

**SANTA CLARA COUNTY
JUVENILE JUSTICE COMMISSION
INSPECTION REPORT**

**JUVENILE HALL
November, 2008**

I. INTRODUCTION

The Santa Clara County Juvenile Justice Commission (JJC or Commission) inspected the Santa Clara County Juvenile Hall (JH or Juvenile Hall) during September and October of 2008, pursuant to the State of California Welfare and Institutions Code Section 229. The Commission found some deficiencies, but overall finds the Probation Department maintains 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 met with managers from Juvenile Hall, Medical Services, and Mental Health and the Osborne School Principal to obtain an overview of policies, procedures, and programs and discuss issues. Commissioners also held informal interviews and conversations with youth, living unit staff members and school and medical personnel. The physical facilities were toured, including the kitchen, food supply storage areas and cafeteria. Observations were conducted in the Health and Mental Health Clinics and living units.

The Juvenile Justice Commission conducts inspections of Juvenile Hall at least annually, and the inspection reports for prior years are available on the internet at <http://www.sccsuperiorcourt.org/juvenile/jjc.htm>.

II. POPULATION

There are a number of factors that affect the population of Juvenile Hall, including the number of juvenile arrests, especially felony arrests, and the growing population of the county. The population of children under the age of eighteen in Santa Clara County has grown by 15,358 children from 416,372 in 2000 to an estimated 431,730 in 2006 according to the most recent data available from the U.S. Census Bureau¹. That is approximately a four percent growth. In Santa Clara County juvenile felony arrests have increased from 2,465 in FY 2002 to 3,664 in FY 2008, nearly a fifty percent increase. Nonetheless, there has been an increase in the daily average population of Juvenile Hall of less than twenty percent between 2006 and 2008, from 290 in FY 2006 to 347 in FY 2008. At the end of August, 2008, the total population of Juvenile Hall was 313 male and female minors. The facility is well within its Board Rated Capacity

¹ Acquired from <http://censtats.census.gov/GCi-bin/usac/usatable.pl> on October 12, 2008.

(BRC) of 390 minors, and there was no indication of overcrowding. The increased population has affected some programs, which are discussed later in the report.

Ranch Waiting List

The overall population, and the number of post adjudication minors have been affected by the reduction of minors committed to the Department of Juvenile Justice and the reduction of ranch space. Post adjudication minors have been committed to Juvenile Hall for a specified term, are awaiting private institution placement, or are waiting for placement at the James Ranch or Wright Center. The number of post adjudication minors has increased from a low of 75 in FY 2006 to a high of 188 for FY 2008, a 151% increase.² The primary bases for the increase in post adjudication minors are a significant reduction of minors committed to the California Department of Juvenile Justice³ (DJJ), the closing of one ranch and the implementation of the Enhanced Ranch Program (ERP) at the James Ranch and Wright Center in 2006.

Since 1998 there has been a steady decrease in population of DJJ (state) run institutions with a total decrease of 69.5 percent.⁴ This decrease is due in part to the Juvenile Detention Reform Initiative, a national program, which Santa Clara County joined vowing to strive to retain youth locally rather than commit them to State Facilities. More important, as of September, 2007, no minor can be committed to the Division of Juvenile Justice Facilities unless he or she has committed a serious offense as defined by California Welfare and Institutions Code section 707(b) or some sex related charges⁵. Minors committed to DJJ from Santa Clara County have fallen from 242 on average in 2002 to 66 in 2008.⁶ The minors who are not being committed to DJJ must be committed to a ranch, private institution or juvenile hall. So there is presently a much greater need for local space in those institutions.

Since 2002, despite the decreasing commitments to DJJ, the commitments to private placements and the ranches has also decreased. Private institution placements fell from a high of 130 in FY 2005 to 56 in FY 2008.⁷ Probation Management explains that the reduction in private placements is caused by the increased use of “non-custodial options”⁸ involving families and service providers to coordinate the use of juvenile justice treatment providers.⁹ Under this technique, more minors, who would previously have been committed to lower level group home placements are being placed at home with their families.

² “June average daily population each year” chart prepared by SCC Probation August 25, 2008

³ DJJ was formerly the California Youth Administration (CYA) until 2005.

⁴ “A comparison of the division of juvenile justice’s institution and parole populations, June 30 1998 through June 30, 2007”; Juvenile Research Branch, DJJ.

⁵ SB81.

⁶ “June average daily population each year” chart prepared by SCC Probation August 25, 2008.

⁷ Ibid.

⁸ Huskey and Associates, Continuum of services. Report to the Santa Clara County Board of Supervisors, 2005.

⁹ See i.e.: Pullman, M.D. et. al. (2006) Juvenile offenders with mental health needs: reducing recidivism using wraparound. *Crime Delinquency* 52: 375-397

In June, 2002 there was an average daily population of 202 minors committed to the ranches. As of June 2008 the average daily population committed to the ranches had fallen to 180, despite the reduction of DJJ commitments and population growth.¹⁰ This reduction of ranch commitments is caused by the increased use of alternative placements. However, since 2002, the capacity of the ranches has also been reduced by the closing of the Holden Ranch, and by the implementation of the Enhanced Ranch Program (ERP) which required a reduction in the ranches' capacity to implement "changes to the physical plant to create a more home-like environment, [and the development of] policies, procedures, and programming that focus on: (1) fostering supportive one-on-one relationships between youth and staff; (2) providing an appropriate assessment of youth risks and needs; (3) providing cognitive change/pro-social thinking; and (4) supporting youth to transition successfully back into their homes, schools, and communities."¹¹

As a consequence of the reduced capacity of the ranches, there is a significant list of minors committed to the ranches who are waiting for a space to come available. A ranch waiting list is not a new phenomenon, but in the past two years the list has grown from eight minors in 2006 to seventy six minors in 2008 - five times the size it was before the reduction in commitments to DJJ and decreased capacity of the ranches.¹²

The number of minors awaiting ranch placement in Juvenile Hall does not cause overcrowding at Juvenile Hall, however, the return of the minors on the waiting list to their homes is being delayed. The ERP requires participation in the program for six to eight months before completion. That variable term does not begin until the minor arrives at the ranch. Those committed to James Ranch or the Wright Center who are kept on the waiting list may receive credit for time awaiting placement up to a maximum of thirty days. Minors can also earn additional credit that will be applied upon delivery to the ranch facility by completing an autobiography and a "genogram," a sort of family tree. In this way the minors can earn up to 58 days credit.

