

**Juvenile Justice Commission  
County of Santa Clara**

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**Juvenile Hall Inspection Report  
May 2020**

The Juvenile Justice Commission (JJC) is established in Division 2, Part 2, Chapter 2, Article 2, of the California Welfare and Institutions, (W & I) Code. One of the charges of the JJC is “to inquire into the administration of justice in a broad sense, including but not limited to, operations of the Juvenile Court, Probation Department, Social Services Agency and any other agencies involved with juvenile justice or dependency.” (See W&I Code 229 and Bylaws of the Juvenile Justice Commission of Santa Clara County).

The Santa Clara County JJC conducted its annual inspection of the Santa Clara County Juvenile Hall on January 6, 2020, in accordance with Welfare and Institutions Code Section 229 and Title 15 of the California Code of Regulations, Minimum Standards for Juvenile Facilities. The annual inspection found the Probation Department continues to maintain an orderly and safe custodial placement for youth awaiting court, serving court-ordered Juvenile Hall time, or awaiting transition to placement, while bringing together services for the youth and their families during and after incarceration.

Members of the Commission Inspection Team conducted interviews with the managers from the Juvenile Hall, Medical Services, Behavioral Health, Facilities Management, Quality Assurance, and the Osborne School to obtain an overview of policies, procedures, and programs. The Inspection Team also held informal interviews and conversations with youth, living unit staff members, school staff and medical personnel. The physical facilities were toured, including the kitchen, food supply storage areas and cafeteria. Documents were also reviewed (see appendix C). This report summarizes the information gathered during those visits and includes recommendations based on this information. Note that, for ease of identification, **notable new or changed information is identified by blue font.**

The JJC conducts inspections of Juvenile Hall at least annually, and inspection reports for prior years are available on the internet at:  
[http://www.scsccourt.org/court\\_divisions/juvenile/jjc/jjc\\_home.shtml](http://www.scsccourt.org/court_divisions/juvenile/jjc/jjc_home.shtml).

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## **SUMMARY**

The JJC has completed its annual inspection of the Juvenile Hall. The residents are well-supervised in a safe and secure environment. The JJC believes that, based on this inspection, the Santa Clara County Juvenile Hall meets Title 15 standards for a safe juvenile facility. As a result of the 2019 inspection, the JJC makes the following Commendations and Recommendations:

## **COMMENDATIONS**

1. Probation for upgrading systems to track outcomes data. We look forward to receiving new and more detailed reports in the coming year.
2. Hall staff for maintaining an atmosphere and environment of safety for Hall youth.
3. Hall staff for establishing positive connections with youth, since some lack a positive non-family adult connection.
4. Completion of the upgrade to the control room and video monitoring equipment

## **RECOMMENDATIONS**

### **Probation.**

1. Formalize a system to continue to update the Policy and Procedure manual and to disseminate updates
2. Repair the shower in B2
3. Increase the number of outdoor activities
4. Increase access to the reading room and materials
5. Work with the Employee Services Agency to develop an expedited hiring process for group counselor positions
6. Provide compliment/comment/complaint forms in the Court waiting area and in Juvenile Hall's visiting area

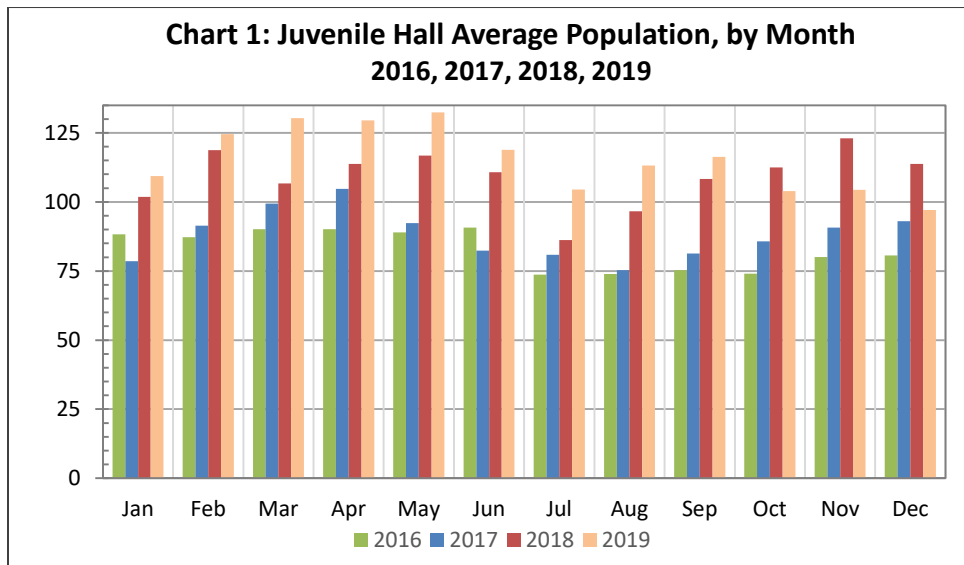
### **County Office of Education.**

1. Expand the science and math programs in Osbourne School to allow students to have more hands-on projects
2. Survey students to determine why they do not like school in order to develop solutions that will increase interest
3. Increase the opportunities for teacher Professional Development
4. Increase engagement with key districts to improve student transfer success upon student departure from Osborne School

# I. POPULATION

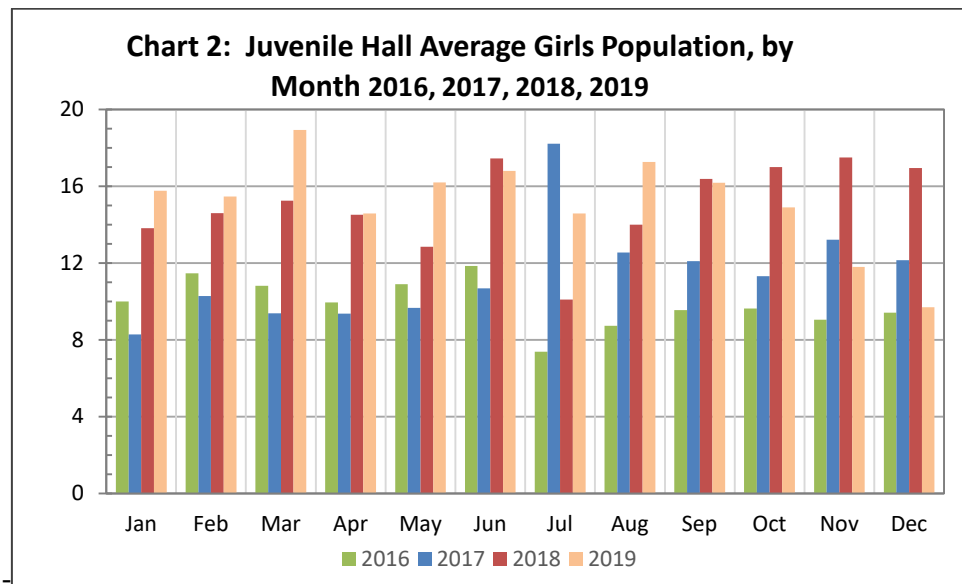
On January 6, 2020, the date of the Juvenile Hall (JH) inspection, 95 youth were detained in JH, 82 boys and 13 girls. The overall numbers of youth in detention has increased in 2019 in comparison with the past three years as seen in Chart 1. This is particularly true for each month of 2019 until October. The high point appears to have been in June at 132 and the low in December at 97.

