

**FIRST DISTRICT APPELLATE PROJECT
MARCH 2004**

**FILING A PETITION FOR MODIFICATION
AIMED AT GETTING A SECTION 602
JUVENILE COURT WARD RELEASED FROM
THE CALIFORNIA YOUTH AUTHORITY
(WELF. & INST. CODE SECTION 778 AND 779)**

THIS PACKET INCLUDES THE FOLLOWING:

- 1. CHECKLIST OF STEPS TO FOLLOW IN INVESTIGATING AND DRAFTING A PETITION FOR MODIFICATION**
- 2. PETITIONS FOR MODIFICATION: ASKING THE JUVENILE COURT TO MODIFY A PLACEMENT OR COMMITMENT ORDER AFTER THE DISPOSITIONAL HEARING (A SUMMARY OF THE GENERAL LAW)**
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**STEPS TO FOLLOW IN INVESTIGATING AND DRAFTING A PETITION FOR
MODIFICATIONS ADMIRAL MITCHELL FOR NYE JUDICIAL HORROR
(WELF. & INST. CODE SECTIONS 778 AND 779)**

INVESTIGATION:

- Call your FDAP buddy, trial counsel, or the Public Defender's Office in the appropriate county to find out what is happening in that county regarding CYA commitments. (Is there a moratorium in that county? Is the juvenile court vacating CYA placements? What is the stance of the juvenile court judge who committed your client to CYA?)
- Write to your client (the CYA ward)
 - If you haven't gotten one previously, ask your client to sign a release
 - Find out the name of his/her counselor
 - Find out how he/she is doing at CYA: What is his/her estimated parole date?
 - What programs is he/she in? Is your client on the waiting list for any programs? What services is he/she receiving?
- Call your client's CYA counselor to find out how the ward is doing at CYA
 - If you don't know the name of your client's counselor, call the institution where your client is housed (e.g. Preston, OH Close) to find out the counselor's name (have client's name, birthdate and YA number)
 - When you talk to the counselor, ask what services your client is receiving, whether he/she is on the waiting list for any other programs, and what is the estimated parole date? Get a general idea of how your client is doing at CYA.
 - Find out if there are documents the counselor can send you regarding your client's status, programs and performance at CYA
 - Finally, find out how you can arrange a phone call with your client
- Call your client to find out how he/she is doing and whether he/she wants to go ahead with a Petition for Modification. (You may want to wait until after you have talked with trial counsel (see below))

- Call trial counsel – the attorney who represented your client at the dispositional hearing.

Discuss a potential petition for modification and how you might coordinate efforts. (Usually, the FDAP attorney drafts the Petition and the trial attorney makes an appearances in juvenile court, including the hearing on the Petition. Note: although individual cases may differ, if a 778 Petition is warranted usually you would be compensated for the few hours necessary to draft the Petition, but the actual Superior Court appearances on the Petition would be expected to be done by trial counsel or, if trial counsel or conflict counsel is unavailable, you would need to get appointed by the Superior Court and paid by that Court for the appearance. Check with your FDAP buddy.

Since the Petition for Modification goes back to the judge who sent the ward to CYA, you will want to get trial counsel's opinion on how to approach the issue with that particular judge.

Finally, talk to trial counsel about alternative placements, including those that were considered and rejected at the dispositional hearing. Does the trial counsel have any other ideas on alternative placements? Consider county camps, group homes, out-of-county placements, and out-of state placements

If further investigation of alternative placements is necessary, see if trial counsel can do this.

- Check in with your FDAP buddy regarding what you have found. We have materials and may have suggestions.

DRAFTING

- Draft the Petition for Modification. Attach any relevant information you have received from your client and from the counselor regarding the services your client is receiving at the youth authority, the services your client is not receiving, and the conditions of his/her confinement.
Also attach any information you have on alternative placements
Finally, you may want to attach some of the reports that have been done, in connection with the CYA lawsuit regarding conditions at CYA.
- If your case is assisted, send a copy of the Petition for Modification to your buddy before you file it.

**PETITIONS FOR MODIFICATION:
ASKING THE JUVENILE COURT TO MODIFY A PLACEMENT OR
COMMITMENT ORDER AFTER THE DISPOSITIONAL HEARING**

**By Kathryn Seligman, Staff Attorney
First District Appellate Project, San Francisco (415-495-3119)
January 2003**

Let's say that after the dispositional hearing, the minor's advocate discovers new evidence or a changed circumstance that casts doubt on the propriety of the juvenile court's placement order. It no longer appears that the commitment to the ranch, camp or the California Youth Authority will be or probable benefit to the minor, or an appropriate less restrictive alternative program becomes available. Here are some possible examples: The advocate learns that the ordered placement does not offer services to meet the minor's special education or mental health needs. She learns that the minor is not getting the anticipated individual psychological counseling at the youth authority. She discovers that a licensed program, which is adequately structured and offers the services the minor needs is willing to screen or accept the minor.

