

# **Carl F. Bryan II Regional Juvenile Hall Is It Worth the Cost?**

## **SUMMARY**

On visiting the Carl F. Bryan II Regional Juvenile Hall in August 2015, the Nevada County Grand Jury was impressed with the facility, the attitude of the staff and the multitude of programs offered to the young people detained there. There is no question that Carl F. Bryan II Regional Juvenile Hall is a jail: a challenging, secure, controlled facility. However, the educational and work opportunities offered to the detainees and the positive supportive attitudes of the staff help to transform a demanding experience into an opportunity to improve. Notwithstanding all these positives, there is a concern that this excellent package comes at too high a price.

Nevada County has experienced a significant decline in juvenile detention since the Carl F. Bryan II Regional Juvenile Hall was built. In fact, there has occurred a nationwide paradigm shift away from juvenile incarceration. Courts and probation officers increasingly are using alternatives to detention; a trend that substantially has decreased the number of juvenile detainees.

Nevada County recognized this decline and took steps to reduce the operating cost of the underutilized facility by closing off 50% of the building. Despite this reduction in capacity, the 2015-2016 budget for the Carl F. Bryan II Regional Juvenile Hall continues to be approximately \$3,100,000. Because the number of local youth offenders has decreased, Nevada County has contracted over the past several years to house youth detainees from Tuolumne, Calaveras, Amador, Plumas and Sierra Counties. Unfortunately, while Nevada County receives \$90 per day reimbursement for out-of-county juvenile detainees, Nevada County's Average Daily Cost per detainee averages \$377 per day and a yearly cost of \$137,481 per detainee. Even this small income from detaining juveniles from other counties may soon disappear. Tuolumne County, the primary source of out-of-county detainees, in collaboration with Calaveras and Amador Counties, currently is completing the Mother Lode Juvenile Facility, slated to open late in 2016, thereby further reducing the number of youth detainees in the Carl F. Bryan II Regional Juvenile Hall.

There are few ways to reduce the costs of maintaining any juvenile hall. Title 15 of the California Code of Regulations mandates strict staffing and programming to assure safety, security, education, rehabilitation and healthcare in juvenile facilities. Accordingly, most juvenile halls' operating costs are fixed. Thus, as detentions decline, overall costs remain relatively the same and costs per detainee increase. In closing half of the facility, Nevada County has already achieved the biggest cost reduction. Additional cost reductions of equal significance are not foreseen.

The Nevada County taxpayers are now paying approximately \$2.0 million each year simply to keep the facility open. Adding more detainees from other jurisdictions does not remedy this problem. Lake County, California, recently found itself in a similar situation. In 2015 it opted to contract housing of its juvenile detainees with a neighboring county. In doing so, it reduced its cost of juvenile detention by more than 70%.

In light of the decreasing numbers of local detainees, the high cost of staffing mandated by Title 15 of the California Code of Regulations and an impending decrease in out-of-county detainees, the Nevada County Grand Jury recommends that the Nevada County Board of Supervisors and the Nevada County Probation Department should undertake to close the Carl F. Bryan II Regional Juvenile Hall and negotiate a contract for juvenile detention services with a neighboring county at a reduced cost leading to a substantial cost savings for Nevada County. The Grand Jury also recommends that the Nevada County Board of Supervisors consider other uses for the Carl F. Bryan II Regional Juvenile Hall facility.

## **GLOSSARY**

**ADC** - Average Daily Cost

**ADP** - Average Daily Population

**FY** - Fiscal Year

**Jury** - Nevada County Civil Grand Jury

**Juvenile Hall** - Carl F. Bryan II Regional Juvenile Hall

**Probation Department** - Nevada County Probation Department

**Title 15** - Title 15 of the California Code of Regulations

## **BACKGROUND**

The original California Constitution of 1849 provided in Section 23 of Article 1 that a grand jury "be drawn and summoned at least once a year in each county." Accordingly, each of the 58 counties in the State yearly impanels a civil grand jury, whose function is to investigate the operations of the various officers, departments, and agencies of local government. A civil grand jury may examine all aspects of county or city government, special districts, and other tax-supported organizations to ensure that the best interests of the citizens of the county are being served. The civil grand jury reviews and evaluates procedures, operations, and systems utilized by local agencies to determine whether more effective methods may be employed.