Table A provides a snapshot of the monthly averages for the last four years and the percent increases. In comparison with the monthly averages in 2018, the average number of youth detained in 2019 increased by 5.8%, which shows a slowdown in detention increases.



Year	2016	2017	2018	2019
<b>Mo. Average</b>	82.8	88.0	109.1	115.4
<b>% Change</b>		6.3%	24.0%	5.8%

In 2018, as seen in Chart 2, the number of girls detained in JH spiked over the previous two years. Looking at Table B, while the numbers for 2019 increased again, the rate of increase from 2018 slowed to 1%. The monthly high for 2019 was in March at 19 and the low in December at 10. Please note, Santa Clara County in 2018 was awarded a two-year grant to study and develop strategies to greatly decrease, if not eliminate, the detention of girls.



Year	2016	2017	2018	2019
<b>Mo. Average</b>	9.9	11.4	15.0	15.2
<b>% Change</b>		15.5%	31.5%	1.0%

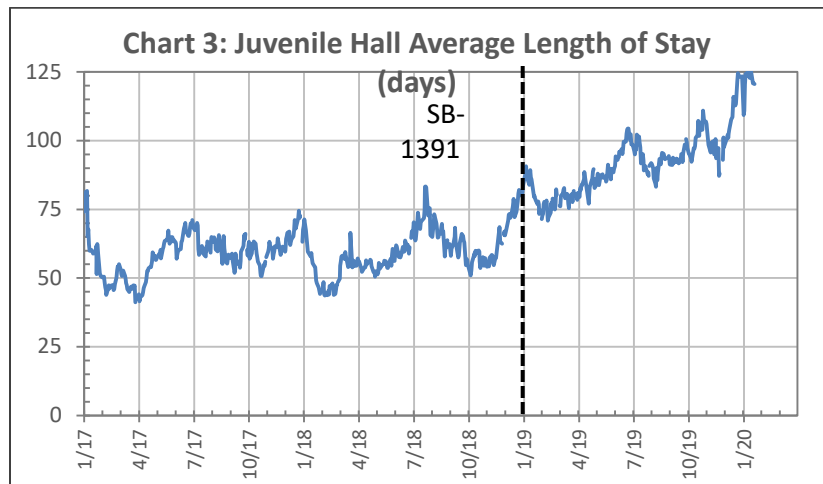
In reviewing the daily population statistic for January 6, 2020, the over-representation of minorities is still an issue with 75% Hispanic and 9% African American youth in detention. These figures are representative of the daily rates throughout the year. In comparison with the overall population numbers for Santa Clara County, Hispanic youth represent 36% of the population and 2% African American.<sup>1</sup>

<sup>1</sup> The 2019 Santa Clara County Children’s Data Book report the ethnicity of the County’s children as 24% White, 6% multicultural, 2% African American, 32% Asian and 36% Latino.

## LENGTH OF STAY

The JJC has been tracking, from the daily JH population reports, the average length of detention stays in JH and noticed a significant change in the average number of days starting at the end of 2018. As can be seen in Chart 3, the daily average detention days hovered around 60 days in 2017 and 2018.<sup>2</sup> From December 2018 and throughout 2019, the average number of days in detention sharply increased to about 125 days by the end of the year, which is over a 100% increase. The JJC intends to continue to track the days of detention to determine if this trend holds.

The JJC recognizes the length of detention stays is an issue affected by many variables outside the control of Juvenile Probation. However, the fact that SB 1391 became effective January 2019 and the existing challenge to this legislation must be noted as a potential influencing factor. This legislation limits the prosecution's ability to seek a transfer from juvenile court to adult court for youth 15 and under who have committed specified serious crimes. This suggests a question as to whether cases are being held in abeyance until appeals on the legality of this legislation are exhausted and whether this should be happening.



Notwithstanding the various reasons for the increase in detention time, experts in juvenile justice argue that longer detention results in increasing likelihood of justice involvement.<sup>3</sup>

<sup>2</sup> The data illustrated in this chart was computed from daily population reports starting January 2017 through January 2020 by taking the number of youth counted in each status group (pre-disposition, post-disposition) multiplied by the total ALOS (Average length of Stay), then adding all the ALOS and dividing by the total number of youth in custody that day.

<sup>3</sup> A broad survey of relevant literature concluded that the effects of incarceration on juveniles were an increase in recidivism, an increase in the likelihood and depth of further justice system involvement, slowed or interrupted natural progress of "aging out of delinquency", a negative impact on mental health, an increase in the potential for self-harm, and reduces the likelihood of labor market success. *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and other Secure Facilities*. B. Holman, J. Ziedenberg, Nov 2006, pg. 2. [http://www.justicepolicy.org/uploads/justicepolicy/documents/dangers\\_of\\_detention.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/dangers_of_detention.pdf) Others have noted the reduced likelihood of graduating high school for incarcerated juveniles. What is the Long-term Impact of Incarcerating Juveniles? A. Aizer, J. Doyle. July 2013 <https://voxeu.org/article/what-long-term-impact-incarcerating-juveniles>

Consequently, the longer a youth is detained, the greater the possibility that youth will become institutionalized. Generally, the JJC found that JH programs provided to youth are geared to short lengths of detention. If a program cycles for a specific period of time to address the short fluidity of detention, are youth with longer stays just repeating the same material and getting any benefit out of the repetition? Is JH measuring program outcomes for these youth?

## **YOUNG ADULT – DEFERRED ENTRY OF JUDGMENT PILOT PROGRAM (YA)**

The JJC has not included this pilot program in previous inspection reports. Considering the interest that some in Juvenile Justice have to extend the jurisdiction of juvenile law from age 18- to 20, the JJC decided that a review of this pilot program was warranted.

