



# Juvenile Justice Commission Contra Costa County

## Orin Allen Youth Rehabilitation Facility Closure

### Position Statement

8/2/2020

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### Executive Summary

The Contra Costa Juvenile Justice Commission engaged in extensive fact-finding, including interviewing Probation staff and youth currently at the Orin Allen Youth Rehabilitation Facility (OAYRF), as well as extensive conversations with Contra Costa County agencies, community-based organizations, and solicited feedback.

The Commission has come to the conclusion that now is not the time to make a final decision about closing the OAYRF, and strongly recommends that the Board of Supervisors votes to retain the facility in the 2020-2021 fiscal year.

The Commission calls on the Board of Supervisors to sponsor a larger conversation about the juvenile justice system in Contra Costa County over the next 12-24 months. The Board of Supervisors should designate the Juvenile Justice Coordinating Council to formulate a Juvenile Justice Strategic Roadmap, to be completed no later than April 2022. This Roadmap should inform the County's decisions regarding facility management, developing robust diversion and intervention programs in the community, and aligning Contra Costa's juvenile justice system to new national standards and best practices.

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# Proposal

## **Orin Allen Ranch Youth Rehabilitation Facility**

The Orin Allen Youth Rehabilitation Facility is a minimum security ranch-style detention facility established in 1960. OAYRF can house a maximum of 100 youth, with the addition of a second dormitory in 1999. OAYRF is located in the Far East County portion of Contra Costa, occupying 50 acres in Byron, CA. The commonly used portions of the facility are approximately 2-4 acres where a cluster of buildings - two dormitories, classrooms, an indoor recreation area, a cafeteria, and an administration building. There are also significant areas dedicated to outdoor recreation - there is an outdoor visitation area, with a pond, as well as a pool and an outdoor basketball court. Access to and from the different buildings is open, without fencing or walls.

OAYRF is not generally considered a “locked” facility, as youth are housed in a single “dormitory” style room at night (no individual cells) and the property is not enclosed with full fencing. The facility currently serves as the “least restrictive” disposition option for youth to Contra Costa Juvenile Court when evaluating where to place youth who have a sustained petition in Contra Costa County, and thereby occupies a key position in the continuum of dispositional choices available to Superior Court judges.

As incarceration rates in the County have dropped over the last several years, the population in the Facility has declined from an average of 30-40 youth, to currently housing between 10 and 20 during the COVID pandemic. The current program design and structure currently is limited to only allow male (identifying) youth to be housed at the Facility. Female (identifying) youth are not able to be placed there. In addition, the program’s medical facilities are limited, and youth who need regular access to



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controlled substances, such as controlled psychotropic medication (for example, benzodiazepines), cannot be placed at the facility.

Portions of OAYRF are aging and in need of upgrades to bring it into compliance with the Americans with Disabilities Act, as well as Titles 15 and 24 of the California Code of Regulations. In 2019, the County Administrator's Office commissioned a facility study by Vanir Construction Management, Inc. This report called for between 3.5 and 12 million dollars in upgrades and new construction.

## **John A. Davis Juvenile Hall**

The John A. Davis Juvenile Hall ("Hall") opened in 2005 and is a significantly newer piece of construction. The Hall is operated as a locked detention facility. The Hall currently has 10 individual housing units, and is capable of housing 290 youth.

The Hall operates several programs within the Hall - including two post dispositional programs, the male (identifying) oriented Youth Offender Treatment Program (YOTP), the female (identifying) Girls in Motion (GIM) program, as well as general detention. Each program is housed in separate housing units.

One of the housing units, Tamalpais, is currently used as an "incentive room" for youth - youth who are on good behavior earn points in order to spend time in this area which is outfitted with incentive activities such as music and video games.

The Hall has outdoor recreation areas, including a moderately large astro-turf field where youth can play sports, as well as a horticultural program (currently on hiatus due to the COVID-19 pandemic).



Like OAYRF, the population numbers at the Hall continue to drop as well - a drop which has also been exacerbated by the County's response to the COVID-19 pandemic.

## **Proposed Closure of the Orin Allen Youth Rehabilitation Facility**

The Commission received notice in the early summer of 2020 that the Board of Supervisors was considering a proposal to close the Orin Allen Youth Rehabilitation Facility and relocate the youth housed there to the John A. Davis Juvenile Hall ("the Hall").

The youth currently located at OAYRF would be housed in the Hall's Tamalpais unit, and thereby would continue to be housed separately from the other youth at the Hall. The Probation Department intends to continue operating the *program* as a separate program and dispositional choice available to Superior Court judges of the Juvenile Court of Contra Costa County. This program, housed within the Hall like YOTP or GIM, would likely be called the Orin Allen Youth Rehabilitation Program (OAYRP).

