

Spotlight on Ventura:

Young Women's Perspectives on Reform in the California Youth Authority

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INTRODUCTION

The mission of the California Youth Authority (CYA) is to protect the public from criminal activity by providing education, training, and treatment services for youthful offenders committed by the courts; assisting local justice agencies with their efforts to control crime and delinquency; and encouraging the development of state and local programs to prevent crime and delinquency.¹

In actuality, the CYA is the state's youth prison system, and is charged with failing to achieve its mission. According to their website, there are approximately 3,600 wards housed in CYA facilities, with an additional 4,100 on parole.² For decades, the people of California have mistakenly entrusted their youth to an institution that locked their children in cells and failed to respond to their basic developmental needs. The system's effect was only to further traumatize the youths, finally releasing them as adults unequipped to handle

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1. California Youth Authority, *Mission and Justice Philosophy*, at <http://www.cya.ca.gov/about/mission.html> (last visited Mar. 28, 2005).
 2. California Youth Authority, *Step Inside the CYA*, at <http://www.cya.ca.gov> (last visited Mar. 28, 2005).

adult responsibilities. Recently, the aunt of a CYA ward brought a taxpayer lawsuit against the CYA alleging constitutional violations and forcing the CYA to publicly face its deficiencies.³ During settlement negotiations, the parties jointly selected experts to review six problematic areas in the CYA.⁴ Ultimately, the settlement resulted in a consent decree signed by the current director of the CYA on November 2, 2004, outlining immediate changes and deadlines for reform plans focusing on the issues discussed in the expert reports. Media attention and public outcries by state politicians suggest that the CYA is heading for change. Presently, remedial efforts are being implemented and long-term reform is in planning. Still, the change is tragically slow for the thousands of youth still locked in the CYA facilities, and too late for many former wards.

The young women in the Ventura facility represent a small population in the CYA. Of the CYA's eleven institutions, the only facility that houses female wards is the Ventura School, located in Camarillo, California.⁵ There are more than 150 young women still incarcerated in Ventura.⁶ In discussions of reform, the experiences and needs of the larger population of male wards overshadow those of the smaller female population. Although the female wards in the Ventura facility suffer abuses similar to those plaguing the male population of the CYA, women's needs for rehabilitation are different than men's.⁷ Yet, in the midst of criticism and reform, the perspectives of the young women incarcerated in the Ventura facility are only mentioned briefly or ignored. Sadly, the ignorance of young women's incarceration experience perpetuates the mistreatment and neglect of young women in the CYA. Thus, current and former female wards must voice their experiences to prevent omission of their needs in both remedial efforts and long-term reform.

Within California government, there is no longer opposition to the fact that CYA is in dire need of reexamination and restructuring. CYA officials are being pressured for accountability and reform, but failed promises of change plague the

3. See Complaint for Injunctive and Declaratory Relief ¶ 5, *Farrell v. Harper*, No. RG 03079344 (Cal. App. Dep't Super. Ct. Jan. 16, 2003) [hereinafter Complaint for Injunctive and Declaratory Relief].

4. Consent Decree ¶ 2, *Farrell v. Allen*, No. RG 03079344 (Cal. App. Dep't Super. Ct. 2004) [hereinafter *Consent Decree*].

5. Legislative Analyst's Office, *A Review of the California Youth Authority's Infrastructure 6*, available at http://www.lao.ca.gov/2004/cya/052504_cya.pdf (May 2004). The Ventura facility is, and will continue to be, the only facility housing female wards.

6. Telephone Interview with Al Palomino, Parole Agent 3, Ventura Correctional Facility (Mar. 11, 2005). As of March 11, 2005, there were 158 young women incarcerated at the Ventura facility. *Id.*

7. Jim Thomas, *Gendered Control in Prisons: The Difference Difference Makes*, in *WOMEN IN PRISON: GENDER AND SOCIAL CONTROL* 3-5 (Barbara H. Zaitzow & Jim Thomas eds., 2003). Female anatomy creates inherently different health issues that are not faced by the male population: pregnancies, hysterectomies, as well as gender-specific psychological needs. In addition to biological differences, female wards bring in gender-based frameworks, creating various emotional needs and requiring additional attention that are not considered in the correctional system that is focused on a male prisoner's needs. *Id.*

agency's history.⁸ In developing a plan to change CYA and create an environment suitable for the rehabilitation of our youth, government officials and state politicians should know what the youth actually experience. As Barry Krisberg, the President of the National Council on Crime and Delinquency, discovered when he interviewed youth for his General Corrections Review, the wards were eager just to have someone listen to stories of their experiences.⁹ Often overlooked are the voices of the young women that go in and out of Ventura. One former female ward said if you speak with the girls, "you'll see they have a harder time and they express themselves better" than the boys.¹⁰ The purpose of this Article is to shed light on their experiences.

This Article is based on interviews with two young women formerly incarcerated in the Ventura facility, interviews with Gena Castro, Director of the Girls Justice Initiative, Kamren Curiel, Girls Detention Advocacy Project Coordinator at the Center for Young Women's Development, and the experiences of Ventura wards released in other media. I was originally moved to write this Article after watching *System Failure: Violence, Abuse and Neglect in the California Youth Authority*, a documentary by Books Not Bars, a program of the Ella Baker Center for Human Rights.¹¹ After viewing the story of Darlene, the only female ward represented in the film, it was clear that female wards had unique problems. With the aid of the Center for Young Women's Development, I interviewed Patty¹² and Esmeralda,¹³ two Latina women in their early twenties, in their first year after release from the CYA. Both young women shared their past struggles with me and described their experience in Ventura. Despite their lack of confidence in possibilities for reform, Patty and Esmeralda told their stories in hopes of helping the girls still inside. Due to time and space constraints, more perspectives could not be represented in this Article. The number of interviews conducted for this article is limited by geographic area (the San Francisco Bay Area) and does not represent the experience of all of CYA's female wards monolithically. However, this Article does highlight the experience of female wards in general, in an effort to bring more attention to the Ventura population in present and future reform efforts.