In order to accommodate the boys awaiting a ranch commitment, Probation has developed the Ranch Readiness Program (RRP).¹³ Boys on the waiting list are assigned to Living Unit B-3, where they participate in programs similar to the Enhanced Ranch Program. Since there are more than 60 minors on the waiting list and living unit B-3 can only house 30 boys, there are more boys on the waiting list than can participate in RRP. There is, therefore, a waiting list to enter RRP, and those boys are housed in Living Unit B-12. As a consequence Probation has had to rearrange the programming in the units now holding minors awaiting a ranch placement.

The Probation Officer and Probation Managers advise that Probation has taken steps to reduce the waiting list and to mitigate its effect on the minors in a number of

¹⁰ "June average daily population each year" chart prepared by SCC Probation August 25, 2008

¹¹ Santa Clara County Probation Department Ranch Evaluation, prepared by Community Crime Prevention Associates, October 2007.

¹² Ranch Usage Chart prepared by SCC Probation August 25, 2008.

¹³ There are only two girls units in Juvenile Hall, so the RRP is not available to the girls on the waiting list.

ways. When appropriate, Probation has been seeking to place minors into private institution placements through dispositional recommendations to the Juvenile Court, which is solely responsible for placement. Probation has conducted meetings with attorneys, district attorneys and the Juvenile Court Judges to review the placement of minors on the waiting list in an effort to find alternative dispositions. There are few minors on the waiting list that are not only willing to accept a ranch alternative placement, but are also found to be appropriate for alternative placement. The Probation Department's Ranch Waiting List Screening Process Report for November states that out of 67 minors reviewed for alternative placement only 11 are deemed eligible for consideration for alternative placement.

Probation advises that they continue to seek alternatives to ranch commitments. Living Unit B-2, for example, has become the Life Skills Preparatory Commitment Unit (LSPCU), which is intended to provide the Court with another ranch alternative.¹⁴ This unit provides programs on "Life Skills and Job Preparation," and requires a determinate commitment of from 120 to 180 days. Further discussion of LSPCU and RRP is under the Programs Section.

The Santa Clara County Board of Supervisors denied Probation's request earlier this year to fund 48 additional beds for the James Ranch, but did allocate funds to construct two modular housing units and to add staff to accommodate 24 additional minors. Construction was scheduled to begin during October, 2008, but has been delayed until the beginning of 2009.

The alternative to provision of additional beds as discussed above is to return the ranches to the capacity which existed before the Enhanced Ranch Program was instituted. That is to say, give up on the ERP. In the 2008 Report of Inspection for The Muriel Wright Center this Commission recommended that Probation: "Provide some measurement of the effectiveness of the Enhanced Ranch Program. . . ." In response to that recommendation, Probation pointed out that at the time ERP was initiated Probation sought to contract with the National Center on Crime & Delinquency (NCCD) for an evaluation of ERP, but they could not afford the \$300,000 price of the evaluation. Presently, Probation is again in negotiations with NCCD for an evaluation of ERP. Probation adds that the ERP has proven itself to the extent that the Ranch failure rate has been cut in half. Probation underscores that the financial savings from the greater success rate of ERP justifies the greater expense of the program. Graduation rate is a good indicator of the success of ERP, but the trend in justice programs is toward the use of evidence based (empirically justified) programs. To be considered an evidence based program, ERP needs an empirical evaluation such as might be provided by the NCCD. If the expense of the ERP cannot be justified in some empirical way, then it should be discarded and the Ranch capacity returned to pre-ERP. However, Probation must be afforded the time necessary to plan and implement an evaluation of the ERP, and more important, the funds necessary to pay for such an evaluation.

¹⁴ Living Unit B2 –LSPCU information packet dated October 29, 2007.

In the meantime the waiting list needs to be reduced, and a practicable means, which is immediately available, appears to be additional beds.¹⁵ The Juvenile Court decides placements based upon the general rule that “treatment of juvenile offenders ‘contemplates a progressively restrictive and punitive series of disposition orders [] namely, home placement under supervision, foster home placement, placement in a local treatment facility and, as a last resort, Youth Authority placement.’” [citations] *In re Ricky H.*, 30 Cal.3d 176 (1981). It is for the Court to consider the evidence at the Dispositional Hearing and order appropriate dispositions. It is the prosecutor’s and the defense attorneys who are responsible to guide the court and to ask for review if necessary. Neither the Board of Supervisors nor this Commission should attempt to sway the Court’s exercise of discretion based upon financial considerations.

Ethnic/Racial Disproportionate Representation

The disproportionate incarceration of Hispanic and Black minors in Juvenile Hall is manifest and has been the subject of comment in the Commission’s inspection reports for years. According to the Juvenile Facilities End of Month Population Snapshot for August 31, 2008, 68% of the Juvenile Hall population was Hispanic, as compared to only 25.7% of the general population of minors, and 12% were African American compared to 2.5% in the general population of minors¹⁶

The Disproportionate Minority Contact (DMC) portion of the California Attorney General’s 2006 report on Juvenile Justice in California, states that when compared to the rate of white arrests Hispanics were 1.32 times higher, Blacks were 2.59 times higher and Asians were .37 times lower. The disproportionate minority representation in Santa Clara County Juvenile Hall is probably not a function of Juvenile Hall management, and it is unknown to what degree unequal treatment of minorities impacts the disproportionate population in Juvenile Hall. There are several studies of Disproportionate Minority Contact. A recent study, which included a literature review¹⁷, found that more research is necessary to pinpoint the cause of DMC. The authors conclude that DMC is not caused by disproportionate delinquent behavior, but that additional research is necessary to determine if or to what degree racism or other social issues are involved.

III. STAFFING

Commissioners were able to speak with a number of employees of the Probation Department and the other agencies represented in Juvenile Hall. There were very few complaints about their jobs, rather there seems to be a high degree of employee satisfaction with high morale dominating.

¹⁵ At the end of November 2008, the waiting list was down to thirty four minors.

¹⁶ U.S. Census Bureau State and County QuickFacts.

¹⁷ Huizinga, D., Thornberry, T., Knight, K., and Lovegrove P.; (June 2007) Disproportionate minority contact in the Juvenile Justice System: A study of differential minority arrest/referral to court in three cities. A report to the Office of Juvenile Justice and Delinquency Prevention.

Management

There was a significant change in management of Juvenile Hall since the 2007 inspection. Normally there are two Probation Managers assigned to Juvenile Hall, but last year one of those positions was being used as a grant writing position necessitating that the Deputy Chief Probation Officer for Institutional Services assist the lone Probation Manager. The Chief Probation Officer has reinstated the second Juvenile Hall Manager position.

