

1 BILL LOCKYER
Attorney General of the State of California
2 ROBERT R. ANDERSON
Chief Assistant Attorney General
3 FRANCES T. GRUNDER
Senior Assistant Attorney General
4 JENNIFER A. NEILL
Supervising Deputy Attorney General
5 MONICA N. ANDERSON, State Bar No. 182970
Supervising Deputy Attorney General
6 1300 I Street, Suite 125
P.O. Box 944255
7 Sacramento, CA 94244-2550
Telephone: (916) 324-3867
8 Fax: (916) 324-5205
9 Attorneys for Defendant Hickman
SA2003100243

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12 IN THE SUPERIOR COURT OF CALIFORNIA
13 FOR THE COUNTY OF ALAMEDA
14

15 **MARGARET FARRELL,**

16 Plaintiff,

17 v.

18 **RODERICK HICKMAN,**

19 Defendant.
20

CASE NO. RG 03079344

**STIPULATION REGARDING
SAFETY AND WELFARE
REMEDIAL PLAN AND MENTAL
HEALTH REMEDIAL PLAN;
[PROPOSED] ORDER**

21 1. The Consent Decree required defendant to file remedial plans in all areas of this
22 case by January 31, 2005. In January, the parties stipulated to extend the dates for the filing of
23 remedial plans. The January 31, 2005 Stipulation Regarding Youth Authority Remedial Efforts
24 and the Mental Health and Rehabilitation Interim Remedial Plan filed in April, 2005, required
25 DJJ to file remedial plans for Mental Health Care and Rehabilitation and Safety and Welfare by
26 November 30, 2005. The extension of time to file these plans was based on DJJ's decision to
27 reform California's juvenile system to a rehabilitative model based on a therapeutic environment

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1 rather than simply to attempt to address the deficiencies identified by the expert reports, which
2 were the basis for the Consent Decree, without undertaking fundamental reform.

3 2. Before the January 31, 2005 stipulation, representatives of the parties visited state
4 juvenile facilities reputed to be exemplary in Missouri, Florida and Texas. In February 2005,
5 they visited facilities reputed to be exemplary in Washington and Colorado. They agreed that the
6 facilities visited were superior to those in California in increasing public safety, youth awareness
7 of their impact on their victims and communities, youth skills and maturity; and in decreasing
8 recidivism. Based on the visits to other states and the advice of Consent Decree designated
9 experts, DJJ developed the Programmatic Description of the Rehabilitative Model for CYA filed
10 in May, 2005, and the preliminary Safety and Welfare Remedial and Mental Health Remedial
11 Plans being filed contemporaneously with this stipulation.

12 3. DJJ deteriorated over decades of neglect and attrition of resources to the
13 unacceptable state documented by the experts' reports that were the basis for the Consent Decree
14 in this case. It was and is a tremendously challenging project to conceptualize and articulate
15 plans to turn DJJ around from a dangerous and violent system with a paucity of treatment and
16 rehabilitative services and a very high recidivism rate (greater than 70%) to a system that would
17 meet the mandates of state law and that would serve public safety and develop delinquent youths'
18 skills and motivation to be responsible and productive citizens when they return to the
19 community. DJJ believes that the Safety and Welfare and Mental Health plans that it is filing
20 are a guideline for a system that will be competitive with the best in the nation. Plaintiff believes
21 that the current plans are first drafts that still need a great deal of work. The parties agree that
22 detailed implementation plans still need to be developed. Both parties think that the agreements
23 they make now will result in improved conditions for youth and staff in the next few months and
24 over the next year, and sufficient remedial plans with implementation details.

25 4. As soon as possible, but no later than January 3, 2006, DJJ will retain the following
26 nationally recognized experts in juvenile justice to further develop the Safety & Welfare
27 Remedial Plan: Chris Murray, Chris Baird, Fred Mills, Ned Loughran, and John Platt. These
28 "planning experts" will be directed to produce a revised draft Safety & Welfare Remedial Plan to

1 the parties for their consideration by March 30, 2006. DJJ will file the final Safety and Welfare
2 Plan by June 30, 2006. If any of the experts become unavailable, the parties shall agree on a
3 replacement (or that there is no need for replacement) without further filing with the Court.
4 Should the parties disagree on a replacement or on the need for a replacement, the disagreement
5 shall be resolved by the process set forth in Paragraph 34 of the Consent Decree.

6 5. The revised draft Safety & Welfare Plan will be developed by the planning experts
7 described above in consultation with DJJ, plaintiff's counsel, experts designated by the Consent
8 Decree, the Special Master and others as the planning experts deem appropriate. The planning
9 experts will use DJJ's preliminary remedial plan as a guideline for their work. When the
10 planning experts identify policy options, they will present those to DJJ who will have the final
11 decision on the proposed policy revisions. DJJ shall exercise its discretion consistent with the
12 principles stated in the January 31, 2005 stipulation:

13 a. Programs must be designed to provide habilitation/rehabilitation and success in the
14 community;

15 b. When reasonably possible and consistent with delivery of specialized programs,
16 youth must be placed in the facility closest to their homes. All treatment services must be
17 designed to include families, except where neither practical nor determined to be consistent with
18 treatment goals;

19 c. Youth must be assigned to facilities and programs based on age, risk and needs
20 assessment, and other appropriate factors;

21 d. Facilities and programs should maximize youth/staff interaction, with living units
22 and staffing ratios that permit adequate supervision and intervention;

23 e. Facilities and living units should provide a safe and supportive environment that
24 promotes rehabilitative goals;

25 f. DJJ shall emphasize positive reinforcement rather than punitive disciplinary
26 measures;

27 g. Lockup may be used only as a temporary intervention in emergencies or as a last
28 resort;

1 h. All staff that supervise wards must be qualified and will be required to provide
2 rehabilitative and treatment services. They must be provided with the training and support they
3 need to succeed in their jobs;

4 i. To the extent feasible, programs should be based on evidence and/or best practices,
5 or shall be evaluated for effectiveness;

6 j. Transition planning for successful reintegration must be provided to wards prior to
7 release to the community.

