

**OFFICE OF THE INSPECTOR GENERAL**

**STEVE WHITE, INSPECTOR GENERAL**

• *PROMOTING INTEGRITY* •



**SPECIAL REVIEW**

**YOUTHFUL OFFENDER PROGRAM**

**CALIFORNIA CORRECTIONAL INSTITUTION**

**TEHACHAPI, CALIFORNIA**

**SEPTEMBER 2003**

**GRAY DAVIS, GOVERNOR**





## OFFICE OF THE INSPECTOR GENERAL

September 5, 2003

The Honorable Gloria Romero, Chair  
Senate Select Committee on the California Correctional System  
State Capitol, Room 5051  
Sacramento, CA 95814-4900

Dear Senator Romero:

The enclosed report presents the results of a special review conducted by the Office of the Inspector General of the Youthful Offender Program. The review was performed at your request following the suicide death of a 17-year-old inmate participant in the Youthful Offender Program. You asked that the Office of the Inspector General examine the operation of the Youthful Offender Program to identify any systemic problems. You also requested that we investigate the specific circumstances surrounding the inmate's suicide. This report concerns the operation of the program and does not address the circumstances of the suicide. The results of that investigation are confidential and will be communicated in a separate letter.

The Office of the Inspector General found that the facilities at the California Correctional Institution cannot adequately accommodate Youthful Offender Program inmates. The institution has limited space for the program, and because the law requires juveniles to be separated from the adult inmate population, the youthful offenders are confined to one Level IV adult maximum security facility with two small enclosed concrete outdoor exercise areas originally designed for adult administrative segregation inmates. Whenever they leave the housing unit, they must be escorted by custody staff, while most adult inmates are much less restricted.

Youthful offenders must also be separated by custody level, ethnicity, and gang affiliation, with the result that they are often confined to cells for long periods and receive less than the mandated education programming and out-of-cell exercise time. The inmates in the Youthful Offender Program, all of whom are either 16 or 17 years old, also do not have access to the range of counseling and rehabilitative programs available to juveniles committed to the California Youth Authority, and the institution is not licensed or equipped to provide youthful offenders with some types of required mental health treatment. For example, youthful offenders needing placement in a mental health crisis bed or in an enhanced outpatient program must be transferred to other institutions, sometimes repeatedly, imposing a significant logistical and financial burden on the institution. Meanwhile, juveniles convicted of identical offenses (who were not tried as adults or were not 16 at the time of the commission of the crime) are being held in California Youth Authority facilities, which offer a range of counseling, mental health, education, and other rehabilitative programs.

The Honorable Gloria Romero

September 5, 2003

Page 2

The California Correctional Institution was intended to house the Youthful Offender Program for a period of only three years until another Department of Corrections institution could be retrofitted to accommodate the program, or until the new state prison at Delano could be completed. Almost four years later, the department has made little progress in retrofitting another institution, and construction of the Delano prison has been put on hold for budgetary reasons.

The Office of the Inspector General determined from a review of state law, that although minors convicted under the provisions of Proposition 21 must be sentenced to state prison, the Department of Corrections and the California Youth Authority could nonetheless develop an agreement to house juveniles sentenced to state prison in a California Youth Authority institution until their 18<sup>th</sup> birthday. The Office of the Inspector General recommends that the departments take that action.

Very truly yours,



STEVE WHITE  
Inspector General

cc: John Burton, President Pro Tempore, California State Senate  
Robert Presley, Secretary, Youth and Adult Correctional Agency  
Edward S. Alameida, Director, California Department of Corrections  
Jerry L. Harper, Director, California Youth Authority  
Arthur Calderon, Warden, California Correctional Institution