One option this advocate might consider is a Petition for Modification or Reconsideration, brought in the juvenile court pursuant to Welfare and Institution Code section 778 and/or section 779.

Unlike the limitations that apply to the trial courts adjudicating adult civil and criminal cases, the juvenile court is not deprived of jurisdiction when an appeal is taken. Once a minor has been adjudged a ward of the juvenile court, pursuant to Welfare and Institutions Code section 602, that court has continuing jurisdiction over the individual until he/she turns 21 or 25 (depending on the nature of the offense). (See Welfare and Institutions Code section 607; *In re Allen N.* (2000) 84 Cal.App. 4th 513, 515.) Specifically, "[t]he juvenile court has jurisdiction to hear and determine a motion to vacate an order adjudging a person to be a ward of the court even though an appeal is pending from such an order." (*In re Corey* (1964) 230 Cal. App. 2d 813, 819, fn. 5)

Welfare and Institutions Code section 775, 778 and 779 describe the continuing nature of the juvenile court's jurisdiction.

Section 775 invests the juvenile court with continuing jurisdiction over its wards and provides the judge with the power to change, modify or set aside any prior order.¹

Section 778 sets out the procedural requirements for a petition requesting modification of any previous jurisdictional or dispositional order.²

¹ Section 775. *Changing, modifying or setting aside orders; procedural requirements*

Any order made by the court in the case of any person subject to its jurisdiction may at any time be changed, modified, or set aside, as the judge deems meet and proper, subject to such procedural requirements as are imposed by this article.

² Section 778. *Petition to change, modify or set aside order or terminate jurisdiction of the court; grounds; verification; content; hearing*

Any parent or other person having an interest in a child who is a ward of the juvenile court or the child himself through a properly appointed guardian may, upon grounds of change of circumstance or other new evidence, petition the court in the same action in which the child was found to be a ward of the juvenile court for a hearing to change, modify, or set aside any order of the court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child, state the petitioner's relationship to or interest in the child and shall set forth in concise language any change of circumstance or new evidence which are alleged to require such change of order or termination of jurisdiction.

If it appears that the best interests of the child may be promoted by the proposed change of order or termination of jurisdiction, the court shall order that a hearing be held and shall give prior notice..... [prescribing the means of notice to be given].

Section 779 specifically provides that this power extends to orders committing a juvenile court ward to the California Youth Authority.³

When read together, these sections give the juvenile court broad powers to amend previously imposed dispositional orders, upon a showing of new evidence or changed circumstances. Specifically, they permit the juvenile court to set aside an order of commitment to CYA.. (See *In re Arthur N.* (1976) 16 Cal. 3d 226, 238, fn. 15; *In re Allen N.* (2000) 84 Cal. App. 4th 513, 515.)

Rule 1432 of the California Rules of Court sets out various procedural requirements which govern the filing of a petition for modification, pursuant to section 778, and the holding of a hearing on the request for modification. Rule 1432(a) lists the required contents of a section 778 petition, including “ a concise statement of any change of circumstance or new evidence that requires changing the order”. If the petition fails to state a change of circumstance or new evidence that might require a change of order, the court may deny the application ex parte without holding a hearing. (Rule 1432(b)) If all parties stipulate to the requested modification, the court may grant the application and order modification without a hearing. (Rule 1432(d)) If the petition makes the necessary showing, and the modification is contested or the juvenile court desires to receive further evidence, the court shall hold a hearing within 30 days. (Rule 1432(c) and (d)) The party requesting the modification under section 778 shall have the burden of proving, by a

³ Section 779. *Changing, modifying or setting aside order of commitment to the youth authority; notice*

The court committing a ward to the Youth Authority may thereafter change, modify, or set aside the order of commitment. Ten days' notice of hearing of the application therefore shall be served by the United States mail upon the Director of the Youth Authority. In changing, modifying or setting aside such order of commitment, the court shall give due consideration to the effect thereof upon the discipline and parole system of the Youth Authority or the correctional school in which the ward has been placed by the Youth Authority. Except as in this section provided, nothing in this chapter shall be deemed to interfere with the system of parole and discharge now or hereafter established by law, or by rule of the Youth Authority for the parole and discharge of wards of the juvenile court committed to the Youth Authority, or with the management of any school, institution, or facility under the jurisdiction of the Youth Authority. Except as in this section provided, nothing in this chapter shall be deemed to interfere with the system of transfer between institutions and facilities under the jurisdiction of the Youth Authority.