Moreover, California Penal Code section 919(b) requires each county's civil grand jury to inquire annually into the condition and management of the public prisons within each county.

Carl F. Bryan II Regional Juvenile Hall (Juvenile Hall) is a public prison located within Nevada County.

On August 13, 2015, in order to comply with its mandated responsibility, the Nevada County Civil Grand Jury (Jury) visited and inspected the Juvenile Hall and interviewed members of staff on duty at that time. The facility was clean, well run and appeared to provide an excellent level of safety, security, education, rehabilitation and healthcare to the detainees. However, the Jury observed on that day that there were only 16 detainees in a facility originally designed to accommodate 60 detainees. Of the 16 detainees, 12 were from other counties. Only four detainees that day were in-county residents. Even though half of the facility had previously been shut down, reducing capacity to 30 detainees and reducing mandated staff and expenses, the staffing and programming requirements of Title 15 of the California Code of Regulations (Title 15) made these disparities in numbers of detainees and associated costs difficult if not impossible to control given the size of the facility. As a result, the Jury decided to investigate the expense of maintaining this excellent but underutilized facility.

## **APPROACH**

A physical inspection of Juvenile Hall was conducted, involving observations and interviews with Juvenile Hall staff. The Jury also interviewed key Juvenile Hall and Nevada County Probation Department (Probation Department) management and staff members and Tuolumne and Placer Counties' juvenile unit staff.

The Jury also researched, reviewed and analyzed:

- articles related to juvenile justice trends and practices in California,
- the minimum standards for local juvenile detention facilities set forth in Title 15,
- current and prior year Probation Department budgets and other statistical reports provided by the Probation Department to the State,
- Nevada County Board of Supervisors' resolutions and agreements with other counties,
- past Jury reports,
- Board of State and Community Corrections Juvenile Detention Profile Survey data,
- articles and documents on juvenile justice trends nationally,

- California Department of Education School Accountability Report Cards, and
- SB1004 – Transitional Diversion Programs (2015-2016).

## DISCUSSION

Pursuant to Section 602(a) of the California Welfare and Institutions Code, persons subject to the jurisdiction of the juvenile court and detention in juvenile hall include “any person who is under 18 years of age when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state . . .” The function of a juvenile hall is to provide a safe and secure environment for the protection of the public, the detainees and the staff.

Juvenile Hall was built in 2002. Its maximum capacity is 60 detainees but half of the facility has been made inactive reducing capacity to 30. It is currently staffed for the 30-detainee capacity. Current staffing is one Program Manager, four Senior Group Supervisors, 18 Group Supervisors, two Cooks, and one Office Assistant. Additionally there are ten temporary on-call personnel available to cover fluctuations in staff, emergencies, or detainee occupancy growth.

At the time of the Jury’s visit and inspection, there were 16 detainees (12 male and four female) of which only four were from Nevada County.

In addition to serving as a detention facility, Juvenile Hall provides rehabilitation services and programs to meet the physical, emotional and educational needs of the detainees. A list of services currently provided by the Juvenile Hall comprises sixteen different evidence-based programs and services including Drug Education, Life Skills, Yoga, Fine Arts and Mindfulness.

Moreover, the Nevada County Office of Education manages and operates the Sugarloaf Mountain School at the Juvenile Hall (Sugarloaf). Sugarloaf’s goals are to assist detainees in earning their high school diplomas, if they have not already done so, and to prepare them for state-mandated exit exams. The Nevada County Superintendent of Schools Program 2014-2015 cost for Sugarloaf was \$283,968. The January 28, 2016 California Department of Education School Accountability Report Card of 2014-2015 for Sugarloaf indicated that the total expenditures per student were \$14,152 and the student enrollment was seven students. Although these costs are not reflected as part of the Probation Department budget for Juvenile Hall, they are a taxpayer expense through the Nevada County Superintendent of Schools’ budget.

To provide for detainees' physical, emotional, and mental health, Juvenile Hall contracts with the California Forensic Medical Group to provide medical services.