# OFFICE OF THE INSPECTOR GENERAL



## SPECIAL REVIEW

### YOUTHFUL OFFENDER PROGRAM

CALIFORNIA CORRECTIONAL INSTITUTION, TEHACHAPI, CALIFORNIA

REPORT

SEPTEMBER 2003

• *PROMOTING INTEGRITY* •

# CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	<b>3</b>
<b>INTRODUCTION</b> .....	<b>5</b>
<b>BACKGROUND</b> .....	<b>5</b>
<b>OBJECTIVES, SCOPE, AND METHODOLOGY</b> .....	<b>6</b>
<b>FINDINGS AND RECOMMENDATIONS</b> .....	<b>7</b>
<b>FINDING 1</b> .....	<b>7</b>
<i>California Correctional Institution cannot adequately accommodate youthful offenders.</i>	
<b>FINDING 2</b> .....	<b>10</b>
<i>Juveniles convicted of identical offenses are housed at the California Youth Authority.</i>	
<b>FINDING 3</b> .....	<b>11</b>
<i>Department of Corrections has not developed another site for the program.</i>	
<b>RECOMMENDATION</b> .....	<b>11</b>
<b>YOUTHFUL OFFENDER PROGRAM INMATE PROFILES</b> .....	<b>ATTACHMENT A</b>
<b>MOVEMENT OF YOUTHFUL OFFENDERS FOR MENTAL HEALTH TREATMENT</b> ---	<b>ATTACHMENT B</b>
<b>RESPONSE FROM THE CALIFORNIA CORRECTIONAL INSTITUTION AT TEHACHAPI</b> .....	<b>ATTACHMENT C</b>

## EXECUTIVE SUMMARY

This report presents the results of a special review performed by the Office of the Inspector General of the Youthful Offender Program at California Correctional Institution in Tehachapi, California. The review, which was conducted at the request of Senator Gloria Romero, Chair of the Senate Select Committee on the California Correctional System, was prompted by the suicide of a 17-year-old inmate at the institution who was a participant in the Youthful Offender Program. Senator Romero requested that the Office of the Inspector General examine the operation of the Youthful Offender Program to identify any systemic problems. She also requested that the Office of the Inspector General investigate the specific circumstances surrounding the inmate's suicide. This report concerns the operation of the program and does not address the circumstances of the suicide. The results of that investigation are confidential and will be communicated in a separate letter.

The Youthful Offender Program resulted from the March 2000 passage of Proposition 21, the "Gang Violence and Juvenile Crime Prevention Act." The act increased penalties for gang-related felonies and other specified serious and violent crimes; required that juveniles 14 or older charged with specific offenses be tried in adult court; and required that any juvenile 16 years and older who is convicted in adult court be sentenced to the California Department of Corrections.

All minors sentenced under the provisions of Proposition 21 are presently incarcerated in the Youthful Offender Program at the California Correctional Institution in Tehachapi, a Level IV adult correctional facility. The institution was intended to house the Youthful Offender Program for a period of only three years pending the retrofitting of another Department of Corrections institution or the completion of a new prison at Delano, California. At the time of this review, almost four years later, however, the department has still not developed a permanent site for the Youthful Offender Program. Little progress has been made in retrofitting another institution to house the program and construction of the new prison at Delano has been halted for budgetary reasons.

At the time of the review, the Youthful Offender Program inmates numbered 142. All are either 16 or 17 years of age; 75 percent are gang-affiliated; and they represent a diverse mix of custody levels and ethnic backgrounds. Because state law requires that juveniles be separated from the adult inmate population, the Youthful Offender Program inmates are confined to one facility at the institution — a Level IV adult maximum security facility with two small enclosed concrete outdoor exercise areas originally designed for adult administrative segregation inmates. Whenever they leave the housing unit they must be escorted by custody staff, while adult inmates are much less restricted. Youthful offenders must also be separated from one another according to custody level, ethnicity, and gang affiliation.

The Office of the Inspector General found that the facilities at the California Correctional Institution cannot adequately accommodate Youthful Offender Program inmates. The limited space available at the institution for the program, along with the need to separate youthful offenders by custody level, ethnicity, and gang affiliation and to keep them separate from the adult inmates, often results in youthful offenders being confined to cells and receiving less than the mandated education programming and out-of-cell exercise time. They do not have access to the range of counseling and rehabilitative programs available to juveniles committed to the California Youth Authority, the institution is not licensed or equipped to provide youthful offenders with some types of required mental health treatment. As a result, youthful offenders

needing placement in a mental health crisis bed or in an enhanced outpatient program are transferred to other institutions, sometimes repeatedly, imposing a significant logistical and financial burden on the institution. Meanwhile, juveniles convicted of offenses identical to those of the Youthful Offender Program inmates at the California Correctional Institution, but who were not tried as adults or were not 16 at the time of the commission of the crime are being held in California Youth Authority facilities, which offer a range of counseling, mental health, education, and rehabilitative programs.

The Office of the Inspector General determined from a review of state law that although minors convicted under the provisions of Proposition 21 must be sentenced to state prison, the Department of Corrections and the California Youth Authority could nonetheless develop an agreement to house juveniles sentenced to state prison in a California Youth Authority institution until their 18<sup>th</sup> birthday. The Office of the Inspector General recommends that the departments take that action.

