

Juvenile Injustice



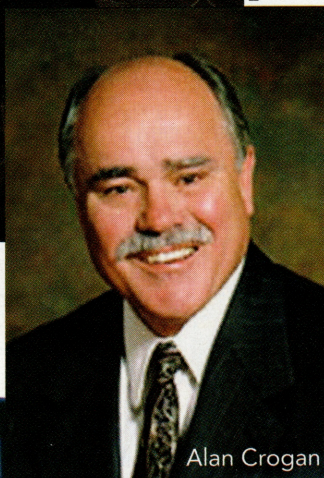
Lax oversight. Wasted grant money. Overmedication of kids. Sexual abuse. According to former probation officer Robert Billburg, these are problems plaguing key components of the county's juvenile justice system — which has jurisdiction over 12,000 local minors. Billburg, who says he resigned under pressure in 1996, has been grinding his ax ever since — but the evidence is compelling. As *San Diego Magazine* began its investigation, the county's chief probation officer abruptly announced his retirement. Here's a distressing look inside an ailing — but critically important — public agency.

By Kevin Cox



Robert Billburg

MARTIN MANN



Alan Crogan



MARTIN MANN

ROBERT BILLBURG'S softball players had *game*. "There were a handful of kids I thought had a chance to play college baseball," says Billburg, who coached in East County in the late 1980s; his players were 12 to 15 years old. But he's not telling stories today about the athletic scholarships they received, or how successful they became after baseball. The players on Billburg's teams struck out — big time.

By his count, two went to prison for murder. Two others were murdered themselves in unrelated cases.

That's an entire infield, lost.

Billburg wasn't just a softball coach. He was a probation officer in San Diego County's juvenile justice system. His players were all doing time at a juvenile ranch facility. When Billburg transferred to Juvenile Hall in the early 1990s, he still kept score. Following his players and others when they were released from custody became a body count.

"I quit counting at 50 kids I knew who were murdered," Billburg says. "The first time it happened, when I actually knew a kid who was killed, that was a shock. I'd actually spent time with this kid.

"Then it got to the 10th one, and the 20th — something's going on here. I start thinking, 'Wow, this is big. A lot of the kids who are dying are actually good, decent kids, in the wrong place at the wrong time.' I start to get angry."

There are enough tears of anger, sadness and loss in the juvenile justice system to fill Mission Bay. Some of those tears belong to Billburg. Others come from the juveniles and their families, trapped in the tumble cycle of drugs and alcohol, sexual abuse and violence.

To reduce and even eliminate some of the dysfunction, the top administrators in juvenile justice say they have innovative intervention strategies and programs. They point to statistics and studies that show how successful they are.

But critics of the system have their own documents, which they say tell a different story. That version of how the system works — for juveniles, along with employees — is often hidden away in confidential personnel files and sealed court documents.

San Diego Magazine has uncovered a most disturbing secret: dozens of alleged sexual assaults on and by juveniles detained by the county, which has paid six-figure settlements in lawsuits involving those allegations. Other documents reveal gaps in mental health treatment and questionable use of grant money. And in a mid-May report, the San Diego County grand jury sharply criticized a probation department investigation at Juvenile Hall that resulted in the firing of 23 probation officers. The grand jury "found the investigation to be incomplete and flawed," its own report says.

So there are two dramatically different accounts of the same system. That's not so unusual, especially in disputes over public policy. What is so remarkable about this disagreement is how nasty it has become.

THERE ARE MORE THAN 12,000 juveniles in the county justice system. That's about half the population of Lemon Grove. There are about 7,000 under the jurisdiction of Juvenile Court because of alleged abuse and neglect. That's known as the dependency side of the system.

But most of the public attention goes to another 5,000 or so. They are the so-called wards of the court, from truants to felony suspects. All these troublemakers — and alleged troublemakers — are part of what's known as "delinquency" in Juvenile Court. It's a rather quaint word when applied to one of those juveniles, Charles Andy Williams, who's doing 50-to-life in state prison for killing two classmates two years ago in the shooting at Santana High School.

Roughly 500 wards are in Juvenile Hall, the outdated jail for teenagers in Kearny Mesa. It was built in 1954, when Eisenhower was president and Elvis hadn't yet hit the national charts. The rest of the wards are scattered around the county in more than two dozen programs and facilities.

