

Compliance with Safety and Welfare Requirements: Chaderjian Site Visit Report
January 28, 2010
Zack Schwartz and Aubra Fletcher

The Safety and Welfare Plan assigns monitoring of some requirements to the office of the special master (OSM). Zack Schwartz and Aubra Fletcher visited Chaderjian on November 12-13, 2009 to audit compliance with these requirements. This report is based on youth and staff interviews and multiple “proofs of practice” provided by DJJ.

2.1.4a: As appropriate, youth are to receive information materials and/or briefing within 30 days of policy changes.

Living unit staff are required to complete sign-in sheets to show that they have informed youth of policy changes. The facility compliance monitor systematically tracks whether staff turn in these sheets, and reminds them when they are late.¹ Inspection of recent sign-in sheets showed that all living units informed youth of recent changes to the DDMS policy within 30 days. A partial compliance rating is assigned because in other cases – including changes to the grievance and program credits policies – one or more living units was a month or more late in informing youth.² Four out of five youth interviewed about policy changes stated that staff announce changes in large group meetings. Two of the five youth (one on Smith and one on Kern) said rules changed unpredictably.

Rating: Partial compliance

2.2.3: DJJ to designate staff to act as facility compliance monitors and to develop internal compliance schedule for all operations.

The facility has designated a compliance monitor.

Rating: Substantial compliance

2.2.5: DJJ facilities to rewrite local directives and procedures as new policies are adopted, on an ongoing basis.

The facility compliance monitor is responsible to ensure that local directives and procedures are adopted, and the local operations manual is located on the facility’s server.³ The staff person responsible for writing the directive or procedure depends on the subject area.⁴

¹ This remainder of this paragraph is based on statements of the facility compliance monitor during site visit, November 12-13, 2009 and sign-in sheet binders inspected during site visit.

² These policies included: restoration of DDMS time (Kern living unit, about three weeks late), sick call procedure for mental health requests (San Joaquin four months late, Feather two months late), grievance/staff misconduct (Feather two months late, McCloud one-and-a-half months late). The Feather living unit was also one to two months late in informing youth of changes to policies or procedures about program credits, visiting restrictions for minors, collect call rates, religious services, and contraband.

³ Statements of superintendent during site visit, November 12, 2009.

Chaderjian provided the following local procedures:

- Cell phones, June 25, 2009;
- Youth property, July 7, 2009;
- Employee property, unsigned and undated;
- Youth searches, unsigned and undated;
- Contraband watch, August 19, 2009.

It is unclear at this time whether central office has required Chaderjian to develop any additional local directives this year. Central office has begun tracking facility development of required local procedures but is still refining its tracking and follow-up process.⁵ DJJ will provide more comprehensive information once it has been compiled.

Rating: Deferred until further information provided.

2.3.3c: *DJJ to fill/assign PbS site coordinators at each facility.*

Chad's PbS coordinator had been on leave prior to our site visit, and O.H. Close's PbS coordinator had been filling in.

Rating: Substantial compliance

2.4.1-5, 2.4.7-8: *DJJ must ensure that each facility has a (1) program manager(s) responsible for high risk, low risk and re-entry programs, as needed; (2) volunteer services/positive incentives coordinator (duplicate of item 6.4b); (3) vocational specialist; (4) victim services/restitution specialist; (5) training officer; (7) work assignment coordinator and (8) facility administrators for operations programs and business services. 6.3 and 6.4a, c: Prior to the conversion of facilities to a rehabilitative model, DJJ must hire or assign (a) facility administrators of programs and program managers and (c) conflict resolution teams (where appropriate).*

These audit items require certain administrative and management positions at facilities in a generic way. The position titles need not align precisely with existing positions.

2.4.1: A program administrator oversees the facility's two core units, its SMP (now BTP), and its SBTP units.⁶ A second program administrator, on temporary assignment from Preston, oversees the IBTP. A third program administrator (who is also the facility compliance monitor) oversees the remaining mental health living units.

⁴ Statements of assistant superintendent during site visit, November 12, 2009.

⁵ Statements of Tammy McGuire via voice mail, December 8, 2009. The following sentence is also based on this source.

⁶ Statements of superintendent during site visit, November 12, 2009; memorandum of superintendent to all NAC staff, August 26, 2009. The remainder of this paragraph is based on these sources.

No program administrator is specifically assigned to re-entry programs, for which reason a partial compliance rating is assigned.

Rating: Partial compliance

2.4.2: Chaderjian’s current incentives and volunteer coordinator has had the job since 2009.⁷ She works closely with a Chaderjian staff member that organizes facility sports tournaments and other recreational activities.⁸ The incentives program is discussed in greater detail below (see item 8.6.4a).

In her capacity as volunteer coordinator, she is responsible for volunteer screening and background checks, procurement of volunteers’ gate clearances, and training on suicide prevention, assessment, and response.⁹ She hopes to expand the training component to develop formal orientations and manuals for Chad’s volunteers. Facility volunteers include “foster grandparents,” religious volunteers, Project IMPACT, and AA/NA volunteers.

Rating: Substantial compliance

2.4.3: The remedial plan requires each facility’s vocational specialist to “provide vocational and career counseling and coordination with parole and re-entry specialists.”¹⁰

DJJ recently updated its transition coordinator duty statement to align with the vocational specialist remedial requirement.¹¹ The new duty statement is currently in effect and is discussed in OSM’s November 20, 2009 central office report.

