



**Juvenile Justice Commission**  
**County of Santa Clara**  
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**Santa Clara County Juvenile Commission**  
**Inspection Report**

**Temporary Detention of Minors in Law Enforcement Facilities (LEF)**  
**For the Year of 2013**

**I. Introduction**

The Santa Clara County Juvenile Justice Commission (JJC) is required pursuant to Section 229 of California's Welfare and Institution Code (WIC) to inspect any jail or lock-up facility within the County, which, in the preceding calendar year, was used for confinement of any minor for more than 8 hours. Specifically, WIC 209(b) requires a judge of the Judge Court or a delegated member of the JJC to inspect each law enforcement facility that contain a lockup for adults, which in the preceding calendar year, was used for the secure detention of any minor.

The Superior Court in Santa Clara County adopted Rule 1.O. of the Local Juvenile Rules of Court, which delegates responsibility to the Juvenile Justice Commission for the annual inspection of all LEF in Santa Clara County that contain a lockup for adults which, in the preceding year, was used for the secure and non-secure detention of any minor. The rule further provides that the results of each inspection shall be presented in writing to the Presiding Judge of the Juvenile Court or the Supervising Judge of the Juvenile Justice Court during the calendar year.

The Board of State and Community Corrections (BSCC) sent a letter dated July 18, 2014 to the Presiding Juvenile Court Judge and the Juvenile Justice Commission Chair detailing the annual inspection requirements pursuant to WIC Section 209. Included in this letter was the following list of LEF in Santa Clara County that temporarily detained minors in 2013.



**Juveniles Held in Detention 2013: SCC LEF**

<b>Agency</b>	<b>Secured Detention</b>
Campbell Police Dept. (PD)	5
Gilroy PD	6
Morgan Hill PD	13
Mountain View*	1
Palo Alto PD	3
Santa Clara PD	7
San Jose State Univ. PD	2
Sunnyvale PD	10
<b>TOTAL</b>	<b>57</b>
<b>*Mountain View PD reported 10 months of data to BSCC and after further inquiry, the JJC learned that 1 minor was securely detained during 2013.</b>	

**II. Juvenile Detention – Policy**

When a juvenile falls under the provisions of WIC 602 and is arrested for a simple violation where community safety is not at risk—such as, a fight without weapons, public disturbance, or public intoxication—the youth may be detained at the local law enforcement facility, cited, and subsequently released to a parent or guardian with a written promise to appear in court.

WIC 207.1(d)(1) authorizes law enforcement to hold a youth in temporary custody on the basis that the youth falls under the definition of WIC 602 and may be at risk of “harm to self or others”. Depending on the nature of the crime, juveniles are held in a secure or non-secure cell at the LEF. In a non-secure cell, the door is not locked and if unattended, the youth would be able to walk out of the cell. Juveniles must be under constant or, in some cases, frequent observation (every 30 minutes) by the arresting officer, the police officer on duty, or a trained Multi-Service Officer.

A youth may be held in temporary custody in order to investigate the case or make arrangements for release to a parent or guardian or for transportation to Juvenile Hall (WIC 207.1(d)(1)(A)). However, the youth cannot be detained in a law enforcement facility longer than six hours (WIC 207.1(d)(1)(B)). After reviewing the legal exceptions to the six-hour law, the only extension to the six-hour maximum period of detention applicable to Santa Clara County is the temporary unavailability of transportation due to inclement weather, acts of God or natural disasters. The Board of Corrections alone has the authority to grant this extension on an individual, case-by-case basis (WIC 207.1(d)(1)(B) and (f)(1)(A)).

The BSCC has specific guidelines to ensure that law enforcement agencies follow “minimum jail standards” to afford minors the same protections as adults.<sup>1</sup> Included in the BSCC guidelines is the requirement that law enforcement agencies make sure that juveniles understand the purpose of detention and “are provided with an orientation including the purpose of detention, length of stay and the six-hour time limit.” The BSCC is very clear that juveniles are:

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<sup>1</sup> BCSS. **Minors in Detention Federal and State Requirements, A guide for police and detention officers.** January 2011. This is the companion to the youth in detention training video, cited below.