In 2016, the California Senate passed SB 1004, authorizing five counties to implement a Transitional Age Youth Deferred Entry of Judgment pilot program.<sup>4</sup> Santa Clara County was one of the identified counties. This program would permit eligible young adults between 18-21 who have been convicted of an offense in adult court to be housed in a juvenile facility rather than county jail. To be eligible, the youth must have committed a non-violent felony and been determined suitable by the district attorney and the Probation Department.

While in a juvenile facility, the young adult would receive a broad array of services similar to those minor youth also housed in the juvenile facility receive. The length of commitment is 120 days from court, but the program is structured to award credit for positive behavior and program engagement, which allows for an average stay of between 60-90 days depending on progress in the pilot program, followed by a period of probation supervision in the community. If the young adult successfully completes YA, the charges would be dismissed.

Once Santa Clara County developed the local YA program and received approval from the State, YA became operational in June, 2017 with the first participant entering JH on October 5, 2017. The young adults are housed in one unit in the Alpha wing of JH. The custodial components of YA are governed by Title 15 state regulations, including the prohibition of any contact (visual, sound or physical) with the minor youth detained in JH. All meals are served in the unit and time outside the unit is strictly scheduled to avoid contact with the rest of the population.

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<sup>4</sup> In 2018, SB 1106 was passed that extends the pilot program beyond its original sunset date of January 2020 to January 2022.

As of December 2019, the Probation Department reported since the launch of YA, 113 of the 184 young adults considered were found suitable for the pilot program. In 2018, an average of 3.5 young adults were housed in JH per month; in 2019 the monthly average was 3.3. As of January 2020, eight young adults are housed in JH and 52 are supervised in the community. The average time spent in JH for all participants was 36.7 days. The Probation Department reports that 46 young adults have exited the program. Thirty-six (78%) successfully completed the program, while two were reported to have achieved a neutral outcome.

## **II. STAFFING**

JH is staffed with 183 Group Counselor positions and 18 Senior Group Counselor positions with 168 filled at the time of inspection. Twenty group counselor level and two supervisor positions are vacant, which represents an 11.6% vacancy rate. Maintaining a full complement of staff continues to be a challenge. Promotional opportunities for probation officer positions naturally pull from the JH group counselor ranks.

The department receives an abundance of applications for group counselors, but only a small percentage successfully completes the testing and background check. Consequently, the hiring process now takes between six to seven months before a vacancy is filled. While only a certain number of candidates are hired, others on the final list are often offered extra-help positions. Currently, JH has 19 extra-help positions, with 8 extra-help staff in provisional positions to cover Group Counselors on various types of leave.

The staff to detained youth ratio is maintained at 1 to 8 during waking hours and 1 to 16 at night, as required by the Prison Rape Elimination Act (2003), (PREA).

## **III. FACILITY**

On a tour of Juvenile Hall it was noted that the sally port in Police Admissions will have a metal detector. The isolation rooms and the separation rooms, which are also used for time outs, when youth are having trouble coping, now have cameras. However there continues to be no cameras in the attorney interview rooms to allow for privacy.

The Control Desk has been updated with appropriate climate control and Probation has replaced the 130 cameras previously in use with 240 working cameras with crisp resolution. All 240 cameras were to be fully functional by the end of January. The residents' physical privacy is protected, in that when the cameras are turned on in the sleeping units, a "black box" will appear where the personal functions take place. When there is a call for a "phase," (an incident when more probation counselors are needed), the monitors will supply the place of the incident on a



floor map. The four cameras closest to the phase will get triggered and an image will show up on the large monitor. However, it is reported that the frequency of phase incidents has decreased from several per week to one every two to three weeks since the cameras were installed.

The Library, though attractively decorated, has a limited selection of books. It is not a part of the school. The library hosts game nights, which are reported to be popular. The Library allows the residents to take books home with them when they leave Juvenile Hall (except those donated by Freedom Writers, which are denoted by a sticker). Some youth reported that they don't get to go to the Library and would like to have more books on their unit. The Library does not need book donations (they have more than they have shelf space for), but they do need puzzles (but not board games, of which they have enough).

The Laundry facility has two new high efficiency washers. [They are submitting a proposal for replacement dryers.](#)

The Kitchen was upgraded in 2018 and is working well. [They have new refrigerators and ovens.](#) They also have steam-jacketed kettles and a gas stove. The Cafeteria at the time of inspection was not in use because cameras and phase buttons had not yet been installed.

The Gymnasium has a weight room; the machines are about eight to nine years old. The acoustics on the gym floor are loud. The pipes of the new HVAC and fire suppression system in the ceiling are exposed.

In the Commission's 2018 report a recommendation was made to provide compliment/comment/complaint forms in the Court waiting area and the Hall's visitors' area. The forms have been translated into Spanish and Vietnamese, but have not been provided in either area. Currently they are available from the release counselor on the Juvenile Hall visiting side of Juvenile Hall. They are also available, with instructions, on Probation Department's Internal Affairs section. If the forms were more readily available, they would likely be used more freely.

## **IV. PROGRAMS**

### **Multi-Agency Assessment Center (MAAC)**

The Multi-Agency Assessment Center (MAAC) continues to assess youth who are in custody beyond 72 hours for program needs so that the appropriate referrals for services can be made, and provides services to assist youth with their integration into programs that address each youth's social, physical, behavioral, psychological and emotional needs while in Juvenile Hall. Included in their assessment is an evaluation of services that can be provided through the Chaplaincy program. During this assessment the Prison Rape Elimination Act (PREA) Vulnerability Assessment tool is given in compliance with the provisions of the Act.

Last year's report outlined changes to Title 15 of the California Code of Regulations which went into effect January 1, 2019. Specifically, Section 1371, which covers Programs, Recreation, and Exercise, was amended to require that juvenile hall programs should be based on youths' individual needs. This requirement has now been in effect for a year, but it has not resulted in any major changes to the programming being offered.

The Commission reviewed the programming schedule for January 2020:

**Multi-Agency Assessment Center**

CBO (5) Workshops: Monday – Friday 3:30 - 5:00PM

Volunteer programs – 6:30 - 9:00pm

Haircuts / Yoga – various days

Art programs – various days

Religious services – various days and times

PREA & Title 15 orientations – Monday -Friday 3:30 - 4:30pm

Beat Within (all units) – Thursdays 6:00 - 9:00pm

Young Women's Freedom Center – Tuesdays 3:30 – 5:00pm

Art of Yoga /Seeking Safety – 1:30 - 2:40pm and 3:30 - 4:30pm

AA / NA/ MA / AL-ATEEN/ AL-ANON – 7:00 - 8:00pm

Furry Friends – every 4<sup>th</sup> Saturday 9 – 11am

Comparing this to the December 2018 programming we see it is identical, except for one new program and the loss of Planned Parenthood. The department is working with Planned Parenthood to return its programming to the hall as it is seen as a valuable programming component.