Many legislative reports and hearings, newspaper articles, and news reports have exposed the failures of the CYA. However, this Article does not attempt to

8. *Rehabilitating the California Youth Authority, Informational Hearing Before the S. Select Comm. on the California Correctional System*, 2004 Leg., 2003-04 Sess. 4 (Cal. 2004) [hereinafter *California Senate Hearing*] (statement of Sen. Romero, Chair of the S. Select Comm. on the California Correctional System).

9. *Id.* Because the youths' stories were so vivid and painful, he remained haunted by their experiences after listening to them. *Id.*

10. Interview with Esmeralda, former CYA ward, in San Francisco, Cal. (Nov. 24, 2004) (on file with author).

11. SYSTEM FAILURE: VIOLENCE, ABUSE AND NEGLECT IN THE CALIFORNIA YOUTH AUTHORITY (Books Not Bars & Witness 2004).

12. Interview with Patty, former CYA ward, in San Francisco, Cal. (Nov. 23, 2004) (on file with author).

13. Interview with Esmeralda, *supra* note 10.

describe or critique the long history of scandal and ineffectiveness that damaged the CYA's reputation.¹⁴ Also beyond the scope of this Article is a thorough or complete description of recent lawsuits and plans for reform currently being planned and implemented.¹⁵ This Article does not analyze or discuss the constitutional violations for which the CYA is charged.¹⁶ Nor does it attempt to encompass the numerous theories, studies, and stories written about women in prison¹⁷ or girls caught in the juvenile justice system.¹⁸ The purpose of this Article is to shed light upon a population of the CYA that is often overshadowed during discussions of reform, and to encourage and allow female wards to contribute to the dialogue. Part I highlights the recent critiques of the CYA, discussions of state reform, and the reform mandated by the consent decree in *Farrell v. Allen*. Part II describes the Ventura population and narrates the daily experiences of female wards in the Ventura facility. Part III focuses on reforms suggested by former female wards and their advocates to assist the CYA in achieving its mission to better the lives of the young women still held in the Ventura facility. The conclusion cautions policymakers not to disregard the needs of the young women in the Ventura facility.

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14. See, e.g., STEVE LERNER, THE CYA REPORT (1982); STEVE LERNER, THE CYA REPORT PART TWO (1982).
 15. See generally *Reforming CYA: Bringing Juvenile Justice Back to a National Model*, Public Hearing Before the S. Select Committee on the California Correctional System, 2004 Leg., 2003-04 Sess. (Cal. 2004); Complaint for Injunctive and Declaratory Relief, *supra* note 3; Consent Decree, *supra* note 4.
 16. See CHADWICK L. SHOOK & ROBERT T. SIGLER, CONSTITUTIONAL ISSUES IN CORRECTIONAL ADMINISTRATION (2000); see also JOHN W. PALMER & STEPHEN E. PALMER, CONSTITUTIONAL RIGHTS OF PRISONERS (7th ed. 2004) for more information about constitutional issues for prisoners; Complaint for Injunctive and Declaratory Relief, *supra* note 3, for the full list of changes.
 17. See generally ALL TOO FAMILIAR, SEXUAL ABUSE OF WOMEN IN U.S. STATE PRISONS (Human Rights Watch Women's Rights Project ed., 1996); SHERYL J. GRANA, WOMEN AND INJUSTICE, THE CRIMINAL AND CIVIL EFFECTS OF THE COMMON LAW ON WOMEN'S LIVES (2002); JOYCELYN M. POLLOCK, WOMEN, PRISON, & CRIME (2d ed. 1997); KATHERINE STUART VAN WORMER & CLEMENS BARTOLLAS, WOMEN AND THE CRIMINAL JUSTICE SYSTEM (1997); KATHRYN WATTERSON, WOMEN AND PRISON, INSIDE THE CONCRETE WOMB (2d ed., 1997); WOMEN AND PUNISHMENT, THE STRUGGLE FOR JUSTICE (Pat Carlen ed. 1997).
 18. See generally MEDA CHESNEY-LIND, THE FEMALE OFFENDER (1997); EILEEN POE-YAMAGATA & JEFFREY A. BUTTS, FEMALE OFFENDERS IN THE JUVENILE JUSTICE SYSTEM, STATISTICS SUMMARY (Office of the Juvenile Justice and Delinquency Prevention ed., 1997); Joseph R. Biden, Jr., *What About the Girls? The Role of the Federal Government in Addressing the Rise in Female Juvenile Offenders*, 14 STAN. L. POL'Y REV. 29 (2003); Ossai Miazad, *The Gender Gap: Treatment of Girls in the United States Juvenile Justice System*, 10 HUM. RTS. BR. 10 (2002); Laurie Schaffner, *Female Juvenile Delinquency: Sexual Solutions, Gender Bias, and Juvenile Justice*, 9 HASTINGS WOMEN'S L.J. 1 (1998).

I. THE CYA IN CRISIS

"The CYA is guilty of fraud."

*California State Senator Gloria Romero*¹⁹

The CYA is one of the largest departments of its kind in the nation.²⁰ It derives its statutory authority to fulfill its mission from California Welfare and Institutions Code § 1700.²¹ Since 1941, the CYA has been responsible for protecting society from criminal and delinquent behavior of young people ages 12 to 25.²² The problems in the CYA "have been passed down for decades."²³ Ineffective rehabilitation programs, old and overcrowded facilities, and a violent environment with a pervasive gang culture created a "sort of gladiator school to hone one's skills in brutality and criminality," rather than providing troubled youth with "alternatives to violence, drug addiction, gangs, and lawlessness."²⁴ Despite previous reports and recommendations, the CYA has done little to restructure its programs.²⁵ *Farrell v. Allen* finally forced the state of California to look seriously at the deep-rooted problems within the CYA. But even after the swirl of publicity around the lawsuit, the evening news aired recordings of guards severely beating wards.²⁶ When outside experts came in to investigate the conditions of CYA facilities, they provided proof that the CYA was guilty of fraud to the taxpayers, counties, and the wards and their families.²⁷

Currently, the new CYA Director Walter Allen and Governor Arnold Schwarzenegger are responsible for reform. In early 2004, Director Allen vowed to reform the worst aspects of the CYA in response to the charges of constitutional violations in the lawsuit.²⁸ He envisioned an environment in the CYA to which he would be willing to send his own children for rehabilitation.²⁹ Almost a year after Allen's statement, the Governor announced sweeping reforms, vowing change.³⁰ All of these commitments followed *Farrell*, and after

19. *California Senate Hearing*, *supra* note 8, at 2 (statement of Sen. Romero).