Chaderjian’s has a transition coordinator, and the job is a secondary assignment for her. Two teaching assistants also help prepare youth for their transition to the community by providing youth with resume assistance, necessary documents, community contacts, financial aid applications, vocational testing, and a “Self Advocacy Transition Plan.”¹²

The transition coordinator attends a once-a-month “community transition meeting” with Stockton field parole.¹³ These meetings focus on strengthening the linkage between Chaderjian and community service providers, and allow the transition coordinator to receive community feedback about ways to improve transition preparation within Chaderjian. The transition coordinator also brings field parole personnel into the facility when travel restrictions permit and maintains phone contact with some, more distant, parole agents.

⁷ Statements of incentives coordinator during site visit, November 12, 2009.

⁸ Statements of assistant superintendent during site visit, November 12, 2009.

⁹ Statements of Tanya Knight during site visit, November 12, 2009. The remainder of this paragraph is based on this source.

¹⁰ See Safety and Welfare Remedial Plan, p. 22.

¹¹ Statements of Tammy McGuire during site visit, November 13, 2009; DJJ, Duty Statement and performance Standards: Transition Coordinator/Teacher, signed November 10, 2009.

¹² Statements of principal during site visit, November 12, 2009; statements of teaching assistant during site visit, November 13, 2009; see also DJJ, Transition Status, September 27, 2009.

¹³ Statements of principal during teleconference, December 8, 2009. This and the following paragraph are based on this source.

The education remedial plan requires transition planning to begin at least 90 days prior to a youth's release or parole. Various factors make compliance with this requirement difficult, such as new legislation requiring DJJ to parole "maxed out" youth prior to their available confinement time date. Another difficulty with a 90-day time period is that some youths' parole dates move up dramatically and swiftly as a result of program credits and other time cuts. The principal hopes that once certain other duty statements are finalized, communication of internal parole staff with the transition coordinator and her assistants will improve.

Chaderjian offers formal and informal vocational education opportunities, including an auto repair shop, a warehousing program, forklift licensing, opportunities for youth to produce videos, and the outstanding Chad News Team.¹⁴ Paid employment opportunities are discussed in greater detail below (see item 2.4.7).

Rating: Substantial compliance

2.4.4: The facility has a victim services and restitution specialist. She manages youth restitution payments and victim notification.¹⁵

She also coordinates community service projects. For example, a group of youth traveled to the state capitol in September to participate in a Day of Remembrance sponsored by the Sacramento Chapter of Parents of Murdered Children.¹⁶ This holiday season the youth will adopt one or more low-income families and purchase gifts for their children. Staff, and possibly youth, will deliver the gifts to the families' homeless shelter. Youth sponsored one family last year, and this year Ms. Henne hopes to partner with O.H. Close on this project. As a part of another yearly project, youth respond to children's letters to Santa. Last year facility staff delivered the letters to youth at a local elementary school, and she hopes youth will be allowed to deliver the letters this year.

For the past few years, some youth accompany the gang information coordinator to a local elementary school for at-risk youth and speak to the children there in a sort of scared-straight program.

The victim services and restitution specialist also coordinates victims' week, Red Ribbon (drug awareness) week, the facility's victim's garden, and two other fundraising gardens.

Rating: Substantial compliance

2.4.5: Vicky Contreras is the facility's full-time training officer.¹⁷

Rating: Substantial compliance

¹⁴ See Chad's Latest News, vol. 1, issue 1, July 2009; Chad's Latest News, vol. 1, issue 2, August/September 2009.

¹⁵ Statements of victim services and restitution specialist during site visit. Unless otherwise noted, the remainder of this section is based on this source.

¹⁶ DJJ Today, vol. 1, issue 6, October/November 2009.

¹⁷ Statements of facility compliance monitor during site visit, November 12, 2009.

2.4.7: The senior YCC for the facility's SMP/BTP also serves as the work coordinator.¹⁸ He stated that every youth who is cleared for employment has a job. To obtain employment a youth must be on incentive level A or B and needs the approval of his treatment team, JJAC, the captain, and facility leadership. About three or four youth have Level 3 clearances, which allow them to work off-grounds. Currently about 100 youth are working, not including those in vocational classes. About half of these youth hold living unit jobs such as laundry duty, grievance clerk, and hall manager. The other half work facility jobs, including central kitchen work, central laundry, a grounds crew, and a Free Venture program.

Youth in the Free Venture program provided an eloquent and enthusiastic presentation of their work. These youth work for the Merit Corporation, a computer refurbishing and recycling company.¹⁹ They receive, classify, track, and repair computers, printers, and other electronics. The youth earn \$8.00 per hour, of which 20% goes to a savings account for future use. The remainder is evenly split between payments for room and board, a restitution fund, a general victim services fund, and either a trust account or gifts to family. Seven Free Venture youth recently provided \$20,772 to four county victim witness organizations.²⁰ Currently, six youth work in Chaderjian's Free Venture Program. The program may expand to provide 30 to 40 positions, spread over two shifts.

Rating: Substantial compliance

2.4.8: A staff member oversees business services matters for both O.H. Close and Chad. Various facility managers share responsibility for operations.