A recent article in *The Los Angeles Times* ([latimes.com/local/countygovernment/la-me-probation-sticker-shock](http://latimes.com/local/countygovernment/la-me-probation-sticker-shock)) pointed out that "Los Angeles County spends more than \$233,000 a year to hold each youth in juvenile lockup." The causes are many. The solutions are few. In short, the article cited:

- Los Angeles juvenile detention system was designed in an era when youth crime was on the rise;
- youth crime in Los Angeles County has significantly declined since the mid-1990s;
- juvenile inmates incarcerated in Los Angeles County's juvenile detention system, at its height in the 1990s, has also declined from a daily average of 2000, to the present daily juvenile inmate population of 621; and
- juvenile arrests in Los Angeles County have dropped an additional 30% since 2012 alone, indicating a continuation of this trend.

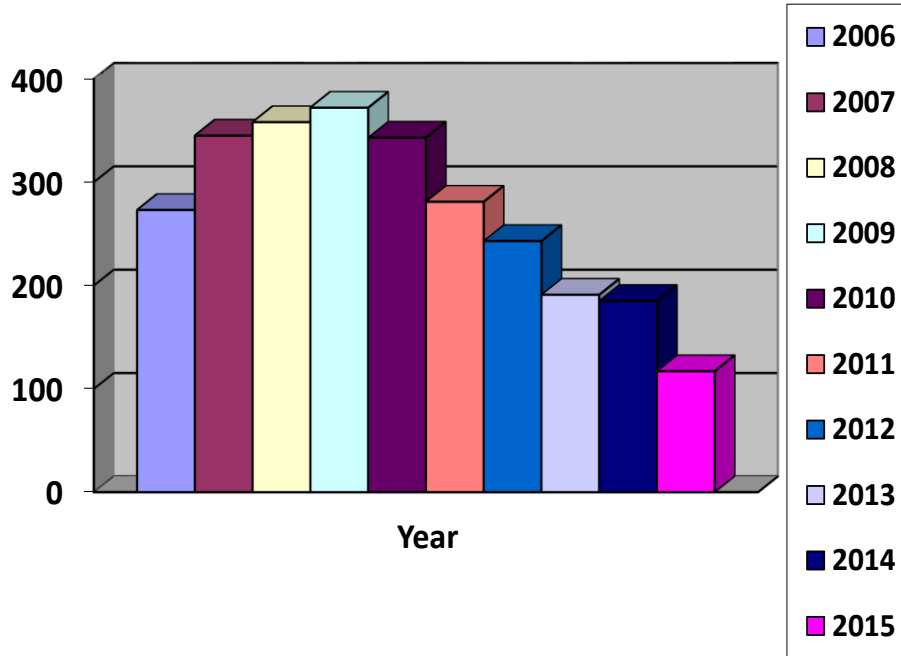
Los Angeles County is not alone in this experience. In fact, there has occurred a major nationwide paradigm shift away from incarceration. Nationwide, courts and probation officers increasingly are using alternatives to detention, including release on recognizance, release on bond, community support and formal evidence-based monitoring programs. This trend has substantially decreased the number of juvenile detainees both nationwide and in Nevada County.

In October 2015, Lake County Board of Supervisors approved the closure of Lake County Juvenile Hall and transferred its dwindling number of detainees to Mendocino County Juvenile Hall. Lake County Juvenile Hall had costs of \$190,000 per minor annually, which equates to \$520 per day to provide all necessary services. With the move to Mendocino County Juvenile Hall, the cost of a Lake County juvenile detainee dropped to \$150 per day for the 12-bed minimum agreed upon between the two counties, cutting the annual average cost to less than a third of the \$54,750 per minor. Any additional beds will be billed at a reduced price of \$120 per day.

Lake County officials estimated that Lake County would save about \$764,000 annually during the term of the two-year contract with a minimum yearly payment of \$657,000. In addition to the closure of Lake County Juvenile Hall, the Jury was informed that Inyo County is currently evaluating the closure of its Juvenile Hall.