Increased Use of Female Staff

While interviewing Juvenile Hall staff, commissioners were told that there is a new staffing approach which has some male counselors (GCs) concerned. Each male living unit has three group counselors assigned at all times. Historically, two male group counselors were assigned with one female group counselor to the male living units. Lately, according to some male group counselors, management has been assigning two female GCs with one male. Their concern is that the female GCs will not be able to maintain security during emergency situations due to their smaller size. Comments about females' abilities to control the minors lack any evidence that female GCs have ever failed to provide support in an emergency situation. The belief that GCs need to be big and muscular to control the minors in Juvenile Hall is a misconception which is addressed more completely under Behavior Management.

Staff Dress Code

Inspectors viewed the manner of dress of the Group Counselors not to meet the requirements of the Juvenile Hall Procedure Manual for neatness and professionalism. Many GCs were dressed very casually in sweat-shirts and jeans. Due to their youth coupled with their casual dress, the GCs are not easily differentiated from the residents, and do not represent the role model required by the Procedures Manual. Management has already recognized and addressed this problem and will be requiring GCs to dress in a uniform manner including a Polo Shirt with an insignia, much like those worn by the Ranch Counselors. This change is to take place once a locker/dressing room is prepared early in 2009.

IV. FACILITY

The inspection team toured the facility during the week of September 20, 2008. There were no signs of deterioration and the condition of the grounds, exercise areas and living areas were generally clean and well kept.

There is a temporary or modular building in the fenced off area containing the garden. That building is apparently not used for any purpose other than storage and perhaps a break area for staff. There is an accumulation of trash in the building and dirty conditions in the restrooms. While the building is not used to house minors, it is in an

accessible area and should be kept clean and free of any potential weapons, vermin or dangerous conditions. At present the building seems to be underutilized.

Several minors complained that the lights which are on in their rooms all night keep them from sleeping well, and they are not allowed to sleep with their blankets pulled over their heads. The minors suggest that the lights be dimmed. They also complained that the temperature at night is too low.

Food Service

During the past year, Juvenile Hall Food Services has been bringing two lunches to Commission meetings. The Commissioners have sampled these lunches and found them to be diversified, nutritious and relatively tasty. Commissioners had lunch in the cafeteria during the inspection and ate at tables with some of the youth. The meal included a hamburger, potatoes and gelatin. Comments from the youth indicated that they were generally happy with the food, but there were complaints that they were served too many sandwiches. When asked, management advised that there was a period when sandwiches were served frequently due to work being done on the kitchen.

Commissioners inspected the kitchen, dry storage area, refrigerated area and freezer area. The cafeteria was clean, and tables were quickly cleared.

V. PROGRAMS

In the 2007 Juvenile Hall Inspection report there is a detailed description of the various programs at Juvenile Hall. This report will focus on any changes in programming with reference to the prior report. Programs at Juvenile Hall fall into five general categories based upon which agency presents the program: Community Based Organizations (CBO) that are mostly non-profit agencies that are under contract to present programs, volunteer agency programs, Mental Health Department, County Office of Education (COE), which is covered under separate heading, and the Probation Department. Coordinating the efforts of the six CBOs, and eighteen volunteer programs is accomplished by the Multi-Agency Assessment Center (MAAC).

Multi-Agency Assessment Center

MAAC provides “educational, substance abuse, and mental health assessment, referral services, case and transition plans, for youth held in Juvenile Hall for over 72 hours. Programming components include youth and staff training. CBOs provide key programming elements”, and Mental Health provides the assessment function¹⁸. MAAC is made up of one Supervising Group Counselor and one GC, who arrange for the comprehensive assessment and education programs including the following CBO curriculum: life skills, substance abuse/relapse prevention, decision making skills and anti-criminal thinking (i.e. gangs). Provided by the following CBOs: Asian American Recovery Services (AARS), Fresh Lifelines for Youth (FLY), California Youth Outreach

¹⁸ Chief Probation Officer Memorandum to Juvenile Justice Coordinating Council, April, 2007.

(CYO), Mexican American Community Services Agency (MACSA), Gardner Family Care Corporation (GFCC) and Friends Outside. All MAAC programs are held in the afternoon.

There is a long list of additional MAAC programs offered by various volunteer organizations. These include Alcoholics Anonymous and Narcotics Anonymous, Catalyst for Youth, Choir, The Beat Within (a news paper by and for the minors), “Dog Soup,” a reading program offered and taught by a San Jose State University professor, and many more. Protestant and Catholic religious services are offered in Juvenile Hall, and services for Native-American minors are being designed. Buddhist services and services for minors who wish to participate in more than one religion will be offered upon minors’ request.

Funding for MAAC and several of the CBO programs is derived from a grant through the Juvenile Justice Crime Prevention Act (JJCPA). The grant money is used to fund a number of programs for the minors, such as holiday programs where prizes are awarded to minors for decorations, the Juvenile Hall Olympics and Hot August Nights, which is a car show and Barbeque, and bi-annual open houses where parents are able to meet and speak with the many service providers.

Probation Department Programs

Teaching Important Pro-Social Skills (TIPS)

TIPS, formerly known as Aggression Replacement Training (ART), is a comprehensive evidence based therapeutic model. TIPS focuses on problem solving, prosocial and negotiation skills, as well as critical reasoning and how to manage emotions. In two units TIPS is presented during the fifth school period, and the County Office of Education (COE) offers Life Skills Program credit for minors who complete TIPS.

Group Counselors are trained to conduct TIPS sessions, and Mental Health Therapists may also be included in the sessions when time permits. The TIPS sessions each week focus on: Skill Streaming, Moral Reasoning and Anger Management.

Ranch Readiness

The Ranch Readiness Program (RRP) was briefly mentioned above in relation to the ranch waiting list. The intent of the RRP is to productively utilize the time between the minor’s commitment to the James Ranch or Wright Center and the actual date of departure to the assigned ranch. It is an opportunity for minors to learn the Ranch culture and structure, and to earn credit toward their Ranch commitment. The criteria for a minor’s entrance into the RRP are: awaiting a Ranch commitment while on A or B Level¹⁹ with no assaultive behavior in Juvenile Hall within the past four weeks, no room removals or extractions within the past four weeks, and an overall good attitude.

¹⁹ See Behavior Management section, below.