Rating: Substantial compliance

6.3 & 6.4a: Program administrators are discussed above at item 2.4.1. All living units are overseen by supervising case work specialists or treatment team supervisors.²¹

Rating: Substantial compliance

6.4c: Two parole agents comprise the conflict resolution team (CRT).²² A third parole agent will soon join the team.²³

A CRT member meets with each youth within 10 days of his arrival.²⁴ Two CRT members excitedly described these initial meetings, in which they try to begin building relationships with the youth and discuss the facility's various opportunities with them.

¹⁸ The information contained in this paragraph is based on statements of the work coordinator during site visit, November 12, 2009.

¹⁹ Unless otherwise noted, the information contained in this paragraph is based on a presentation by youth and their supervisor on November 13, 2009.

²⁰ Statements of staff during site visit, November 12, 2009; DJJ Today, vol. 1, issue 6, October/November 2009, p. 1.

²¹ Memorandum of superintendent to all NAC staff, August 26, 2009.

²² Statements of assistant superintendent during site visit, November 12, 2009.

²³ *Id.*; statements of Judi Nahigian and Tammy McGuire during SYCRCC site visit, December 11, 2009.

Mr. Phar and Mr. Miranda also stated that they participate in various programs in order to build relationships with all the youth. They attend IMPACT events, family nights, and other programs. They also stated that they work closely with the treatment teams and provide them extra conflict resolution support when needed.

In anticipation of upcoming transfers of youth from Stark to Chad, the facility recently sent a CRT member and the gang information coordinator to meet with Stark youth and staff.²⁵

Violence reduction committee minutes reflect that at least two of the CRT members participate in committee meetings. Mr. Phar and Mr. Miranda provide the assistant superintendent with very detailed monthly reports of their activities and interactions with youth.

Training records were provided for Mr. Phar and Mr. Miranda. Both were trained in the use of force policy, motivational interviewing, effective communication, and crisis intervention and conflict resolution. One was trained in safe crisis management. Training records provided for 2008 did not reflect that the third CRT member was trained in any of these areas.

Rating: Substantial compliance

3.3b: *DJJ to create violence reduction committees to review and evaluate incidents of violence quarterly and to develop plans to reduce violence and use of force. (This item is also monitored by the safety and welfare expert.)*

Chaderjian's violence reduction committee (VRC) includes members from various disciplines and meets monthly.²⁶ Youth representatives participate in the meetings. Living units have written violence reduction goals and plans. OSM makes no findings about the substance of these goals or plans. We recommend that facility staff consult the safety and welfare expert about them.

Chaderjian's VRC has begun sharing ideas with O.H. Close and includes O.H. Close's gang information coordinator in some of its meetings.²⁷ In the past, O.H. Close brought staff from the adult side of CDCR to talk to the facility's adult commitments about what to expect and the effect of their behavior on future CDCR placements.²⁸ Chaderjian followed O.H. Close's lead and held a similar presentation for its adult commitments.

²⁴ The information in this paragraph and the next is based on statements of two CRT members during the site visit, November 12, 2009.

²⁵ Statements of program administrator during site visit, November 12, 2009.

²⁶ This paragraph is based on the facility VRC's last two quarterly reports and its minutes from July through October 2009.

²⁷ Statements of assistant superintendent during site visit, November 12, 2009.

²⁸ Statements of superintendent during site visit, November 12, 2009; DJJ Today, vol. 1, issue 6, October/November 2009, p. 6. The following sentence is based on the former source.

A recent focus of the VRC has been the upcoming transfers of youth from Stark.²⁹ Reportedly, staff are interacting a great deal with youth to set a non-violent tone for the transition. According to the gang information coordinator, staff do not want to highlight the youths' gang affiliation and instead will make placement and other decisions on an individual basis.

Rating: Defer to expert

3.4c: DJJ to train staff at all remaining facilities in crisis management. The latter two items are also monitored by the Safety and Welfare expert.

DJJ has compiled training data for peace officers and for other, though not all, direct care staff.³⁰ Available training data reflect that 28% of certain direct care staff have been trained at Chaderjian.³¹

Rating: Partial compliance

3.5: DJJ to develop and use a database to track all incidences of violence and use of force. This item is also monitored by the Safety and Welfare expert. **3.6a:** DJJ to implement a system to record the data elements collected for PbS Safety Outcome Measures 2, 3, 4, 11, and 12 for every day of the year. Safety Outcome Measure 2 refers to injuries to youths per 100 person-days. Measure 3 refers to injuries to staff per 100 staff-days. Measure 4 refers to injuries to youths by other youths per 100 person-days. Measure 11 refers to assaults on youth per 100 person-days. Measure 12 refers to assaults on staff per 100 person-days. This item is also monitored by the safety and welfare expert. **3.6b:** DJJ to produce quarterly reports on selected PbS data elements.

3.5, 3.6a: Chaderjian's PbS coordinator had been on leave for three weeks prior to our site visit.³² She was unavailable for interview during OSM's site visit. O.H. Close's PbS coordinator is collecting violence data.

The facility's use of force coordinator stated that she uses daily operations reports as her basic source for use of force data.³³ If necessary, she refers to DDMS records, use of force reports, serious incident reports, and the urgent/emergent log.

Violence Reduction Committee reports include data on the number of potentially violent incidents resolved without the use of force. The use of force coordinator explained that these

²⁹ Statements of use of force coordinator and gang information coordinator during site visit, November 12, 2009. The following sentence is also based on these sources. The facility currently expects six southern youth to join its intensive treatment program (ITP) unit and 20 to join its three SBTP units; another 10 youth are expected to come to Chaderjian's core units. Statements of Erin Brock during site visit, November 12, 2009.