20. Legislative Analyst's Office, *supra* note 5, at 3.

21. See CAL. WELF. & INST. CODE, § 1700 (West 1998).

22. Legislative Analyst's Office, *supra* note 5, at 3.

23. *California Senate Hearing*, *supra* note 8, at 4 (statement of Sen. Romero).

24. See *id.* at 2-3.

25. *Id.* at 3.

26. See Mark Gladstone & Brandon Bailey, *Governor Vows Reform*, SAN JOSE MERCURY NEWS, Nov. 17, 2004, at 18A.

27. See *California Senate Hearing*, *supra* note 8, at 2 (statement of Sen. Romero).

28. *Id.* at 27.

29. *Id.* at 31.

30. Gladstone & Bailey, *supra* note 27, at 1A.

a year of discussion about the problems within the CYA, remedial plans for reform are still in development and have yet to be implemented.

In response to *Farrell*, the state agreed to allow experts to conduct reports investigating the factual complaints in the lawsuit. Overall, the findings exposed serious violations and disturbing conditions and provided recommendations to remedy those deficiencies.

Both parties agreed to the facts in the reports.³¹ They decided to settle the dispute by requiring the CYA to reform in accordance with a Consent Decree, signed in November 2004.³² The consent decree required more urgent interim measures³³ as well as development and implementation of detailed remedial plans for the long term.³⁴ The remedial plans are all supposed to be developed by the end of 2005.³⁵ A special master was appointed to ensure compliance with the reforms.³⁶ If the consent decree is violated, a judge can enforce the agreement.³⁷ If the CYA complies for two years, the state may be dismissed from the lawsuit, for whichever areas have been in substantial compliance for the time period.³⁸ Unfortunately, minor or occasional violations of compliance which “are neither systematic or serious” do not render the CYA non-compliant, and even a serious violation is still considered substantial compliance as long as the facility promptly identifies the violation and develops and implements a remedy,³⁹ leaving a dangerous loophole through which violations and abuse can continue to slip. It is largely up to the monitoring and discretion of the special master to assure that the CYA restructures its programs to comply with its mission.

Despite promises for change in the CYA, little has changed for the young women incarcerated in Ventura in the past year, except that the males were moved out of the facility.⁴⁰ Hopefully, the Consent Decree will make a difference for the lives of these young women. However, gaps in the compliance section still make it possible for the discussions of reform to have little effect. Only time will tell whether the reforms will actually improve the lives of the wards and whether the CYA will ever fully achieve its mission. Sadly, it took an expensive, well-documented lawsuit based on the loss of taxpayer dollars to force the CYA to change.

31. Consent Decree, *supra* note 4, ¶ 3.

32. *Id.* ¶ 4.

33. *Id.* ¶ 7.

34. *Id.* ¶ 8.

35. Stipulation Regarding California Youth Authority Remedial Efforts ¶ 1, *Farrell v. Allen*, No. RG 03079344 (Cal. App. Dep’t Super. Ct. Jan. 31, 2003).

36. Consent Decree, *supra* note 4, ¶ 27.

37. *Id.* ¶ 51.

38. *Id.* ¶ 23.

39. *Id.* ¶ 22.

40. Telephone Interview with Gena Castro, Director, Girls Justice Initiative (Jan. 26, 2005).

II. VENTURA'S FEMALE POPULATION

"When I first got to YA, I was in denial about everything that was going on in my life . . . I was in so much pain about everything . . . I didn't care what happened to me at that point."

- Patty, former CYA ward, age 21⁴¹

Presently, there are approximately one hundred and fifty-eight female wards in the CYA,⁴² ranging in ages from 13 to 25.⁴³ This number represents a reduction from previous years. In 2002, of 279 women incarcerated, approximately 38% were Hispanic, 27% were African American, 30% were white, five individuals were Asian, and 10 individuals were classified as "other."⁴⁴ The counties with the most wards in CYA institutions in 2001 were Los Angeles, San Bernardino, Fresno, Riverside, and Alameda.⁴⁵ In 2002, commitments to Orange and San Diego Counties replaced Riverside and Alameda Counties.⁴⁶ The top primary commitment offenses for wards in Ventura in 2001 and 2002 were assault, robbery, burglary, homicide, auto theft, and drug crimes.⁴⁷ Comparatively, there were 6,169 males in the CYA in 2001 and 5,252 in 2002.⁴⁸ In March 2004, Ventura was turned into an all-female facility, and the males were moved out.⁴⁹

Many of the wards' problems began long before their commitment to the CYA. Like other girls whose lives intersect with youth corrections, "the same system that took their serious victimizations lightly, took their offenses extremely seriously."⁵⁰ The young women in Ventura share a need for earlier preventive measures and increased intervention. Many girls turn to crime as a coping mechanism after experiencing abuse in childhood.⁵¹ Many also lack parental guidance and spent much of their time alone at ages as young as ten.⁵²

41. Interview with Patty, *supra* note 12.

42. Interview with Al Palomino, *supra* note 6.

43. California Youth Authority, *About the CYA, Ventura Youth Correctional Facility* at http://www.cay.ca.gov/about/locations/ventura_rec.html (last visited Mar. 28, 2005).

44. Department of the Youth Authority, *Characteristics of the CYA Population: Calendar Year 2001*, and *Characteristics of CYA Population: Calendar Year 2002, First Commitments and Institution Population*, at http://www.cya.ca.gov/contact/research_tips.html (last visited Mar. 28, 2005).

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. Legislative Analyst's Office, *supra* note 5, at 8.

50. Emily Gaarder & Joanne Belknap, *Tenuous Borders: Girls Transferred to Adult Court, in THE CRIMINAL JUSTICE SYSTEM AND WOMEN: OFFENDERS, PRISONERS, VICTIMS, AND WORKERS* 87 (Barbara Raffel Price & Natalie J. Sokoloff eds., McGraw-Hill 3d ed. 2004) (1982).

51. *Id.* at 98.