The county probation department runs this part of the juvenile justice system. To do it, probation is employing almost 400 people. It will spend more than \$85 million this year.

"We're doing a lot of things right," says Alan Crogan, the county's chief probation officer. "We're going to be a better community and society because of what we've accomplished in the last six or seven years."

Crogan is sitting in his corner office on the fifth floor of probation headquarters near Murphy Canyon. There's an almost 180-degree view of Kearny Mesa to the west, all the way around to the open spaces of East County. That's where Crogan would rather be, judging from the artwork in his office.

A Frederick Remington sculpture sits on a table. Western art hangs on a wall. Crogan is a big man, built like a rodeo cowboy, maybe a steer wrestler. But he's dressed like a CEO, right down to his monogrammed dress shirt.

Crogan shares power with the other CEO of juvenile justice, James Milliken, the presiding judge of Juvenile Court. Milliken is in charge of all those dependency cases and allegations of abuse and neglect. The six other judges and five referees in Juve-

nile Court also deal with delinquency cases. Not counting their combined salaries of well over \$1 million, which are paid by the state, Juvenile Court is costing the county more than \$14 million this year. There are 85 staff positions in Juvenile Court.

Milliken's office is at the courthouse next to Juvenile Hall. Visitors pass through the usual metal detectors staffed by armed deputies, and must be escorted into the judge's chambers. Because of courthouse security concerns, there is no view. But there is a look back at presidential history, with photographs of Roosevelt, Kennedy and Johnson on the wall.

The judge has a classic look that would have fit in with any of those presidents' administrations. He combs his graying hair conservatively, across his forehead. He favors bow ties, wearing one during an interview and for the official portrait hanging outside his chambers.

"Most kids that come into our system have a substance-abuse problem," says Milliken, who became the presiding judge seven and a half years ago. Back then, he says, there was no drug and alcohol treatment for juveniles on probation who didn't have health insurance. "We were telling them to stay sober, and we didn't have any drug treatment," he says. Now, the county has more than 30 teen recovery centers run by 14 nonprofit agencies, according to the judge.

"There's a cadre of juvenile recovery specialists," Milliken says.

Jeanne McAlister, founder of the McAlister Institute, runs after-school programs for juveniles in Oceanside, Mira Mesa and East County. Four years ago, she added county-funded detox facilities, three in-patient group homes with a total of 18 beds. "San Diego County seemed to be innovative, and probation is part of that, to start a new program like this," McAlister says.

Judge Milliken says he's also a fan of the probation department. He gives credit to Crogan for tripling the size of juvenile

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field services. "They're supervising kids intently on probation, beginning with the first time they get in trouble," he says.

It's all helped cut the number of felony cases filed against juveniles by more than 50 percent in the past three or four years, says Milliken. "I consider the probation department to be an integral part of our success," he says.

Croghan took over as chief probation officer in late 1993. "People are looking for leadership," he says, explaining how he restructured the department. The new chief put probation on a course to "front-load" more programs and services for juveniles, in an attempt to change their destructive behavior.

"Judge Milliken concurred with the direction and liked it," Croghan says. To pay for it, Croghan and his staff went after government grants. One program, the federal Temporary Assistance to Needy Families (TANF), gave probation more than \$65 million in five years, according to the county's numbers. The money is used to provide 23 types of services to at-risk youth and

their families, a probation document says.

Croghan says TANF is working, and he cites a RAND institution study of probation's use of the funds. "What we've been able to accomplish is keeping people out of Juvenile Hall," he says. The April 2002 statewide study says TANF money has en-

**"We're here to do what we can
to get them out of power,"
Robert Billburg says. "It's
a war without bullets."**

abled probation departments "to become a more viable player in the count[ies] with respect to children's issues in general." The report also states that "there is a need to establish better service delivery tracking systems within probation."

Croghan touts another program called Reflections. Housed in a former elementary school in San Carlos, roughly 60 juveniles

get a chance to continue their education. There's also drug and alcohol counseling, as well as other specialized services for them and their families.

"This is an opportunity for students to come here, versus a 24-hour school," says Michelle Hayes-Iwu, the program manager. "A 24-hour school" is a nice way of saying "locked up" at Juvenile Hall, a ranch facility in East County or in a girls' rehab unit. Some in the Reflections program have already been incarcerated in those places, Hayes-Iwu says, and are now on probation. They're sent to Reflections in the hope they can stay out of trouble.

