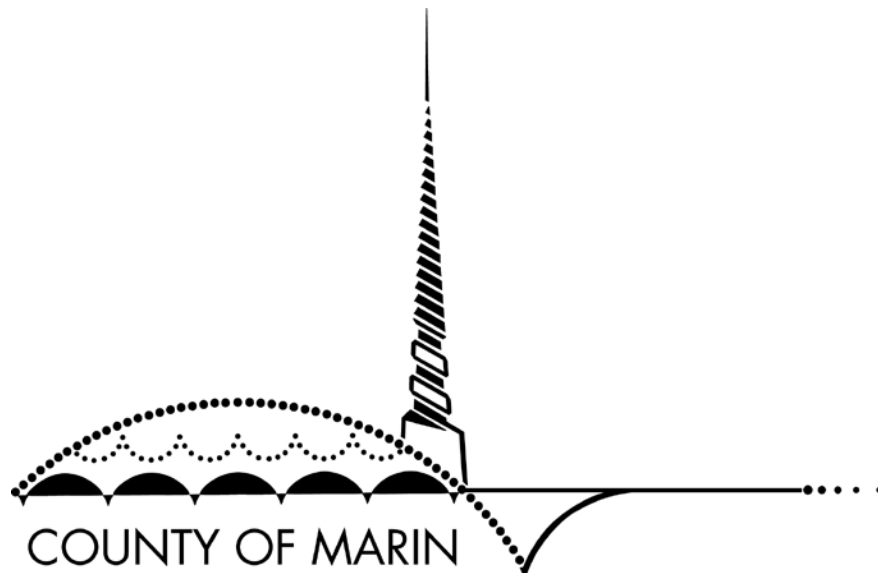
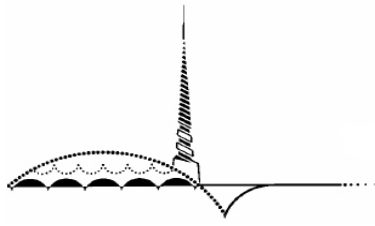


2014/2015 MARIN COUNTY CIVIL GRAND JURY

Marin County Juvenile Hall: A Time for a Change

Report Date: June 19, 2015
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Marin County Juvenile Hall: A Time for a Change

SUMMARY

Marin County has experienced a significant decline in juvenile detention in recent years. Despite this decline, the cost of operating Marin County's 40-bed Juvenile Hall (JH) has not decreased and continues to be approximately \$4,000,000 annually. Because the number of offenders has dwindled, the County's net cost per detainee per day has risen astronomically. To illustrate, the Average Daily Cost (ADC) to house and care for each detained JH youth rose during the past three years (2011-2014) from \$464 to \$901.64 because the Average Daily Population (ADP) declined from 18.9 to 9.2 detained youths. As a result, the Marin County Grand Jury recommends that Marin County and the Marin County Probation Department (MCPD) negotiate a contract for juvenile detention services with a neighboring county at a reduced cost and reallocate the savings towards expansion of Alternatives to Detention (ATDs), which are in the best interests of Marin youth. The Grand Jury also recommends that Marin County and MCPD consider other uses for this facility.

The Grand Jury learned that Marin's decline in juvenile detention is consistent with a major nationwide paradigm shift away from incarceration. Research indicates that detention does not serve youth well, and community-based ATDs, particularly non-residential programming options, deliver equal or better results for a fraction of the cost. Further, the use of risk assessment tools has eliminated the need to confine the majority of Marin's juvenile offenders. Decriminalization of marijuana possession has also significantly reduced arrests and detention.

Detentions of juvenile offenders in Marin County's JH decreased from 1,674 in 1995 to 253 in 2014, and its Average Daily Population (ADP) declined 69% in the past decade, from 30 in 2005 to 9.2 in 2014. The median length of stay for youth in the JH is brief, just 8.4 days in 2014.

With California's Title 15¹ mandated staffing requirements to assure safety, security, education, rehabilitation and healthcare in juvenile facilities, most JH operating costs are fixed. MCPD informed the Grand Jury that JH is required to maintain a staff approximating 21 full-time, part-time and on-call personnel irrespective of a variable average daily census. Thus, as detentions decline, costs per detainee increase, while overall costs remain the same.