preponderance of the evidence, that the ward's welfare requires the modification. Proof may be by declaration and other documentary evidence, or by testimony, or both, at the discretion of the court. (Rule 1432(g)) If the court determines that there is a change of circumstances or new evidence, and that the best interests of the child may be promoted by the proposed change of order, it may grant the petition. (Rule 1432(c))

Additional procedural considerations were set forth in *In re Corey* (1964) 230 Cal. App. 2d 813: The purpose of a hearing, on a section 778 petition, is to determine if changed circumstances or new evidence makes a change of disposition necessary. The denial of a section 778 petition for modification is an appealable order. The standard of review on appeal is whether the juvenile court abused its discretion in denying the requested modification.

Before bringing a petition to modify a dispositional order pursuant to section 778 (for any placement order) and/or section 779 (if the ward has been committed to CYA), consider the following:

1) You must be able to establish that changed circumstances or new evidence make it necessary to change the disposition – i.e. new evidence shows that the current disposition will no longer be of probable benefit to the minor. You cannot bring a petition for modification to merely ask the juvenile court to reconsider its prior placement order.

2) Before asking the juvenile court to modify a previous placement order, it is advisable to proffer an alternative viable placement – i.e. a program that is willing to screen or accept the minor and which offers both protection to the public and the rehabilitative services that the minor needs.

3) The juvenile court may be more likely to modify a local placement order (e.g. a commitment to camp) than to set aside an order committing the minor to the youth authority. Although the juvenile court has continuing jurisdiction over a minor committed to CYA, it no longer has the authority to directly supervise the minor's rehabilitation; that power belongs to the youth authority. (*In re Allen N.* (2000) 84 Cal. App. 4th 513). The juvenile court cannot intervene in CYA's supervision of the minor's rehabilitation by imposing probation conditions --e.g. gang conditions or association restrictions – or by interfering with the youth authority's denial of parole without a showing that CYA has failed to comply with the law or abused its discretion. (See *In re Allen N.*, *supra.*; *In re Owen E.* (1979) 23 Cal. 3d 398; *In re Ronald E.* (1977) 19 Cal. 3d 315, 327; *Breed v. Superior Court* (1976) 63 Cal.App. 3d 773.) Nevertheless, the juvenile court can vacate a previously imposed CYA commitment order upon a showing of changed circumstance or new evidence, if it is in the minor's best interest.

**SAMPLE PETITION FOR MODIFICATION
(WITHOUT ATTACHED EXHIBITS)**

SAMPLE PETITION FOR MODIFICATION

(Bar No. _____)

Attorney for Appellant

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN MATEO
JUVENILE DIVISION**

In the Matter of

_____,

A Minor.

DOB _____

**(San Mateo County
Superior Court
No. _____)
PETITION FOR
MODIFICATION
OF DISPOSITION
(Welf. & Inst. Code,
§779); POINTS &
AUTHORITIES;
EXHIBITS**

1. Petitioner _____ is a minor, residing in San Mateo County but presently committed to and confined in the California Youth Authority at the Preston Youth Correctional Facility at Ione, California, by order of this court made on March 28, 2003.

2. Petitioner's mother is _____, who resides at _____ . Petitioner's father is _____, whose last known

address is _____.

3. This petition is presented on petitioner's behalf by _____, who represented petitioner in the juvenile court, and by Kathleen Kahn, appointed by the Court of Appeal to represent petitioner in his pending appeal from the CYA commitment.

4. Petitioner was committed to CYA following a placement review hearing held on _____, 2003. The hearing took place eight months after petitioner admitted a misdemeanor assault on a probation officer. (Pen. Code, § 241, subd. (b).) During the intervening eight months, petitioner was sent to several placements, including CYA itself. However, CYA initially declined to accept him, reporting to the court that it did not have the necessary facilities or programs for him.

5. At the time of his commitment, petitioner had been placed in Hillcrest Juvenile Hall, where (the probation department reported) his behavior was improving, where he was able to receive therapy from a therapist with whom he had a long and trusting relationship, and where his school performance was at grade level. "Grade level", in the spring of 2003, was tenth grade. A plan was in place to "engage the Minor in a slow and deliberate reunification plan home and integration back to the community." The plan was to have him home, and enrolled in school, in September of 2003.