The new program is a leadership development program for the young women, provided by the Young Women's Freedom Center. The program's focus is to build the skills of participants, over time, by offering group-based work, one-on-one support, intensive pre-release planning, and court advocacy with both young people and their parents or guardians. The approach is gender responsive, culturally based, and supports best practices to address trauma while in a detention setting.

The program supports young people to reach the following goals:

- 1) Deepen their understanding of themselves by examining their lives in the context of the world, and the world in the context of their lives.
- 2) Decriminalizing themselves

- 3) Increase self-advocacy and systems navigation to successfully meet requirements and get out of the justice system.
- 4) Increase self-determination and agency in their lives.
- 5) Begin a process of personal and community healing
- 6) Build positive relationships with caring adults and peers.

While this program was developed in the 2000's when YWFC first began working with girls in detention it has been revised and iterated overtime to meet the ongoing needs of youth. The success of the program in meeting an individual youth's needs is still difficult to measure. This is an ongoing issue for all Juvenile Hall programming as pointed out in last year's report. "...the effectiveness of present and future programs needs to be determined and documented. While Probation is implementing the new Title 15 requirements, it will also be rolling out a new database system, called Juvenile Information and Management System (JIMS). This roll out will take 12 to 18 months. Probation management is relying on the ability of this new system to track the efficacy of new programs to meet the needs of youth in custody. At present, there is no other outcome data available." As of this report the department is still in the process of developing JIMS to enable tracking of the success and impact of programming on the various living units and possibly even on individual youth. However, this multi-year process is not due to be completed until the end of 2020 or the beginning of 2021. Once on-line, the database will enable tracking. For now, the Community Based Organizations (CBOs) work with the Probation Department's Research and Development to develop pre and post-tests, or their tests have been approved by the Department. While these tests are used by each CBO the data is not entered into JIMS at this time.

Finally, during lunch several Commissioners spoke with youth on one of the two higher security units. When asked their views of the programming provided while in custody their main complaint was that there was too little. While they enjoyed the programming provided, they said they can rarely go to the reading room and would like more reading material. They also would like the opportunity for more outside activities and the ability to play more sports.

### **Orientation for New Admits into Juvenile Hall**

Another major programming change since 2017 is the disbanding of a dedicated orientation unit. At present orientation is done daily on the living unit to which the youth is assigned, with all youth who are newly admitted. The kitchen staff and Medical Clinic staff also do individual orientations.

## V. BEHAVIOR MANAGEMENT

As last year's report indicated, the Achieving Behavioral Change (ABC) program was implemented across all units in August 2017. The purpose of that program was to provide a uniform response to behavior issues across all units. The program was based on a point system. Over the last year the Probation Department has been working on aligning the ABC program with Positive Behavioral Interventions and Supports (PBIS). The latter presents a widespread behavior management framework used by public schools. As this is a school-wide program, many of the youth are already familiar with its core principles. PBIS is using standards that were designed specifically for detention settings. The core values of the program are safety, respect and responsibility.

On three units, youth now earn "Star Bucks" for positive behavior. While this program is still being introduced to all the units, it is also used in Osborne School, so youth have consistency and become familiar with the program.

According to the department, PBIS is a more structured program than the previously employed point system and represents a change in thinking about behavior and discipline. Instead of allowing poor behavior to escalate into disciplinary measures, the focus is on teaching and promoting positive behaviors. By building on these positive behaviors, escalations into discipline are reduced. Along with a focus on positive behavior, every youth is assigned a counsellor who works with the youth and gives weekly feedback.

This model was introduced into the girls' unit first, on May 6, 2019. It was subsequently rolled out to B1 and B3 in October 2019. The Probation Department does not believe that they have clean data yet, as the model has not been in use long enough to be sure that all staff are familiar with its use. Once they have usable data, they will pull the data to compare it to previous years. The Probation Department presently estimates this will happen in about six months. Thus, at present there is still no clean data to show the effectiveness of this approach in Juvenile Hall. However, it is an evidence-based program and is currently being used in many schools in the County.

## VI. MEDICAL SERVICES

Commissioners met with the Medical Director and Chief Nurse Manager to conduct their annual inspection of Medical services provided for youth in Juvenile Hall. Medical Services provide dental, optical vision, X-rays and ongoing complete physical exams of each youth in the Hall. Over 90% of youth received the annual flu vaccine and other vaccines as necessary. Staff is present 24 hours a day with two registered nurses available and one LVN for the day shift and two registered nurses during the evening. One RN is available for the night shift. Telenursing services are also available with Valley Medical Center. Two RN's retired this year and 30 applicants were interviewed for the positions which were filled. [A much-improved service](#)

change this year is that the Jail Optometrist for the adult jail will provide an eye exam and eyeglasses to youth in the Hall. Commissioners reviewed the current set of frames available and they were excellent.

The Institute of Medical Quality (IMQ), Corrections and Health Care Committee found that Juvenile Hall met all the essential standards and provided high quality health to the youth in JH. The reaccreditation will take place in 2020.

A new half-time Staff Developer has been hired to develop and provide pediatric nurse workshops to continue providing the most up-to-date support for the 25 nurses on staff. Additionally, medical and nursing students will be rotated through the JH Clinic for six months training. Twenty such interns will be available this year and health education videos will also be provided.

Other positive changes include a new blood draw special chair which has been purchased and will make the taking of blood samples more clinical. Policy and procedures are also being revised to make them more evidenced based. Finally, the Clinic and the Probation Officers are now working more closely on communications when youth need to be transported to medical appointments. They will discuss the needs of the medical visit to ensure the youth will arrive at the appointment and be able to be treated.

Educational interventions such as teen videos on personal and menstrual health are being provided for the girls and medical health videos soon will also be available to the boys. Youth are also given opportunities to meet with a medical student to discuss additional questions. Kaiser will hopefully be returning to the Clinic this spring because the video “Secrets” has been used successfully to get youth to ask appropriate questions about healthy sexual practices. Reproductive health is also discussed individually with every girl.