Nevada County also has experienced a significant decline in juvenile arrest and detention since the Juvenile Hall was constructed. The chart below indicates the decline in annual bookings from 2006 through 2015 for Nevada County juvenile offenders.

### ANNUAL BOOKINGS



From 2011 through 2015, the Average Daily Population (ADP) at Juvenile Hall never exceeded 25 detainees in a facility built to accommodate 60, with a current capacity of 30. The Juvenile Hall currently staffs 26 authorized positions to maintain the Title 15 mandated staffing levels required for all full-service juvenile halls regardless of the number of detainees actually housed. Maintaining a full-service juvenile hall requires administrative, counseling, custodial, educational, healthcare, kitchen and other staff; food, clothing, medical and other supplies; schooling, programming, medical and mental health services; and maintenance and transportation.

All of this comes at a substantial cost. The Probation Department tracks and reports both total expense and Net County Cost to operate Juvenile Hall for every Fiscal Year (FY). Net County Cost is total expense minus state allocated revenues. In Table 1 below, Net County Cost is displayed as the annual General Fund costs.

TABLE 1. Nevada County Historical Juvenile Hall Costs\*

FISCAL YEAR	2011-12	2012-13	2013-14	2014-15
TOTAL EXPENSES	\$2,923,617	\$2,765,657	\$2,813,627	\$2,944,383
GENERAL FUND	\$1,901,252	\$1,821,841	\$1,835,710	\$1,964,719
SALARY/BENEFITS	\$2,332,927	\$2,219,689	\$2,151,806	\$2,339,355
% of TOTAL EXPENSES	79%	80%	76%	80%
AVG DAILY POP**	18.83	13.92	22.67	21.42
AVG. DAILY COST***	\$425	\$544	\$340	\$377

\*Data from Nevada County Probation Department

\*\*Based on calendar year (includes out-of-county detainees)

\*\*\*Avg. Daily Cost = Total Expenses/ (Avg Daily Pop x 365)

Total Expenses and General Fund costs remain relatively fixed, due to staffing levels mandated by Title 15. The increases of ADP were caused by an influx of out-of-county juvenile detainees.

The Probation Department has sought to increase Juvenile Hall utilization and reduce the Average Daily Cost (ADC) by contracting to detain and house juvenile detainees from other counties including Tuolumne, Amador, Calaveras, Plumas and Sierra Counties. However, the contracts to provide housing and transportation for out-of-county detainees are based on a market rate of only \$90 per day per detainee from Tuolumne, Amador, Calaveras, and Plumas Counties. It is to be noted that the individual funding contribution from these out-of-county detainees was 76% less than the cost borne by Nevada County to detain juveniles from Nevada County. It costs Nevada County more to incarcerate its detainees than Nevada County receives in providing the same service to other counties. The yearly income from housing out-of-county detainees demonstrates that such housing has a minimal impact on the costs of maintaining Juvenile Hall.

TABLE 2. Revenue received for housing out-of-county juveniles for the last five years.

FISCAL YR	SIERRA	TUOLUMNE	AMADOR	CALAVERAS	PLUMAS
FY 14-15	\$1,440	\$158,580	\$4,320	\$46,170	\$6,930
FY 13-14	0	\$136,800	\$80	\$52,020	\$7,020
FY 12-13	0	\$ 4,800	0	\$0	0
FY 11-12	\$2,080	\$ 21,500	0	\$0	0
FY 10-11	0	\$ 16,100	\$1,440	\$19,250	0
TOTAL	\$3,520	\$337,780	\$5,840	\$117,440	\$13,950

Moreover, even this small offset to expense will soon come to an end. On May 30, 2015, Tuolumne, Calaveras and Amador Counties broke ground for an 18,000 sq. ft. Mother Lode Juvenile Facility with room for 30 detainees. It is expected to be completed in November

2016. The opening of the Mother Lode Juvenile Facility will reduce the number of out-of-county detainees in Juvenile Hall, further reducing utilization and increasing ADC. The Jury has concluded that adding more detainees from other jurisdictions to Juvenile Hall does not appropriately remedy the diminishing utilization of Juvenile Hall.