1 California's Title 15 regulations impose minimum standards for juvenile facilities to assure safety, security, education, rehabilitation and healthcare for detained youth.

Although California requires every county to have a juvenile hall, it permits two or more counties to operate a joint juvenile hall. According to the California Board of State and Community Corrections, Marin County can satisfy its juvenile detention obligation by contracting with another county for placement of its detainees. The Grand Jury learned from numerous counties that such contracts currently range from \$85 to \$190 per youth per day.² This contracted daily rate may or may not include inter-county transportation costs and certain health care costs, as applicable.

BACKGROUND

On July 22, 2014, to comply with its mandated responsibility, the Grand Jury toured Marin County's JH. The Grand Jury was struck by the fact that, on that day, there were only 11 youth detained in a facility designed to accommodate 40. Yet 21 full-time, part-time and on-call personnel were necessary to staff this 24/7 operation in accordance with Title 15 regulations. This staffing seemed disproportionate to the number of youth actually housed. As a result, the Grand Jury determined to investigate the required staffing and other costs to operate the JH.

METHODOLOGY

The Grand Jury's investigation included interviews of the following:

Twelve professional administrators and budget personnel in eight county probation departments and juvenile detention facilities in northern California (some of whom were interviewed more than once);

Four senior administrative staff of the California Board of State and Community Corrections in Sacramento; and

Several representatives from the Marin County Superior Court, the Marin County District Attorney's Office, and the Center on Juvenile and Criminal Justice in San Francisco.

The Grand Jury also visited four California juvenile detention centers and analyzed their budgets and other statistical and narrative operations reports. Additionally, the Grand Jury reviewed books, articles and other documents related to juvenile justice trends, practices and statistics nationally and in California. The Grand Jury further conducted Internet research on California law, county probation departments, and juvenile detention centers in California and other states.

DISCUSSION

The California Decline in Juvenile Detention

2 Counties of Alpine, Amador, Colusa, El Dorado, Humboldt, Inyo, Lassen, Mariposa, Modoc, Mono, Napa, Plumas, San Mateo, Santa Cruz, Sonoma, Sutter, Yuba.

The decline in juvenile detention is attributed to two major factors. One is the change in marijuana possession laws. “After a new law went into effect in January 2011, simple marijuana possession arrests of California juveniles fell from 14,991 in 2010 to 5,831 in 2011, a 61% difference.”³ Possession of an ounce or less, formerly a misdemeanor, became an infraction subject only to a fine.

The second major factor of the decrease in the detention of youthful offenders is the use of Alternatives to Detention (ATD). Research shows that detention does not serve youth well and alternatives, particularly non-residential programming options, deliver equal or better results for a fraction of the cost.⁴ In fact, research has shown that juvenile detention negatively impacts youth by increasing recidivism, increasing involvement in the criminal justice system, interrupting the natural process of “aging out of delinquency,” creating greater risk of youth self-harm, reducing their success later in the labor market and aggravating the condition of mentally ill youth. Further, overall crime in a community is not affected when youth are not jailed.⁵

Reflecting this trend, there were 1,674 Marin youth detentions in 1995, 615 in 2009 and only 253 in 2014, an overall 85% decrease.

Marin County's Juvenile Justice Practices

Juvenile court judges in California are tasked to implement a treatment and care goal of placing youth offenders in the least restrictive environment “consistent with public safety.”⁶ MCPD operates JH and provides ATDs that reduce juvenile detention. These ATDs in Marin include diversion and mentoring programs, aggression replacement training, multi-systemic therapies, drug and alcohol rehab and other community-based programs. Along with home detention, electronic monitoring, case management and residential placements, these programs have proven to be more effective and less costly than incarceration and far better for youth offenders. Ultimately, the Marin County Superior Court decides whether a youth will be detained or diverted to one or more ATDs.