The boys on RRP are mostly housed in the B-3 living unit, although, as noted above, many boys must await an opening in B-3. Those boys on the waiting list for RRP are housed in Unit B-12. Three single-spaced pages outlining the responsibilities, privileges, and expectations of the program are posted on the B-3 bulletin board. The youth are divided into four separate teams, with the programming conducted in small groups similar to the pods at the Ranches.

The RRP Counselor prepares a weekly report of minors on the waiting list to the Juvenile Court, which includes behavior levels and rank, progress and comments regarding negative and/or positive behavior and attitude. These reports eliminate the necessity of formal court reviews (Section 737 Hearings) for minors on the ranch waiting list. Commissioners believe the number of days or the minor's position on the waiting list should also be included in the Juvenile Court's weekly report.

The RRP counselor reports that there have been no fights amongst minors in B-3 over the last year and that minors are better prepared and have a better understanding of what is expected of them once placed at the Ranch.

Transition/Assessment Unit

In the last inspection report the Commission described the Transition Assessment Unit (TAU) which is a program for boys with a history of emotional and behavioral disorders located in Living Unit B-4. The staff in B-4 give high praise to TAU which they say has proven to be very effective in reducing incidence of self destructive behavior among the boys with emotional or disorder conduct difficulties.

Probation started the TAU with a grant applied for from the Healthy Returns Initiative. When that grant was about to run out Probation applied for Mentally Ill Offenders Crime Reduction (MIOCR) grant funds to continue the TAU. Since the TAU program began, according to data provided by Probation, there has been a 49% drop in violent incidents in B-4, the Mental Health Unit. There has been a 78% reduction in self-harm incidents, and a 90% reduction in the number of youth being sent to psychiatric hospitals. This funding has supported training of 90% of Juvenile Hall staff on mental health issues.

TAU requires a team approach which combines the efforts of Mental Health, Probation, County Office of Education (COE), and Medical staff. Initially, three mental health therapists provided three hours of service per day, two days per week, so that there was a therapist available much of the time to handle the many small crises experienced by the youth in TAU. As stated above, funding for the additional mental health staff has been provided by the Mentally Ill Offenders Crime Reduction (MIOCR) grant. That grant was only provided for one year and is no longer available. The Mental Health Department has shifted funds in order to provide services until December of 2008, after which there should be continued funding from a grant being obtained by the Mental Health Department through the Mental Health Services Act – Proposition 63. Through

that grant Mental Health plans to continue funding three clinicians and aftercare services. See the Mental Health section for further discussion of the MIOCR Grant.

The TAU program has been further impacted, according to the staff, by the need for housing of boys committed for a term in Juvenile Hall and those awaiting a Ranch commitment. Last year there were two units designated as Commitment Units. Due to the overflow of minors awaiting ranch commitments, some living units have changed functions resulting in the need to house boys in B-4 who are committed to Juvenile Hall and not involved in the TAU program.

Life Skills Unit

The Life Skills Preparatory Commitment Unit (B-2) provides the Court another option in lieu of Ranch placement. The youth, males ranging in age from 16 to 18, get a Juvenile Hall commitment of 120 to 180 days. According to the Probation Department, the boys in this unit are primarily repeat offenders who have reentered Juvenile Hall because of Violation of Probation (VOP) and/or a variety of property offenses.

MIOCR has funded a portion of the enhanced after-care modalities provided to minors in the Life Skills Unit. MIOCR funding has been terminated as mentioned above, but these services are temporarily being funded by the Mental Health Department. However, this funding is expected to be terminated in December of 2008, and there is no plan in place to continue funding for this service.

VI. BEHAVIOR MANAGEMENT

Since the present Chief Probation Officer and the Deputy Chief Probation Officer for Institutional Services took those positions about four years ago, the increase in Juvenile Hall population has not resulted in a significant loss of services despite the increasing arrests as noted above and the reduction of minors who can be committed to DJJ. During the past four years, despite an increase in population, the use of physical force on the minors by staff has decreased significantly from 244 times in 2005 to 183 in 2008; that is a 25% reduction during a time the population increased by 20%. The most dramatic reduction was during fiscal year 2008. Later in this section the use of physical restraints will be examined further and recommendations made.

Behavior Modification

According to the Probation Department Juvenile Hall Procedures Manual and the Juvenile Hall Orientation Packet, discipline is maintained through a behavior modification program, which “will reinforce and promote positive socializations and interactions.” Behavior Modification at Juvenile Hall is based upon a “three program system.” There has been some confusion among the members of this Commission about the exact nature of the three program system, as opposed to what was previously termed a three level system. Notably, in the Spanish language orientation packet the Behavior

Modification Program is still referred to as a three *level* program. The three programs are described in the English Language Orientation Packet²⁰ as follows²¹:

Advanced Program (AP)

If a minor has received less than two hours [of minor disciplines] and no major disciplines in seven days on the [Basic Program], they are moved to this program, [which includes four hours of recreation on school days and up to six hours of recreation on non-school days].

Basic Program (BP)

Upon admittance to Juvenile Hall or return from the Control Program, the minor is placed on this program. [This program includes three hours of recreation on school days and five hours of recreation on non-school days.]

Control Program (CP)

When a minor's behavior warrants, staff will generate an Incident Report to recommend placement on this program. This must be approved by the On-Duty SGC. Once approved, this can only be modified by a Manager. [The program includes three hours of *separate* recreation on school days and five hours of *separate* recreation on non-school days.]

In addition to the three programs or levels stated above, the orientation packet also describes a "Modified 'C' Level Program for Severity Risk Minors," reserved for those minors involved in assaultive behavior.

Discipline for Rule Infractions

The Commission considers the maintenance of the minors by the staff and administration of the Probation Department while providing an educational and correctional environment to be commendable. Juvenile Hall is in compliance with its procedure manual and the requirements of Title 15 as regards its disciplinary practices except for the unavailability of a rule book as noted below.

Title 15, Juvenile Facility Regulations, Section 1390 provides in part, "The facility administrator shall establish rules of conduct and disciplinary penalties to guide the conduct of minors. Such rules and penalties shall include both major violations and minor violations, be stated simply and affirmatively, and be made available to all minors. Provision shall be made to provide the information to minors who are impaired, illiterate or do not speak English."

Major and minor "disciplines" are referred to in the description of the "A" program in the Orientation Packet, but no where else in the packet are "disciplines"

²⁰ Notably, the Spanish Language Orientation Packet had not been revised since April, 2003, and still describes a "Three Level System" somewhat differently than the English Language version, which was revised in March of 2008.