## INTRODUCTION

This special review of the Youthful Offender Program was performed under the authority assigned to the Office of the Inspector General by *California Penal Code* Section 6125 for oversight of the Youth and Adult Correctional Agency and its subordinate entities. Under *California Penal Code* Section 6126, the Office of the Inspector General is responsible for reviewing policies and procedures and conducting audits of organizations within the agency to identify deficiencies and areas of noncompliance with applicable laws, regulations, policies and procedures and to recommend corrective action. The review was conducted during July 2003 at the request of Senator Gloria Romero, Chair of the Senate Select Committee on the California Correctional System and was prompted by the suicide of a 17-year-old inmate participant in the Youthful Offender Program. Senator Romero requested that the Office of the Inspector General investigate the circumstances surrounding the suicide and review the operation of the program to examine the level of care provided by the Department of Corrections to program participants. This report concerns the review of program operations. The results of the investigation into the suicide death are confidential and will be communicated in a separate letter.

## BACKGROUND

The Youthful Offender Program was established following the March 2000 passage of Proposition 21, the "Gang Violence and Juvenile Crime Prevention Act," which made significant changes in laws governing the treatment of juvenile offenders. Among other modifications, the act made it easier to prosecute juveniles as adults; increased the penalties for juveniles convicted of specific violent crimes and gang-related offenses; and required any juvenile age 16 or over who was convicted in adult court to be sent to state prison.

The effect of Proposition 21 was to eliminate for specified offenders the discretion previously granted to authorities in sentencing juveniles and the option of sending these offenders to a juvenile facility for individualized treatment, counseling, education, and rehabilitation rather than to an adult prison, where such services are less available. Under federal law, however, inmates under age 18 must nonetheless attend an educational program.

All minors sentenced under the provisions of Proposition 21 are presently incarcerated in the Youthful Offender Program at the California Correctional Institution in Tehachapi, a Level IV adult correctional facility. The institution was selected to serve as the temporary site of the program in the wake of a December 1999 budget change proposal by the Department of Corrections, which had provided for 22.1 positions to serve juvenile offenders sent to state prison under previously existing laws. The Youthful Offender Program was activated at the California Correctional Institution in April 2000 with the intention that the program would remain at the institution for three years or until another prison could be retrofitted or until the construction of a new prison in Delano could be completed.

All of the inmates in the Youthful Offender Program are either 16 or 17 years old. When they reach the age of 18, they are transferred out of the program and moved into the general inmate population at the California Correctional Institution or are sent to another Department of Corrections institution. During the first year of operation, the Youthful Offender Program population ranged from 75 to 95, and in 2002 grew to 120. In 2003 the population fluctuated between 140 and 150. At the time of the fieldwork by the Office of the Inspector General, the



Youthful Offender Program population totaled 142, including inmates who had not yet completed processing, classification, and orientation. The population was made up of 60 percent Hispanic, 31 percent black, and 9 percent white, American Indian, and other ethnic backgrounds. Approximately 75 percent (106) of the offenders were gang-affiliated. At the time of the review, 56 were southern Hispanics, 11 were northern Hispanics, 27 were Crips, eight were Bloods, and four others belonged to other gangs. Most were sentenced in Los Angeles County or other southern California jurisdictions. The custody levels of the inmates in the Youthful Offender Program also varied: Two were Level I, six were Level II, 83 were Level III, and 44 were Level IV. Attachment A to this report presents the custody classification levels, ethnicity, and gang affiliations of the 142 inmates in the Youthful Offender Program at the time of the review.

## **OBJECTIVES, SCOPE, AND METHODOLOGY**

The purpose of the special review was to examine the operation of the Youthful Offender Program and to identify any systemic problems. In performing the review, the Office of the Inspector General carried out the following procedures:

- Examined the laws and regulations governing the Youthful Offender Program.
- Visited the California Correctional Institution to view the Youthful Offender Program facilities and housing arrangements and to tour the Facility IVB maximum security unit where the youthful offenders are housed.
- Interviewed institution staff members responsible for providing custody, education, medical, and mental health services to inmates in the Youthful Offender Program, including, the warden, the chief deputy warden, the chief medical officer, the psychologist and counselor for the Youthful Offender Program, the supervisor of correctional education programs, the facility captain, teachers, and other members of the custody and medical staff.
- Randomly selected and reviewed the central files of 50 youthful offenders incarcerated at the time of the field visit to determine key dates for inmate arrivals, endorsement by the unit classification committee, medical and dental evaluations, and mental health screening.
- Reviewed the same 50 selected central files to determine whether the inmates had filed CDC Form 602 inmate appeals or had received CDC Form 115 rule violations.
- Reviewed the medical files of 18 inmates who had required mental health treatment or medication for a chronic medical condition to determine whether parental consent forms were on file for medication prescribed and to determine the types and frequency of visitation from physicians, counselors, and trained mental health staff.
- Reviewed documentation supporting the transport of inmates requiring treatment in the enhanced outpatient program to crisis beds at other institutions.
- Interviewed 12 selected inmates in the Youthful Offender Program to inquire about their understanding and perception of the way the program operates at the California Correctional Institution and to discuss any concerns about the treatment they had received at the institution.

## FINDINGS AND RECOMMENDATIONS

### FINDING 1

**The Office of the Inspector General found that the facilities at the California Correctional Institution cannot adequately accommodate Youthful Offender Program inmates.**

The principal function of the California Correctional Institution as a Level IV adult correctional institution is at odds with accommodating the Youthful Offender Program inmates. The institution has limited space available for the youthful offenders, and the need to separate them by custody level and gang affiliation and to keep them separate from the adult inmates often results in many youthful offenders being confined to cells for long periods and receiving less than the mandated education programming and out-of-cell exercise time. The institution also lacks the resources to provide youthful offenders with some types of necessary mental health care, with the result that those needing placement in an enhanced outpatient program bed or a mental health crisis bed must be transferred to other institutions, often repeatedly.

***Youthful offenders must be separated from adults, as well as by custody level and gang status.***

The need to keep the youthful offenders separate from adult inmates and to also separate them according to gang status and custody level complicates the handling of both youthful offenders and adult inmates. The Department of Corrections has interpreted *California Welfare and Institutions Code* Section 208(a), which requires inmates under 18 to be separated from the adult prison population, to mean that youthful offenders must be kept “sight and sound” away from adult inmates. To meet the requirement, youthful offenders at the California Correctional Institution are confined in B Facility, a Level IV adult maximum security building. Unlike most adult inmates, who are much less restricted, youthful offenders must be escorted by the custody staff whenever they leave their cells. They are not allowed on the main yard, and instead are restricted to two small enclosed concrete outdoor exercise areas that were designed for adult administrative segregation inmates and that lack recreation equipment. If a youthful offender must be escorted through the main yard in an emergency situation while adult prisoners are present, the custody staff confines the adults to an isolated asphalt area in the yard.

***The youthful offenders are confined to cells during the intake process.*** Because of the limited space available at the institution for youthful offenders, new arrivals are kept in cells for safety reasons until gang affiliations are identified and intake is completed, a process that can take a month or more. The Office of the Inspector General found that the 50 youthful offenders whose files were selected for review spent an average of 60.5 days confined in cells from the date they arrived at the institution until the intake process was completed and they were endorsed into the Youthful Offender Program. Actual times ranged from 12 days to 110 days. That average length of time exceeds a goal set by the Department of Corrections that intake be completed within 45 days, but according to the institution staff, represents an improvement over the past in which intake processing sometimes took three or four months. The Office of the Inspector General did note a trend toward improvement, in that inmates arriving at the California Correctional Institution during the most recent quarter were generally processed within 30 days.

***A high percentage of youthful offenders are held in administrative segregation.*** The Office of the Inspector General found that at the time of the review, 49 of the 142 inmates in the Youthful Offender Program were assigned to administrative segregation and therefore confined to cells, restricted from contact visits, and denied privileges such as television and radio. Two of the 49 had been sent out of the institution to enhanced outpatient beds at other institutions for mental

health treatment. Of the remaining 47, 34 had been placed in administrative segregation as the result of a June 3, 2003 race riot. The other 13 were in administrative segregation either for disciplinary reasons or because of safety concerns stemming from gang affiliations or from commitment offenses.

***Youthful offenders confined to cells do not receive required out-of-cell exercise time.***

*California Code of Regulations*, Title 15, Section 3343(h) requires inmates in administrative segregation to have out-of-cell exercise time at least three days a week for a total of not less than 10 hours in a seven-day period. The Office of the Inspector General found, however, that because of the limited yard space available for youthful offenders, those confined in administrative segregation and in cells pending completion of intake processing do not receive the required out-of-cell time. The review of the selected 50 central files found that the 21 inmates from the sample who were assigned to administrative segregation had received an average of only 2 hours a week of out-of-cell exercise time during the three-week period ending July 17, 2003. Those confined to cells during intake processing had received an average of only 6.4 hours a week during the same period.