³⁰ See e-mail of DJJ staff to Aubra Fletcher and Doug Ugarkovich, November 5, 2009 (attaching training statistics for three facilities). The Safe Crisis Management training statistics do not, for example, include any medical or mental health staff.

³¹ See *id.*

³² This paragraph is based on statements of the superintendent during the site visit, November 12, 2009.

³³ This paragraph is based on statements of the use of force coordinator during the site visit, November 12, 2009.

figures reflect the number of times security staff respond to a call from living unit staff, but do not need to use force. Central office compliance staff indicated this was not an accurate measure of how often staff de-escalate conflicts. Living unit staff resolve many incidents without use of force and without calling security.

The facility and the responsible staff members are doing a very good job in the absence of sufficient central office guidance and management information systems that automate data collection. We will give substantial compliance ratings to facilities when central office provides a standard methodology for data collection that appears adequate to produce accurate data, and the facility complies with the methodology.

Rating: Partial compliance

3.8c: *DJJ to provide training in strategies and procedures to safely integrate gangs and racial groups. The safety and welfare expert monitors the quality of the training.*

OSM defers to the safety and welfare expert regarding this requirement, at his request.

Rating: Not rated

3.9a: *DJJ to open sufficient Behavioral Treatment Programs (BTPs), in accordance with remedial plan provisions.*

OSM defers to the safety and welfare expert regarding this requirement, at his request.

Rating provided at the central office level only.

4.1b, 6.7: *DJJ to provide training to all direct care staff in certain areas. New or reassigned staff are to be trained within ninety days of assignment to a living unit. All supervisory and management staff are required to complete the training as required by DJJ policy. Training areas: 6.7a: DJJ IBTM. 4.1b: Risk/needs tool. This item is a duplicate of item 6.7b, which is monitored by the safety and welfare expert. 6.7c: Treatment plan development. 6.7d: Motivational interviewing (per interim training schedule). 6.7e: Normative culture (per interim training schedule). 6.7f: Interactive journaling (per interim training schedule). 6.7g: Other key treatment components.*

6.7a: No training has been provided, since the IBTM has not yet been developed.

Rating: Non-compliance

4.1b, 6.7c: DJJ hired Orbis Partners to provide this training.³⁴ The IBTM experts have recommended the discontinuation of some of the Orbis training.³⁵ They plan to work with Orbis Partners and DJJ to examine the usefulness of the CA-YASI and related training.³⁶

³⁴ See Ninth Report of the Special Master (June 2009), Appendix D (Schwartz and Fletcher Report), p. 29.

Training on risk/needs assessment and case management at Chaderjian has focused on case managers, casework specialists, and parole agents. Data compiled by central office indicates that 71% of these staff have attended Orbis' Effective Casework 1 (risk/needs assessment), while 82% have received training on Orbis' Effective Casework 2 (case management).

Rating: Partial compliance (both items)

6.7d: As previously reported, DJJ contracted with the University of California San Diego to provide this training.³⁷ Less than half of Chaderjian's direct care staff have received motivational interviewing training, as of October 29, 2009.³⁸

OSM rates this item based solely on the numbers of trained staff; this rating is not a reflection of the quality or efficacy of the training, and the mental health experts have not to date observed or evaluated MI training or implementation.

Rating: Partial compliance

6.7e: DJJ pursued a contract for normative peer culture training in 2009, resulting in a contract that Dr. Krisberg and the other IBTM experts now advise DJJ to cancel.³⁹ DJJ has agreed to do so.⁴⁰ In light of Dr. Krisberg's recent recommendation that the normative culture requirement be removed from the remedial plan, OSM declines to rate this item at present.⁴¹

Rating: Not rated at this time

6.7f: Interactive Journaling training has not begun at Chaderjian.

Rating: Non-compliance

6.7g: DJJ continues to train staff in safe crisis management, crisis intervention and conflict resolution, and aggression replacement therapy. Training is not complete, and DJJ may add additional trainings once the IBTM description is finalized.

A memo from central office lists suicide prevention, crisis intervention and conflict resolution, and group facilitation, along with motivational interviewing and safe crisis management, as courses that are that are "being provided to all direct care staff" to "provide staff with a common understanding and the skills necessary to create a safe environment."⁴² Although the memo does

³⁵ Statements of Barry Krisberg and Eric Trupin during teleconference, October 26, 2009; e-mail of Eric Trupin to Michael Brady, et al., October 22, 2009 (attaching document entitled "Recommendations").

³⁶ See e-mail of Eric Trupin to Michael Brady, et al., November 4, 2009.

³⁷ See Ninth Report of the Special Master (June 2009), Appendix D (Schwartz and Fletcher Report), p. 29.

³⁸ "Reform Related Training Statistics," October 29, 2009.

³⁹ See statements of Barry Krisberg and Eric Trupin during teleconference, October 26, 2009; e-mail of Eric Trupin to Michael Brady, et al., October 22, 2009 (attaching document entitled "Recommendations").

⁴⁰ See statements DJJ staff during teleconference, October 26, 2009.

⁴¹ See statements of Barry Krisberg during teleconference, October 26, 2009.