52. MEDA CHESNEY-LIND & RANDALL G. SHELDEN, *GIRLS, DELINQUENCY, AND JUVENILE*

The young women in Ventura are no exception. Girls in the CYA “seemed to drift into criminal behavior largely because their lives were falling apart, they had difficult home situations, or they had left home.”⁵³

Many of the young women in the CYA had troubled lives prior to their commitment. Patty, one of the former wards I interviewed, has a strong, deep voice despite her small frame. In addition to experiencing volatile family relationships, she lost guardianship of her son at age 15. She then engaged in more reckless behavior than ever before just to get back into juvenile hall because it was the only place that felt like home to her.⁵⁴ For several years, she moved in and out of juvenile hall until she finally ran away from the last group home to which she was sentenced.⁵⁵ Because she violated her more lenient sentence, she was sent to Ventura.⁵⁶ The other former ward I interviewed, Esmeralda, appears very tough and tells it like it is. She also struggled with the system for much of her youth and suffered from drug addiction before entering Ventura.⁵⁷ Other young women shared their stories on a KTVU news segment about young women in the CYA in the Girls Justice Initiative Program.⁵⁸ Tiara Johnson was raped at 13 but never reported it because she did not think anyone would help her.⁵⁹ Rebecca Freeman’s family helped her begin using drugs at age seven.⁶⁰ Jessica Macdonald’s stepfather sexually abused her until she called her boyfriend to beat him up; now she is serving a sentence for conspiracy to commit his murder.⁶¹ All of the young women share difficult pasts with which they need help coping.

The stated goal of juvenile commitment to the CYA is rehabilitation. However, as Patty pointed out, committing a crime and being locked away does not automatically change a person’s attitude.⁶² They “are hurting inside because of what they’ve been through in life.”⁶³ In order to rehabilitate the young women after years of injustice, programs need to be able to respond to their needs. The most frustrating aspect of working with young women in the CYA for Kamren Curiel is that “the majority of these women have spent most of their teenage years locked up [and] . . . it’s unjust for any young woman to have to

JUSTICE 258 (Wadsworth/Thompson Learning 3d ed. 2004) (describing Jean Bottcher’s study of “life accounts” of ten young women in Ventura).

53. *Id.* at 261.

54. Interview with Patty, *supra* note 12.

55. *Id.* The author has purposefully omitted the girls’ specific crimes to avoid focusing on criminality which would also detract from the purpose of the article.

56. *Id.*

57. Interview with Esmeralda, *supra* note 10.

58. *San Francisco Organization Helps Young Women in CYA System* (KTVU television broadcast, Nov. 22, 2004), available at <http://www.ktvu.com/news/4044773/detail.htm> (last visited Jan. 31, 2005).

59. *Id.*

60. *Id.*

61. *Id.*

62. Interview with Patty, *supra* note 12.

63. *Id.*

grow up in prison.”⁶⁴ For the most part, girls are released after years of a daily institutionalized pattern without notice to their families.⁶⁵ They are put on a bus and sent back to where they came from with no counseling or future planning provided by the CYA, aside from parole restrictions.⁶⁶ Rather than returning home rehabilitated, the CYA returns these young women detached from the outside world and unequipped to adapt to adult life.

Daily Experiences

Patty and Esmeralda explained that each day was like clockwork. Patty woke up early each morning, when it was still dark outside.⁶⁷ A five minute wake-up call gave her just enough time to brush her teeth, wash her face, and fix her bed.⁶⁸ If her bed was not made, they would not open the door to let her out.⁶⁹ Some days she brought her laundry out, and it was returned by the time she got back from school.⁷⁰ She had breakfast, and then went back to her room for fifteen minutes to get ready for school.⁷¹ She went to school from 8:00 am until 2:30 pm, with a half hour break for lunch.⁷² Esmeralda worked a shift in the kitchen where she labored for twelve cents an hour until noon, and then proceeded to class until school was over.⁷³ After school, they were allowed two hours of “program” to choose their own recreational activity, such as using the telephone, watching TV, eating, or going outside and exercising.⁷⁴ Then, they were off to the showers, and if everything went well, they got another hour of program before and after dinner.⁷⁵ They were locked down in their rooms for an hour before bedtime,⁷⁶ and then, “it’s over.”⁷⁷

That is, as long as everything went well. Most times it did not, and this too was like clockwork. If there was a fight, or someone attempted suicide, or someone tried to escape, then *everyone* was subjected to lockdown.⁷⁸ On these bad days (which went on for as long as three days in a row), the CYA put everyone on “24s,” where the wards were only let out of the rooms for one hour

64. E-mail from Kamren Curiel, Girls Detention Advocacy Project Coordinator, Center for Young Women’s Development, to Freeda Yllana (Dec. 6, 2004, 11:19 PST) (on file with author).

65. Telephone Interview with Gena Castro, *supra* note 40.

66. *Id.*

67. Interview with Patty, *supra* note 12.

68. *Id.*

69. *Id.*

70. *Id.*

71. *Id.*

72. *Id.*

73. Interview with Esmeralda, *supra* note 10.

74. Interview with Patty, *supra* note 12; interview with Esmeralda, *supra* note 10.

75. *Id.*

76. *Id.*

77. Interview with Esmeralda, *supra* note 10.

78. Interview with Patty, *supra* note 12. Patty also emphasized that she was located on what they called the “Crazy Unit.” These disruptive events happened almost on a daily basis. *Id.*

during a day, including showering time.⁷⁹ Often, the women could hear the suicidal cries of fellow wards.⁸⁰ Sometimes Patty was the unlucky rule-breaker, ending many days by being maced by CYA guards and transferred to a separate lockup facility.⁸¹

The lockup facility is a separate unit from the residential cells, used to isolate individuals.⁸² This is another place where the infamous “23 and 1s” occur, where wards are locked up for 24 hours, allowed out only for a shower and 45 minutes of program.⁸³ When Patty was in lockup, she was locked in a dirty room that had nothing except a sink and a toilet.⁸⁴ She slept on the floor with a piece of material the size of a baby blanket.⁸⁵ She wore no bra, no socks, no underwear, only a long, blue vest that reached her knees and scratched against her bare body.⁸⁶ If she was menstruating, she was not provided with feminine sanitary products.⁸⁷ She was given two pieces of toilet paper, a small piece of soap, a toothbrush, a deodorant that did not work, and nothing with which to wash her hair.⁸⁸ When she was in lockdown, she did not receive any schooling, and could not participate in church services.⁸⁹ The hours must have gone by slowly in the isolation cell with the days passing in darkness. As Barry Krisberg stated after visiting the lockup facility, “[i]t is incomprehensible that we put our young people in these places.”⁹⁰