***The space shortage and vacant teacher positions limit access to education programming.***

Youthful offender inmates 16 and 17 years of age are required by federal law to attend an educational program, and the educational programming for youthful offenders incarcerated at the California Correctional Institution is designed for inmates to earn high school diplomas. But the Office of the Inspector General found that because of the limited space available for classes, a shortage of teachers, and the need to separate the inmates by gang affiliation, the Youthful Offender Program inmates do not have equal access to education services. The main “classroom” available to the youthful offenders is a large visiting area in Facility B that has been separated by two partitions so that three classes can be instructed simultaneously — an arrangement not conducive to learning because of noise and other distractions. Southern Hispanic and black inmates, which comprise the largest group of youthful offenders, attend classes in this room and in the gymnasium and receive 6.5 hours of daily instruction. Meanwhile, Northern Hispanic, white, and other inmates attend classes in the dining hall and receive only 3.5 hours of daily instruction. None of the youthful offenders in administrative segregation or those confined to cells pending completion of intake attend education classes. The constraints in the education program for the youthful offenders are also exacerbated by a shortage of teachers as a result of state budgetary cutbacks. At the time of the review, only five of the eight teaching positions originally funded at the institution were filled.

***The institution cannot provide youthful offenders with some types of mental health treatment.***

A high percentage of inmates in the Youthful Offender Program require mental health treatment. At the time of the review, 26 (18 percent) of the 142 inmates in the Youthful Offender Program were participants in the mental health program at the California Correctional Institution. Yet, the Office of the Inspector General found that the institution cannot provide treatment for youthful offenders who require placement in an enhanced outpatient program or in a mental health crisis bed because the institution is not designed or licensed to provide such treatment. As a result, youthful offenders found to need placement in an enhanced outpatient program or a mental health crisis bed must be transported to other institutions for treatment, imposing a significant logistical and financial burden on the institution. Under existing procedures, if a youthful offender exhibits mental health problems such as depression or anxiety or displays suicidal tendencies, he may be moved from his cell to the infirmary for assessment for a period of up to 72 hours. If the staff psychiatrist determines that he needs placement in an enhanced outpatient

program, the institution must transport him to another institution designated and staffed to treat inmates at that care level. If he is determined to need placement and treatment in a mental health crisis bed, the institution must transport him to a licensed correctional treatment center within 24 hours. According to Department of Corrections guidelines, inmates may be retained in a mental health crisis bed for up to 10 days unless a chief psychiatrist or designee determines that additional time is necessary. After that he may be sent back to a correctional clinical case management bed at the California Correctional Institution; to an enhanced outpatient bed in another institution; or to an inpatient facility operated by the Department of Mental Health for long-term intensive care.

The Office of the Inspector General found from a review of central and medical files of Youthful Offender Program inmates that several had been transferred to other institutions for mental health treatment, often repeatedly, and perhaps to the detriment of the inmate's mental health, because the California Correctional Institution was unable to provide the required care. The institution usually seeks to send Youthful Offender Program inmates needing mental health treatment to the institutions closest in proximity — California State Prison, Los Angeles County or Ironwood State Prison — but the search for a vacant bed may necessitate sending them to other, more distant institutions. At the time of the review, four Youthful Offender Program inmates were occupying enhanced outpatient program beds at other institutions — two at Ironwood State Prison, one at Salinas Valley State Prison, and one at California State Prison, Los Angeles County. Over one six-month period, another inmate had been sent to the institution infirmary for mental health crisis care on seven separate occasions and had been transferred five times to four other state institutions during the same period, with a total of 42 days spent at other facilities. The review also revealed that the Youthful Offender Program inmate whose recent suicide is the subject of a separate investigation by the Office of the Inspector General, was sent to the infirmary at the California Correctional Institution for mental health crisis care on six separate occasions over a six-month period and was transferred four times to three other institutions for mental health crisis treatment during the same period. Attachment B to this report illustrates the movement among institutions for mental health treatment of three Youthful Offender Program inmates.

