

# Mendocino County Juvenile Hall

May 8, 2018

## **SUMMARY**

The county is proposing to spend only \$1.1 million for juvenile detention for fiscal year 2018-19. This level of funding would require closure of Mendocino County Juvenile Hall and housing our kids out of county. It would forfeit the responsibility for our juveniles to a distant county. An additional \$1.2 million net county cost in the budget, returning to prior funding levels, would enable a safe and efficient operation of our juvenile hall and fulfill the county's duty to care for and protect its juvenile wards.

The possibility of Mendocino County Juvenile Hall closing is a reality. This would entail significant costs to other county departments and the children's families.

In 2015, Lake County closed their juvenile facility after signing a two-year agreement to house their juvenile wards in Mendocino County Juvenile Hall. The Mendocino County Juvenile Hall program received very favorable reviews by the Lake County Grand Jury and the Lake County Superior Court Judge assigned to juvenile court. In September 2017, Lake County chose not to renew the agreement and instead contracted with Tehama County for a much lower bed rate.

## **BACKGROUND**

At the beginning of the grand jury term, there was a contract with Lake County to house their juvenile wards. The grand jury decided to look at the operations of Mendocino County Juvenile Hall, including the impact of the contract.

In September 2017, negotiations failed to achieve a new contract with Lake County. After the loss of that revenue, the focus of the grand jury's investigation shifted to the future of juvenile hall. In March 2018, county administration started discussing the potential closure of juvenile hall.

## **METHODOLOGY**

The Mendocino County Grand Jury interviewed probation managers responsible for juvenile hall, hall staff, county administration, and a member of the Juvenile Justice and Delinquency Prevention Commission and attended Commission meetings. The grand jury visited the juvenile facility.

The grand jury reviewed the September 2015 Lake County-Mendocino County agreement, the 2015-16 Lake County Grand Jury Juvenile Hall report, and the Summary of Recommended Changes to the Lake County Juvenile Hall Agreement dated August 15, 2017. The grand jury reviewed the county budgets and related documents including the hall budget.

## **DISCUSSION**

### **Who is in Juvenile Hall**

A young person can end up in juvenile hall for the following reasons:

- New offense – held pending juvenile court hearing which must be held within 48 hours
- Convicted of a misdemeanor such as truancy, curfew violations, or possession of alcohol or cannabis
- Violation of probation
- Awaiting out-of-home placement to a foster or group home, camp or other institution
- Incurable behavior when parents or guardians relinquish parental responsibility
- Convicted of a felony
- Awaiting trial for a serious crime such as sexual assault or murder

The age of juvenile wards ranges from 12 to 18, with rare exceptions. Depending on the offense, most 12 year olds or younger will be released to parents, a guardian, or foster care. Ages 14 to 15 are the most common wards. Both male and female wards are housed at juvenile hall. The majority of the wards are male.

All youths in juvenile hall are wards of the county. This places upon the county, as their guardian, the duty to care for and protect these children.

### **Juvenile Hall Operations**

Mendocino County Juvenile Hall provides a safe environment, education, and counseling to juveniles with the goal of redirecting their focus so that they can better themselves and become productive citizens. Many of the juveniles are struggling with poverty and dysfunctional living situations; some just make bad choices. Testimony revealed that some juveniles purposefully act in ways to return to the “home” of juvenile hall to escape the dangers of the street or an abusive home environment.

The juvenile hall programs strive to help these young people better understand themselves and give them the tools for a better path through life in the following ways:

- Year round schooling with the opportunity to obtain a high school diploma<sup>1</sup>
- Art classes, library and book club, vocabulary challenges, and yoga classes
- Socialization skills and intellectual stimulation
- Alcoholics Anonymous and Narcotics Anonymous programs
- Non-denominational church services and pastoral services available upon request
- Rewards for good behavior; for example, posters and MP3 players for music in their cells

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<sup>1</sup> Members of the grand jury, county employees, and family members attended a graduation ceremony for one of the wards including a family provided reception.

- Stress counseling
- Materials for productive leisure time available in the dayrooms
- Outdoor physical activities including sports and gardening

Until very recently, the population capacity of juvenile hall was 39. In an attempt to make the hall more cost effective, Unit C was closed. This unit was used to segregate older, more experienced teenagers and gang members from younger, more naïve wards. All wards are now housed in one co-ed unit with locking individual cells.

The current capacity is 20 wards with a varying population of 8 to 18, with the higher population on weekends. Juveniles can be held overnight, or for years for serious crimes. In 2017, there were a total 303 admissions of young people from Mendocino County, and, from January through September 30, 2017, an additional 47 admissions from Lake County. The average stay for a juvenile was 15.68 days.