"It definitely works," she says. "You see a difference."

Asked exactly how effective the Reflections program is, Hayes-Iwu defers questions to the San Diego Association of Governments (SANDAG).

"I hesitate to give you a one-line sentence that summarizes every program we've evaluated," says Cynthia Burke, the director of SANDAG's criminal justice research divi-



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sion. "We've evaluated a number of probation programs in last few years. The direction probation has gone with its comprehensive strategy has been effective."

CRITICS OF PROBATION are scattered in and around the system, and most of them prefer to remain anonymous. Not Robert Billburg. He'll be quoted by name, but says he doesn't like being called a whistle-blower.

That's okay, because it really doesn't describe what Billburg has done since leaving the probation department in 1996. He is leading a group of current and former staffers in what amounts to an insurgency campaign against probation's top administrators. Their goal is nothing less than toppling the regime.

"We're here to do what we can to get them out of power," Billburg says. "It's a war without bullets."

Billburg doesn't look like an enemy combatant. In his mid-40s, he's of average height and weight. But there is an unmistakable sense of urgency around him, mixed with the smell of cigarette smoke. And all that

nicotine can't even begin to take the edge off Billburg.

"This is not a situation where I have any intention of making nice with these people," he says. It's not just a threat. Billburg uses guerrilla tactics, going so far as to create bogus memos lampooning Crogan and others in

Alan Crogan reacts viscerally to Billburg's name. "I'd rather not even talk about him. He has no credibility with me."

county government — and using the county's own mail system to circulate them.

"I consider it to be industrial sabotage," he says. "Just stirring up shit for them."

But what Billburg did last year set a new standard for stirring it up. He says he obtained a photograph of a probation administrator in the parking lot of a Point Loma motel. In the photo, the administrator is with

a woman who is not his wife. The photograph showed up on fax machines throughout probation. The administrator and his wife — who also happened to be a county employee — both retired.

Alan Crogan reacts viscerally to the mention of Billburg's name. "I'd rather not even talk about him," says the chief probation officer, shifting around in his chair. "He has no credibility with me. He's trying to defame a department that's done an outstanding job. I find his behavior repulsive."

A reporter shows Crogan a copy of the photograph, showing the former administrator. "I'm sure there was an implied belief he retired because of that," Crogan says. "That's a bunch of bullshit."

He identifies the Dolphin Motel in the photograph and says he has parked there himself — to get a crab sandwich at nearby Point Loma Seafood. "What [the administrator] was doing, and with who ... seems to me they're two consenting adults," says Crogan. "As far as I'm concerned, they were out having lunch."

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(Crogan announced his own retirement in late April, after being interviewed. A probation spokesman said the announcement had nothing to do with this story. On word of Crogan's planned retirement, county supervisors' chairman Greg Cox praised him. "San Diego County has got so many innovative programs, and it's because of Alan and his staff," said Cox in a newspaper story in late April. But Cox declined comment for this article after his office was advised it would quote probation's critics.)

BILLBURG, the old softball coach, says he decided to play hardball with probation in the early 1990s. He was still working for the department, but he went public with his criticism. Billburg appeared on a local radio show, wrote an editorial for *The Daily Aztec* at San Diego State University and even got a letter published in *U.S. News & World Report*.

He says that 1996 letter to *U.S. News & World Report* got him in big trouble at probation — along with a failed psychological fitness review administered by the county. Prior to the exam, Billburg acknowledges breaking down in his supervisor's office at Juvenile Hall. During that meeting, he says, he realized no one would respond to his criticism of the system.

"For 20 minutes, 30 minutes, I cried like a baby," Billburg recalls. "About a week later, I've been set up for [the] psychological fitness review. I'm thinking, 'Okay, this is how you're going to punch my ticket.'"

His own psychiatrist found him mentally stable, according to Billburg, who gave a copy of the doctor's report to *San Diego Magazine*. But Billburg says that didn't matter to probation, which pressured him to resign. "They said, 'Give me your badge and ID card,'" he recalls. "They walked me outside. I basically told 'em, 'All right, it's on if you don't stop this shit.'"