6. Since his commitment to CYA, petitioner has been receiving only a few hours of education a day. While CYA claims he is still performing at grade level, it also describes "grade level" as tenth grade. (Exhibit A.) Thus, petitioner is in the same grade as he was in the previous academic year.

7. On December 2, 2003, appellate counsel Kathleen Kahn wrote to the high school principal at the Preston Youth Correctional Facility, to ask for petitioner's attendance records. A copy of that letter is attached to this petition as Exhibit B; a copy of all the attendance records sent in response to it is attached to this petition as Exhibit C.

8. The attendance records indicate the following class hours for each month:

May 2003: 7 hours of math, plus one hour of another math class.

June 2003: 7 hours of world history; 8 hours of American literature.

July 2003: 16 hours of gym; 2 hours of math; 5 hours of an unspecified subject.

September 2003: 14 hours of an unspecified subject; 4 hours of math.

October 2003: 11 hours of earth science.

9. Kathleen Kahn asked *petitioner* to keep a daily log of his class hours starting in January, 2004. She asked him to send her this log with a statement under penalty of perjury that it is true. The log and the verification are attached as Exhibit D. From this log, it appears that *petitioner* had six hours of class during the week of January 5; two hours during the week of January 12; four hours during the week of January 19; eight hours during the week of January 26; six hours during the week of February 2; four hours during the week of February 9; none during the week of February 16.

10. It is apparent from these records that *petitioner* cannot possibly finish high school by the time he is eighteen or even nineteen. This circumstance was not contemplated by the court when it made its commitment order. A commitment which

prevents *petitioner* from completing his education in a reasonably timely manner cannot be of probable benefit to him.

11. The other presumed benefit of a CYA commitment, that is, the psychotherapy available for his emotional disorder, is available to *petitioner* at Hillcrest without detracting from his education. To the extent that CYA offers psychotherapy at all, it puts it into direct competition with education:

Wards in all main high schools were observed being pulled from general and special education classes to attend other programs, including Board mandated activities, without regard to their educational needs. It is evident that education is not the primary focus during the school day.

(O'Rourke and Gordon, *Education Program Review of California Youth Authority*, December 2003, p. 8; this report was prepared under direction of the Alameda County Superior Court in *Farrell v. Harper*, RG03079344. It is attached to this motion as Exhibit E.)

WHEREFORE, petitioner _____ prays that this court hold a hearing pursuant to Welfare and Institutions Code sections 778 and 779 and California Rules of Court, rule 1432(d) and at the conclusion thereof modify its order of _____, 2003 to return *petitioner* to a placement in San Mateo County.

Dated:

KATHLEEN KAHN

Dated:

Attorneys for Petitioner

Petition is set for hearing:

Judge of the Superior Court

VERIFICATION

I, Kathleen Kahn, have been appointed counsel for petitioner _____ in his pending appeal from the order committing him to the California Youth Authority, made on March 28, 2003. I declare under penalty of perjury that to the best of my knowledge the foregoing allegations are true and correct, except those made in Paragraph 9 and Exhibit D. As to those allegations, a verification from *petitioner* is included with Exhibit D.

Dated:

KATHLEEN KAHN

**MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF PETITION FOR RECONSIDERATION**

I.

**A JUVENILE COURT HAS JURISDICTION TO MODIFY
ANY DISPOSITIONAL ORDER, INCLUDING A COMMITMENT TO THE
YOUTH AUTHORITY.**

Unlike the court in criminal cases, a juvenile court is not deprived of jurisdiction when a “sentence” is imposed or when an appeal is taken. Welfare and Institutions Code sections 775-779⁴ vest broad continuing discretion in the juvenile court after the dispositional hearing. As section 775 says,

Any order made by the court in the case of any person subject to its disposition may at any time be changed, modified, or set aside, as the judge deems meet and proper, subject to such procedural requirements as are imposed by this article.

Section 778 provides that any person having an interest in a minor may petition for such a modification “upon grounds of change of circumstances or new evidence.” It further provides that upon receipt of a verified petition the court shall order a hearing, “if it appears that the best interests of the child may be promoted by the proposed change”

Section 779 applies these general provisions specifically to modifications of Youth Authority commitments. In its newest amendment, section 779 provides that the failings of the Youth Authority itself may be the basis for a modification:

This section does not limit the authority of the court to change, modify, or set aside an order of commitment after a noticed hearing and upon a showing of good cause

⁴ Statutory citations are to the Welfare and Institutions Code.

that the Youth Authority is unable to, or failing to, provide treatment consistent with section 734.

