units are cellulose based and can on occasion show the signs of water leakage from roof leaks. Plant Operation staff monitors and removes all tiles that may be damaged or could present a potential danger if they were to fall. Water stained tiles will be repainted as part of the Facility Revitalization Corrective Action Plan (FRCAP) currently underway at both Institutions. The FRCAP will address the repair needs of the interior and exterior of each housing unit. At both NACYCF and OHCYCF, we have aging roofs that require restoration and/or replacement. Funds were allocated last year for repairs of the roofs at OHCYCF Education building and the Inyo housing unit and design is completed for all roofs at NACYCF. In total, we identified through the SRP funding request process nine roofs at NACYCF and OHCYCF for repairs and/or replacement.

Exterior paint on some buildings is peeling:

Exterior paint is an area of maintenance that is vital to longevity and integrity of the buildings. Our intention at NCYCC is to complete the painting of exterior buildings every 5-7 years. This has proven to be unrealistic at times. The nature of the Institutional setting often requires the maintenance painting staff to repeat, or re-paint, areas over and over again, well before the 5 year plan dictates. This is due to damage through disruptive behavior and graffiti issues by the youth. These instances are inevitable but can influence how often we are capable of painting the entire exterior of buildings. Thus we address the exteriors as required. Our staff is given the task of monitoring the condition of the buildings and scheduling work as required. This will allow our maintenance staff to paint the exterior of the buildings in sections or as partial re-paint until the opportunity for complete re-paints present themselves. As noted above, the FRCAP addresses the exterior paint for each of the buildings based on critical need with the ultimate goal of repainting all housing units.

Finding 2

"The building and grounds observed could lead to expensive repairs if not addressed soon."

Recommendation

"The Youth Authority Administrators of NACYCF and OHCYCF review, and revise where needed their preventative maintenance program. In the event a preventative maintenance plan has not been created, a plan should be created."

As noted in the response to Finding #1, DJJ facilities currently have a computerized maintenance program which prioritizes and tracks repairs and maintenance problems. On a quarterly basis, DJJ headquarters reviews facility requests for repairs and capital outlay projects and develops funding proposals annually prioritizing repairs and new construction within DJJ facilities. As of

March 2013, DJJ has identified and submitted 91 projects for additional funding through the capital outlay or special repair/deferred maintenance process. These projects are in addition to general repairs and maintenance items identified by staff and accounted for in the facility work order systems. While repairs and replacement of equipment is sometimes delayed, items effecting the health and safety of staff and youth are addressed immediately.

We appreciate the Grand Jury's interest in DJJ and the feedback provided as part of their annual inspection. Please feel free to contact me at (916) 322-5591, should you have any further questions or concerns regarding DJJ facilities or our programs.

Sincerely,



MICHAEL MINOR
Director
Division of Juvenile Justice

cc: Erin Brock
Anthony Lucero
Mark Blaser
Trisa Martinez