<b>Types of Services</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
MD Clinic Appts.	2016	2379	2571
RN Sick Calls	3143	3352	3044
X-Rays	96	107	147
Dental Appts.	196	317	340
Eye Clinic Visits	No data	38	34
Pregnant Minors	6	4	6
Hospitalizations	4	6	8
Estimated # of youth on Psychotropic Medication	No data	295	300
Sexually Transmitted Disease Screenings	530	614	611

Hepatitis B Vaccinations	0	1	3
Hepatitis A Vaccinations	2	13	5
Flu Vaccinations	192	205	201
HPV Vaccinations	101	110	82
# of Mandated Reports of Child Abuse	2-3	2-3	2-3

## VII. BEHAVIORAL HEALTH

The Behavioral Health Services Department’s Mental Health (MH) and Substance Use Treatment Services (SUTS) divisions are now fully integrated at Juvenile Hall. All mental health clinicians have received additional substance use treatment training, including in the “Seven Challenges” model. Youth admitted into Juvenile Hall receive an integrated assessment, which is used to determine the need for services and to develop a treatment plan, where appropriate.

There are currently ten clinicians (either licensed or license eligible) assigned to the Behavioral Health Clinic with service delivery for in-custody youth only. All positions are filled, but one clinician was absent on medical leave at the time of the visit by the Commission. In-person coverage is provided seven days a week from 8am until 9pm with out-of-hours coverage provided by clinicians, who volunteer to be on-call by phone and to come on site as needed for crisis management. One clinician is Vietnamese speaking, another speaks Cambodian and eight speak Spanish. An on-call clinician comes in on holidays to complete intakes and check-ins with youth.

The Behavioral Health Department is currently using Unicare as its electronic health record, but will be moving to a new system, Avatar, in the summer of 2020. Healthlink is the system currently used by the psychiatrists. Behavioral Health staff has access to Healthlink on a “read only” basis. The arrangement is not reciprocal, since records for substance use treatment are protected by a more stringent set of regulations (42 CFR part 2).

### **Court for Individualized Treatment of Adolescents (CITA)**

The Court for the Individualized Treatment of Adolescents (CITA) is a therapeutic court intervention that focuses on youth who have both a mental health and substance abuse diagnosis. Participation in the court is voluntary. Most participants are living in the community, but youth in custody may also participate.

The Behavioral Health Department provides three clinicians in support of CITA, two primary clinicians and a lead clinician. Two rehabilitation counselors, both Spanish-speaking, and one clinician provide competency development for youth identified as lacking the competency to understand the proceedings against them.

In CITA, the youth's voice is critical to each case's success. Every case plan is tailored to the youth and family needs by the youth with the support of a team of professionals that includes the judge, the probation officer, the attorney for the youth, the District Attorney, a Behavioral Health Clinical Care Coordinator, an educational legal expert, a legal benefits expert, and other team members which may include mentors, mental health counselors, Wraparound providers, and parents.

The Court is held two times per month, however, most youth appear in Court monthly. The goal of this Court is to get the youth and family stabilized with community providers and off probation. The program recognizes that when criminal behavior is driven by mental health and/or substance abuse disorders, once properly addressed, the public safety issues fall away. Many of the youth will have lifelong struggles with addiction and mental health and it is the hope that these issues can be addressed by the Behavioral Health system of care with a supportive treatment response that will carry youth to adulthood without further justice systems involvement. In 2018, a total of 28 youth were screened and participated in CITA. Of all youth screened in 2018, 75 percent were male, and the majority (61 percent) were Latino, followed by Black (18 percent).

### **The Behavioral Resource Center (BHRC)**

Two clinicians (one of them part-time) are assigned to the Behavioral Resource Center (BHRC). Referrals to the BHRC can be made by any probation officer, including any seeking services due for release from custody. The BHRC operates in coordination with the probation department and community based organizations. Probation officers make a referral to a clinician, who reviews it and assesses the best match for the services needed, which include: Full Service Partnership (FSP), Support Enhancement Services (SES). If a youth is identified as needing substance use services, the referral is passed to the Substance Use Treatment Services (SUTS) system of care, where a coordinator matches the youth to a provider. Referrals are also made to Katie A (via Katie A. coordinators), and, when needed, BHRC staff collaborate with the BHSD call center for Intensive FSP (IFSP) or TAY Outpatient.

### **Psychological assessments and medication services**

A psychologist and two student interns, as well as several contracted psychologists, provide "602" psychological evaluations. Two psychiatrists (one part time) provide medication services.

### **Changes from 2018.**

The Behavioral Health Services Department is now providing an integrated assessment of every youth in post detention. A sealed assessment with a recommendation for a level of treatment is provided to the defense counsel, who may or may not share it with other parties. Parents are referred to BHD staff, if they have any questions or concerns.

BHD staff members are trained in the Seven Challenges treatment model, which is being used by a network of providers at James Ranch and in the community. It is a group-based model, which can be adapted to be used individually. Because of the turnover of youth at Juvenile Hall it has been a challenge to establish Seven Challenges groups, so it is used individually, as appropriate.

## VIII. CHAPLAINCY SERVICES

A Protestant chaplain and a Catholic nun, along with a host of their volunteers, continue to provide religious services to the youth at Juvenile Hall. The services include:

- **Orientation for chaplaincy services** An orientation for chaplaincy services takes place in the MAAC unit for all new youth entering the facility.
- **Services** These include music and videos that are available once a month.
- **One-on-one counseling** Chaplaincy counseling is available weekly in the units. Protestants and Catholics conduct separate weekly Bible study classes in each unit as well. All volunteers working with the Chaplain receive PREA training.

## IX. EDUCATION

The National Institute of Justice states that providing education opportunities while in custody is the most effective means to reduce recidivism. The Osborne School, in Juvenile Hall, is one of three Court and Community Schools operated by the Santa Clara County Office of Education (SCCOE) Alternative Education Department (AED).

Commissioners conducted interviews and inspected the Osborn School with the Principal and Vice Principal of the school. Commissioners also meet with the G1 girls' classroom to interview and conduct a focus group discussion with the students. Both administration and students highlighted their new classes, programs and educational pathways for student advancement in society through education. Both the highlights of new changes, and the obstacles experienced this past school year will be detailed in this section of the report.

Osborne staff includes eight Core Content Teaches, four Special Education teachers, two School Office Coordinators, four Special Education Para Educators, one Regular Education Para Educator, one Assessment Technician, Counselor and shares the following staff within the Alternative Education Department: a Librarian–Literacy Teacher, Materials Technician, Assistant Principal, Special Education Program Specialist, School Psychologist, Transition Coordinator, Career Technical Education Teacher, Assistant Principal and Principal.

In the 2019-20 School year Osborne is anticipating serving over 900 students with an average daily attendance of 140 students.