²¹ Comments added in brackets.

defined or otherwise explained. Disciplines are punishments imposed by staff or supervisors for rule violations. The Orientation Packet does not include the rules of the facility, although it does advise the minors that they have a right to be informed of the rules. Probation Department Procedures require the rules to be posted in the units, but they were not posted or not clearly posted in some units. The inspection team did not observe the rules posted in any language other than English. Where the rules were posted, they were typed in normal font on letter sized paper and taped on a wall or pinned to a cork board. While it is possible for the minors to read the rules as posted, it is certainly awkward to stand near the control desk and read the rules from the wall. It would not require a great expense to provide each resident a copy of the rules. Some units have specific unit rules that differ slightly from the institution's rules included in the Procedure Manual. Separate rules for special units do not seem either necessary or practical.

Rule infractions whether minor or major are generally handled by the staff member who observed the infraction by summarily imposing discipline, which is usually from one half hour to one hour confinement in the minor's room while other minors are having free time. The Procedures Manual provides that, "Staff is responsible for holding minors accountable for rule violations and removing minors from regular unit programming when minors fail to comply with the rules."²²

The Probation Department recognizes the minor's right to due process²³, which is described in the Procedures Manual as "the right to notice, right to respond, right to an informal hearing and notification of the decision."²⁴ However, the only due process afforded to the minors for minor or major disciplines is the right to appeal in writing to the On Duty Supervisor unless the rule infraction is subject to an Incident Report, in which case the Supervisor determines the level of discipline.

There are several problems associated with having staff imposing most of the punishments with the only due process being relegated to an appeal process. In addition to a denial of due process at the time punishment is imposed, there is imperfect oversight of the imposition of punishments and a lack of uniformity of discipline, especially when newer staff are involved. Another problem is that the appeal process is the only intervention of a supervisor who cannot increase the punishment set by the Group Counselor only reduce it. The principal problem with staff imposed penalties is the likelihood of escalating a minor incident into a more major incident requiring use of physical restraint. The problem of escalating violence is discussed in greater detail under the Incident Reports subsection.

According to research done in preparation of this section, staff imposition of punishment is not the rule in most institutions (except when the minor agrees to summary punishment for minor infractions). In most institutions infractions are handled by use of a form advising the person that there was a specific rule violation and the right to a hearing. Minor infractions may be handled more informally by the minor waiving a hearing. Use

²² Juvenile Hall Procedures Manual, Part Four, Section 4.9, Disciplinary Appeal, dated 12/11/06.

²³ See *Wolff v. McDonnell*, 418 U.S. 539 (1974)

²⁴ Juvenile Hall Procedures Manual, Part Four, Section 4.9, Disciplinary Appeal, dated 12/11/06.

of citation forms in no way reduces the GC's ability "to remove from programs minors who are in need of immediate control and who pose a threat to the safety/security of the unit."²⁵

Incident Reports

Members of the inspection team read all of the Incident Reports (IRs) written during July, 2008, paying particular attention to IRs reporting use of physical restraint. As noted above the population of Juvenile Hall has increased over the past four years, yet the number of physical restraints in the same time period has decreased from 245 in 2005 to 183 in 2008 which is just over a 25% reduction. Nonetheless, there appears to be a disproportionate use of physical restraint at Juvenile Hall as compared to the ranches. Reviewing the Salient Features Reports for three months beginning with May, 2008, the team found there were 47 incidents involving physical restraint, compared to six at the James Ranch and none at the Wright Center. It is true that there are fewer minors at the ranches, but only 41% more, not 7.8 times higher, and the minors at the ranches are generally more recalcitrant than the general population at Juvenile Hall. The information included in the IRs suggests that physical restraint is being utilized more than necessary. This is not to say that the Commission has found any unreasonable use of force. This is a suggestion that the use of force could be further reduced. The Commission reiterates that the Probation Department is doing a commendable job of caring for the minors. All minors interviewed expressed a feeling of general safety in Juvenile Hall; no one complained that any counselors were being over aggressive or bullying.

Group Counselors are authorized to use "only that degree of force which is objectively reasonable to protect themselves or others from injury; to overcome resistance; to prevent escape or destruction of evidence; to bring an incident under control; or to prevent a person from inflicting self-injury where other means of persuasion such as physical presence or verbal communication have not been effective; are not feasible; or would appear to be ineffective."²⁶ The Procedures Manual also provides that "at no time should a minor supervision staff member initiate restraint techniques . . . in the facility without another minor supervision staff member present."²⁷

According to the Manual, force is to be used in accord with the Department's "Continuum of Compliance and Resistance," including: 1) Conflict resolution/verbal direction; 2) Use of force without pressure compliance (firm arm grip or control hold or mechanical restraints when there is no resistance) and finally, 3) Pressure compliance (e.g. wrist controls, take downs or TMJ pressure points.)

Title 15 Regulations related to Juvenile Facilities provide that, "Use of force' means an immediate means of overcoming resistance and controlling the threat of imminent harm to self or others."²⁸ Section 1357 of Title 15 requires that the facility

²⁵ Ibid.

²⁶ Juvenile Hall Procedures Manual, Part Five, Section 5.0, Use of Force, 09/12/07.

²⁷ Ibid.

²⁸ Section 1302.

administrator develop written policies and procedures for the use of force which among other things requires at a minimum the policy includes “avoidance of the use of force whenever possible and using only that force necessary to ensure the safety of minors and others.”

During July, 2008, there were twenty one incidents reported in which physical restraint was used. Of the twenty one incidents thirteen were justified by an exigency, including intervention in fights between minors, possession of a weapon, self inflicted injury and room extractions. The remaining eight incidents were not justified by any exigency and arguably in some cases could be said to have been escalated by the actions of the staff person involved. Moreover, in these eight instances the force was apparently one on one, that is to say the GC who used force unnecessarily took action “without another supervision staff member present.”²⁹

A common thread running through what may be called non-exigency incidents noted by the inspection team is that they begin with a minor complaining of a perceived mistreatment by the counselor, which is precipitated by the imposition of disciplines by the GC. In two cases the complaint was related to the counselor’s refusal to allow the minor to use the restroom. In most cases the minor was threatened with a timeout in Boy’s Receiving (BR), yet in no case was BR notified of the incident before force was used. In each incident there was no apparent exigency, yet there was also no attempt to summon assistance before using force on the minor. Even when the minor takes a fighting stance, there is no exigency requiring one on one use of force without first notifying Boys Receiving and requesting assistance. In each case the counselor was the initiator of contact, and in at least two cases the failure to call for assistance could have resulted in injury to the counselor, the boy or both. These non-exigency, one on one uses of physical restraint appear to a reaction to a challenge to the staff member’s authority. These one on one confrontations too often become a classic power struggle. It is reasonable to believe that most if not all of the above uses of force could have been avoided if the counselor could have used the written citation method of discipline suggested above to advise the minor of the rule he was breaking and his right to a hearing, and had the counselor summoned back-up before initiating force.