⁴² "Reform Related Training Statistics," October 29, 2009.

not explicitly define “direct care staff,” it indicates that between 335 and 344 staff at Chaderjian were to be trained in motivational interviewing and safe crisis management.

Data compiled by central office indicates that Chaderjian currently retains:

- Ninety-eight staff (approximately 29% of direct care staff) that have attended Understanding and Preventing Suicide training.
- Sixty-five staff (approximately 19% of direct care staff) that have attended Crisis Intervention and Conflict Resolution training, including four instructors
- Twenty-six staff (approximately 8% of direct care staff) that have attended Group Facilitation training, including four instructors.

In addition, Chaderjian retains:

- Thirty-seven staff, including two instructors, that have attended a Cognitive-Behavioral Skills Primer.
- Twenty-two staff that have attended Aggression Replacement Training, including 18 managers and four group facilitators.
- Three CounterPoint facilitators.

Rating: Partial compliance

6.1a-c: *DJJ is required to convert Chaderjian to a treatment facility. Also monitored by the safety and welfare and mental health experts.*

OSM defers to the safety and welfare and mental health experts regarding compliance with these requirements.

Rating: Defer to expert

8.1.1: *DJJ to add all needed program space to O.H. Close, Preston, Ventura, Stark, and SYCRCC, such that no regular programs must be canceled due to lack of space. As a part of this requirement, sufficient classrooms must be located in or near BTPs in order to maintain a ratio of one teacher for every six students.*

There are eight students and one teacher at the BTP.⁴³ Construction of one BTP classroom has been completed. Classroom space is also available in two of the ten modulars that opened at Chaderjian in 2009.⁴⁴ These resources have been sufficient to meet the needs of youth on the BTP.⁴⁵

⁴³ Statements of principal during teleconference, December 8, 2009; attachments to letter of Van Kamberian to the special master, January 11, 2010 (commenting on an earlier draft of this report). The next sentence is also based on these sources.

⁴⁴ Eight modular buildings opened at Chaderjian in May 2009, and two additional modulars opened some time later. E-mail of facility compliance monitor to Aubra Fletcher, November 30, 2009. ⁴⁴ Some of the modulars are

This requirement is not rated at Chaderjian, per the Standards and Criteria.

8.1.1: DJJ to add all needed office space to the same five facilities, so that all living unit staff requiring offices have space in or adjacent to the living unit.

See above. All new modular offices are wired for computer access. Because of limited phone line capacity throughout the facility, some modulars do not have working landlines. Staff without office landlines have been approved to use cellular phones in the facility.⁴⁶

This requirement is not rated at Chaderjian, per the Standards and Criteria.

8.3.1: Intake process to include documentation of family interviews and assessment. The written report at intake must document contacts and interviews with parents, close relatives, and community service providers during the intake process for each youth. The reports include measures to assess family background, strengths, and functioning. This item is also monitored by the mental health experts. **8.3.2a:** DJJ is required to facilitate family phone contact within 24 hours of youth arrival. **8.3.2b:** DJJ is required to facilitate ongoing family phone contact. **8.3.3:** DJJ must arrange for family visiting days at least four times per year. These items are monitored solely by the mental health experts who have requested that the OSM gather information for them.

8.3.1: Central office developed Community Assessment Reports (CARs) for statewide use beginning July 1, 2009.⁴⁷ Field parole agents complete the CARs and provide them to the facility sometime after the youth's arrival at the facility.⁴⁸ The intake coordinator reviews all incoming youths' files and stated that parole has consistently provided community assessment reports for recently arrived youth.⁴⁹

Rating provided at the central office level only.

8.3.2b: The facility compliance monitor has been conducting quarterly reviews of staff compliance with recent legislation related to youth phone access. He stated that some confusion among staff remains about whether and how to document phone call opportunities given to youth.

designated for education use, mental health program use and "custody use." *Id.* Some of the space is used for offices, and some is used for programs. Statements of facility compliance monitor during site visit, November 12, 2009.

⁴⁵ Tom O'Rourke and Bob Gordon, CYA Remedial Plan Compliance Report: N.A. Chaderjian High School, November 16-17, 2009, p. 18 (noting that "the facility meets all instructional space requirements").

⁴⁶ Statements of superintendent during site visit, November 12, 2009.

⁴⁷ Statements of program administrator during teleconference, October 28, 2009; statements of field parole staff during site visit, November 2, 2009.

⁴⁸ Statements of field parole staff during site visit, November 2, 2009.

⁴⁹ Statements of intake coordinator during site visit, November 2, 2009.

Chaderjian provided phone records for 30 randomly chosen⁵⁰ youth, for the period between August 1, 2009 and October 31, 2009. The phone records show that most youth receive at least four completed phone calls per month, many of them direct calls.⁵¹ Out of nine youth asked about phone contact with family, eight said they were able to call home once a week or more.

Rating: Substantial compliance

8.3.3: Thus far in 2009, Chaderjian has held five facility-wide family visiting events, in addition to regular weekend family visiting.⁵² Only youth with visitors may attend.⁵³ As a result, a relatively small proportion of youth attend these events. On average, 21 youth attended each of the first four family events.⁵⁴ Only one of seven youth asked about family visiting events had been to one.