## Questions and answers from Osborne School Administrator Interview

### “What is New from Last Year?”

- Stakeholders, which include students, parent, probation staff, court staff, school staff and the community, are collaborating better with each other and positive partnership with Probation.
- New assessments are being used to get a better understanding of where each student is in their educational pathway. Past assessment was an instrument developed by Northwest Evaluation Association (NWEA ). The new assessment is RENSTAR (an instrument developed by Renaissance). It is better suited for use in a custodial school environment and provides more easily used data. It also links to the reading intervention program, which Osborne School will be using. Teachers have been trained using this assessment and will standardize the education pathways to success.
- PSAT, SAT and other state testing will be available for students to participate in, if they qualify in 2020-21 school year.
- Students will be developing a School Passport that will included essential information that includes transcripts, educational milestones, assessments, and post-secondary educational planning
- Creating and developing student outcomes that move the needle forward towards educational success and post-secondary preparation.
- Osborne has had a lot of new hires of people who bring unique additional trauma-informed and common core best practices to the Osborne team.
- New positions include a Liberian, Materials Technician, Culinary Arts Teacher, and an Assistant Principal.
- Career Technical Educational (CTE) Pathways provide a hands-on learning and career focus while linking to apprenticeships, community colleges, and vocational schools in preparation for their success when they leave the school.

### “What are some of the obstacles that hinder the success of delivering high quality, free and appropriate education? Are there any obstacles from last year that have continued to hamper the success of Osborne?”

- Length of stay continues to be a difficult obstacle to navigate. Consistent disruptions in a student’s academic experience hinder a student’s ability to complete the requirements of a high school diploma.
- Osborne School is tracking students who return to their home districts to ensure that they reenrolled into school.
- Teachers receive professional development that includes but is not limited to Trauma Informed Care, Common Core State Standards, Blended Learning, and Inclusion.
- Bringing 21st century skills into the classroom is sometimes limited by Probation Department due to safety concerns. These limitations can include technology, internet, student collaborations, and project based learning. More collaboration in this area would be helpful for student learning.

## Questions and answers from the girls' Student Focus Group

“What are some highlights and positive interactions you have in Osborne classrooms?”

- There is at least one trusted adult on campus that we feel safe to ask real questions about our educational pathways.
- Teachers seem to care for each of their students.
- Enjoy the classroom environments where we can have hands on activities or role play or discussions.
- All of the students are encouraged to go be college bound and know Osborne School can help them achieve their goals.
- Although many of us hate to be here, it is actually helping me way more than my district schools.

“What are some obstacles you have or suggestions you want to make about your school and classrooms?”

- We want more clarity about our transcripts, and the RENSTAR.
- We don't really understand the pathway to college and would like a teacher-mentor to help navigate this complex system.
- We want to have more hands on classes to help us learn about science and math
- Concerned about not having skills or scaffolds to help us transition back to district schools.

## X. POLICIES AND PROCEDURES

JH policies are regularly reviewed and updated to include changes in the law and best practices including trauma informed, gender responsive, and culturally appropriate. [The latest update was November 26, 2019](#), with the goal of a complete revision every two years. Because the manual massively contains every scenario that probation staff should be prepared to handle, even frequent revision cannot keep up with the continual renaming of services<sup>5</sup> even though this was the fourth update this year for this document. Another note of continuing improvement is that this document also focuses not only on the youth, but also focuses on the continued improvement of the staff's response to the youth. However a number of sections have not kept up with the plan to update all policies and procedures every two years in that some sections have not been updated since 2016 and should be addressed in the near future as they are not consistent with procedures currently in use.

[The use of the Due Process Forms initiated last year is carefully spelled out in a section of the manual that was added in April of 2019. Also added then were Guidelines for Room Confinement in conformance with 2016's addition of Section 208.3 to the Welfare and Institutions Code which covers a necessary referral to Behavioral Health if the circumstances of](#)

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<sup>5</sup> E.g. The Department of Drug Services (DADS) has now been changed to Substance Abuse Treatment (SUTS) Division of Behavioral Health Services. (1.03 II A.3.)

the confinement are for the youth to overcome his/her emotional state. A section on Use of Force clearly outlines how to avoid the need for the use of force and explains crisis symptom recognition with ways to diffuse the situation upon recognition of the symptoms which was updated this November. A separate (older) section reiterates the crisis diffusion techniques.

Risk Classification for housing has been updated to reflect that one's gender identity does not indicate potential sexual abusiveness.

The JJC specifically reviewed the section regarding Parental or Citizen's Complaints and recommends that the response to a parent upon the completion of the inquiry of that complaint should be provided not only in writing in English, but also in the language used in the complaint. The JJC requests that all complaints, information gathered, and the resolution of that complaint be made available to it for review.<sup>6</sup>

The Rights and Responsibilities of Youth section was updated in April of 2019 and includes specific rights of Transgender Youth.<sup>7</sup>

The policy regarding Law Enforcement contact with the youth should be amended to include the update that police cannot interrogate a youth who is age 15 or under, until the youth has consulted with an attorney.<sup>8</sup> The section covering transfer of youth to County Jail still refers to the process as a Fitness and not a Transfer Hearing.<sup>9</sup> Upgrades to the admissions receiving policies have been updated to reflect revisions in Title 15 enacted last year.<sup>10</sup>

Duties of Supervisors sections have not been updated since the inclusion of a Due Process Forms previously referenced, but does outline the mandate that all counselors with any knowledge of an incident prepare an Incident Report (IRs) which are reviewed regularly by the JJC. The section regarding procedures at Police Admissions<sup>11</sup> has not been updated since 2013 and should also include the previously referenced requirement that police cannot interrogate a youth age 15 or under, until the youth has consulted with an attorney and it also may not reflect updates in the probation's policy about which youth can or should be admitted to JH.

In the manual where staff procedures are outlined, Rolodex cards instead of computer input are referenced to record data at police admissions, and the referral of probation staff to be notified includes former and retired members of JP staff.<sup>12</sup>

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<sup>6</sup> Juvenile Hall Policies and Procedures Section 7.05

<sup>7</sup> Juvenile Hall Policies and Procedures Section 8.01.

<sup>8</sup> Juvenile Hall Policies and Procedures Section 8.04, SB 395 (2017)

<sup>9</sup> Juvenile Hall Policies and Procedures Section 9.04

<sup>10</sup> Juvenile Hall Policies and Procedures Section 9.06

<sup>11</sup> Juvenile Hall Policies and Procedures Section 11.02

<sup>12</sup> Juvenile Hall Policies and Procedures Section 11.02 II (second section labeled "D,") 3e

The section regarding the Multi-Agency Assessment Center was last updated in 2016 and list CBOs providing services is out of date.<sup>13</sup> The section on Volunteers/Programs/Non-Probation Visitors<sup>14</sup> does not accurately reflect programs in use in JH. The section on Educational Services-Osborne School<sup>15</sup> does not reflect changes in California Education Law and Title 15 as well as greater services through the COE and is sorely behind the current practiced behavior modification programs in place in JH.