Given that ATDs are more effective than detention, the chances of a juvenile being detained in JH are small. It should be noted that youth detention is based not solely on the offense. MCPD uses a pre-trial juvenile detention risk assessment tool to evaluate whether detention is indicated, based on a multitude of factors: history of offenses, risks of re-offending, legal status, possession of weapons, gang involvement, probation

³ Mike Males, “California's Radical Youth Trends.” Center on Juvenile and Criminal Justice, July 29, 2014.

⁴ Richard A. Mendel, “No Place for Kids, The Case for Reducing Juvenile Incarceration.” The Annie E. Casey Foundation, 2011.

⁵ Barry Holman and Jason Ziedenberg, “The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities,” November 28, 2006.

⁶ Nadel-Hayes, Sele, MPP, Goldman School of Public Policy, University of California, Berkeley and Macallair, Daniel, MPA, Executive Director, Center on Juvenile and Criminal Justice, “Restructuring Juvenile Corrections in California: A Report to the State Legislature,” September 2005.

compliance and stabilizing influences. The Grand Jury was informed by two MCPD officials that use of this analytic tool has also contributed to a decline in detentions in Marin.

In 2014, fewer than 28% of youth who were referred to the MCPD were detained, representing 253 youth detentions. According to the MCPD, of those 253 JH detentions, 22% were for felonies, and the remaining 78% were for misdemeanors or probation violations, including “status offenses” such as failure to follow curfew, truancy, or testing positive for drugs.

Most of those youth are detained for approximately one week while they undergo case review, meet with their attorneys, and appear before a judge for disposition. These youth are then released on formal probation, sometimes with an electronic GPS monitor, and return to home and school. Under MCPD supervision, ATDs are used to help the youth. During JH detention, youth are provided a significant number of rehabilitative programs and services. Detailed lists of the MCPD's community programs and the JH's in-house programs and services are included in Appendix A, Marin County Probation Department's Alternatives to Detention, and Appendix B, Marin County Juvenile Hall In-House Programs and Services.

According to the MCPD, most detained youth are struggling with poverty or are from a family or parents who are unable to provide support, structure, supervision or attention to the youth. For example, a 14-year-old female runaway with drug and alcohol involvement and other behavioral issues may be detained briefly until her security is assured and supportive programs are in place for her rehabilitation. Further, JH may house a 16-year-old male immigrant who is acting out criminally while struggling with his mother's remarriage and trying to fit into his new environment in Marin County.

These youth primarily require protection from an unsafe environment and placement in supportive programs to learn better life skills.

Far less often, JH will hold a different type of youthful offender who may be awaiting trial as an adult because of gang involvement or the commission of a more serious offense involving the use of weaponry and thus is a danger to others.

The median length-of-stay in JH in 2014 was only 8.4 days, with the majority of youth detained for no more than a week. The few needing long-term placement in special facilities because they are considered a danger to others and/or a flight risk may be detained for months while they await transfer to facilities outside of Marin. For these longer incarcerations, such detainees eventually are relocated to a locked facility in Iowa or placed long-term at Koinonia, a family services facility in northeast California. Thus, JH provides a secure location primarily for short-term confinement, while Marin youth requiring long-term detention in special facilities are placed out of Marin County.

Description of Juvenile Hall

Marin's JH, located at 16 Jeannette Prandi Way in San Rafael, was built in 1962 and remodeled in 2001. The one-story facility includes, among other provisions, a school

room, court room, indoor and outdoor recreation areas, a small library, a cafeteria and kitchen, nurses' quarters, and 40 secure one-person bedrooms in four wings or pods.



The High Cost of Running the Marin County Juvenile Hall

Between 2011 and 2014, the ADP at JH never exceeded 20 youth in a facility with capacity for 40 detainees. According to MCPD, JH currently staffs 21 authorized positions to maintain the California Title 15 mandated staffing levels required for all full-service juvenile halls in California⁷ regardless of the number of detainees actually housed.

It should be noted that the Marin JH staffs higher than the state-required level. JH officials informed the Grand Jury that, because the facility's older architecture limits "line-of-sight" for custody staff, Marin uses a lower staffing ratio of 1 staff to 8 youth (1:8) during the day and 1:20 at night. However, Title 15 regulates staff ratios of 1:10 in the day and 1:30 at night. One Marin official noted that a different building design could reduce the number of staff from 21 to 20 at JH.