The Procedures Manual correctly states that the “Staff is responsible for holding minors accountable for rule violations and removing minors from regular unit programming when minors fail to comply with the rules.”³⁰ The Manual goes on to iterate that, “In emergency situations staff has the responsibility to remove from programs minors who are in need of immediate control and who pose a threat to the safety/security of the unit.”³¹ If there was a rule that the counselor is *required* to call for assistance before initiating physical restraint when practicable, then there is no shame in not being able to handle the child alone, rather there would be a penalty for using force alone. Moreover, the issue brought up earlier in this report that a female staff cannot handle the minor boys as well as a man could be addressed if there is a rule that Boys

²⁹ A Probation Manager disagrees with the conclusion that no other staff were present.

³⁰ Juvenile Hall Procedures Manual, Part Four, Section 4.9, page 1, 09/19/06.

³¹ Ibid.

Receiving should be called before using physical restraints in a non-exigent circumstance.

The suggestion that Boys Receiving be called for a response team before use of physical force when there is no exigency was discussed with Probation Management who expressed an intention to promulgate such a rule.

Grievances

In the last Juvenile Hall Inspection Report the Commission commended the Department for updating the grievance and appeal procedures. The Juvenile Hall inspection team for this year reviewed all grievances for July and August of 2008; a total of 35 grievances. Most of the grievances complained of problems with the physical plant, including several plumbing issues. None of the grievances complained of mistreatment, and all grievances seemed to have been handled in keeping with Juvenile Hall policies.

Several minors were asked about grievance procedures, and they generally understood the concept. Grievance procedures were posted in the units and set forth in the Orientation Packet. Moreover, the grievance forms are usually available in a plainly visible location near a locked box marked "Grievances" into which the forms are to be submitted. In two units there were no grievance forms.

Appeals

Appeals are the only due process afforded to the minors for most disciplines, whether minor or major. The inspection team reviewed the 40 appeals submitted for the month of July. The penalty given by the GC was upheld in all but one of the appeals, although the penalty was reduced in four matters.

The appeal process "includes the right to notice, right to respond, right to an informal hearing and notification of the decision."³² However, two elements are not clearly present. The right to notice generally means written notice of the wrongdoing that is the rule violation. 1) There is no written notice, except when there is an IR written. The minors preparing the appeals do not clearly state the rule violated, and it is not clear in several of the appeals that the minor knew what he or she was alleged to have done to warrant the discipline. 2) There is no indication on the appeal form that there was any hearing, informal or otherwise. Although it appears that the form submitted by the minor and responded to by the GC is reviewed by the supervisor and he or she decides the matter based upon reading those statements the inspecting team was assured there is an actual face to face meeting between the minor and the supervisor. The Procedures Manual provides that the "Discipline Appeals form must be submitted to the On Duty Supervisor Group Counselor for a due process review which shall be completed prior to the end of the shift."³³ The "due process review" is not further defined. It does not seem

³² Juvenile Hall Procedures Manual, Part Four, Section 4.9, page 1, 12/11/06.

³³ Ibid, at pg. 2.

to require an informal hearing, which generally would require something more than reading the initial statements.

Several minors were asked if they understood the appeal process and they did generally seem to understand, though most said they thought appealing is a waste of time. Interestingly, two counselors verbalized the concern that there were too many appeals. One counselor stated that he did not believe there was a right to an appeal for a minor discipline.

Above, under the subheading Discipline for Rule Infractions, there was a discussion of the benefits of having the staff impose punishments only if a minor waives a hearing, and the hearing rather than the appeal would be heard by the supervisor. If a minor appeals a discipline, the reviewing supervisor cannot increase the penalty even if an increase is warranted by circumstances or by the minor being untruthful about the circumstances. If discipline was handed out by supervisors in those cases that the minor demands a hearing, then the disciplines will better fit the infraction. In the vast majority of infractions, the minor will waive a hearing and the GC can impose the discipline on the spot, but when the minor wants a hearing, he or she should be able to state his or her case to an impartial third party (the supervisor) before punishment is imposed. It is quite possible that the impartial party will impose greater punishment than the GC would have imposed if a hearing was waived.

VII. MEDICAL SERVICES

The Health Clinic provides full medical coverage while youth are in Juvenile Hall, including direct medical services with 24-hour nursing care seven days a week for routine aches and ailments. Commissioners met with the Juvenile Hall/Children's Shelter Nurse Manager who provided her annual report to the Probation officer and a tour of the Clinic, including a health education presentation to a minor by a nurse regarding the proper use of the minor's asthma breathing device. Medical services were being provided to several youth during the visit, and the Clinic was in good order. No deficiencies were noted.

The Santa Clara County Juvenile Hall Clinic has been accredited as a custodial clinic by the Institute for Medical Quality at the 85% and above level allowing for a two year accreditation. This Clinic is the first in the Bay Area to have received this honor. The many activities and accomplishments of the Clinic staff are worthy of note:

- In addition to physician appointments of nearly 4000 per year, the nursing staff provides triage, perform tests, give inoculations and present health education to minors in eight different categories.
- Provide care and health education for minors with chronic illnesses, such as diabetes and asthma.
- The nursing staff assists the pharmacist in the distribution to and oversight of the minors taking prescription drugs.
- The Clinic provides Tele-nursing to the Wright Center, James Ranch and the Children's Shelter.

- Participation in training and staff meetings to maintain and improve services, including cross training of nurses for assistance at other facilities.
- Actively seeking volunteer funding and grants.
- Staff participate in committee meetings with staff from Probation Administration, Mental Health and Food Services to maintain or improve health conditions in Juvenile Hall.
- The Dental Services provided by the county dentist who is shared with the County Jail, are supplemented by a volunteer dentist.
- The Clinic provides health screening, including HIV/AIDS testing. The HIV/AIDS testing can now be accomplished using a mouth swab instead of blood sample.

Notably, Medical Services provides all of the above and more and without an increase in budget for Fiscal Year 2008. The Nurse Manager pointed out that she recently learned that the Juvenile Hall Clinic in San Diego has two positions just to provide health education. The Nurse Manager asserts that the addition of these two positions to the Santa Clara County Juvenile Hall Clinic would not only relieve the present staff from having to find time to present educational programs, but also improve delivery of post release assistance.