Though continued work on the Policies and Procedures Manual is laudatory, it needs to be updated in many sections.

### **The Prison Rape Elimination Section (PREA)<sup>16</sup>**

At the previous JJC inspection, Commissioners were told that the Quality Assurance (QA) team members were preparing to conduct the pre-PREA audit. Since then, the Audit has been completed by the State and was reviewed by the Commission. The auditor's overall determination was that Santa Clara County Juvenile Hall meets standards. SCC-Juvenile Hall is compliant with PREA Standard 115.403. The complete report is available on line at <https://www.sccgov.org/sites/probation/jps/Documents/SCC-Juvenile%20Hall%20Final%20Audit%20Report%20October%202018.pdf>

## **XI YOUTH SURVEY**

During this inspection, and with Probation's support, the JJC distributed a survey with the goal of obtaining a broader perspective of the Hall environment from the youths' perspective. While some questions were Yes/No, others invited an open-ended response. Many youth took advantage of this opportunity.

A copy of this survey is in Appendix A. The survey results are in tabular form in Appendix B. A total of **76 youth voluntarily completed the anonymous survey**, which asked eight questions. Looking at the responses in more detail, one finds several themes and common responses:

**Weeks in Hall:** From one week to over 160 weeks. Notably, while the average self-reported length of stay for the boys was over 26 weeks, it was only 12 weeks for the girls.

**Times in Hall:** Self-reported Times in the Hall ranged from one to 10 times. Thirty-six percent reported they have been in the Hall 5 or more times. Although 32% of the boys reported having been in the hall 5 or more times, 50% of the girls had returned 5 or more times.

**What are you concerned about when you leave the Hall?** Not coming back; returning to the same community; running afoul of Probation after release; nothing

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<sup>13</sup> Juvenile Hall Policies and Procedures Section 12.01

<sup>14</sup> Juvenile Hall Policies and Procedures Section 12.02 (approved 6/2013)

<sup>15</sup> Juvenile Hall Policies and Procedures Section 12.03 (approved 6/2013)

<sup>16</sup> Juvenile Hall Policies and Procedures Section 13.01 (approved 10/2016)

**What or who has been helpful to you while in the Hall?** Staff generally; Counselors (several Hall Counselors were individual named); family members

**What have you not liked about being here?** Not being with family; cold showers; the Hall environment; food

**Has your attitude toward school changed since you got to the Hall? If so, what?** Over half (56%) reported that their attitude toward school had improved or remained positive. “Now I want to finish (graduate)”; “I realized I’m smart”; “I didn’t like school when I got here, and I still don’t.”

**How do adults in the Hall show you that they want you to succeed?** “They are supportive”; “they talk to me”; “they encourage us to do better”; “they don’t show us.”

**Do you ever feel unsafe in the Hall? Why?** 12 percent (9 of 73) responded feeling unsafe, although only 4 provided a reason. Reasons included feeling bullied, threatened, and feeling uneasy around some staff.

**Have you gone to the Learning Lounge (the Library) within the past month?** It was disappointing to learn that 75% of those responding (53 of 71) reported not having gone to the Learning Lounge within the previous month. Several said they had never been there. About half of those who had gone to the Learning Lounge returned with books to read in their rooms.

**Who helps you succeed in life — inside or outside the Hall?** By a wide margin, family member(s) were identified as providing success support. Non-family individuals were also identified – boy/girlfriend and friends. As a group, counselors, teachers, and staff were identified. Many youth identified “myself” as the one who helps them to succeed. However, it is not clear if a) they have not identified another support person, or if b) they understand they need to be responsible for their own life choices and decisions going forward.

## Survey summary

The survey provided Hall youth with an anonymous means to express their concerns and intentions. It is likely that much of what is noted above is already known to various Hall counselors, therapists and teachers. Nevertheless, it is important to highlight a few significant items and responses.

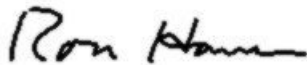
1. Several staff – counselors, teachers, and therapists – were identified by name as having provided important positive influence and individual support. The importance of establishing this important positive connection cannot be overemphasized, especially since for some Hall youth, a positive non-family adult connection might not have previously existed.
2. Family members – parents, grandparents, and siblings – were overwhelmingly identified as providing support to the youth. Every means possible should be employed to maintain and facilitate familial support while the youth is in the Hall.
3. Although non-family individuals were frequently noted as providing support, it is important to acknowledge this source of support, while simultaneously exploring with the youth whether this support or influence is truly positive or not.
4. Like the survey in the previous year’s report, a large majority (88%) of the youth reported feeling safe during their stay in the Hall. Of some concern, however, is that the percentage of those feeling unsafe has been slowly rising, from 8% (2017) to 9% (2019) to 12% (2020). Youth feeling safe should be monitored going forward.

5. While many were quite clear (“No!”) that their attitude towards school had not improved during their stay at the Hall, it is equally important to note that over half (56%) of those responding articulated reasons for their improved attitude, among them: seeing for the first time a path to graduation or college, or experiencing school success for the first time.

6. As noted in the 2019 Hall inspection report, the Learning Lounge (library) still seems substantially underutilized. Like the 2019 report, only 25% of those responding reported that they had been to the Learning Lounge within the previous month. Many of the remaining 75% noted that they had *never* been there. Since independent reading *outside of school* is recognized as a key element in improving literacy, access to the Learning Lounge should be a priority.

7. It is noteworthy that while the percentage of girls in the hall has hovered between 10% and 15% during 2019, the average length of stay for girls is just half that of boys – 12.4 weeks versus 26.5 weeks – as self-reported in the survey. And although just eight girls were surveyed, half reported having been in the Hall five or more times, while only a third of the boys reported having been in the Hall five or more times. While the small number of girls surveyed isn’t necessarily representative of the number of girls who were in the Hall during 2019, it may nevertheless be useful to re-examine the supports available to girls once they leave the Hall.

**Approved by the Santa Clara County Juvenile Justice Commission.**



Ron Hansen, JJC Chairperson

Date: June 9, 2020



Stephen Betts, JJC Juvenile Hall Inspection Chair

Date: June 9, 2020

## Appendix A

### Juvenile Hall YOUTH SURVEY

Hello! We are the Santa Clara County Juvenile Justice Commission (JJC). We inspect Juvenile Hall to help make sure it is a safe and supportive place. We advocate for needed services for you. Please DO NOT write your name on this survey. Thank you for sharing and being honest.