1. Separated from any contact with adult inmates at all times.
2. Under constant supervision
3. Provided with snacks, water, blankets, toilet facilities, and food.
4. Monitored every 30 minutes, with logs kept to reflect this.
5. Separated from juveniles of the opposite sex.
6. If intoxicated, handled according to written procedures developed by the detention facility.

The BSCC requires documentation regarding visual checks and the use of secure/non-secure detention logs, which list the offense, the reason for placing the minor in secure/non-secure detention, as well as the length of time the juvenile was detained.

### **III. Inspection Process**

The Santa Clara County JJC developed an inspection questionnaire form similar to one created by the San Diego JJC that was completed by the Commissioners during the inspections. This form was based on the "Inspection Handbook for Minors Detained in Adult Facilities", May 2000, published by the Board of Corrections Facilities Standards and Operations Division. This handbook outlines the minimum standards established by Title 15, Division 1, Chapter 1, Subchapter 4, of the California Code of Regulations (CCR) for minors who are detained in adult facilities. The focus for the inspection is to ensure the safety and well-being of the juveniles while in temporary custody. Prior to the actual inspections, the Commissioners viewed the BSCC training video, "Detention of Youth, V2", on YouTube, which illustrated the Title 15 standards for law enforcement agencies.<sup>2</sup>

The Commission sent letters and emails to all the respective Chiefs of the Santa Clara County law enforcement agencies listed in the BCSS letter that held minor in temporary detention. In teams of two, the Commissioners conducted the inspection of LEF holding areas during December 2014.

### **IV. Findings**

The JJC found that all the LEFs were following the BSCC Guidelines and had a Policy and Procedures Manual specifically designed for juveniles. The law enforcement agencies were very informative, knowledgeable on policies and procedures, and professional. Depending on the demographics of the various cities, some may have more contact with juveniles, while others may have very little. Below are the specific findings for the individual LEA inspected:

1. **Campbell PD** – The JJC inspection report issued last year indicated the department did not have available the latest fire inspection report for review. This deficiency has not been corrected. The posted sign in the minor detention area is only in English. The department was in compliance with all other regulations.

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<sup>2</sup> Access to the video can be found at [http://www.bscc.ca.gov/s\\_fsoservices.php](http://www.bscc.ca.gov/s_fsoservices.php) by selecting the expand button next to Youth in Adult Detention Facilities and clicking training video. The Commissioners found this video to be an important training tool. The companion workbook to the video is also available on this site.



2. **Gilroy PD** – On April 6, 2013 one minor was held for a total of 18 hours and 15 minutes while the department investigated a homicide. The department was in compliance with all other regulations.
3. **Morgan Hill PD** – The approval by the Watch Commander for every 30 minutes of a detention beyond the first hour was not noted on the logs. The facility does not have a sign posted explaining detention procedures and the minor's rights. On July 20, 2013, two female minors were detained for a burglary investigation for 6 hours and 48 minutes. The department was in compliance with all other regulations.
4. **Mountain View PD** – The Commissioners reported that a new sign has been installed in the minor holding area, which was recommended in the last LEA Detention of Minors Inspection Report. The department was in compliance with all other regulations.
5. **Palo Alto PD** – At the time of the inspection, the department did not have the fire inspection report readily available. A copy has since been provided to the Commissioners. On September 9, 2013, two females in non-secure detention left the facility without the reasons for discharge noted in the logs. The posted sign explaining procedures and minor's rights is only in English. Between January 5 and 6, 2013 one minor was detained for an armed robbery investigation for 7-8 hours. The department was in compliance with all other regulations.
6. **Santa Clara PD** – During orientation, minors are not informed about the 6-hour time limit. The department was in compliance with all other regulations.
7. **Sunnyvale PD** – The posted sign explaining procedures and minor's rights is only in English. The department did not have readily available the latest fire inspection report for review. A copy has since been provided to the Commissioners. The department was in compliance with all other regulations.
8. **San Jose State University PD** – Secure detained minors are visually supervised hourly rather than every 30 minutes as required by the regulations. The posted sign explaining procedures and minor's right is only in English. The department was in compliance with all other regulations.

## **V. Commendations**

The Commission would like to thank all of the LEF for their cooperation and support in completing these inspections. All of the LEF staff accompanying the JJC inspection commissioners were courteous, helpful, and forthcoming in their responses to Commissioners questions.

The Commission found that all of the LEF were clean, well organized, professional, and had policies relating to the detention of juveniles based on the Board of Corrections Facilities Standards and Operations Division.