A June 2009 visiting event included an informational session about DDMS and program service day changes.⁵⁵ Staff also showed a film created by youth during victim awareness week, entitled “Shoes.” A special Father’s Day event for youth with children was also held in June. Youth chose children’s books to read to their children during the “Daddy and Me Reading Day” event.

In September 2009, the facility held a Family Information Day.⁵⁶ Staff were available to families in informational booths representing the foster grandparents program, food services, medical services, mental health, the family council, the youth with disabilities program, Project IMPACT, parole services, educational programs, and religious volunteers.⁵⁷ Staff provided a tour of a living unit, the victims’ garden, the school, gym, and canteen.⁵⁸

All living units will also participate in holiday family events on November 18 and December 21.⁵⁹ Some living units have also held a mid-week family visiting night this year.⁶⁰

Rating: Partial compliance

⁵⁰ Statements of facility compliance monitor and staff during site visit, November 12-13, 2009.

⁵¹ Out of the 90 ‘youth-months’ represented, 85 (94%) showed four or more calls made or attempted.

⁵² N.A. Chaderjian, Youth Incentive Activity Reports, January-October 2009.

⁵³ Statements of various interviewed youth during site visit, November 12-13, 2009.

⁵⁴ N.A. Chaderjian, Youth Incentive Activity Reports, January-October 2009. Documentation does not indicate how many youth attended the fifth family event, which occurred on October 31st.

⁵⁵ DJJ, Youth Incentive News, vol. 1, issue 5, July 2009, p. 5. The remainder of this paragraph is based on this source.

⁵⁶ DJJ Today, vol. 1, issue 6, October/November 2009, p. 8.

⁵⁷ *Id.*; statements of superintendent during site visit, November 12, 2009.

⁵⁸ DJJ Today, vol. 1, issue 6, October/November 2009, p. 8.

⁵⁹ DJJ, N.A. Chaderjian 2009 Visitation Schedule, undated (provided November 13, 2009).

⁶⁰ *Id.*; N.A. Chaderjian, Youth Incentive Activity Reports, January-October 2009.

8.4.2a: *Disciplinary fact-finding hearings to be held within fourteen days, except as provided for in policy (e.g., youth out to court).* **8.4.2b:** *Disciplinary disposition hearings to be held within seven days, except as provided for in policy.*

8.4.2a: The acting DDMS Coordinator stated that she tracks compliance with DDMS timelines in WIN, with the help of an office technician. When timelines are missed, she sends staff reminders, and in cases of extreme delay due to staff negligence, a missed deadline results in dismissal of the case.⁶¹ Reasons for missed deadlines include changing rules regarding mental health clinician involvement, furlough days, and high numbers of DDMS allegations. Facility leadership review compliance with DDMS timelines at weekly management meetings.⁶²

The facility provided WIN data on fact-finding hearings from April to September 2009.⁶³ During this time, 182 of 196 (93%) of hearings were held within 14 days.

Rating: Substantial compliance

8.4.2b: See above. The facility provided data on disposition hearings from April to September 2009.⁶⁴ During this time, 265 of 394 (67%) of conferences were held within seven days.

Rating: Partial compliance

8.4.6b: *Eligibility to restore time added is to be reviewed at youth case conferences.*

Youth no longer must await annual review for their time restoration to become final.⁶⁵ The Juvenile Justice Administrative Committee (JJAC) meets three to four times per month and finalizes treatment team recommendations to restore time. The treatment team's recommendations are generally approved.

The facility provided records from 43 case conferences held throughout 2009.⁶⁶ Staff are documenting their review of restoration eligibility and discussions about eligibility with the youth. Three interviewed youth reported discussing time cuts at case conferences. A fourth youth had received a time restoration, but was not sure if he had to wait for his annual review to receive it.

Rating: Substantial compliance

⁶¹ Statements of acting DDMS coordinator during site visit, November 12, 2009. The following sentence is also based on this source.

⁶² Statements of superintendent during site visit, November 12, 2009.

⁶³ N.A. Chaderjian Youth Correctional Facility, DDMS Disposition Conferences, Fact Finding Hearing Timeframes and DDMS PBD Extensions for Youth Receiving Mental Health Services: WIN Documentation [of] Compliance by Percentage, April –September 2009, p. 1.

⁶⁴ See *id.*

⁶⁵ Statements of facility compliance monitor during site visit, November 12, 2009. The remainder of this paragraph is based on this source.

⁶⁶ Staff provided a total of 50 records, but seven of these were dated in the future and thus disregarded by the monitors.

8.6.3a: DJJ's earn-back policy is to be revised to allow restoration of added time after six months. **8.6.3b:** DJJ policy is to be revised to require that restored months are rounded up rather than down.

8.6.3a: Based on a review of JJAC records, case conference records, and grievance trend reports, Chaderjian is compliant with this requirement.

Rating provided at the central office level only.

8.6.3b: Based on a review of JJAC records, case conference records, and grievance trend reports, Chaderjian is compliant with this requirement.

Rating: Substantial compliance

8.5.1: All facilities will make grievance forms available to youth without assistance in all units. **8.5.2:** All facilities will install a lock box for grievances in all living units. **8.5.3:** In each facility, the grievance clerk will ensure an adequate supply of forms and will educate and assist grievants in the process.

8.5.1: The monitors observed three day rooms (Kern, Sacramento, and Smith) and found that grievance forms are generally available to youth without assistance on all three units.