The wards in the Ventura facility also encounter difficulties when they do not have any money. One day every month, Esmeralda bought supplies.⁹¹ Ventura wards must buy their own hygiene products, and this is where Esmeralda spent the money she earned from working in the kitchen.⁹² If a ward’s family did not send her any money, or she did not work at the institution, she could not afford to buy basic hygiene products such as deodorant or soap.⁹³ According to Esmeralda, the staff might have called her “stinky girl” when she could not afford to buy hygiene products.⁹⁴ All phone calls must be collect calls, and most times, the girls’ parents could not afford the expensive long distance

79. *Id.*

80. Interview with Esmeralda, *supra* note 10.

81. Interview with Patty, *supra* note 13.

82. *Id.*

83. *Id.*

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. *California Senate Hearing, supra* note 8, at 34 (statement of Sen. Romero). Nationally, separate and solitary confinement is an “emergency measure” and should end within 72 hours. *Id.*

91. Interview with Esmeralda, *supra* note 10.

92. *Id.*

93. *Id.*

94. *Id.*

charges.⁹⁵ If she wanted to write letters, she needed money for stamps.⁹⁶ If she had money, she might buy a television, which helped wards like Esmeralda pass the time, better even than a roommate.⁹⁷ Economic privilege still burdens the young women's daily experience in the CYA.

The wards in Ventura are still young women. A ward may also have children she cannot see. They still want to be loved and have romance and relationships. When the boys were still housed at Ventura, Patty had a relationship with a male ward through the fence and by writing letters, although they never had any physical contact while in Ventura.⁹⁸ Esmeralda had a relationship with one of the other female wards.⁹⁹ In both cases, the staff watched their relationships closely and rearranged their schedules to discourage the relationship,¹⁰⁰ including altering the schedule of the entire housing unit.¹⁰¹ Esmeralda described some staff as homophobic, and complained about how they ridiculed lesbians.¹⁰² Although they are locked up and under surveillance, the wards still think and feel like teenage girls and young adult women.

Wards wait for their yearly evaluation in front of the board and fear getting time added for bad behavior, such as refusing to go to school or trying to commit suicide.¹⁰³ Oftentimes, girls arrive with shorter sentences but have *years* added once inside the CYA for resisting authority. By the time they get out, their sentence length has been multiplied, and they are young adults.¹⁰⁴ The daily pattern becomes institutionalized, and when a ward is released, it is difficult for her to imagine life on the outside. She may have been hopeless when she entered the CYA, but without help or guidance, she is released with less than what she started. Most times, the only thing waiting for her after release is trouble on the streets.¹⁰⁵

The Girls Justice Initiative

The Girls Justice Initiative (GJI) is a collaborative community-based program created in San Francisco to address the lack of services for the population of young women in the juvenile justice system.¹⁰⁶ Advocates from

95. *Id.*

96. *Id.*

97. *Id.*

98. Interview with Patty, *supra* note 12.

99. Interview with Esmeralda, *supra* note 10.

100. *Id.*

101. Interview with Patty, *supra* note 12.

102. Interview with Esmeralda, *supra* note 10. Guards told her that her lesbian relationship with another ward was against "God's word." *Id.*

103. Interview with Patty, *supra* note 12.

104. Telephone interview with Gena Castro, *supra* note 40.

105. *Id.*

106. Gena Castro and Julie Posadas, *Girls on the Edge: A Report on Girls in the Juvenile Justice System* 15 at http://www.uwba.org/uw_impact/Fact_sheets/GJI%20reportfinal.pdf (Feb. 2003). The initiative is a collaboration with the San Francisco Juvenile Probation

the GJI, the Center for Young Women's Development, and the San Francisco Department of Public Health visit the Ventura facility once a month.¹⁰⁷ During their visits, advocates speak with the young women and address important issues including mental health problems, substance abuse, anger, and help the girls prepare for release by teaching important skills such as prioritizing, goal and decision-making, and finding resources (none of which are presently addressed by CYA staff).¹⁰⁸ In addition to working directly with the wards, GJI staff notify the parole board when wards are being transitioned into their program and advocate for the CYA to provide therapy and counseling.¹⁰⁹

The collaborative also assists the young women in the program to transition back to their communities by helping them find a home, job placements, or by providing resources to go back to school.¹¹⁰ The GJI has transitioned seven girls from the CYA in the past year, and none of them have reoffended, unlike the typical ninety percent recidivism rate.¹¹¹ Although San Francisco has a moratorium on sending youth to the CYA, there are still a number of young women from the Bay Area housed in the CYA. In response GJI expanded their services to provide resources and monthly meetings with twenty wards.¹¹² The GJI succeeds because young women are connected with local agencies while they are incarcerated locally or in the CYA, and the young women benefit from those additional resources after release.¹¹³

Unfortunately, the majority of the wards in the CYA do not have this type of community support.¹¹⁴ The GJI is the only program of its kind working with youth in Ventura, but its resources are limited and there is a waiting list to be admitted to the program.¹¹⁵ The GJI also works with young women in the juvenile justice system in San Francisco, in an effort to prevent the girls from ending up in CYA by providing services through the Probation Department,¹¹⁶ and advocating against sending them to the CYA.¹¹⁷ Gena Castro feels most rewarded by letting the girls in Ventura know they are not forgotten and providing them with the support a family might offer.¹¹⁸ Many of the girls are sad and lonely, and their visits give them hope for the future.¹¹⁹ The GJI helps wards put together a plan for when the girls are released from the CYA, which

Department (SFJPD) and is funded by the United Way of the Bay Area. *Id.*

107. Telephone interview with Gena Castro, *supra* note 40.

108. *Id.*

109. *Id.*

110. *Id.*

111. *Id.* The program began with a group of four or five girls from San Francisco. *Id.*

112. *Id.*

113. E-mail from Kamren Curiel, *supra* note 64.

114. *Id.*

115. *Id.*

116. *See* Castro and Posadas, *supra* note 106, at 16-17 for more details about their local program.

