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# Counties criticized on young offenders

## By law, detention to be near home

By David Hasemyer  
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### OVERVIEW

**Background:** Under a law that went into effect Sept. 1, 2007, juveniles who commit all but the most violent crimes must be housed in their home counties instead of being sent to state facilities.

**What's changing:** A prisoners' rights agency instrumental in forcing the legislative change said it has found major flaws in the implementation of the law statewide, including in San Diego County.

**The future:** The county's Probation Department will devote a portion of its \$4.3 million in state funding this year to further develop rehabilitation programs for young offenders that include substance abuse counseling, anger management and job training.

**Online:** To read the full report by the Prison Law Office, go to [uniontrib.com/more/ documents](http://uniontrib.com/more/documents)

A majority of California counties, including San Diego, have not fully met the expectations of a new law mandating that young criminals be kept in their home counties instead of state facilities, according to a juvenile justice watchdog agency.

The Prison Law Office, the San Francisco-based prisoners'rights organization that played an instrumental role in forcing the state's dramatic shift, praised San Diego County for some efforts.

But the nonprofit also criticized the county for pouring money into custodial facilities instead of finding alternatives to confinement, a strategy the law office said is a proven failure in the state Department of Juvenile Justice.

Statewide, flaws in implementing the new law might scuttle its intended benefits, the office argues in a report released this month.

“The reform's potential successes are not yet certain,” the Jan. 6 report states. “(The law's) immense promise to benefit California youth and communities will only be fully realized if counties rise to the occasion.”

Mack Jenkins, San Diego County's chief probation officer, said he believes the county is meeting the needs of offenders and disagrees with the criticism that the Probation Department is spending too much on institutions.

“We have to be concerned about both the needs of the kids and protecting the community,” Jenkins said.

The county and all 57 others in California were ordered last year to begin accommodating all but the most violent juvenile criminals instead of sending them to state juvenile prisons.

The directive came as a result of a court mandate to overhaul juvenile prisons, institutions described as inhumane by a Superior Court judge in 2004.

Under the new law, which went into effect Sept. 1, 2007, and gave counties only four months to devise and implement plans, local authorities must provide rehabilitation programs for juveniles who commit crimes such as assault, kidnapping and carjacking. Only those who commit such crimes as murder and rape can be sent to state facilities.

To deal with the transition, San Diego County was given \$1.4 million last year in state funds and will receive \$4.3 million this year.

While the report comes just over a year after the law took effect, its author said potential shortcomings should be identified now, before they become more difficult to correct.

“This is more of a precautionary report,” said Noor Dawood, the Prison Law Office's juvenile justice policy advocate. “The counties are not far enough into the process to say definitively what they are or are not doing right.”

The report was based on a review of each county's plan and interviews with probation officials.

It states that counties should focus more resources on providing mental health and substance abuse programs for offenders. Further, counties need to ensure that there is support for offenders once they are released on probation and provide adequate facilities for female offenders.

The San Diego County Probation Department drew praise in those areas. Dawood said the county's plan shows a “rich array” of programs, but that time will tell how successful they are.

The county's biggest fault, according to Dawood, is in dedicating too much state funding to incarcerating offenders at its East Mesa and Kearny Mesa juvenile detention facilities.

The Probation Department budget this fiscal year calls for spending 85 percent – or \$3.7 million – of its \$4.3 million on detention facilities. The remaining \$659,000 will be used to support youths once they are released.

Department spokesman Derryl Acosta said the agency has little discretion because the state reimburses the county \$117,000 for youths in custody and \$25,000 for those on probation.

The incarceration approach failed miserably at state institutions, prompting the new law, Dawood said. Detention emphasizes punishment over rehabilitation and discourages developing other alternatives, she said.

She suggested that intense community supervision coupled with mandatory counseling or less-restrictive housing would be better than locking offenders in juvenile halls.

There are 44 young offenders – 42 boys and two girls – in county custody. Jenkins said many of them pose a risk to the community and have to be incarcerated while undergoing treatment.

“Historically, this is a group who has committed some serious crimes,” he said. “That means the custodial aspect is necessary to protect the community until they have become stable enough to release into the community.”

The county's rigid incarceration requirements also trouble Dawood and the law office.

The Probation Department mandates a one-year sentence for offenders, who can be released on probation after nine months or held for up to 16 months.

“There may not be a need for a year of confinement,” Dawood said. “But there is little flexibility for those kids who can complete programs short of a year.”

Jenkins said every offender is evaluated and put in an individualized treatment program, but those generally require about a year and intense supervision at institutions to be successful.

He acknowledged the importance of programming outside the institutions and said that will be a priority in the coming year.

William Hishaw praised San Diego County's program, saying it made a “positive change” in his 17-year-old son, Nicholas.

During the year Nicholas was at the East Mesa facility, he earned his GED and got intense anger management therapy and individualized attention by teachers, probation staff members and counselors, his father said.

“He got more than I expected,” Hishaw said. “It helped him do a lot of growing up.”

Nicholas, who was serving a sentence for armed robbery, has been on probation for a month and is working part time at a warehouse. His father is optimistic about his future.

“It's up to him, but he's been given a good start,” Hishaw said.

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