**UNIT:** \_\_\_\_\_ **Age:** \_\_\_\_\_ **How long have you been in the Hall?** \_\_\_\_\_ **(wks)**

**How many times have you been here?** \_\_\_\_\_ |

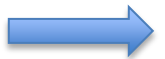
**1. When you think about leaving the Hall, what are you concerned about?**

**2. In your time in the Hall, what or who has been helpful to you?**

**3. What have you not liked about being here?**

**4. Has anything changed about your attitude toward school since you got to the Hall? If so, what?**

Next page



**5. How do adults in the Hall show you that they want you to succeed?**

**6. Do you ever feel unsafe in the Hall? Why?**

**7. Have you gone to the Learning Lounge (the Library) within the past month? If so, did you take any books back to your room to read?**

**8. Who helps you succeed in life — either inside or outside the Hall?**

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*It is OK to tear this piece off to save our information:*

**How to reach the JJC:**

(408) 278-5993 • [sccijc@gmail.com](mailto:sccijc@gmail.com) • Juvenile Justice Commission, 840 Guadalupe Parkway, San Jose, CA 95110



# Appendix B

## Youth Survey Summary

<b>Juvenile Hall</b>	Survey date: (see unit dates)	Unit: <b>All</b>	94%							
	Unit population: 81	Surveys returned: 76								
<b>Peliminary Information</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>					
<b>Age</b>	6	13	17	22	18					
<b>Time</b>	<b>All</b>	<b>Lowest</b>	<b>Mean</b>	<b>Highest</b>	<b>Median</b>	<b>Boys Avg</b>	<b>Boys % ≥ 5 times in Hall</b>	<b>Girls Avg</b>	<b>Girls % ≥ 5 times in Hall</b>	<b>Total % ≥ 5 times in Hall</b>
<b>Length of Stay (weeks)</b>	(see individual units)	1	22	162	10	26.5		12.4		
<b>No. of times in the Hall</b>	(see individual units)	1	4	10	3	4	32%	5	50%	36%

## Survey

<b>Question 1</b> When you think about leaving the Hall, what are you concerned about?	<b>Violence/Drugs</b>	<b>Recidivism</b>	<b>Family</b>	<b>Same Community</b>	Fear of ever "actually [being] able to leave" "arbitrarily contrused [refused?]" denial of counsel through "terms of probation"		
	4	28	7	10			
	<b>School/Work</b>	<b>Probation</b>	<b>Going to DJJ</b>	<b>Nothing</b>			
<b>Question 2</b> In your time in the Hall, what or who has been helpful to you?	<b>Counselors</b>	<b>Youth in the Unit</b>	<b>Therapy</b>	<b>Physical Work</b>	Seven named individual staff as being helpful "Phone calls, music"		
	29	6	4	1			
	<b>Providers</b>	<b>School</b>	<b>Family</b>	<b>Nothing</b>			
<b>Question 3</b> What have you <b>not</b> liked about being here?	<b>Hygiene</b>	<b>Room/Board</b>	<b>Environment</b>	<b>Clothing</b>	<b>Programs</b>	"Cold showers" "Taking away my freedom." "Staff can be to[o] rough sometimes" "Parents should be able to buy us hygiene products." "Getting up in the morning." Use tactic of "group punishments"	
	10	9	14	8	5		
	<b>Away from Family</b>	<b>Safety/Staff</b>	<b>Food</b>	<b>Nothing</b>			
<b>Question 4</b> Has anything changed about your attitude toward school since you got to the Hall? If so, what?	<b>Yes, Positive</b>	<b>No</b>	"Now I'm taking college classes." A need for graduate courses, such as a "haircut program"				
	40	32					
	56%						
<b>Question 5</b> How do adults in the Hall show you that they want you to succeed?	<b>Disengage Arg.</b>	<b>Help Pass</b>	<b>Promote Pos.</b>	<b>Supportive</b>	"They treat us like people, not awful inmates." "They genuinely care, and offer help with anything and everything." "They lecture us too much."		
	0	8	23	38			
	<b>Counseling</b>	<b>Purposely Fail</b>	<b>They Don't</b>				
<b>Question 6</b> Do you ever feel unsafe in the Hall? Why?	<b>Yes</b>	<b>No</b>	"Male staff stare and make me uncomfortable." [G-1] Fear others discovering their "charges" and then being "bullied" Feel unsafe because of "bullying" and "threats" Yes, in the courtyard				
	9	64				12.3%	<b>feel unsafe</b>
<b>Question 7</b> Have you gone to the Learning Lounge (the Library) within the past month? If so, did you take any books back to your room to read?	<b>Yes, I went</b>	<b>No, didn't go</b>	<b>Yes, got books</b>	<b>Yes but no books</b>	Haven't been to the learning lounge in "over a year" "Staff don't want to take us"		
	18	53	8	2			
	25%						
<b>Question 8</b> Who helps you succeed in life - either inside or outside the Hall?	<b>Mother</b>	<b>Father</b>	<b>Family</b>	<b>Providers</b>	One named counselor		
	15	0	42	2			
	<b>Counselors</b>	<b>Friends/S.O.</b>	<b>Self-motivated</b>	<b>No one</b>			
	10	17	19	1			

**APPENDIX C**  
**DOCUMENTS REVIEWED**

- BSCC Biennial Inspection: Physical Plant Evaluation
- BSCC Biennial Inspection: Procedures Checklist
- Fire Safety Inspection, June 2019
- Juvenile Facility Education Program Review, September 2019
- JJC Juvenile Hall Annual Inspection Report 2018
- Juvenile Hall / Juvenile Ranch Annual Report 2018, Santa Clara County, Santa Clara Valley Health and Hospital System, Custody Health Services
- Juvenile Justice – Santa Clara County – Annual Report, 2018
- PREA Juvenile Hall Audit report, 2018
- Santa Clara County Fire Department Fire Clearance Notice, 2018
- Santa Clara County Fleet & Facilities Inspection Notice, 2018
- Santa Clara County Juvenile Justice Report 2018
- Santa Clara County Public Health Department Annual Environmental Health Inspection Report, November 2019
- SCCCOE 2018-19 Local Control and Accountability Plan (LCAP) and Local Educational Agency Plan
- Superior Court Judicial Inspection of Juvenile Hall, Aug 2019
- Title 15 Minimum Standards for Juvenile Facilities, Board of State and Community Corrections, eff. 1 January 2019
- YA-DEJ Update Probation Department memo, 2020