***Youthful offenders are not separated from adult inmates at the infirmary.*** Although state law requires youthful offenders to be separated from the adult inmate population, the design of the infirmary at the California Correctional Institution does not allow youthful offenders to be kept separate from adult inmates. Youthful offenders transported to correctional treatment centers at other institutions also come into contact with adult inmates.

***Routine medical and mental health treatment appears to be provided in a timely manner.***

Although the California Correctional Institution cannot accommodate youthful offenders needing placement in an enhanced outpatient program or in a mental health crisis bed, the Office of the Inspector General found that other medical and mental health treatment at the institution appears for the most part to be provided in a timely fashion. A review of the files of the 18 youthful offenders participating in the mental health program determined that nearly all had received physical exams on the day they arrived at the institution and that medical and psychiatric screening and evaluations were generally prompt. The medical files reviewed also showed that counselors, psychologists, and psychiatric technicians had met with the inmates on a regular basis. The review did reveal, however, that in some instances, psychiatric screenings and evaluations for youthful offenders were not conducted within the time required by the

department's *Mental Health Services Delivery System Program Guide*. The guide requires that the screenings and evaluations be completed within seven calendar days of the inmate's arrival at the institution.

## FINDING 2

**The Office of the Inspector General found that juvenile offenders charged with or convicted of offenses identical to those of the Youthful Offender Program inmates incarcerated at the Department of Corrections are being held in California Youth Authority facilities, which are better equipped to handle them.**

The Office of the Inspector General found that as a result of Proposition 21, county jails are experiencing similar difficulty housing juveniles awaiting trial in adult court and that some of those juveniles are therefore being sent instead to a California Youth Authority facility. Other California Youth Authority facilities are also housing wards whose commitment offenses are similar to those of the Youthful Offender Program inmates (but who were not tried as adults or were not 16 at the time of the commission of the crime). The California Youth Authority is better equipped than the Department of Corrections to handle youthful offenders because it is not burdened with the need to separate juveniles from an adult prison population. Its goal of providing rehabilitation services along with confinement is also more consistent with the handling of youthful offenders than that of the California Department of Corrections, which emphasizes custody over rehabilitation.

### ***Los Angeles sends juveniles awaiting trial in adult court to the California Youth Authority.***

Some juveniles charged under Proposition 21, whose offenses are the same as those of Youthful Offender Program inmates, are being held in a California Youth Authority facility while they await trial. Proposition 21 requires that juveniles charged with specific crimes may no longer be released pending trial in adult court and instead must be held in a secure facility. Although most juvenile offenders awaiting trial in adult court are held at juvenile halls, some are now being held instead in county jails. Like the California Correctional Institution, however, county jails are designed to accommodate an adult population rather than juveniles, and state law requires that these juveniles, like the Youthful Offender Program inmates, be kept separate from adult prisoners. To accomplish the separation, county jails, again like the California Correctional Institution, have relied on isolating and confining juvenile offenders in cells, in some cases for as long as 23 ½ hours a day. In Los Angeles, this practice recently came under strong criticism by the county grand jury and youth advocacy groups. As a result, the Los Angeles County Board of Supervisors has agreed to spend \$1.2 million to house dozens of juveniles awaiting trial as adults in a California Youth Authority facility rather than at the Men's Central Jail.

### ***Youthful Offender inmates have committed the same offenses as some Youth Authority wards.***

The Office of the Inspector General found from reviewing the files of numerous California Youth Authority wards obtained in the performance of past audits and special reviews, that many wards incarcerated at California Youth Authority facilities such as Heman G. Stark and N.A. Chaderjian have committed the same offenses as the inmates in the Youthful Offender Program being held at the California Correctional Institution.

***Youthful Offender Program inmates could be held at the California Youth Authority.*** The Office of the Inspector General found that Youthful Offender Program inmates could be incarcerated at a California Youth Authority institution instead of at the California Correctional Institution or other Department of Corrections facility. A review of applicable state law found

that although minors convicted under the provisions of Proposition 21, as codified in *Welfare and Institutions Code* Section 1732.6, must be sentenced to the Department of Corrections, the Department of Corrections and the California Youth Authority could nonetheless develop an agreement for housing juveniles sentenced to state prison in a California Youth Authority institution until their 18<sup>th</sup> birthday.