Section 734 is, of course, the statute which requires a court to find that a CYA commitment will be of probable benefit to a minor, before ordering one.

II.

PETITIONER'S BEST INTERESTS WOULD BE SERVED BY MODIFYING HIS PLACEMENT SO THAT HE COULD FINISH HIGH SCHOOL WHILE RECEIVING THERAPY.

Seven months after his arrival at CYA, *petitioner* was placed in a treatment ward at the Preston Youth Correctional Facility. Up until that point, he had been in mainstream dormitory housing, where fighting and violence were all that CYA had to offer him. His present placement is at least peaceful, and offers treatment which if nothing else is age-appropriate.⁵ The actual value to *petitioner* of group discussions led by a CYA counselor on a ward of teen-age sex offenders,⁶ as compared to the professional therapy available to him in San Mateo County,⁷ is dubious, but that is not the basis of this petition. The basis of this petition is that the group discussions at Preston's Oak Lodge come at the expense

⁵ He was moved from his last "lodge" because the other wards were younger and less mature than he is.

⁶ *Petitioner* has no sex offenses on his record, nor any suggestions of sexually deviant behavior.

⁷ As this court's records indicate, *petitioner* was a patient of _____, a clinical psychologist at Kaiser, while he was at Hillcrest. See Report of the Probation Officer, February 25, 2003, in the court's files. (The report is at CT 247 et seq. in the appellate record.)

of his education. The therapy at Kaiser did not.

As the briefs on appeal have pointed out, *petitioner* does not have a serious criminal record. In fact, nothing in his past or in his psychiatric history would bar him from getting through adolescence without undue emotional scarring. Furthermore, he is academically competent. (See Probation Report for 2/25/03, p. 3, at CT 249 in the record on appeal.) Nothing would bar him from attaining a normal adulthood, and from becoming a self-supporting man. The major obstacle to such success, it now appears, is one created by CYA itself. *Petitioner* will be discharged from the institution, at the age of eighteen or nineteen, with a tenth grade education. At an age when his peers are beginning college and contemplating careers, he will be a junior in high school – two or three years older than all the other juniors.

This is not simply a waste of his time. It is an emotional blow to a teenager to be held back from his class. To be held back for no fault of his own is simply unfair. This setback could not have figured into the court's “probable benefit” calculation a year ago, when the CYA commitment was originally made. Now that it is known, it changes the calculation completely.

Nothing that CYA can offer *petitioner* in the way of group therapy is worth the loss of two years of high school. It is not as though CYA was the only source of therapy; as the latest probation report indicated, much more appropriate and valuable treatment was available to *petitioner* locally. Under these circumstances, the sacrifice of a high school education is made for nothing.

Under section 734, the court can make a CYA commitment only when “the mental ... condition and qualifications of the ward are such as to render it probable that he will be benefitted by the reformatory educational discipline or other treatment” he is expected to receive. Here, *petitioner’s* “mental condition” is such that he *could* benefit from a high school education. But he is not receiving one. This is exactly the situation that section 779 was amended to address: when “the Youth Authority is unable to, or failing to, provide treatment consistent with section 734”, the commitment must be vacated.

For the foregoing reasons, *petitioner* through his counsel requests this court to order a hearing as provided by section 778 and California Rules of Court, rule 1432(d), and to vacate his commitment to the California Youth Authority.

Dated:

Respectfully submitted,

MATTHEW ZWERLING
Executive Director

KATHLEEN KAHN
Staff Attorney
Attorneys for Appellant

DECLARATION OF SERVICE BY MAIL

Re: People v. _____ Case No. : _____ (Appeal No. _____)

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause. I am employed in the County of _____, State of California. My business address is _____. On _____ I have caused to be served a true copy of the attached Petition for Modification on each of the following, by placing same in an envelope(s) addressed as follows:

Office of the Attorney General
Bill Lockyer, Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-3664
(Respondent)

(Appellant)

Director, California Youth Authority
4241 Williamsborough Dr.
Sacramento, CA 95823-2088

_____, Deputy DA
Office of the District Attorney
400 County Center, 3rd Floor
Redwood City, CA 94063

825 Schwerin
Daly City, CA 94014

Each said envelope was sealed and the postage thereon fully prepaid. I am familiar with this office's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice each envelope would be deposited with the United States Postal Service in _____, California, on that same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on _____, at _____, California.