"I made it clear to them, 'You've freed me up to fight you, seven days a week, 24 hours a day.'"

It was the change in the department's philosophy, according to Billburg, that

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got him so upset. "The cronyism, the removal of veteran staff and then going after all the [grant] money," he says. In Billburg's view, probation gets rid of dissenters like him.

He's not the only one who has gone public with that accusation. A former probation officer, Ivy Westmoreland, took her complaints to county supervisors in 1999, alleging corruption in her former department. Following that appearance, Crogan issued a written report, addressing both Westmoreland and Billburg's accusations.

"I wish to put to rest the allegations being made," Crogan wrote. "Valuable staff time is being devoted to responding to issues raised by uninformed former employees."

But ex-employees keep coming forward.

"There were a lot of shenanigans and ugly tricks done to employees," says Wayne Freeman, a former probation officer. He spent more than 31 years with the department before retiring last year. He says probation supervisors harass their critics with undeserved disciplinary measures and transfers to shut them up.

"Their trick is to play 'I gotcha,'" says Freeman. "Probation is ruled like a little fiefdom. They cannot lead effectively. They shouldn't lead. I will go to my grave with the stuff they've done, not only to me but to other people."

With the dissenters out of the way, according to these former employees, probation builds an empire with all the cash from grants.

"There's money in kids," says Billburg. "They overmedicate and cycle kids through programs. Those kids shouldn't see the inside of a juvenile facility at all; they need psychological help."

He concedes some juveniles *should* be locked up. "If someone demonstrates they're dangerous and violent, all right, let's keep 'em," he says. But the system is failing many others, he believes, and setting them up in the process. "They're creating the very criminals they say they're trying to help," Billburg says. "Get 'em ready for prison."

Over the past seven years, Billburg has spent countless hours repeating this pitch to journalists, legislative aides

and government investigators. Many have stopped paying attention.

"People stop listening to the message, for all the noise," says a government source whose office has had repeated contact with Billburg. "The presentation so turns you off."

The source agreed to speak candidly about Billburg in exchange for anonymity. "There's

probably a pretty strong case for obsessive-compulsive [behavior], but he's lucid," the source says. Still, many people doubt Billburg's credibility, the source believes. "Over the years, I'm sure he's told you, 'Something's just about to break.' Heard that once or twice?"

"Is he a whistle-blower to be lauded, or is he Don Quixote? It's hard to tell."

OTHERS ADMIRE BILLBURG for his determination, and dismiss his critics. "They try to paint Billburg as some kind of crackpot, but his information is accurate," says attorney Jeffrey Estes, who has filed lawsuits against the county concerning Juvenile Hall. "He's a champion for these kids."

One probation officer says he was working with Billburg at Juvenile Hall when a riot broke out. "You could hear it, tables and chairs flying," says the employee. "I came running around the corner, and there it was. Total chaos. One staff [member] was behind the desk, flapping his arms up and down. One was backing up [in] the hallway. Robert was the only one in there, trying to protect kids when they couldn't protect themselves. He's my hero."

Employees and others involved with the system agreed to interviews, but only if their names were withheld. They say they are afraid of retribution, following probation's pursuit of one critic who appeared on a Cox Cable Channel 4 broadcast in 1999.

On that broadcast, a probation officer appears, but his face is obscured and his voice is altered. He alleges that probation committed fraud by accepting grant money from the TANF program without employees providing required counseling services to juveniles.

The broadcast aired September 22, 1999, and it didn't take probation very long to finger the officer. In a letter five days later, a probation administrator identifies Todd Tappe as "shadow man."

But Tappe wasn't finished. He filed a formal complaint with the county's internal affairs office. In a November 29 letter, he says his probation supervisors have a conflict of interest: They're married. "I cannot reasonably ask a husband to investigate his wife for fraud," he writes. "Polly Merickel, the superintendent of Juvenile Hall, and the one most likely responsible for the TANF fraud, is the wife of Jim Poe, assistant chief and direct supervisor of the department's internal affairs office."