### **FINDING 3**

**The Office of the Inspector General found that the Department of Corrections has made little progress in developing an appropriate facility to accommodate the Youthful Offender Program.**

The California Correctional Institution was never intended to be a permanent home for the Youthful Offender Program. The Department of Corrections had planned to house the program at the institution for only three years until another prison could be retrofitted to accommodate the program or until the new state prison at Delano could be completed. Now, almost four years later, little progress has been made in retrofitting another prison and construction of the new prison at Delano has been put on hold for budgetary reasons. As an institution designed for a homogenous population of Level IV adult inmates, and with the need to separate adult prisoners from juvenile inmates, the California Correctional Institution is inadequate for handling youthful offenders of diverse custody levels, ethnic backgrounds, and gang affiliations.

### **RECOMMENDATION**

**The Office of the Inspector General recommends that the Department of Corrections and the California Youth Authority formulate an arrangement to house Youthful Offender Program inmates at a California Youth Authority facility.**

**ATTACHMENT A**

<b>YOUTHFUL OFFENDER PROGRAM CUSTODY LEVEL/GANG AFFILIATION</b>						
<b>Gang</b>	<b>Level I</b>	<b>Level II</b>	<b>Level III</b>	<b>Level IV</b>	<b>Other*</b>	<b>Totals</b>
Southern Hispanic	2	2	37	13	2	56
Northern Hispanic	0	1	5	5	0	11
Crip	0	0	12	15	0	27
Blood	0	0	6	1	1	8
Peckerwood	0	0	1	0	0	1
White Dragon	0	0	1	0	0	1
Bulldog	0	0	1	0	0	1
Maravilla	0	0	0	1	0	1
No Gang Affiliation	0	2	15	5	0	22
None Listed (not identified)	0	1	5	4	4	14
<b>Totals</b>	<b>2</b>	<b>6</b>	<b>83</b>	<b>44</b>	<b>7</b>	<b>142</b>
*Inmates have not completed the initial classification process.						

**YOUTHFUL OFFENDER PROGRAM  
SAMPLE CASES OF MENTAL HEALTH CRISIS CARE INMATE MOVEMENT**

**Inmate A**

Date	Process	Location	Days Spent
11/26/2002	Admitted	California Correctional Institution, Tehachapi Youthful Offender Program	134
4/9/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	7
4/16/2003	Transferred	California State Prison, Los Angeles County, Lancaster Crisis Bed	7
4/23/2003	Transferred	California Correctional Institution, Tehachapi Infirmary	1
4/24/2003	Changed Unit	California Correctional Institution, Tehachapi Youthful Offender Program	1
4/25/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	3
4/28/2003	Changed Unit	California Correctional Institution, Tehachapi Administrative Segregation	2
4/30/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	1
5/1/2003	Transferred	California State Prison, Los Angeles County, Lancaster Crisis Bed	7
5/8/2003	Transferred	California Correctional Institution, Tehachapi Infirmary	1
5/9/2003	Transferred	California Substance Abuse Treatment Facility and State Prison, Corcoran Crisis Bed	21
5/30/2003	Transferred	California Medical Facility, Vacaville Crisis	10
6/9/2003	Transferred	California Correctional Institution, Tehachapi Youthful Offender Program	22
7/1/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	1
7/1/2003	Discharged	California Correctional Institution, Tehachapi Infirmary	NA

**Summary:** Inmate was transferred 4 times to 3 different institutions and spent a total of 45 days receiving crisis care at these facilities. Inmate was also sent to the infirmary on 6 separate occasions for crisis care.

**INMATE B**

Date	Process	Location	Days Spent
11/19/2002	Admitted	California Correctional Institution, Tehachapi Youthful Offender Program	33
12/22/2002	Changed Unit	California Correctional Institution, Tehachapi Infirmary	2
12/24/2002	Transferred	Richard J. Donovan Correctional Facility, San Diego Crisis Bed	17
1/10/2003	Transferred	California Correctional Institution, Tehachapi Infirmary	4
1/14/2003	Transferred	Salinas Valley State Prison, Soledad Crisis Bed	3
1/17/2003	Transferred	California Correctional Institution, Tehachapi Youthful Offender Program	62
3/20/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	1
3/21/2003	Changed Unit	California Correctional Institution, Tehachapi Youthful Offender Program	5
3/26/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	1
3/27/2003	Transferred	Pleasant Valley State Prison, Coalinga Crisis Bed	7
4/3/2003	Transferred	California Correctional Institution, Tehachapi Youthful Offender Program	1
4/4/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	3
4/7/2003	Changed Unit	California Correctional Institution, Tehachapi Youthful Offender Program	7
4/14/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	2
4/16/2003	Transferred	Salinas Valley State Prison, Soledad Crisis Bed	6