117. E-mail from Kamren Curiel, *supra* note 64.

118. Telephone Interview with Gena Castro, *supra* note 40. Except one, every participant in their program does not have contact with their families. *Id.*

119. *Id.*

helps them stay away from the trouble that got them locked up in the first place.¹²⁰ In their visits, the GJI found out that no one visits the girls in Ventura, and that they are the only organization in the state visiting and connecting them back to their local community.¹²¹

The GJI is a model provider of services and should be replicated by other counties. The CYA should encourage and facilitate more programs from other communities to work with wards. According to Gena Castro, it is important to create a relationship with the young women while they are detained because they are more likely to succeed and seek resources if they feel they have adults who care about them and want to help. While CYA staff allowed GJI to come in and work with the female wards, the CYA should also offer similar resources within the facility as part of their rehabilitative mission.

III. SIMPLE SUGGESTIONS

“You have to go through the things we’ve been through. The CYA will help other people but you have to go in there and get treated like one of us and then you’ll know what it’s like.”

- Esmeralda, former CYA Ward¹²²

In the news, legislative hearings, and other forums, the individual perspectives of young women in Ventura are rarely mentioned within discussions of the issues of the larger male population. The young women in Ventura need gender-specialized programs. Relationships with trusted adults are also key to rehabilitation and development of the Ventura wards, especially because females are more relationship focused.¹²³ Listening to the experiences of the young women in the CYA is important because the “girls want to be heard.”¹²⁴ Their experiences and opinions are neglected, but their input is integral to reforming the CYA. This section outlines a few of the basic requests based on young women’s experiences in the Ventura facility.

Demand Caring, Well-Trained Staff

The Youth Correctional Counselors and Officers at the CYA should be equipped to work with troubled youth and contribute to the CYA’s overall mission of rehabilitation.¹²⁵ Many of the CYA staff try to do their jobs well,¹²⁶

120. *Id.*

121. *Id.*

122. Interview with Esmeralda, *supra* note 10 (stating what she thought about the recent media and political attention on the CYA).

123. Telephone Interview with Gena Castro, *supra* note 40.

124. Interview with Patty, *supra* note 12.

125. “Staff” includes both counselors or officers unless otherwise specified.

but there are staff that prefer to use an abusive and militaristic approach, promoting punishment over rehabilitation.¹²⁷ Staff members often lack training and “even if you’ve got good policies and procedures,” as Barry Krisberg noted, “staff don’t even really understand how to implement them.”¹²⁸ In addition, the prisoner guard union has the power to delay important reforms regarding staff changes, and even delayed ending the use of cages.¹²⁹ Staff reportedly want to improve, but are frustrated because the culture of the organization has collapsed.¹³⁰

More than anyone else in the system, staff members have the potential to make a positive impact on the ward’s lives. As Patty emotionally recalled, a staff member was “the person that changed my world; that really just woke me up and opened my heart . . . like no one ever had.”¹³¹ Patty said, “you know how many lives they could change” if they really did their jobs?¹³² Unfortunately, it is also staff who are responsible for the mistreatment of wards, including the use of excessive force and the overuse of solitary confinement.¹³³ Esmeralda and Patty found both kind and abusive staff during their CYA commitments. A ward just has to “wait and see” “who will be nice and who will be mean.”¹³⁴ Whether a staff member was a male or a female was not as revealing as his or her personality and motivations for working in the CYA.¹³⁵ Some staff also verbally abuse wards, using information in their file to personally degrade them.¹³⁶ Admittedly, the CYA staff do work with the state’s most troubled youth in stressful and hostile conditions with little institutional support in dank and depressing prisons. However, they are charged with a heavy burden. Assuming they receive the necessary resources and training, they must do a better job.

126. *California Senate Hearing*, *supra* note 8, at 36 (statement of Barry Krisberg, author of a critical report on the CYA).

127. E-mail from Kamren Curiel, *supra* note 64.

128. *California Senate Hearing*, *supra* note 8, at 35 (statement of Barry Krisberg).

129. *Id.* at 39 (statement of Walter Allen).

130. *Id.* at 42 (statement of Barry Krisberg). In addition, important information regarding the special needs of wards is not shared with staff supervising living units, making their jobs more difficult. *Id.* at 33.

131. Interview with Patty, *supra* note 12.

132. *Id.* Patty observed that some staff just show up to work for the money and they do not care as much about the wards. The staff who were themselves former CYA wards cared more about the youth they with whom worked. *Id.*

133. Although sexual harassment of female wards by male guards exists, neither of the former wards the author interviewed experienced sexual harassment. *Id.* See also SYSTEM FAILURE: VIOLENCE, ABUSE AND NEGLECT IN THE CALIFORNIA YOUTH AUTHORITY, *supra* note 11 (revealing sexual harassment from staff against a female ward among many other disturbing conditions in CYA facilities).

134. Interview with Patty, *supra* note 12.

135. Interview with Patty, *supra* note 12; interview with Esmeralda, *supra* note 10.

136. Interview with Esmeralda, *supra* note 10.

Reform Grievance Procedures to Handle Complaints about Staff

The lack of adequate grievance procedures provides fertile ground for staff abuse. If wards are unable to receive prompt responses to their complaints about staff conduct and conditions, they will only be further isolated and disempowered. This type of silencing has occurred for years within the CYA and has enabled it to escape public scrutiny and accountability. For example, Patty filed grievances for verbal abuse, frequent use of mace, extreme force, violence, and lockdown punishments.¹³⁷ These are also among the long list of constitutional violations charged in *Farrell*.¹³⁸

If a ward wants to file a complaint, the process she can go through is called the Ward Grievance System (WGS).¹³⁹ According to Patty, a ward can fill out a grievance, it is sent to “some guy in Sacramento” who reviews it and grants or denies it, and if denied, there is nothing she could do about it.¹⁴⁰ In actuality, there are several individuals who can deny a staff action grievance.¹⁴¹ Staff have an “inadequate understanding” about how to properly complete the WGS forms, and wards receive inadequate education of their rights.¹⁴² A functioning staff complaint procedure must be available to wards.¹⁴³ However, current policies and procedures are “well-written and very clear.”¹⁴⁴ According to the General Corrections Review, they “are some of the best formulated of the YA policies,” but the issue is about implementation.¹⁴⁵ Esmeralda believed grievances would not be reviewed, and that since the process was never fast enough to solve problems, it was useless to try.¹⁴⁶ If staff knows that no one will complain, there is less accountability, and therefore less incentive, to avoid prisoner abuses.