Rating: Substantial compliance

8.5.2: Three day rooms toured by the monitors were equipped with grievance lock boxes. The facility has two full-time grievance coordinators. Only they have keys to the lock boxes, though if both are absent, a designated "back-up" person can obtain a key.⁶⁷

Rating: Substantial compliance

8.5.3: All living units currently employ grievance clerks.⁶⁸ Each clerk receives his duty statement, and the grievance coordinators hold monthly clerk meetings.⁶⁹ Clerks in restricted housing cannot attend, but the grievance coordinators meet with them regularly to gain their input and report on clerk meetings.⁷⁰ All eight youth interviewed about the grievance system knew who their grievance clerk was. One stated that his previous clerk knew DJJ policies well. Two of the eight youth could cite a positive experience with the grievance system.⁷¹ Four of the eight youth had negative views about the grievance system.⁷²

⁶⁷ Statements of grievance coordinator during site visit, November 12, 2009.

⁶⁸ Statements of grievance coordinators during site visit, November 12, 2009. The facility also provided signed grievance clerk duty statements for all living units.

⁶⁹ Statements of grievance coordinator during site visit, November 12, 2009.

⁷⁰ Statements of grievance coordinator during site visit, November 12, 2009.

⁷¹ In early 2009, the youth filed a grievance stating that staff were putting him and others in their rooms too often. Staff changed this practice for a few days. The youth feels the grievance system "works but not totally." A second youth had resolved an issue about time credits through the grievance system.

One of the four that cited negative experiences was a grievance clerk, and felt he had been penalized for fulfilling his duties in that job. He had recently helped a group of youth write an emergency grievance about sexual harassment by a particular staff person on the unit. The youths asked to talk to the duty lieutenant. The duty lieutenant did not respond. The youths refused to go to their rooms to sleep until they saw him. Security arrived, spoke to the youths, and called the duty lieutenant. The grievance clerk received a Level 3 DDMS write-up for participating in the “disturbance.” He had been a Level A until that time, which was unusual for his living unit.

Rating: Substantial compliance

8.5.4: *A notice of receipt of grievance or allegation of misconduct will be provided to all grievants. 8.5.5a:* *Each facility grievance coordinator will prepare monthly reports.*

8.5.4: The grievance coordinators provide youth with a “receipt” in the form of a scanned copy of the grievance form with a case number written in the top right-hand corner.⁷³

Rating: Substantial compliance

8.5.5a: The grievance coordinators provide monthly reports to the superintendent and to central office.⁷⁴

Rating: Substantial compliance

8.6.4a: *DJJ is to simplify the description of the Ward Incentive Program (WIP) and create and distribute posters, flyers, and handouts to promote understanding and participation in the Program.*

DJJ continues to revise its “pyramid” flyer depicting the incentive system and its requirements.⁷⁵ The incentives coordinator has asked staff to post the pyramid in each living unit’s day room.⁷⁶ DJJ has also prepared a new information sheet for youth.⁷⁷

Youth on the “Chad News Team” promote youth participation in the incentive program through their newsletter *Chad’s Latest News*.⁷⁸ The newsletter features staff and youth interviews and

⁷² One youth said that writing grievances makes you a staff target, citing the experience of a friend who was picked on by staff. A second youth cited examples of grievances about food and blankets that were refused. A third youth, although he had resolved an issue about time credits by writing a grievance, said he had seen staff throw away emergency grievances, and generally felt the system was arbitrary.

⁷³ Statements of grievance coordinator during site visit, November 12, 2009.

⁷⁴ Statements of various staff during site visit, November 12, 2009; *see also* statements of Maria Cisneros during central office site visit, November 3, 2009. OSM has seen examples of these reports.

⁷⁵ Ninth Report of the Special Master (June 2009), Appendix D (Schwartz and Fletcher Report), p. 45.

⁷⁶ Statements of staff during site visit, November, 12, 2009.

⁷⁷ *Id.*; *see also* DJJ, “Youth Incentive Program,” August 2009.

reports on current programs and events within the facility (and in the professional sports world). The Chad News Team provided extensive coverage of the facility's recent summer Olympics tournament and has also featured facility work programs, community service projects, and individual youth accomplishments.⁷⁹

Chaderjian youth participated in a statewide contest to design a flyer promoting certain new incentives available to A-Level youth.⁸⁰ Two Chaderjian youth were among the contest's four winners, and their flyers will be posted on each living unit. Each winner won \$25 to use for canteen purchases.

The incentives coordinator provides training to staff on a regular basis, to increase their understanding of the incentive system.⁸¹ Staff also have access to a manual devoted to the incentive system and automated tracking. The incentives coordinator also stated that she spends time on the living units and makes herself available to staff with questions about the program.

The incentive coordinator sends staff a report each month listing youth who are A-level eligible. Youth become eligible once they attain 80 "good program days" out of a 90-day period. Then, to become A Level, youth must submit an application packet, including a personal statement and a victim letter. Youth then attend a JJAC hearing, and JJAC decides whether to send the application to Sacramento for approval.

Since OSM's previous safety and welfare audit of Chaderjian in October 2008, the facility has opened an incentive room. The room recently moved to the vacant Owens living unit, where the superintendent expects it to remain indefinitely. The room is equipped with a pool table, foosball, video games, karaoke equipment, and board games. The incentive coordinator expects to receive futons in the near future.

