

**ASSEMBLY BILL**

**No. 8**

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**Introduced by Assembly Member Huber**

December 6, 2010

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An act relating to juvenile justice, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 8, as introduced, Huber. Division of Juvenile Justice: facilities: closures.

Existing law establishes within the Department of Corrections and Rehabilitation, under the Chief Deputy Secretary for Juvenile Justice, the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations, which operate the statewide system governing wards of the court and other persons committed to the department, and the detention, rehabilitation, probation, and parole thereof. Existing law states that the establishment, organization, jurisdiction, powers, duties, responsibilities, and functions of the former Youth Authority are continued in the Division of Juvenile Facilities.

This bill would prohibit the Division of Juvenile Facilities from closing any youth correctional facility for a period of 6 months from the effective date of this bill. The bill would state that it is expected that ongoing activity levels at each division facility shall equal activity levels in place immediately prior to October 20, 2010, and that the number of employees also be maintained at those levels during this period, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) The Department of Corrections and Rehabilitation has
- 4 announced plans to close the Preston Youth Correctional Facility.
- 5 (2) The process by which the Preston Youth Correctional
- 6 Facility was chosen to be shut down remains unclear despite
- 7 numerous public hearings. Answers are needed before the closure
- 8 can be allowed to continue.
- 9 (3) The Preston Youth Correctional Facility is routinely cited
- 10 as an example for other facilities and their staff to follow regarding
- 11 how to properly rehabilitate and manage the youth offender
- 12 population.
- 13 (4) The Preston Youth Correctional Facility is the most
- 14 compliant with the consent decree issued in *Farrell v. Cate*. As
- 15 detailed in the department’s August 10, 2010, *Farrell v. Cate*
- 16 Quarterly Compliance Report, the Preston Youth Correctional
- 17 Facility’s 90.9-percent compliance rate with *Farrell v. Cate*-related
- 18 audit items is the highest compliance level of any facility within
- 19 the Division of Juvenile Facilities.
- 20 (5) Closure of the Preston Youth Correctional Facility will also
- 21 require the termination of the Ward Incentive Program, which is
- 22 a major component in *Farrell v. Cate* compliance. Terminating
- 23 this program will push the state backwards rather than forward
- 24 with *Farrell v. Cate* compliance.
- 25 (6) The Preston Youth Correctional Facility is the only facility
- 26 to provide an open environment for rehabilitation and offers
- 27 programs that other facilities do not provide.
- 28 (7) The James A. Wieden High School at the Preston Youth
- 29 Correctional Facility has a 90-percent graduation rate, which is
- 30 higher than the graduation rate at any other division facility.
- 31 (8) Officials from the division have testified that the closure of
- 32 the Preston Youth Correctional Facility will not provide any
- 33 immediate cost savings.
- 34 (9) In addition to losing a successful youth correctional facility,
- 35 the economic impact on the City of Ione and to the County of

1 Amador will be significant. The county has already suffered  
2 numerous large business closures. With the department being the  
3 largest employer in the county, the closure of the Preston Youth  
4 Correctional Facility will be devastating.

5 (b) In light of the transfer of many juveniles to county custody,  
6 the Legislature is mindful that there is a need for the Department  
7 of Corrections and Rehabilitation, Division of Juvenile Facilities  
8 to downsize in order to meet the needs of a smaller population and  
9 budget constraints. Accordingly, it is the intent of the Legislature  
10 to shed light on the decisions being made within the department  
11 and the division to ensure an orderly downsizing of the remaining  
12 facilities and to provide information on how to best serve a  
13 dwindling juvenile offender population.

14 (c) It is the intent of the Legislature to put an immediate halt to  
15 the closing of any youth correctional facility, including the Preston  
16 Youth Correctional Facility in the City of Ione, by the department  
17 or the division until the process and procedures that the department  
18 and division are using for downsizing the remaining facilities have  
19 been made clear and have been scrutinized. If the Preston Youth  
20 Correctional Facility or any other facility is slated for closure, it  
21 shall be after a transparent and open process that addresses the  
22 economic impact of the closure. Each facility shall be analyzed  
23 for closure, and the analysis shall identify the benefits and risks  
24 to the wards, the public, and the local community.

25 SEC. 2. (a) The Department of Corrections and Rehabilitation,  
26 Division of Juvenile Facilities shall not close any youth correctional  
27 facility during the six-month period following the effective date  
28 of this act.

29 (b) It is expected that during the period specified in subdivision  
30 (a), ongoing activity levels at each division facility shall equal the  
31 activity levels that were in place immediately prior to October 20,  
32 2010, when the department announced its plans to close the Preston  
33 Youth Correctional Facility, and that the number of wardens,  
34 teachers, officers, administrators, support staff, and other  
35 employees needed to run the facilities and programs shall likewise  
36 be maintained at those levels during that period. Wards shall not  
37 be transferred from a facility for the purpose of decreasing  
38 population levels at that facility.

39 SEC. 3. This act is an urgency statute necessary for the  
40 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into  
2 immediate effect. The facts constituting the necessity are:  
3 The Department of Corrections and Rehabilitation has announced  
4 plans to close the Preston Youth Correctional Facility in the City  
5 of Ione. Closure of this facility will impact the state's Farrell v.  
6 Cate compliance and will be devastating to the economy of Amador  
7 County. Time is needed to address the economic impact of the  
8 closure and to identify what factors were considered by the  
9 department in reaching its decision.

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