The wards also have very limited access to resources back home.¹⁴⁷ They are isolated from advocates, and once they leave local jurisdictions, they lose

137. Interview with Patty, *supra* note 12; interview with Esmeralda, *supra* note 10.

138. See Complaint for Injunctive and Declaratory Relief, *supra* note 3.

139. Barry Krisberg, *General Corrections Review of the California Youth Authority* 70 (Dec. 23, 2003) (completed at the request of the California Attorney General and the Youth Authority in response to the Prison Law Office lawsuits).

140. Interview with Patty, *supra* note 12 (Patty filed a grievance to protest the use of mace on her. Even though Patty’s medical records ordered that she not be maced, Patty’s grievance was denied). Proper medical procedure also requires that wards shower after being exposed to mace, but some wards have suffered severe chemical burns because showers were not given. *California Senate Hearing*, *supra* note 8, at 18-19 (statement of Richard Ulmer, attorney for plaintiff in *Farrell v. Allen*).

141. Krisberg, *supra* note 139, at 68.

142. *Id.* at 73.

143. *Id.* at 71. Out of three categories of grievances, including emergency grievances, regular grievances, and “staff action” grievances, the “staff action” grievances were most difficult to handle within the WGS. *Id.*

144. *Id.* at 76.

145. *Id.*

146. Interview with Esmeralda, *supra* note 10 (a CYA internal interview found that response time was slow and a problem); Krisberg, *supra* note 139, at 74.

147. Telephone Interview with Gena Castro, *supra* note 40.

contact with their former probation officers from their original county.¹⁴⁸ The wards are left alone to fend for themselves in an institution that coerces them to follow the daily program without any help or protection.¹⁴⁹ They have little or no contact with attorneys; in Ventura, there were only twenty visits from attorneys in a one-year period.¹⁵⁰ The wards do not demand legal counsel because they do not believe anyone will help.¹⁵¹ The failure to implement adequate grievance procedures threatens the safety of the wards and reduces accountability of the institution. The current WGS is “useless for handling bigger problems including the use of force, denial of treatment or educational services, or gaining better access to medical or dental care.”¹⁵² Amidst the planning of reforms, staff must clearly understand the reforms that are to be implemented. As in the case of the WGS, clear policies are not effective without proper training and accountability.

Offer Academic Incentives and Opportunities

The state is mandated to provide education to CYA wards.¹⁵³ *Farrell* originally charged the state with sex discrimination as one of the factual allegations for denying equal access to education because of the far fewer college-level courses and vocational opportunities available to Ventura wards.¹⁵⁴ However, the deficiencies to be addressed in the Remedial Education plan did not mention any specific plans for change at Ventura.¹⁵⁵

Because these young women are incarcerated during vital academic learning years, and lack adequate schooling in their past, the inadequate academic programs at the CYA are especially problematic. In 2003, twenty-five percent of classes were cancelled each day in the CYA because there were not enough teachers. There are days when the entire facility is locked down and all programs, including school, are cancelled.¹⁵⁶ A ward might also miss school if she is locked up in solitary confinement.¹⁵⁷ Furthermore, mental health problems, including depression and lack of motivation, factor into the failing academic environment.¹⁵⁸ At times, Patty was so depressed and hopeless about her life that she did not believe she had a reason to attend school and refused to leave her room.¹⁵⁹ By refusing to go to school, Patty risked having her

148. *Id.*

149. *Id.*

150. *Krisberg, supra* note 139, at 68.

151. Interview with Esmeralda, *supra* note 10.

152. *Krisberg, supra* note 139, at 72.

153. *California Senate Hearing, supra* note 8, at 21 (statement of Richard Ulmer).

154. Complaint for Injunctive and Declaratory Relief, *supra* note 3.

155. Consent Decree, *supra* note 4.

156. Interview with Esmeralda, *supra* note 10.

157. Interview with Patty, *supra* note 12.

158. *Id.*

159. *Id.*

commitment extended or being punished.¹⁶⁰ Patty suggested providing incentives and recognizing those wards who do well in school.¹⁶¹ Providing incentives would balance the punishment-focused enforcement of school attendance and offer encouragement to strive for the future.

The most important mission for the CYA is to rehabilitate the wards for the safety and protection of the citizens of California. Wards need to have a better understanding of their rights, not only as a ward, but also as a citizen on the outside. It is imperative that they are prepared with skills and knowledge to function better than they did before their CYA commitment. Education, job training, skills development, and job placement are key to rehabilitation. Moreover, if a ward cannot take care of herself when she is released, it is less likely that she will be able to comply with the conditions of her probation.¹⁶²

Provide Adequate and Timely Medical, Dental, and Mental Health Care

The wards in the CYA receive inadequate medical, dental, and mental health care. In reaction to the statements regarding the expert reports on Healthcare Services in the CYA, Barry Krisberg declared that “health care services are poor and far below California community standards.”¹⁶³ Currently, the “CYA has essentially no training programs for medical staff, and . . . supervision of physicians is virtually non-existent.”¹⁶⁴ It takes wards a significant amount of time to receive an appointment with a doctor or a dentist because they are placed on waiting lists before receiving an appointment.¹⁶⁵ Esmeralda was placed on a waiting list to see a dentist to remove a front tooth.¹⁶⁶ She explained, “if it’s an emergency, it’ll take you a week.”¹⁶⁷ Additionally, there is no preventative care available; instead, they only treat problems when they occur.¹⁶⁸ Although a ward can go to the on-site nurse, little medical help is offered for serious and immediate ailments.¹⁶⁹ It is also reported that staff often ignore medical complaints.¹⁷⁰

Medical neglect also threatens the reproductive health of the Ventura wards. A mother of a former ward spoke at a public hearing about her daughter who entered the CYA pregnant and received no medical attention.¹⁷¹ Something

160. *Id.*

161. *Id.*

162. Telephone Interview with Gena Castro, *supra* note 40.

163. *California Senate Hearing*, *supra* note 8, at 18 (statement of Barry Krisberg).