Most juvenile hall operating costs are **fixed** due to state mandated requirements:

- Staffing and supervision
- Safety and security
- Education
- Rehabilitation
- Healthcare
- Counseling
- Food and custodial services
- Recreational opportunities for three hours a day during the week and for five hours on non-school days

Juvenile hall has its own kitchen and staff. The meals, cooked on site, meet or exceed the state dietary requirements for juveniles. Generally, three hot meals are served each day with fresh baked bread from the county jail.

Juvenile hall is managed by the Probation Department. There is also a citizen staffed Juvenile Justice and Delinquency Prevention Commission which promotes "...the development of quality services, employment opportunities, and resources for juveniles." To reduce crime and recidivism, it works with both juvenile hall staff and initiates its own programs in the community. The monthly meetings of this volunteer group are open to the public. Their website is: <https://www.mendocinocounty.org/government/probation/juvenile-justice-delinquency-commission>

### **Changes in the Juvenile Hall System**

The population of juvenile halls have declined in the past decade in this county and throughout the state due to changes in state policies and school discipline practices. The current approach has shifted from incarceration to emphasis on behavioral modification programs and placement in group homes. State law changed the approach to juvenile

delinquency, emphasizing intervention in lieu of detention. Schools are now handling many discipline problems in-house. The resulting steep decline in juvenile hall populations coincided with the new construction and modernization of many juvenile facilities statewide. This created a glut of juvenile hall beds and has led to competition among counties to lease excess capacity.

Community, school, and family based programs are the current approach to children with behavioral problems. History has shown that the philosophy for handling juvenile offenders has varied and it is possible in the future it could revert to increased incarceration.

### **Lake County Contract**

In September 2015, Mendocino County entered into an agreement with the Lake County Board of Supervisors to provide housing and associated services for Lake County juveniles. Lake County closed their juvenile facility rather than spending millions of dollars on required renovations. The agreement between Lake and Mendocino County was for two years. Lake County paid Mendocino County a fixed rate of \$150 a day for room, board, and services for a guaranteed minimum of 12 beds daily. Additional beds would be charged at \$120 per day. The juveniles housed in Lakeport were moved to Ukiah in October 2015.

The Mendocino County Juvenile Hall program received very favorable reviews by the Lake County Grand Jury and the Lake County Superior Court Judge assigned to juvenile court. The 2015-16 Lake County Grand Jury report<sup>2</sup> included the following Findings:

“The attitude and manners of the Lake County youths seemed very positive to the visiting jurors.

The tour showed that the MCJH staff is professional, competent, and responsive.

The tour revealed that the facilities including bathrooms and dining area were clean and in excellent condition.

The Grand Jury has visited the LCJH every year for many years, and found it acceptable. The situation of the Lake County youth in the MCJH appears excellent.”

The Lake County Grand Jury recommended renewing the contract with Mendocino County.

In negotiations for a contract renewal Mendocino County proposed a yearly increase of three percent for the daily bed rate. The first year bed rate of a five-year contract would be \$154.50. In September 2017, Lake County notified Mendocino County that they had contracted for one year with Tehama County for a lower bed rate of \$90. The grand jury was informed by witnesses that the Tehama County’s cost per bed is comparable to Mendocino County’s cost. Tehama County brought in outside juveniles to lower their average cost per

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<sup>2</sup> “The Lake County Grand Jury Visits the Mendocino County Juvenile Facility for the First Time,” page 77. This report includes a detailed description of the Mendocino County Juvenile Hall program. <http://www.lakecountyca.gov/Assets/County+Site/Grand+Jury/Final+Reports/2015-2016+Final+Report.pdf>

juvenile. The loss of this contract resulted in \$530,000 revenue loss for Mendocino County Juvenile Hall.

### **The Future of Mendocino County Juvenile Hall**

The loss of the Lake County contract coupled with the fixed cost of operating Mendocino County Juvenile Hall in accordance with state requirements has raised concerns about the hall's future. Every official interviewed, including county administration, stated their determination or desire to keep the hall open. In keeping the hall open, juveniles remain in their community with close access to family, schools, and local support and follow-up systems. California State policy emphasizes housing juvenile offenders in "...county facilities in their home community where they can be closer to their families and local social services that are vital to rehabilitation."<sup>3</sup>

Turnover of management personnel in the past year within juvenile hall and the probation department complicated the budgetary problems. A new permanent Chief Probation Officer has been recently appointed. At the time of this report, there is also an interim juvenile hall manager under contract. Steps are being taken to stabilize the staffing requirements and reduce the cost of operating the hall without threatening the safety and security of the juvenile wards. Staff scheduling has been modified to reduce costly overtime. By closing Unit C the department has reduced personnel expense.

Currently, the county is discussing the 2018-19 budget. Expenditure choices are going to be affected by revenue shortfalls and prior decisions. The October 2017 fires have caused a reduction in property tax revenue and an increase in costs to deal with the fire and the aftermath. And, the optimistic revenue projections in the 2017-18 budget regarding cannabis legalization have not materialized.