MCPD tracks and reports both total expense and net County cost to operate JH for every fiscal year (July 1-June 30). Net County cost is total expense minus state allocated revenues. Net County cost is paid from Marin County's General Fund.

- Total FY 2014 Expense (\$3,786,706) - State Revenue (\$759,010) = 2014 Net County Cost (\$3,027,696)

⁷ A full service juvenile hall provides administrative, counseling, custodial, educational, healthcare, kitchen and other staff; food, clothing, medical and other supplies; schooling, programming, medical and mental health services; and contract maintenance and transportation.

However, MCPD uses only net County cost (\$3,027,696) to calculate ADC. With 9.2 ADP (based on the prior completed calendar year), MCPD calculates 2014 ADC per youth to be \$901.64.

- Net FY 2014 County Cost (\$3, 027,696) ÷ (9.2 ADP x 365 days) = 2014 ADC per youth (\$901.64).

The Grand Jury believes that total expense (\$3,786,706) represents the true annual cost of JH and should be used to calculate the actual average daily expense. Again, based on 9.2 youth per day, 2014 actual average daily expense is \$1,128 per youth.

- Total FY 2014 Expense (\$3,786,706) ÷ (9.2 ADP x 365 days) = 2014 Actual Average Daily Expense per youth (\$1,128)

As shown in Table 1 below, employee salary/benefit expenses (\$3,088,224) constitute more than 100% of Marin County’s financial contribution towards the JH (\$3,027,696). Total employee salary/benefit expenses constitute over 81% of the 2014 total JH expenses (\$3,786,706). As one senior official at the California Board of State and Community Corrections succinctly noted, “...other than food and electricity...,” all of the costs to operate a juvenile hall are fixed.

TABLE 1: Marin County Historical Juvenile Hall Costs and Statistics
(Source: Marin County Probation Dept. 3/30/15)

	FY2010/11	FY2011/12	FY2012/13	FY2013/14
Revenue	\$675,930	\$722,144	\$745,503	\$759,010
Total Expense	\$3,881,394	\$4,134,861	\$4,051,997	\$3,786,706
Salary /Benefit Expense	\$2,957,938	\$3,230,739	\$3,161,938	\$3,088,224
Sal & Ben.as % of Total Expense	76.20%	78.13%	78.03%	81.50%
Net County Cost	\$ 3,205,464	\$3,412,717	\$3,304,494	\$3,027,696
Avg. Daily Population (ADP)*	18.9	13.0	10.9	9.2
Avg. Daily Cost per youth	\$464.00	\$719.22	\$830.59	\$901.64

*Based on calendar year

Overall costs remain unchanged due mainly to mandated staffing levels, while detentions decline and costs per detainee increase. In fact, ADC almost doubled, from \$464 per

youth per day in 2011 to \$901.64 in 2014. Given these constraints, minimal possibilities exist to reduce the cost.

Must Marin County Maintain a Juvenile Hall?

While California law requires counties to provide juvenile hall facilities, it also allows two or more counties to operate a joint juvenile hall. At least six California counties⁸ have no juvenile hall facilities and contract for their detention needs with other counties, which is permitted under California law according to the California Board of State and Community Corrections. The Grand Jury learned from numerous counties that such contracts range from \$85 to \$190 per youth per day. This contracted daily rate may or may not include inter-county transportation costs and certain health care costs, as applicable. Both Napa County's 50-bed facility and Sonoma County's 140-bed facility have excess capacity to accommodate out-of-county juvenile offenders. Napa's and Sonoma's facilities are located 31 and 38 miles away from Marin's JH, respectively.

Taxpayer savings have been realized elsewhere in California through juvenile detention contracting and could possibly be realized for Marin. Marin County and MCPD should negotiate a contract with a neighboring county to achieve as much savings as possible.

The total contracting rate, including transportation and healthcare, cannot be determined with certainty by the Grand Jury because that is subject to contract negotiation. However, good faith negotiations of contract rates and terms should yield an average daily cost per youth per day well below Marin's 2014 \$901.64 ADC or the \$1,128 average daily expense per youth per day.