Crogan requested an investigation by the county's Juvenile Justice Commission, which issued its report December 13, 1999. "The commission was

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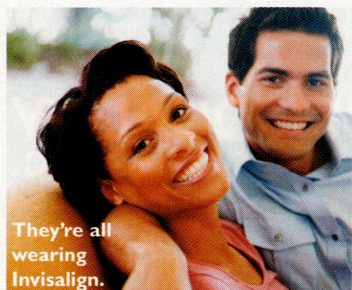
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very clear that we were doing things appropriately," Crogan says.

But the commission's report identifies concerns about probation's use of TANF money, including records that appear to be too perfect. "The TANF ... records did bear out some individual instances of curiously pat hours," the report says, and recommends changes in the program.

Two months later, Merickel wrote a memo to Juvenile Hall staff. "Remember, creative use of time will enable staff to meet TANF requirements," the memo says.

Jim Poe retired from probation in 2000. Merickel is now in charge of all juvenile institutions in the county. She did not respond to requests for a comment on Tappe's charges. Now an attorney, Tappe is still working part-time for probation. He declines to be quoted.

Probation employees who will talk — but don't want to be identified — say TANF fraud is still occurring because the staff isn't doing the counseling. "There is no 'creative use of time,'" says one employee, referring to Merickel's memo. "Either you're doing one thing or another. It's ghost counseling."

Crogan says he is offended by the "malicious" criticism of probation. "A very small handful of people like to bash me and the department, for whatever reason," he says.

Judge Milliken also defends probation. "Is the solution to criticize probation because they don't do a better job?" he asks. "I don't think so. They do a tremendous job with the resources they have."

BUT THERE IS a new allegation of fraud at probation, according to a lawsuit filed last year by Marjorie Shuer, a former supervising psychiatrist at Juvenile Hall. Shuer says other psychiatrists failed to get informed consent from parents or guardians before prescribing drugs to juveniles. In an attempt to conceal their actions, those psychiatrists committed fraud by altering consent forms already on file, she says.

"Much irreparable harm to wards and children under the care of the County of San Diego has already occurred,"

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according to Shuer's lawsuit. Legal documents give the following account of her experience with probation, beginning in November 2000:

She says psychiatrists routinely over-medicated patients, in one case with four times the dose recommended in the *Physicians Desk Reference*. One doctor prescribed a drug for a use that had been restricted by the federal Food & Drug Administration, according to Shuer. "This drug also had a warning that it could cause a serious cardiac problem," her lawsuit says.

Shuer says she told her supervisor about her concerns. "On more than one occasion, [the supervisor] remarked that 'nobody had died yet,'" according to the lawsuit.

On May 31, 2001, Shuer alleges that a female patient was in a "restraint chair" for 17½ hours with only one break. A county psychiatrist prescribed medication for the patient, Shuer says. But he left work early and failed to examine her, according to Shuer. By the time Shuer was made aware of the situation, she says the patient was refusing liquids, meals, medications and refusing to void. Shuer says she sent the patient to a hospital.

The county fired her in retaliation for her complaints, she says. A Superior Court judge dismissed her wrongful-termination lawsuit three months ago, ruling that she did not file an appeal with the Civil Service Commission first. Shuer is appealing that ruling.

Through her attorney, Shuer declined to comment on her case. Citing the ongoing litigation, a lawyer representing the county also declined to speak with *San Diego Magazine* about the charges in the lawsuit.

But the Juvenile Justice Commission also found problems with mental health services. The commission issued a report following a February 21, 2002, inspection at Juvenile Hall. "A study should monitor whether there is increased 'recycling' of mentally ill delinquents through Juvenile Hall," the report says.

A licensed psychologist who worked in the system explains the recycling process. "We've got kids who have

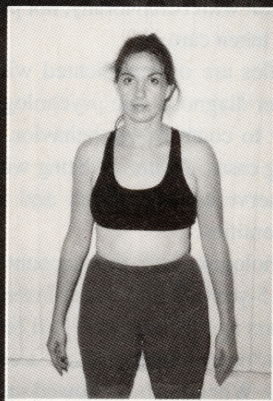


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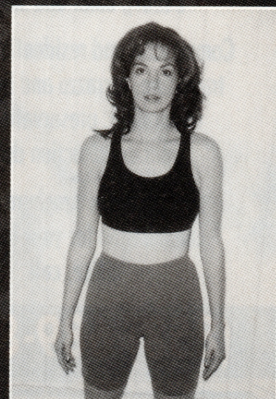
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mental illnesses," says the psychologist, who does not want to be identified. "They go back into the community. They get re-arrested, or break probation. They're back in Juvenile Hall. That's exactly what's going on."