## Fact Finding

The Commission engaged in the following fact-finding activities:

1. Youth interviews of youth currently housed at OAYRF.
2. Staff interviews of staff working at OAYRF.
3. Tours of OAYRF.
4. Tours of the Tamalpais Unit in the Hall.
5. Review of written materials, including:
  - a. Grand Jury investigations from 2009 to present,
  - b. The 2019 Facility Study,



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- c. Letters from the Community
- 6. A special session to solicit information from county agencies and the public, specifically hearing from:
  - a. The Probation Department, represented by:
    - i. Chief of Probation Esa Ehmen-Krause,
    - ii. Assistant Chief of Probation Melvin Russell, and,
    - iii. Probation Manager Daniel Huovinen,
  - b. The District Attorney, represented by District Attorney Diana Becton,
  - c. The Public Defender, represented by the Supervising Attorney for the Juvenile Unit, Jonathan Laba,
  - d. The County Administrator's Office, represented by Assistant Chief Administrative Officer, Eric Angstadt,
  - e. The RYSE Center, represented by Stephanie Medley, the Director of Education and Justice.
  - f. The Safe Return Project, represented by Tamisha Walker, Executive Director.
  - g. A significant number of members of the public.

Attached to this letter is a presentation prepared by the Commission for its special session, which details the fact-finding results.

## Conclusions

The Commission wishes to thank the public for its impassioned input on this matter, as well as the open and transparent communication and cooperation from County agencies, especially the Probation Department.



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## Rehabilitative Impacts

After reviewing the pertinent facts, the Commission does not believe that closing OAYRF and relocating the OAYRP program to the Hall will provide the same level of rehabilitative effect that is able to be produced at OAYRF. The Commission believes that this should be the first and foremost concern for the Board of Supervisors as they evaluate this proposal.

Many of the best qualities of OAYRF are difficult, if not impossible, to produce at the Hall. Most critically, the easy access to the outdoors, and expansive environment of the Ranch, is impossible to recreate at the Hall. Even if Probation moves forward with plans to landscape dedicated outdoor space for the OAYRP youth at the Hall, it would be a significant decrease in outdoor space. The Commission believes that this outdoor space creates a “day camp” feeling for youth that is significantly different from the feeling of the Hall, which is a locked detention facility.

This “day camp” feeling is not only critical for the youth themselves, but also for their families. The Commission’s fact-finding revealed that, despite the differences, families (in general) preferred to visit their loved ones at OAYRF rather than the Hall because of the less restrictive and more comfortable feeling. While the Commission recognizes the Probation Department’s efforts to retain a more casual visitation format at OAYRP at the Hall, the Commission believes this will be challenging to do in co-located spaces, given the negative mental association many justice-involved families will have of the Hall.

One critical element to keep in mind is that placement at OAYRF occurs at disposition by a Superior Court judge. In the usual course of things, this means that the youth have already been held for some period of time at the Hall and then are *transferred* to the



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Ranch. This process often fills the youth with a sense of hope, that their conditions are going to improve, and optimism that their future can still be bright.

That sense of hope will be deeply difficult to replicate if the practical effect of this is for the youth to be moved a few dozen feet down a hallway to a different housing unit in the same building. The physical co-location of these dispositional options undermines the hoped for benefit. While difficult to measure, the Commission believes that this feeling of hope is critical to developing a positive relationship with the youth and placing them on a positive cycle towards rehabilitation and positive post-detention life outcomes.

### **No Support for the Proposal**

Deeply telling, the proposal has, to the Commissions understanding, absolutely no support in the community or even among County agencies. No County agency has taken a position to actually advocate for this change - the Probation Department remains neutral on the question, and comments by District Attorney Diana Becton seemed aligned with the overall recommendations of this report. The Public Defender's office outright opposes this proposal, as well. The Superior Court judges assigned to the Juvenile Court have expressed their opposition to this proposal to the Commission, as well.

Further, the Commission solicited significant feedback from the public, including volunteers who work with the youth at OAYRF, and staff who work at OAYRF. There was nearly universal disapproval for the proposal.



## **ADA / Title 15 & 24 Improvements**

The County has repeatedly pointed to the necessity of ADA and Title 15 and 24 improvements at OAYRF. While the Commission recognizes that these are important needs, the Commission does not believe that they justify the closure *at this time*. There is no particularized reason why the capital expenditures between 3.5 and 12 million dollars are required for the 2020-2021 fiscal year, or even the 2021-2022 fiscal year. The Commission believes that the current estimates can be broken down into smaller, more manageable proposals.

## **Short Term Budgetary Thinking**

The current proposal feels rushed in order to accommodate the difficult financial state of the County in the 2020-2021 budget cycle. While the Commission understands these pressures, the treatment of incarcerated youth is a matter of the highest concern to the community, and should not be made based on short-term budgetary trends.