The Jury has also been made aware of and has reviewed proposed legislation currently in the California State Senate to expand the protections of juvenile offenders to certain adult offenders between the ages of 18 and 21, potentially adding more detainees to the Juvenile Hall facility, but at the additional cost of continuing the age separation of youth and adult inmates. Accordingly, it appears to result in added expense to the levels dictated by Title 15 without additional State appropriation of funds to the County. This proposed legislation, entitled: “SB1004 – Transitional Youth Diversion Program” (SB1004), would be a three year pilot program to be established by the counties of Alameda, Butte, Napa, Nevada and Santa Clara to accomplish the following:

*This bill would authorize specified counties to establish a pilot program to operate a transitional youth diversion program for eligible defendants. The bill would authorize a defendant to participate in the diversion program within the county’s juvenile hall if that person is charged with committing an offense, except as specified, he or she pleads guilty to the charge or charges, and the probation department determines that the person meets specified requirements, including that the defendant is 18 years of age or older, but under 21 years of age on the date the offense was committed, is suitable for the program, and shows the ability to benefit from services generally reserved for delinquents. The bill would require the probation department to develop a plan for reentry services.*

The Probation Department estimates that there are approximately 12 of 72 Wayne Brown Correctional Facility inmates in the 18-21 years old category who might qualify under this program but cannot be housed with Juvenile Hall inmates under 18. It is likely that the housing of SB1004 inmates would require the re-opening of the portion of Juvenile Hall that is currently closed, thus increasing costs. However, at the time of this report, SB1004 is not law and the fiscal impact is unknown.

Assuming the \$90 per day reimbursement figure to represent a market rate, substantial Nevada County taxpayer savings could be realized if Nevada County contracted with a neighboring county to cover its minimal juvenile detention needs. Placer County, for example, has a 78-bed facility in Auburn that currently houses approximately 18 detainees.

The possible cost savings projected by placing detainees in a neighboring county’s facility are substantial. The cost of housing Nevada County’s 2014-2015 ADP of 21.42 detainees for a contract market rate of \$90 per day (365 days) would have been \$703,647 as compared to the actual cost of \$2,944,383. The total annual savings attained by diverting Nevada County juvenile offenders to another, less costly, facility would have been \$2,240,736. Nevada County costs alone would have been reduced by over 65%.



## **FINDINGS**

The following are Findings discovered during the investigation from a site visit, interviews, and review of documentation provided to the Jury.

- F1.** The Average Daily Cost of housing detainees in Juvenile Hall for Fiscal Year 2014-2015 averaged \$377 per day or \$137,481 per year, per detainee.
- F2.** Decreasing numbers of local detainees are housed in the facility.
- F3.** Regardless of the decreasing number of detainees, overall costs of Juvenile Hall are not commensurably reduced because of the high cost of Title 15 mandated staffing.
- F4.** Contracting for Nevada County's juvenile detention needs with a neighboring county juvenile facility is estimated to be approximately 65% less expensive than maintaining a full service juvenile hall in Nevada County.
- F5.** Substantial savings for the County General Fund would be achieved by closing Juvenile Hall and contracting with a neighboring county for detention of Nevada County detainees.

## **RECOMMENDATIONS**

- R1.** By the end of Fiscal Year 2016-2017, the Nevada County Board of Supervisors and the Nevada County Probation Department, in collaboration with the Nevada County Superior Court and other stakeholders, should negotiate a contract at the lowest rate possible for all of Nevada County's juvenile detention needs with neighboring county juvenile facilities to reduce Nevada County's General Fund costs.
- R2.** Once favorable contracting arrangements with neighboring county juvenile facilities are secured, the Nevada County Board of Supervisors and the Nevada County Probation Department, in collaboration with the Nevada County Superior Court and all other stakeholders, should study and determine the cost effectiveness of alternative uses for the current Carl F. Bryan II Regional Juvenile Hall and repurpose all of the facility for other public programs and services.

## **REQUIRED RESPONSES**

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

Nevada County Board of Supervisors: All Findings and Recommendations by September 6, 2016

The Jury also invites, but does not require, responses as follows:

Chief Probation Officer of the Nevada County Probation Department: All Findings and Recommendations.

Reports issued by the 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 Grand Jury.