4/22/2003	Transferred	California Correctional Institution, Tehachapi Youthful Offender Program	1
4/23/2003	Transferred	California State Prison, Los Angeles County, Lancaster Crisis Bed	9
5/2/2003	Transferred	California Correctional Institution, Tehachapi Youthful Offender Program	60
7/1/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	1
7/1/2003	Changed Unit	California Correctional Institution, Tehachapi Youthful Offender Program	NA

**Summary:** Inmate was transferred 5 times to 4 separate institutions and spent a total of 42 days receiving crisis care at these facilities. Inmate was also sent to the infirmary on 7 separate occasions for crisis care.

**INMATE C**

Date	Process	Location	Days Spent
3/11/2003	Admitted	California Correctional Institution, Tehachapi Youthful Offender Program	38
4/18/2003	Transferred	Richard J. Donovan Correctional Facility, San Diego Crisis Bed	18
5/6/2003	Transferred	California Correctional Institution, Tehachapi Infirmary	3
5/9/2003	Transferred	Richard J. Donovan Correctional Facility, San Diego Crisis Bed	39
6/17/2003	Transferred	California Correctional Institution, Tehachapi Youthful Offender Program	1
6/18/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	2
6/20/2003	Transferred	California State Prison, Los Angeles County, Lancaster Crisis Bed	7
6/27/2003	Transferred	California Correctional Institution, Tehachapi Administrative Segregation	0
6/27/2003	Changed Unit	California Correctional Institution, Tehachapi Infirmary	3
6/30/2003	Changed Unit	California Correctional Institution, Tehachapi Administrative Segregation	1
7/1/2003	Transferred	California State Prison, Los Angeles County, Lancaster Crisis Bed	NA

**Summary:** Inmate was transferred 4 times to 2 separate institutions and spent a total of 64 days receiving crisis care at these facilities. Inmate was also sent to the infirmary on 3 separate occasions for crisis care.

Source: Offender Based Information System (Movement History)

**RESPONSE FROM THE  
CALIFORNIA CORRECTIONAL INSTITUTION  
AT TEHACHAPI**

STATE OF CALIFORNIA-YOUTH AND ADULT CORRECTIONAL AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF CORRECTIONS

**CALIFORNIA CORRECTIONAL INSTITUTION AT TEHACHAPI**

P.O. Box 1031  
Tehachapi, CA 93581  
(661) 822-4402



August 28, 2003

Robert Fees  
Office of the Inspector General  
P. O. Box 348780  
Sacramento, CA 95834

Dear Robert:

**YOUTHFUL OFFENDER PROGRAM ENHANCEMENTS**

As requested, the following information outlines the measures the California Correctional Institution (CCI) has taken since the recent Inspector General Review. These measures are designed to resolve issues and continue to enhance the Youthful Offender Program (YOP).

- **Processing Time**

A procedure has been established allowing the Classification and Parole Representative to endorse process cases to the YOP. This has resulted in YOP process cases being endorsed to the YOP program on an average of less than 30 days.

An In-Cell Education Program is being developed to provide process inmates an opportunity to begin their education program while in their process phase.

- **Northern Hispanic/Level I and II Inmates' Education Access**

Recent changes in the classification process will virtually eliminate YOP inmates being assigned Level I custody. The Classification Committee has the ability to override Level II inmates to program with the Level III and IV inmates. This allows them access to all YOP programs. This also resolves the issue of these inmates splitting program time with the Northern Hispanics. Additionally, when teachers in the YOP are absent, teachers from the adult programs will be utilized to keep YOP education programs open.

- **Yard Access for Administrative Segregation (Ad Seg)/Security Housing Unit (SHU) Inmates**

YOP inmates on Ad Seg or SHU status now go to the concrete yards in groups, allowing them a better opportunity to receive 10 hours per week of yard time.


A procedure is being finalized to implement an Enhanced Outpatient Program for YOP inmates.

Robert Fees  
Youthful Offender Program Enhancements  
Page 2

Psychological Screening and Evaluations are currently being completed within mandated time frames. This has assisted the California Correctional Institution in reducing overall process time and provides prompt identification of any needs the inmate may have relative to Mental Health.

If you have any additional questions or concerns in this regard, please contact me at Extension 4200.



 A. CALDERON  
Warden

/dg

cc: W. J. Sullivan, CDW  
M. K. Witcher, AW  
T. Meadors, Facility Captain