## **Proposed Benefits to Relocation Plan**

While there are some advantages to the proposal - such as increasing access to the OAYRP to youth with medical issues, a more central location may make visitation moderately easier, building robust and varied programming may be easier in the more central Martinez location, and eliminating potential capital expenditures on aging facilities, these need to be evaluated in the context of the step backwards in the rehabilitative capacity of the program. Ultimately, national best practices are towards moving away from detention and restrictive placements for youth in favor of community based interventions and more residential format facilities.



The most compelling benefit - wildfire safety - is one that concerns the Commission and should be evaluated, but should be done so in the context of a strategic vision for the County, not in a short-term budget discussion.

## **Probation Planning Commendation**

All of this said, the Commission does recognize that the Probation department has been doing its best to plan to keep as much of the feeling of the OAYRF alive at the Hall. The Commission recognizes the significant investment of time and money into improving the furniture, thinking through ways to increase outdoor time, to ensure that family visitation is less restrictive for OAYRP than it is for general visitation at the Hall, among many others.

## **Juvenile Justice Changes**

The next year or two will be bringing large changes to the juvenile justice system, not just for Contra Costa County but for California and the nation as a whole. The Commission believes that any changes to our incarceration capabilities and methodologies should be made in alignment to a strategic vision that incorporates these changes.

Four intersecting issues make this a ripe time to evaluate our juvenile justice practices in the County:

1. The proposed closure of the Division of Juvenile Justice (DJJ) will begin having impacts on Contra Costa within the next year,
2. Increasing calls to expand the juvenile justice system to include 18 and 19 year olds, including Senate Bill 889 which is pending before the California legislature,



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3. The uncertain nature of how incarceration levels will change after COVID-19 (will they return to prior averages or stay at the current COVID-19 levels),
4. National conversations about criminal justice reform in general, which the Commission believes are likely to continue, if not accelerate, given the current national conversation.

The County should make changes in alignment with a strategic vision for the future, rather than on an ad-hoc, issue-by-issue basis. The decision to close OAYRF without a public plan and timeline for transitioning to alternative methodology is a step backwards in best practices. Prior to making a decision about this one issue, the County should align key stakeholders and decide on a vision for improving the long-term outcomes for justice-involved youth and their families.

Contra Costa County is also enjoying new leadership in many key areas related to the administration of juvenile justice matters, including a new Chief of Probation who took over her position in early 2020. This is an excellent time for Contra Costa to be a leader among California counties in regards to juvenile justice best practices. We have a talented pool of local leaders, community members, and a passionate community ready to roll up its sleeves. Let's get to work.

## Recommendations

The Commission recommends the following:

1. The Board of Supervisors should reject the current proposal to close the OAYRF.
2. The Board of Supervisors should call for a comprehensive review of the way Contra Costa County manages its juvenile justice system, bringing together key stakeholders from across the county and charge them with building a Juvenile



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Justice Strategic Roadmap that articulates a clear 5 to 10 year strategy for rethinking our incarceration policies, as well as our diversion and community-based intervention programs.

- a. Such an effort should be held accountable to a 12-24 month timeline. The Commission believes that having this roadmap in place for the 2021-2022 budget planning in April of 2021 is too ambitious, but believes it should be completed and provided to the Board of Supervisors before budget planning for the 2022-2023 fiscal year in April of 2022.
- b. The Juvenile Justice Coordinating Council seems to be an appropriate venue for this conversation to occur in, and the frequency of those meetings should be increased, or at a minimum, subcommittees should be formed and meet regularly, producing documents and work products that can be shared with the larger body for their review and ratification.
  - i. Creating a new body would only increase duplicative efforts and overtax participants.
- c. The Board of Supervisors should utilize surplus funds from the Youthful Offender Block Grant, which funds are aligned to the goals of the Juvenile Justice Coordinating Council and its corresponding Annual Plan, to resource the Council with adequate staffing to ensure that it can engage in robust research and meeting schedule.
- d. This process should review best-practices in other jurisdictions, including more residential and community focused practices as seen in states like New York and Missouri, and evaluate their feasibility under California state law. In addition, the process should generate a budget impact, looking not just at short-term annual budgets but also evaluating



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long-term projected impacts to public expenditures in terms of adult recidivism rates.

3. The Probation Department should be commended on its efforts to secure and institute a case management system for data gathering. It should also be held accountable for ensuring that this process is completed in a timely fashion (2021). It should also be mandated to report aggregated data useful for public policy analysis to the Board of Supervisors, the Juvenile Justice Coordinating Council, the Juvenile Justice Commission, other relevant state and local governmental bodies, and to the public at large. This data will be vital for putting together the Juvenile Justice Strategic Roadmap.
4. The County should look to other counties that are engaging in similar processes, such as Los Angeles, for guidance on how to structure this conversation and ensure that it stays on course, from a project management perspective.