The incentive coordinator, with assistance from other staff, organizes a variety of activities on a regular basis.⁸² Activities this year have included an A-Level awards ceremony, A-Level birthday celebrations, and a "Music & Spoken Word Night," during which youth shared their poetry and songs. A-Level youth will enjoy a "Luau Celebration" in late November.⁸³ In January 2010, the facility will honor and reward its five youth who have been on A-Level for one year or more.⁸⁴ The facility also holds movie nights for A Level youth and the non-A-Level friend of their choice.⁸⁵ Chad held a summer youth Olympics from July 20 to August 3, 2009.⁸⁶ Living units competed against each other in thirteen events.

⁷⁸ DJJ also issues a quarterly *Youth Incentive News* newsletter to staff and youth throughout the state. Staff and youth contribute to the newsletter. Articles feature facility events, incentive program changes, youth achievements, and schedules of upcoming events.

⁷⁹ See Chad's Latest News, vol. 1, issue 1, July 2009; Chad's Latest News, vol. 1, issue 2, August/September 2009.

⁸⁰ Statements of incentives coordinator during site visit, November 12, 2009; DJJ, Youth Incentive News, vol. 1, issue 1, July 2009, p. 2. The remainder of this paragraph is based on these sources.

⁸¹ See statements of incentives coordinator during site visit, November 12, 2009. This and the following two paragraphs are based on this source.

⁸² DJJ, Youth Incentive News, vol. 1, issue 4, April 2009, p. 9. The following sentence is also based on this source.

⁸³ DJJ Today, vol. 1, issue 6, October/November 2009, p. 10.

⁸⁴ Statements of incentives coordinator during site visit, November 12, 2009.

⁸⁵ Statements of incentives coordinator during site visit, November 13, 2009.

⁸⁶ DJJ, Youth Incentive News, vol. 1, issue 5, July 2009. The remainder of this paragraph is based on this source.

Ten youth were interviewed about the incentive system. They generally knew their incentive level and understood the relationship between the incentive and DDMS systems. They tended to describe greater concern with program credits than with the activities on the incentive unit.⁸⁷ Three youth described difficulties in obtaining approval of incentive level changes. Three youth said they did not aspire to reach a higher level because it gave staff added power over them.

Rating provided at the central office level only.

8.6.4b: DJJ to revise its policy to allow youth full program credit if youth not responsible for non-participation in assigned/required programs.

In November 2009, DJJ provided a list of all youth who did not earn the maximum possible program credits in case conferences held between September 14 and October 28, 2009.⁸⁸ Only two Chaderjian youth did not initially receive the maximum program credits during that time: one declined to accept the credits, and the other was given full credits after central office found that the justification for withholding them was questionable.⁸⁹

Rating: Substantial compliance

8.7.3: Needed law library materials must be purchased annually. **8.7.1b:** Education Services is to track law library needs and conduct annual audits indicating that materials are up-to-date or ordered by June 30, 2010. **8.7.5:** DJJ is to replace print libraries with electronic or internet materials by June 30, 2010.

8.7.3: The librarian was not available on the dates of our site visit to demonstrate the new electronic legal research system. Legal self-help resources were largely out of date.

Rating provided at the central office level only.

8.7.5: The facility has received its WestLaw software, and the library's one public computer is equipped for electronic legal research. Because of the librarian's absence, the monitors were unable to observe the system's functionality but did view the software in use at a later site visit to SYCRCC. All sites possess the same software.

Rating: Substantial compliance

⁸⁷ This may be because only one of the interviewed youth was on A Level.

⁸⁸ See DJJ, "Justification for Withholding Youth Program Credits: September 14 – October 28, 2009," October 29, 2009. Unless otherwise noted, the remainder of this paragraph is based on this source.

⁸⁹ See letter of Van Kamberian to the special master, January 11, 2010 and attachments.

8.8.2b-d: *The religious coordinator is to monitor facilities for (b) provision of services/programs for various faiths, (c) youth access to services/programs/materials, and (d) documentation of services/programs in an automated tracking system.*

8.8.2b: Chaderjian employs Protestant, Catholic, and Muslim chaplains.⁹⁰ It has a vacancy for a Native American chaplain. Volunteers serve its Jehovah's Witnesses. Staff have tried to contact volunteers to provide services to wiccans. A youth who identified as an Odinist – a type of pagan – said the facility would not recognize his religion or provide him with any materials.

Rating provided at the central office level only.

8.8.2c: The gang information coordinator stated that youth are not prevented from attending religious services and programs based on gang affiliation alone; restriction from group religious activities is based on behavior.⁹¹ The Protestant chaplain stated that all youth can attend services off their living unit, with the exception of youth at Kern (until recently an SMP, now a BTP). Youth at Kern cannot attend services off the unit, and instead ask chaplains to visit the unit. A youth interviewed at Kern confirmed that this was the case.

Rating provided at the central office level only.

8.8.2d: Each chaplain sends a weekly schedule of services provided to the religious coordinator, which includes all services other than one-on-one consultation.⁹² The religious coordinator checks it against WIN schedule of services to be provided.

Rating provided at the central office level only

⁹⁰ This paragraph is based on statements of the Protestant chaplain during an interview on November 16, 2009.

⁹¹ Statements of gang information coordinator during site visit, November 12, 2009.

⁹² This paragraph is based on statements of the Protestant chaplain, November 16, 2009.