During this year, a serious event occurred in the Juvenile Hall Medical Clinic when a youth took a nurse hostage for a short time using a hypodermic needle as a weapon. As a result, the Probation Department has posted a Group Counselor in the clinic to maintain security.

VIII. MENTAL HEALTH SERVICES

Commissioners met with the Health Care Manager at Juvenile Hall who also manages the mental health care programs at both the Muriel Wright Center and the James Boys Ranch. She shared the well-organized protocols and program descriptions with the commissioners who expressed being favorably impressed with the demonstrated caring and attention of a staff substantially reduced by budget cuts and loss of grant funding. The clinics are funded by state funds, and governed by the Welfare and Institutions Code, the Penal Code and Mental Health Department policies and procedures.

The custodial care duties of the Mental Health staff are diverse and numerous with the primary focus on screening all of the admitted youth, which is accomplished by two screening staff. Mental Health staff also respond to crises and provide oversight of the Transitions/Assessment Unit (TAU). Mental health has an office located inside TAU, where minors can either schedule appointments or just drop in to see mental health staff. The office was open seven days a week at one time, but it is currently open only four days each a week from approximately 8:00 am to 4:00 pm. A mental health staff person is on duty in Juvenile Hall on Saturdays and can be called to B-4 if necessary. Other services include:

- Individual therapy, including Cognitive Behavioral Therapy and Motivational Interviewing, both of which are Evidence Based Practices.
- Group therapy, including participation in TIPS.
- Medication evaluation and monitoring.
- Crisis intervention.
- Competence assessment.
- Case management and collateral work with parents.
- B-watch and one-on-one monitoring.
- Multi-disciplinary team participation with other partners (Probation, School, Medical).
- Consultation with Juvenile Justice Administrators, Probation Officers, District Attorney, Public Defender, Juvenile Hall staff, Ranch Counselors and Medical Clinic staff, the courts and school personnel designed to improve understanding and management of in-custody youth with psychological problems.

Due to budget cuts over the past two years and the loss of the MIOCR Grant, the Mental Health staff has been reduced from eighteen members to nine who run the clinics from 7:30am-10:30pm, Mondays through Fridays and on Saturdays, from 8:30am-9:00pm. The current staffing consists of:

- One Health Care Program Manager,
- Three licensed Clinical Social Workers (Spanish, Cambodian and Mandarin speaking),
- Two Psychiatric Social Workers (Spanish and Vietnamese speaking)
- Two licensed Marriage and Family Therapists (MFT) (one Mandarin speaking),
- One MFT Intern (Spanish speaking),
- One Psychiatrist (Vietnamese speaking) who is shared with both ranches and Kidscope, an independent Mental Health Assessment Management Center
- One Psychiatrist (Hindi speaking) who is shared with the Children's Shelter. All Staff meet with the Psychiatrist once per week.
- Three Health Services clerks (one Spanish speaking) and
- One Mental Health Clerical Supervisor (Spanish speaking) who is shared with the Children's Shelter.
- In addition two Psychiatrists visit on a part time basis.

The reduction of personnel has resulted in more restrictive criteria governing the opening of cases. No longer can youth who display depression, anxiety or are suffering trauma be served as before. The County Mental Health Department has provided funding to reduce the impact of the loss of the MIOCR Grant. As stated above in the discussion about the Transitions/Assessment Unit (TAU), Mental Health has applied for additional funding through the Mental Health Services Act – Proposition 63. That grant will help Mental Health staff to continue funding three clinicians and aftercare services. The request has been approved by the Leadership Committee and only needs to be granted by the Board of Supervisors.

The caseloads for staff number 12-18. The sources of referrals are from Probation as urgent needs referrals, from the medical unit, from the Multi-Agency Assessment Center (MAAC) and from the youth themselves who have the right to request direct services which are provided usually within 24 hours of the request. Additionally, referrals may be made by teachers, counselors, DADS (Department of Alcohol and Drug Treatment) and/or parents.

IX. EDUCATION

Osborne School, which is the responsibility of the County Office of Education (COE), is a well organized school for residents of Juvenile Hall in grades six through twelve. The attendance is mandatory with 300 minutes of instruction each day in five classes for each student. At the time of the comprehensive inspection of the Osborne School by three commissioners, a number of changes had been made at Juvenile Hall, all primarily due to the increase of the youth population. The commissioners visited most of the active classes, guided by the Osborne Principal who also serves in this capacity at the two detention ranches. Also present during the visits was a teacher-in-charge who is primarily concerned with daily operational issues. The Commission was also provided a copy of the Principal's 2007-2008 annual report to Probation.

The Hall population at the time of the visit was above 330 with about 93% of the students attending classes daily. Others had other activities such as hearings and medical visits. There were twenty classrooms that were active with four classrooms of overflow. Three classrooms were Special Daytime Classes (SDC) and twenty-one were general education classes. About one third of the youth typically require Special Education classes, although that number fluctuates with admissions. There is a reassuring increase in the number of students who are able and eligible to take the test for a General Education Diploma (GED), although almost half are able to take just parts of the GED because of the shorter length of their stay in Juvenile Hall. The classes usually accommodate 12-14 students in general education with smaller classes in the SDC program.

The emphasis at Osborne School is on mathematics and literacy. One of the classes was reading John Steinbeck's *Grapes of Wrath* with great interest. The other core subjects are Language Arts and Physical Education. The academic program adheres to state standards as described by the California Department of Education. In an attempt to offer students acquired skills for graduation from Osborne or upon their return to their former campus, additional courses are given individually such as in United States History, the Biological Sciences and Economics. During the current school year, the Alternative School staff is working toward incorporating some accepted Science texts.

The staff was very accommodating to the commissioners and were distinctive in their enthusiasm for teaching as well as for their dedication. The classes appeared to be tranquil and very well organized. A few of the students proudly pointed to their work which was displayed on the walls. The staff consists of eighteen full time general

education teachers and three full time substitutes, three teachers for SDC, two Resource Specialists, one program specialist, one psychologist and a part time speech instructor.

Educational screening of each incoming student is performed by two technicians at Osborne School with the additional help of a third technician, if needed. The third technician also assists at the beginning of the year with English Language Learners Assessments (CELT).

The pressure of classroom space shortage has resulted in the reduction of one computer lab which now must be used as a regular classroom. Normally two computer labs would be available, which may be more beneficial for the youth, but, the computers from the second lab have been distributed to the living units where they are being put to good use.