164. *Id.*

165. Interview with Patty, *supra* note 12.

166. Interview with Esmeralda, *supra* note 10.

167. *Id.*

168. *Id.*

169. *Id.*

170. *Id.* Some girls do feign illness to get attention. However, when a friend of Esmeralda’s who did not speak English was experiencing a medical emergency, she was accused of lying and not treated until something in her stomach “almost exploded in her.” *Id.*

171. *California Senate Hearing*, *supra* note 8, at 114 (statement of Yolanda Vaga, mother of a

was wrong with her pregnancy and “a nurse told her it was nothing, even though she was bleeding heavily.”¹⁷² They did not call a doctor until it was too late, “so they let her bleed until she lost the baby” at five months, and the baby died shortly after.¹⁷³ Patty reported that her friend had a stillborn in the facility.¹⁷⁴ The specific biological needs of female wards should be considered, and better medical services must be a reform priority.

According to CYA Director Walter Allen, a year ago, the CYA was working on a plan to implement the constitutionally-required level of care for wards needing mental health treatment.¹⁷⁵ However, the Ventura facility still has “no mental health crisis beds for female wards at all.”¹⁷⁶ Many of the girls in Ventura are depressed and receive little or no counseling.¹⁷⁷ There is rampant hopelessness.¹⁷⁸ Many girls are suicidal and attempt suicide.¹⁷⁹ Esmeralda witnessed girls engaging in self-mutilation by cutting themselves, who said it took the pain away.¹⁸⁰ Other girls have eating disorders.¹⁸¹ There is little counseling for wards that were previously abused and traumatized,¹⁸² and the availability of therapists and appointments are inconsistent.¹⁸³ Availability of mental health services in the CYA is necessary to help the youth adapt to the institutional environment and to prepare them to return to their communities. The wards are not getting help for their personal issues, often because of the way staff approach the young women. For example, white male staff members have been observed forcing young women of color to discuss their history of past sexual abuse. When the girls were reluctant to share that information, the staff recommended that time be added on to their commitment.¹⁸⁴ Because girls are willing to open up once they feel secure, more effective measures should be taken to provide an environment of trust with sympathetic and appropriately-trained mental health professionals.¹⁸⁵ Counseling and therapy in the Ventura facility should be designed around the needs of young women, and individual counselors and therapy techniques should be chosen with those needs in mind. Although medical, dental, and mental health care plans are part of the remedial measures of the consent decree, female wards require additional gender-specific considerations that policymakers should not ignore.

pregnant Ventura ward, speaking about losing her grandchild from medical neglect).

172. *Id.*

173. *Id.*

174. Interview with Patty, *supra* note 12.

175. *California Senate Hearing*, *supra* note 8, at 28 (statement of Walter Allen, CYA Director).

176. *Id.* at 19 (statement Sarah Norman, Prison Law Office attorney).

177. Interview with Esmeralda, *supra* note 10.

178. Telephone Interview with Gena Castro, *supra* note 40.

179. Interview with Esmeralda, *supra* note 10.

180. *Id.*

181. *Id.*

182. Interview with Patty, *supra* note 12.

183. Interview with Esmeralda, *supra* note 10.

184. *California Senate Hearing*, *supra* note 8, at 36 (statement of Barry Krisberg).

185. Interview with Patty, *supra* note 12.

Reconsider the Size and Location of the Ventura Facility

Many advocates would prefer the shutdown of the CYA.¹⁸⁶ Once youth are removed from their counties and placed in the CYA, they connect with fewer resources and are detached from their communities.¹⁸⁷ Once in Ventura, Patty was confronted with conditions that were nonexistent in juvenile hall, such as poor treatment by staff, including restriction of privileges and food, physical assaults, and the continual use of mace.¹⁸⁸ Furthermore, it is very difficult for families to visit when there is only one female facility in the state, leading to an undesirable breakdown in family units.¹⁸⁹ Because the facility is located in Southern California, girls from Northern California often feel isolated and forgotten.¹⁹⁰

The Ventura facility reforms should focus on dramatically reducing the living unit sizes and increase casework and counseling resources for the wards.¹⁹¹ Doing so will reduce the amount of serious infractions, cut down on lockdown, and help prevent violence in the facility.¹⁹² The benefits of housing girls closer to their communities should also be considered, especially for those families that live far away from Southern California.¹⁹³

IV. CONCLUSION

Patty and Esmeralda continue their struggle to survive. Life for these girls was never easy, and life after the CYA has not been any easier. Finding housing and work is a difficult challenge to face while past wounds from their CYA experiences are still healing. Although the support from the GJI is helpful upon release, the long-term adjustments in their lives to stay free and clean are challenging and not without setbacks. Every young woman that comes from the Ventura facility should have the opportunity and resources to continue her journey after release and face these challenging obstacles with support and guidance.

The state must consider what happens to former Ventura wards after they are released. Often, the streets and recidivism bring them back to the CYA or to an adult prison with similar conditions. If young women can learn the life skills and gain the confidence necessary to create a new life, they can avoid becoming trapped in the system again. More importantly, support and guidance needs to come earlier in life. However, the intersections of race, class, gender, and

186. E-mail from Kamren Curiel, *supra* note 64. According to advocates, the CYA should be closed because it is “no place for young men and women at all.” *Id.*

187. *Id.*

188. Interview with Patty, *supra* note 12.

189. *California Senate Hearing*, *supra* note 8, at 16 (statement of Sen. Romero).

190. Interview with Esmeralda, *supra* note 10.

191. *California Senate Hearing*, *supra* note 8, at 34 (statement of Barry Krisberg).

192. *Id.*

193. Interview with Esmeralda, *supra* note 10.

location can create serious obstacles against the efficacy of preventative measures. Policymakers must consider the specific needs of female wards. Even the *Farrell* lawsuit, which spurred public recognition of the CYA's problems, was framed in terms of the loss of tax dollars because of failure to perform its mission, rather than to compensate CYA youth for their injuries. Now that there is public recognition of the problems in CYA, it is imperative that the young women in Ventura are not overlooked during the period of reform.