In its report last year, the commission said mental health patients apparently leave Juvenile Hall without any sort of treatment summary to guide future counselors. "Several medical charts were reviewed with 're-

detainees at Juvenile Hall are on psychotropic medications. (The much-maligned Prozac is the psychotropic drug most people would recognize.) But the chief probation officer says families deserve some of the blame if mental health services fail.

"If you need mood levelers and I'm your parent, if I don't get the prescription filled, what does that say?" asks Crogan.

Judge Milliken agrees there are more disturbed juveniles in the system today,

The attorney believes the staff at Juvenile Hall is afraid to know the truth. "It's not so much a coverup," he says. "It's kind of hear-no-evil, see-no-evil. They don't want to delve into it much because of what it may reveal."

cycled' [patients], suggesting continuity of care is a problem for these youngsters," according to the commission's report.

The licensed psychologist doesn't believe most juveniles with mental problems are identified and treated. "I personally know cases of kids who have been horribly abused, physically and sexually, and neglected to the extreme," the psychologist says. "They're given the diagnosis of conduct disorder. There's no mention of any psychological issues. It sets up a kid only to be dealt with behaviorally, not psychologically taken care of."

Or juveniles are overmedicated without the proper diagnosis, the psychologist says, simply to control their behavior. In the following cases, details are being withheld to preserve confidentiality and the juveniles' identities.

The psychologist gives this account of one case. A 15-year-old boy was in Juvenile Hall two years ago for assault. He'd been diagnosed as "oppositional defiant," a conduct disorder. When the boy showed up in court, he appeared to be overmedicated.

"He had absolutely no sense of what was going on," the psychologist says. "The judge noticed it, and said he wouldn't take a pleading from this kid. Then he sent him for a psychological evaluation. This was a kid who had extreme sexual and physical abuse in the first four years of his life, and none of that was treated or included in any kind of diagnostic consideration."

Crogan acknowledges that 27 percent of

but says there's not more money to treat them. Over the past seven years, the county has lost most of its in-patient psychiatric treatment for juveniles, according to the judge. "Now society is relying on the juvenile justice system and the jails for mental health services," he says. "They've dumped a majority of mental health problems on probation, and want probation to run [it] ... make it look like a privately funded hospital. And it ain't."

Sexual abuse often contributes to mental problems, creating a destructive pattern of behavior, according to the psychologist familiar with juvenile justice. Abuse victims become abused again, while others turn into perpetrators, the psychologist says.

A June 1996 county Juvenile Justice Commission report warns about screening procedures at Juvenile Hall. "The hall must begin to place greater emphasis on identifying gang affiliations, sexual predators, aggressive and hostile juveniles and prior sexual abuse victims," the report says. "Several recent incidents have clearly brought this problem to the forefront of the commission's 'red flag' issues."

"As pointed out in the commission's inquiry [in 1995], Juvenile Hall staff does inadequate screening and placement of wards with known histories of sexual acting out behavior."

Crogan, the chief probation officer, responded in an August 1996 letter. "Juvenile Hall staff are in agreement that sexual pred-

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ators need to be identified," his letter says.

Over the ensuing four years, there were 58 alleged sexual assaults among juvenile detainees, according to a county document obtained by *San Diego Magazine*. Crogan denies it. "Maybe 58 sexual misbehaviors," he says, when a reporter repeats the number. "Since 1997, we have not had one criminal complaint filed on a ward for any sexual assaults."

BUT THERE HAVE BEEN two civil complaints, and the county paid six-figure sums to settle both of them. In 1998, a 13-year-old female at Juvenile Hall was sexually assaulted twice in three months, according to a lawsuit filed against San Diego County. A year later, the county settled the complaint by paying \$150,000, court records show.

That same year, a 13-year-old male at Juvenile Hall suffered "multiple sexual assaults," according to another lawsuit. The county knew about the "sexually deviant propensity" of the perpetrators, the lawsuit contends, but failed to protect the victim. Court records show the county settled that lawsuit just two months ago for \$200,000.