X. FEEDBACK FROM YOUTH

Commissioners interviewed minors in the living units and visited with some of them during lunch. The minors were cordial and most reported that the food was good. Minors were asked if they felt safe in Juvenile Hall, and only one minor indicated that he did not, mostly due to gang issues. Otherwise, the minors had no complaints about their wellbeing. In general there were a surprising number of residents who praised the counselors and programs available in the facility.

In the past, there have been reports that requests for Mental Health services often went unheeded for days, but there were no complaints in that regard on this occasion, although with the budget cuts and loss of the MIOCR Grant, it is expected that there will be more of these complaints next year.

The most repeated complaint was that the lights in the rooms keep them awake at night. Commissioners observed the lighting in the rooms and opined that the lights seemed to be about as dim as possible.

XI. DOCUMENTS REVIEWED

Documents and inspection reports from various sources were requested and reviewed during the inspection. Included were:

1. California Corrections Standards Authority Evaluation of Juvenile Hall Physical Plant, dated February 4, 2008, noting compliance with all Title 24 Regulations at Juvenile Hall.
2. Report of the Correctional Standards Authority 06/08 Biennial Inspection Santa Clara County Juvenile Facilities, dated June 30, 2008.
3. Letter from Facilities Standards and Operations Division of the Corrections Standards Authority regarding the Corrective Actions for the Biennial Inspection confirming that Juvenile Hall is in compliance with Title 15 Regulations.
4. Santa Clara County Juvenile Facilities Diet Manual dated January, 2007.

5. California Department of Forestry and Fire Protection, Office of the State Fire Marshall notice, dated August 16, 2006, granting fire clearance
6. Juvenile Justice Commission Inspection Report, Juvenile Hall – December 2007, dated January 8, 2008
7. Juvenile Justice Commission letter to the Chief Probation Officer, dated August 23, 2008, requesting information
8. Santa Clara County Juvenile Hall Orientation Packet in English, Spanish and Vietnamese.
9. Santa Clara County Probation Department Juvenile Hall Transition Unit
10. Santa Clara County Juvenile Hall Life Skills Preparatory Commitment Unit
11. Santa Clara Valley Medical Center Medical Department Annual Report, dated February 21, 2008.
12. 2007-2008 Annual Report for Osborne School
13. Santa Clara County Juvenile Hall B-3 Ranch Readiness Program
14. Santa Clara County Health and Hospital System Juvenile Hall Custody Health Services Sick Call Request Form
15. Santa Clara County Probation Department Institutional Discipline Appeal Form
16. Santa Clara County Probation Department Grievance Form
17. Probation Department Juvenile Hall Procedures Manual

XII. COMMENDATIONS

The Santa Clara County Juvenile Justice Commission commends:

1. The Probation Department for increasing the maximum days credit applied toward completion of the Ranch program to 58 days for youth who must spend long periods in the Ranch Readiness Program due to lack of available space at the Ranch.
2. Probation Administration and Staff for providing a safe, secure facility for minors being held pending disposition hearings and those committed to Juvenile Hall or awaiting placement despite a growing population.
3. Commissioners were very impressed with the dedication and hard work of the RRP counselor.
4. Probation Administration for reducing the use of physical restraints during the past year especially in light of the growing population of Juvenile Hall.
5. Probation Administration for filling the empty Manager position.
6. Probation Administration for foreseeing the need for a more uniform dress standard for Group Counselors.

7. MAAC staff for offering many more programs than were available as recently as three years ago, and for monitoring the programs to ensure better structures and schedules for programs.
8. Medical Clinic for providing an assortment of services using the most state of the art available to care for all the needs of the minors including medical and dental care as well as health screening and education.
9. Medical Clinic for securing an additional volunteer dentist who will provide dental cleanings for those minors who are most in need.
10. Medical Clinic for earning accreditation from the Institute for Medical Quality above the 85th percentile.
11. Mental Health Services for maintaining services at near the same level as under the MIOCR Grant despite severe budget cuts and loss of the MIOCR Grant.
12. The County Office of Education for the outstanding teaching staff and administrative personnel at Osborne School. The Teachers show a high degree of interest in the students resulting in an excellent environment for learning. The Principal is commended for setting the tone for the positive student-teacher interactions.

XIII. RECOMMENDATIONS

The Santa Clara County Juvenile Justice Commission recommends that the Santa Clara County Board of Supervisors:

1. Closely monitor the waiting list for the Ranches and authorize the 24 additional beds at James Ranch bringing the total additional beds to the 48 originally requested if the list is not substantially reduced by the addition of the 24 beds presently authorized.
2. Fund mental health programs like those previously funded by the Mentally Ill Offenders Crime Reduction (MIOCR) to maintain sufficient level of staffing.

The Santa Clara County Juvenile Justice Commission recommends that the Santa Clara County Probation Department:

1. Establish a program to measure the effectiveness of the Enhanced Ranch Program, and that the Board of Supervisors provide financial support of the evaluation
2. Clean up the modular building in the fenced off area containing the garden and put it to use, perhaps as the GC locker room planned by Probation.

3. Include the number of days the minor has been on the Ranch Waiting List in the weekly report to the Juvenile Court of minors on the Ranch Waiting List.
4. Provide additional blankets to minors who complain of being cold at night.
5. Rewrite the Orientation Booklet to include the rules of the facility, and bring the Spanish Speaking Orientation Booklet up to date with the English Speaking Orientation Booklet.
6. Develop a disciplinary procedure which includes written notice of the infraction and a hearing.
7. Develop and enforce a procedure requiring a counselor in a non-emergency situation to notify Receiving and obtain additional counselors to assist when physical restraint of a minor seems eminent. This may require the addition of mobile communications devices for Juvenile Hall staff.

XIV. SUMMARY

The Juvenile Justice Commission has completed its annual inspection of Juvenile Hall. Satisfactory responses were provided to the recommendations contained in the 2007-2008 report.

The residents of Juvenile Hall are well maintained in a safe and secure environment, free from fear of assault by the other minors or the staff. Despite budgetary concerns and an increasing population, the Juvenile Hall Administration has successfully provided an environment rich with programs and positive learning experiences.

The Santa Clara County Juvenile Justice Commission believes that, based on this inspection, the Santa Clara County Juvenile Hall meets the Commission's standards for a safe juvenile facility.

Approved by the Santa Clara County Juvenile Justice Commission on January 6, 2009.

Patricia Khan, JJC Chairperson

Date

Dan Peak, JJC Inspection Chair

Date