Housing Marin's small population of juveniles in a nearby county holds the potential for taxpayer savings based on several assumptions: (1) that Marin's ADP in future calendar years will approximate 9.2 or fewer youth per day and the county providing the detention services will maintain sufficient capacity to house Marin's youth; (2) that if the Marin JH were not closed, the total annual expense to keep it operating in Marin would approximate the 2014 total expense of \$3,786,706, to maintain current Title 15 mandatory staffing for a full-service juvenile hall; and (3) that Marin County successfully negotiates a contract with comparable rates that other counties report paying to detain their juveniles out of county.

Senior Probation officials in Marin have reservations about placing juvenile offenders in another county's facility. Their reservations include: (1) it would require time-consuming and inconvenient inter-county transportation and access challenges for parents, police officers, probation officers and legal representatives; (2) some juvenile offenders would have to return to Marin for one or more court hearings; (3) it is not practical when the median length of stay in juvenile hall for Marin's detained youth was only 8.4 days in 2014, with even shorter stays for many; and (4) Marin's youth might be

⁸ Counties of Amador, Colusa, Modoc, Plumas, Mono, Sutter.

housed with potentially more serious offenders in other counties which may not be conducive to their safety or well-being.

Should Marin County contract for its detention needs with a neighboring county juvenile facility? The answer is not simply one of economics or inconvenience to staff, law enforcement and families. The Grand Jury believes that closure of JH must be in the best interest of our youth, their families, the community, public safety, and taxpayers. Certainly, some staff, law enforcement and families will be inconvenienced by the county-to-county travel time for the small number of youth detained outside of Marin County. At the same time, contracting for its juvenile detention needs with a neighboring county juvenile facility such as Napa or Sonoma could greatly reduce Marin's approximately \$4,000,000 annual expense. The Grand Jury believes that realizing and reallocating the savings to expand in-county ATDs and other program alternatives, which research shows are in the best interest of youth in the juvenile justice system, outweigh the negatives of keeping Marin's JH open.

FINDINGS

- F1.** The use of risk assessment tools and detention alternatives, and decriminalization of marijuana possession have collectively reduced the number of Marin's juvenile offenders detained in JH.
- F2.** Despite its high Average Daily Cost in 2014 of \$901.64 per youth per day and high average daily expenditures in 2014 of \$1,128 per youth per day, Marin County's local Juvenile Hall is still used as a secure location for a limited number of Marin youth for short-term detention or awaiting long-term out-of- county placement.
- F3.** Contracting for Marin County's juvenile detention needs with a neighboring county juvenile facility is potentially less expensive than maintaining a full service juvenile hall in Marin, given the high costs of Title 15 mandated staffing, and could create savings that would be used to further the best interests of Marin's youth by expanding community-based Alternatives to Detention in Marin.

RECOMMENDATIONS

- R1.** By the end of FY 2016-2017, the Marin County Board of Supervisors and the Marin County Probation Department, in collaboration and consultation with the Marin County Superior Court and other stakeholders, negotiate a contract at the lowest rate possible for all of Marin County's juvenile detention needs with neighboring county juvenile facilities to reduce Marin's costs and reallocate the savings toward expansion of Alternatives to Detention in the best interests of Marin youth.
- R2.** Once favorable contracting arrangements with neighboring county juvenile facilities are secured, the Marin County Board of Supervisors and the Marin County Probation Department, in collaboration with all other stakeholders, study

and determine the cost effectiveness of alternative uses for the current Marin County Juvenile Hall and repurpose all of the facility to other public programs and services. The study should be completed by the end of FY 2016-2017.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

From the following governing body:

- Marin County Board of Supervisors: All Findings and Recommendations

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 Ralph M. Brown Act.