Two years ago, another male detainee at Juvenile Hall said he was sexually assaulted. *San Diego Magazine* obtained a copy of a San Diego Police report describing the incident, which also recommends prosecution of the assailant. But the victim declined to go forward with the case, according to a district attorney's report.

It's Juvenile Hall policy to have the police interview alleged sexual assault victims and witnesses, but the staff doesn't stay neutral, according to an attorney familiar with the system. "What they do is talk to them [victims and witnesses] first, or scare the hell out of them, or make them recant," the lawyer says. "Then they bring on the police. The kids are intimidated. They think something's going to happen to them if they tell."

The attorney believes the staff at Juvenile Hall is afraid to know the truth. "It's not so much a coverup," he says. "It's kind of hear-no-evil, see-no-evil.

They don't want to delve into it much because of what it may reveal."

The attorney also blames the alleged sexual assaults on overcrowding at Juvenile Hall, which puts as many as five males in the same room. On July 13, 1998, there were 630 detainees at the hall — with a state-rated capacity of only 338, according to a county document.

Judge Milliken capped the maximum population at 537, effective December 1, 1998. In May 2000, Juvenile Hall opened a 30-bed addition. Two months ago, the population varied between 450 and 470, according to the county's numbers.

CONTROVERSIES CONTINUE at Juvenile Hall. Last year, probation fired 23 employees

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for not doing required checks on detainees, then falsifying the records of those checks. The Civil Service Commission upheld the firings, and the employees filed a lawsuit to get their jobs back.

Two months ago, a judge upheld the commission's ruling. The employees maintain their supervisors approved of the missed checks and falsified records.

Crogan says the employees' allegations about their supervisors aren't true. "Every person they claimed knew, it was investigated," he says. "There was no validation."

But that's not what the grand jury report says. "It appears that the supervisors overlooked violations of the policies and procedures over an indeterminate period of time," the report says. "The supervisors' conduct was not appropriately investigated, and some should have received disciplinary action equivalent to that of the disciplined probation officers."

Probation has plans to open a new juvenile hall in the South Bay in January 2004. There will be 380 beds available, says Crogan, with the capacity to add another 240 beds. "We're really planned for the next two decades," he says. "It will be state-of-the-art."

It will also be near a county jail and the Donovan state prison, and the symbolism is impossible to miss. Some of the juveniles who wind up there can see exactly where they're headed.

San Diego Magazine asked the state corrections department to provide statistics on how many prison inmates have juvenile records. Despite repeated requests, corrections did not provide a number. But it is common knowledge that many convicts start getting into trouble when they're teenagers — or even younger.

Judge Milliken gets excited when he talks about interrupting the pipeline to prison. If necessary, he says, dependency court takes children away permanently from their abusive and neglectful parents.

"You can't help a kid in foster care any more than by getting him adopted," the judge says. The county has doubled its adoption rate over the last three or four years, says Milliken.

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But before that happens, the court gives parents a year to clean up their act, with a six-month progress hearing. They get their children back if they complete a reunification plan that often includes mandatory drug-and-alcohol treatment programs.

There are roughly 1,300 parents in the county treatment program, about two-thirds of them mothers. The judge says he throws them in jail if they test dirty. "I tell her, 'You gotta be sober in six months,'" Milliken says. "I might as well tell her to fly to the moon if we don't provide the structure to do it."

The judge says it's working, and he cites statistics: At any time during the treatment program, 81 percent of the parents are clean and sober. Thousands of kids have been returned to their families, and it takes an average of eight months to do so. "There's virtually no recidivism among kids who've gone home and whose parents have completed the program," Milliken says.

During the interview, a metallic murmur comes and goes outside. "Those are dads in prison," says Milliken, which explains the sound from their restraint chains as they're brought in for dependency hearings. The court will decide whether they get to keep their kids.

They shuffle through the hallway outside Milliken's chambers like Shakespearean ghosts. Their rattling restraints provide the perfect background soundtrack for juvenile justice.

"These are some of society's problems," the judge says, "and if we don't deal with them, they're going to consume us."

For some in the system, they already have. ■



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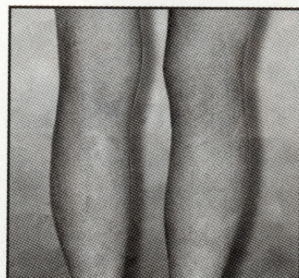
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