8 Plaintiff's counsel reserves their right to object to any of DJJ's decisions on the basis
9 that a decision is inconsistent with the Consent Decree or the January 31, 2005 Stipulation. Any
10 such objections will be raised through the dispute resolution process outlined in the Consent
11 Decree.

12 6. DJJ did not implement the interim measures it proposed under the Consent Decree
13 to classify and house wards based on their security risks (in addition to their treatment needs),
14 and it did not implement those or alternative measures under the January 31, 2005 stipulation to
15 identify wards most at risk of committing violent acts and separate them from wards most
16 vulnerable to attack. Pending implementation of the risk needs assessment as described in the
17 Ward Safety & Welfare Plan filed in conjunction with this stipulation, DJJ will direct Chris
18 Baird to prepare a revenue neutral interim classification plan to increase safety for youth by
19 separating them from each other based on security risks, consistent with mental health treatment
20 and rehabilitation needs, as quickly as he would recommend. Unless justified by compelling
21 reasons, DJJ will implement Chris Baird's proposed revenue neutral interim classification plan
22 according to a timetable Mr. Baird recommends that takes into account DJJ's legal constraints.
23 DJJ will measure the short-term impact on safety according to means that Mr. Baird suggests as
24 meaningful. Mr. Baird will consult with DJJ, plaintiff's counsel, the Special Master and Consent
25 Decree designated experts prior to finalizing the interim classification plan.

26 7. In consultation with the court experts and plaintiff's counsel, DJJ will retain
27 nationally recognized experts in juvenile mental health and rehabilitation services to evaluate,
28 revise and supplement DJJ's mental health treatment programs based on population treatment

1 needs and evidence concerning efficacy of treatment interventions directed at those needs and, by
2 May 30, 2006, to revise the Mental Health Plan to incorporate their work. DJJ will file a revised
3 Mental Health Plan by June 30, 2006. Plaintiff reserves the right to raise any and all objections
4 to the revised Plan that may be raised under the terms of the Consent Decree including those that
5 she would otherwise raise now in relation to the Mental Health Plan that is being filed with this
6 stipulation.

7 8. DJJ will retain experts agreed to by the parties to evaluate and revise the policy
8 concerning time added to a ward's sentence for misbehavior with the goal of emphasizing
9 positive reinforcement to significantly reduce the net amount of time adds, consistent with sound
10 juvenile policy. DJJ will work with the expert to evaluate measurements on the use of time adds
11 and will report that information to the Special Master and plaintiff's counsel on a monthly basis.

12 9. DJJ will retain Steve Cambra and an expert agreed to by the parties to develop, in
13 consultation with DJJ, a revenue neutral implementation plan that they recommend as feasible
14 and desirable to close Inyo (temporary detention housing unit at O.H. Close facility) within 30
15 days. Unless justified by compelling reasons, DJJ will implement the plan. The plan will set
16 forth a reasonable timetable recommended by the expert and will take into account DJJ's legal
17 constraints.

18 10. DJJ will retain Steve Cambra and an expert agreed to by the parties to measure and
19 analyze DJJ's use of lockdowns and to revise DJJ's lockdown policy, pending completion of the
20 revised Safety and Welfare Plan, as they deem appropriate but in a way that is revenue neutral
21 and consistent with state law, to minimize the number and duration of lockdowns in the DJJ
22 while ensuring the safe and secure operation of the facilities. With Mr. Cambra's help, and
23 unless justified by compelling reasons, DJJ will immediately implement the new policy
24 according to the timetable the experts prescribe as realistically possible. DJJ will measure the
25 short-term impact on safety according to means that the experts suggest as meaningful. The
26 experts will consult with DJJ, plaintiff's counsel, the Special Master and Consent Decree
27 designated experts before finalizing the policy.

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1 11. DJJ will retain Steve Cambra and an expert agreed to by the parties to consider and
2 revise DJJ policies on restricted housing SMP and TD, and develop an implementation plan, as
3 they deem appropriate but in a way that is revenue neutral, pending completion of the revised
4 Safety and Welfare Remedial Plan. Unless justified by compelling reasons, DJJ will implement
5 the plan on the timetable prescribed by the consultants, and they will measure the short term
6 impact as the experts suggest as meaningful. The experts will consult with DJJ, plaintiff's
7 counsel, the Special Master and Consent Decree designated experts before finalizing policies and
8 implementation plan.

9 12. DJJ will retain an expert(s) agreed to by the parties to develop a plan to measure
10 and reduce the use of force in DJJ facilities pending completion of the revised Safety and
11 Welfare Plan, as he/they deem(s) appropriate but in a way that is revenue neutral. The plan will
12 cover use of restraint chairs, eliminating the use of restraint chairs if the expert determines that is
13 feasible. Unless justified by compelling reasons, DJJ will implement the plan according to the
14 schedule set forth in the plan and he will measure the short term impact as the expert suggests as
15 meaningful. The expert(s) will consult with DJJ, plaintiff's counsel, the Special Master and
16 Consent Decree designated experts before finalizing his/their plan.

17 13. In consultation with DJJ, Dr. Trupin will develop a plan for enhancing the ability
18 of DJJ clinical staff to manage youth with self-destructive behavior. Unless justified by
19 compelling reasons, DJJ shall implement the plan. The plan will set forth a reasonable timetable
20 recommended by the expert and will take into account DJJ's legal constraints.

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