The Grand Jury also invites responses from the following individuals:

- Mike Daly, Director of Marin County Probation Services: All Findings and Recommendations
- Matt Perry, Superintendent, Marin County Juvenile Hall: All Findings and Recommendations

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Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

APPENDIX A

MARIN COUNTY PROBATION DEPARTMENT'S ALTERNATIVES TO DETENTION (Source: Marin County Probation Department)

Intervention Services:

- Mentors through: Phoenix Project, Dynamic Solutions for Youth, I Have a Hope and Dream, and the Canal Welcome Center.
- College of Marin: guidance counselors help youth to consider whether college would be beneficial.
- Youth Working for Change: assistance in obtaining employment.
- PORTAL: mental health practitioners trained in the use of Functional Family Therapy work with youth and families.
- Youth Empowerment Services (YES): full service partnership program for high risk youth, providing culturally sensitive mental health support, intensive case management services, and psychiatric care.
- Drug & Alcohol Services: through Huckleberry Teen Health Program and Bay Area Community Resources.
- Seneca Wraparound Services: provides family centered, individualized, and culturally relevant and strength-based support for families.
- to succeed in traditional school setting.
- **Prevention Services:** Juvenile Drug Court.
Marin's Community School/Phoenix Academy for students who haven't been able.
- Consejo: restorative practices for first time, low level offenses.
- Victim Offender Reconciliation Program (VOIRP – a mediated forum for victims/perpetrators).
- Youth Court.
- ART: Aggression Replacement Training.
- ALANON/AA.
- Canal Welcome Services.

APPENDIX B

MARIN COUNTY JUVENILE HALL IN-HOUSE PROGRAMS AND SERVICES (Source: Marin County Juvenile Hall)

School: Year-round school provided by the Marin County Office of Education, mandated by Section 856 of the California Welfare & Institutions Code, fully accredited and meets requirements of the California Education Code.

Medical: Provided by Public Health Nurse, on site four (4) hours a day, seven (7) days a week. Physician on site weekly and available by phone 24 hours a day.

Psychiatrist: Provided by Community Mental Health, on site two (2) days a week.

Mental Health: Provided by the Probation Department, one licensed mental health practitioner on duty Monday through Friday and Psychiatric Emergency Services available by phone 24 hours a day.

Recreation: At least one hour daily large muscle exercise, plus open recreation three hours a day during the week and five hours a day every non-school day, mandated by Title 15, Section 1371.

Visitation: Two days a week with parents or legal guardians. Visitation schedule: Wednesdays 7:00pm to 8:00pm and Saturdays 2:30pm to 3:30pm. Mandated by Title 15, Section 1374.

Religious Services: Provided for all denominations twice weekly as mandated by Title 15, Section 1372. Clergy allowed one-on-one visitation if requested.

Evidence Based and Best Practices: Teaching Pro Social Skills (TPS) and Motivational Interviewing and Girls' Circle: Life and Coaching Skills.

Other Activities: Art, poetry, music, yoga, A.A., N.A., AIDS and STD awareness, a smoking cessation program, The Beat Within, and Bread & Roses.

Teaching Pro-Social Skills (TPS) is a multi-component, cognitive-behavioral approach to promote pro-social behavior. This addresses factors that contribute to aggression in children and adolescents, including limited interpersonal social and coping skills, impulsiveness, over-reliance on aggression to meet daily needs, and egocentric and concrete values.

Girls' Circle is a structured support group that addresses the specialized needs of girls aged 9-18 by integrating relational cultural theory, resiliency practices, and skills training into a specific format designed to increase positive connection, personal and collective strengths, and competence in girls. It aims to counteract social and interpersonal forces that impede girls' growth and development and has been used since 1994 in a broad spectrum of settings.

The Beat Within. Its mission is to provide incarcerated youth with consistent opportunity to share their ideas and life experiences in a safe space that encourages literacy, self-expression, some critical thinking skills, and healthy, supportive relationships with adults and their community.

Motivational Interviewing: training in using open-ended questions, affirmations, reflections and summarizations to encourage probationers to make positive, long term changes in their lives. Research has shown that each individual ultimately makes a choice to change or not to change their behavior, and that JH staff will be more effective in obtaining behavior change when they use techniques to motivate, encourage and guide probationers towards change.

Bread & Roses. The Purpose of Bread & Roses is to alleviate the sense of isolation experienced by people confined in institutions by providing quality entertainment and give performing artists an opportunity for community service.

Life and Coaching Skills.