Declarant

SUMMARY OF THE RECENT EXPERT REPORTS ON CYA

Report on General Corrections Review

- “The CYA suffers from a serious problem of violence in its institutions.” This includes excessive use of force by staff, as well as ward-on-ward and ward-on-staff violence. p. 42
- “[...]An intense climate of fear permeates California’s state youth corrections facilities.” p. 18
- Staff resort to use of chemical agents designed for outdoor riot control to extract wards from their cells. This results in chemical burns and a serious possibility of fatal asphyxiation. p. 30
- Wards are sometimes forced to spend long periods of time on their knees, sometimes on sharp surfaces, with their hands bound behind their backs. p. 30
- Some wards are forced to sleep in their underwear on concrete in cold rooms. p. 30
- In CYA detention facilities, at any given time more than ten percent of wards are kept in solitary confinement for 23 hours a day. During the one hour per day they are permitted to leave their cells they are either shackled or caged. These lock-down units have inadequate lighting and temperature controls. pp. 51 -53
- More than half of the wards on lock-down lack basic hygiene materials such as soap and toothpaste. p. 53

Report on Mental Health and Substance Abuse Treatment

- _____ “The mental health care provided by CYA is not adequate and does not conform to community standards...” p. 9
- A previous report found that 85% of wards have substance use issues. p. 20
- Rehabilitation and substance abuse programs are inadequate. p. 20
- “The vast majority of youths who have mental health needs are made worse instead of improved by the correctional environment.” p. 17
- There are not enough psychiatrists. p. 15
- Medication is improperly prescribed, administered and distributed. p. 19
- Policies on the use of force and restraint do not distinguish mentally ill children. p. 18
- Use is made of dangerous restraining beds and cages. p. 18

Report on Sex Offender Treatment

- Sex offender treatment in the CYA is inadequate. p. 12
- Only 160 wards are receiving sex offender treatment. p. 12
- Over 900 sexually abusive wards receive no treatment at all. p.12
- The female population is offered no sex offender treatment. p. 12

- The programs that do exist are inadequately staffed. p. 44
- Family involvement in treatment is virtually non-existent. p. 25
- Wards exhibiting sexually inappropriate behavior are routinely sprayed with teargas as a form of punishment. p. 32

Report on Education

- “[T]here are an inadequate number of credentialed teachers to provide a comprehensive academic program to all wards.” p. 5
- “All sites report an inability to employ and maintain the number of credentialed teachers needed to provide a sufficient number of general and special education classes.” p. 11
- An average of 20-30% of wards are absent from class on a given day. p. 8
- “Wards in all main high schools were observed being pulled from general and special education classes to attend other programs, ...without regard to their educational needs.” p. 8
- Wards that do attend receive as little as two hours of instruction at some facilities. p. 21
- Some wards are kept in cages in their classrooms. p. 44

Report on Health Care

- “The CYA’s medical and dental staff is not appropriately trained because there are no adequate orientation and training programs, policies and procedures, nor clinical guidelines to guide staff.” p. 14
- “[T]he credentialing process for physicians is inadequate and does not ensure that competent physicians will be hired.” p. 14
- “Once hired, clinical supervision of physicians is virtually non-existent.” p. 14
- Medical screening of incoming wards is inadequate. p. 33
- Other than syphilis, male wards are not screened for sexually transmitted diseases. p. 39
- “CYA policies and procedures, and actual practice do not ensure that wards have timely access to medical care.” p. 42
- “There is no existing policy to guide the practice of medication administration.” p. 48
- Access to narcotic pain medication is withheld in cases where it “...is unprofessional conduct, unethical, and cruel.” p. 51
- “CYA policies and procedures, and training do not adequately prepare staff to respond to emergencies.” p. 62
- While mace is used extensively in the CYA, “...there is no specific medical policy governing treatment of individuals who sustain mace exposure.” p. 63
- “Physicians did not seem to have knowledge of how to provide basic diabetes care.

One of the patients, based on my interview with him, seemed to have better basic knowledge of diabetes than the physician treating him.” p. 72

Youth Authority Confirms Reports’ Accuracy

- In a Chronicle article, Youth authority spokeswoman Sarah Ludeman is quoted as saying, “[t]he disparaging claims are ‘substantially correct.’” (Sebastian, *Moratorium urged for CYA - S.F. Public Defender says ‘it’s a criminal training ground,’* S.F. Chronicle (Feb. 10, 2004) p. A-17.)