In late 2017, unbudgeted raises were granted to elected officials and some department heads.<sup>4</sup> Increases in salaries also increases the cost of benefits and retirement payment obligations. Elected officials and department heads are entitled to the county paying matching funds up to 4% of their salary into a deferred retirement account. The maximum amount must be budgeted. This benefit is in addition to regular county retirement contributions.

The grand jury has not found any budgetary analysis of this impact. County administration stated that the beneficiaries of these raises were asked if their budgets could sustain the increased costs, and they answered in the affirmative. It was known at the time of the raises that the county was facing significant costs due to the October fires and the cannabis revenue shortfalls. There was no public discussion on whether or not these salary increases were sustainable.

At the March 27, 2018, Board of Supervisors meeting, the administration presented the second quarter budget report and stated that the current cost of operating the county juvenile

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<sup>3</sup> [https://www.cdcr.ca.gov/Juvenile\\_Justice/](https://www.cdcr.ca.gov/Juvenile_Justice/)

<sup>4</sup> Elected officials raises ranged from 5% to 22.6%, county supervisors raises were 39.7% with the exception of the 4<sup>th</sup> District Supervisor who refused this amount and accepted an 18% raise, and some department heads received raises from 14.1% to 15.3%.

hall was “unsustainable”. In the development of the 2018-19 fiscal year budget, the administration has proposed capping the allowable net county cost to \$1.1 million for the operation of the Mendocino County juvenile justice program. This is inadequate to keep juvenile hall open. If there is no juvenile hall in the county, then the youthful offenders would most likely be housed in another county’s juvenile hall.

There are significant ancillary costs to this approach, such as:

- Many additional hours of transportation for initial intake in an out-of-county facility, the initial court hearing and each subsequent court hearing in Mendocino County, and the return home upon release
- Each trip requires two staff personnel to accompany the juvenile, who must be handcuffed during transport
- The geographical size of Mendocino County adds to the travel and staff time
- Increased travel time for court appointed attorneys
- Ongoing maintenance cost for the mothballed juvenile hall building
- Expense to reopen the juvenile hall should the need arise

The addition of \$1.2 million in net county costs would keep our facility open. The past budgets for net county costs have been in the range of \$2.2 million. Prior to the Lake County contract, the juvenile hall net county cost was \$2.4 million.

At the time of this report, for the FY 2018-19 budget, the county is considering an investment of \$1,274,302 into the Information Technology reserve. The anticipated five year funding is currently estimated at \$17.5 million.<sup>5</sup> Also, there is a proposal to budget \$1.1 million for county facilities maintenance such as “...parking lot maintenance, exterior and interior painting, hazardous tree mitigation, etc.”<sup>6</sup>

## **FINDINGS**

- F1. The current operation of Mendocino County Juvenile Hall provides excellent care, education, and support for our juvenile wards.
- F2. The closure of Mendocino County Juvenile Hall will result in the loss of experienced, dedicated, and committed staff.
- F3. The closure of the facility would be a devastating loss to our juveniles and their families.
- F4. Closing the Mendocino County Juvenile Hall and reducing costs by contracting with another county treats the youth of our county as commodities.
- F5. Funds set aside for the Information Technology reserve for potential future needs are more than adequate to keep Mendocino County Juvenile Hall open.

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<sup>5</sup> Budget Workshop FY 2018-2019, April 24, 2018, Powerpoint presentation.

<sup>6</sup> County of Mendocino FY 2017-18 2nd Quarter Report & Adjustments, March 13, 2018, page 20.

- F6. Decisions for our children appear to be cost driven and lacking in concern for their welfare in terms of separation and isolation from family, school, and local support services that are essential to their successful rehabilitation.
- F7. Juvenile wards will spend many hours in cars, handcuffed, while being transported between counties.
- F8. Because the geographical size of Mendocino County may require extended transportation time for law enforcement after the arrest of a juvenile, there could be periods when areas of the county are without law enforcement coverage.
- F9. The county's proposal to spend \$1.1 million for the juvenile hall budget forfeits the responsibility for our juveniles to a distant county.
- F10. Adding \$1.2 million to the proposed net county cost would enable a safe and efficient operation of juvenile hall and fulfill the county's duty to care for and protect its wards.
- F11. A county decision to send its troubled youth to another county's facility is diametrically opposed to the state policy of community-based detention that enables juveniles to better reintegrate into local support systems.
- F12. It is shortsighted to dismantle a highly praised program and to close a facility that may need to be reopened in the future.

## **RECOMMENDATION**

- R1. Keep Juvenile Hall open and continue its operations in Mendocino County. (All findings)

## **RESPONSES**

Pursuant to Penal Code §933.05, responses are required from the following governing bodies:

- Board of Supervisors Mendocino County (All findings, R1)

The governing body indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Pursuant to Penal Code §933.05, responses are requested from the following individual(s):

- Chief Probation Officer of Mendocino County (All findings, R1)
- Chief Executive Officer of Mendocino County (F4-6, F9-12, R1)

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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