The Commissioners found the LEF efficiently processed juveniles. Depending on the seriousness of the offense, most agencies prefer to release the juvenile as soon as possible to a parent or responsible adult or transfer the juvenile to Juvenile Hall for processing. In all the LEF that were inspected, law enforcement staff assured the Commissioners that precautions are taken



to ensure minors are not exposed to adult prisoners whether held in secure or non-secure areas at the facility. Depending on the seriousness of the symptoms of intoxication or being under the influence of a drug, most of the law enforcement agencies will transfer the youth to a hospital for immediate medical attention rather than hold them in detention. If the juvenile is in need of psychiatric care, they are transported immediately to a hospital.

The Commission noted that most LEF have incorporated a 12-page document and policy entitled "Policy 324" which provides additional guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by law enforcement agencies. Policy 324 addresses many of the BSCC concerns for the safety and well-being of the juvenile while being detained, but also details other specific policies and guidelines that LEF should follow based on the WIC and the CCR.

## **VI. Recommendations**

The Commission recommends:

1. LEF comply with WIC 207.1(d)(1)(B) which limits the temporary detention of a juvenile to six hours. Any extension beyond the six-hour limit must meet the exception as provided in subdivision (f) of WIC 207.1 and authorized by BSCC.
2. LEF have readily available a copy of the applicable Fire Inspection Certification for review during future audit reviews.
3. Signs be posted in all areas where minors are detained and written in simple language explaining procedures and minor's rights, not only in English, but also in Spanish and Vietnamese.

## **VIII. Summary**

Based on this inspection, the Santa Clara County Juvenile Justice Commission believes that on the whole all the LEF meet or exceed the BSCC recommendations and guidelines and Title 15 requirements for assuring the safety and good care of juveniles while in their facilities.

**Approved by the Santa Clara County Juvenile Justice Commission on May 6, 2012**

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**Penelope Blake, Chairperson**

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**Date**

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**Jean Pennypacker, Chair, LEA Inspection**

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**Date**





Board of State and Community Corrections  
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GOVERNOR **Edmund G. Brown Jr.**  
CHAIR **Linda M. Penner**  
EXECUTIVE DIRECTOR **Kathleen T. Howard**

July 18, 2014

Attention: Presiding Juvenile Court Judges and Juvenile Justice Commission Chairs

Section 209 of the Welfare and Institutions Code (WIC) contains several inspection requirements for juvenile court judges and Juvenile Justice Commissions. The Board of State and Community Corrections (BSCC) is responsible for inspecting all local detention facilities, juvenile halls, and camps in California, and is also responsible for monitoring jails and lockups that securely detain minors in California.

WIC §209(a)<sup>1</sup> requires a judge of the juvenile court to annually inspect each jail or juvenile hall in the county that held one or more minors for **more than 24 hours** during the preceding calendar year.

WIC §209(b) requires the juvenile court judge or a delegated member of the Juvenile Justice Commission to inspect each law enforcement facility that contains a lockup<sup>2</sup> for adults in which one or more minors was **SECURELY** detained **for any length of time.**

To assist with your inspection responsibilities, we have enclosed a list of facilities in your county that reported they may hold minors in secure detention. This document also notes the number of minors held in secure detention during calendar year 2013, as reported by these facilities. **Facilities holding minors in secure detention require inspection according to WIC §209(b).**

Additionally, if you learn of agencies that did not report the secure detention of minors to the BSCC, if you have questions regarding a particular facility, or if there are any changes or updates to your current contact information, you may reach your county's assigned BSCC field representative at (916) 445-5073.

Thank you for your cooperation. Please let us know if you have any questions or concerns.

Sincerely,

ALLISON E. GANTER  
Deputy Director  
Facilities Standards and Operations Division

Enclosure

<sup>1</sup> WIC §209(a) requires the judge to promptly notify the operator of the facility of any observed noncompliance with minimum standards for juvenile facilities adopted by the BSCC (Title 15, California Code of Regulations).

<sup>2</sup> Lockup - any locked room, secure enclosure, or cuffing rail under the control of a sheriff or other peace officer that is primarily for the temporary confinement of adults upon arrest.



CALENDAR YEAR 2013 - SECURE DETENTION OF MINORS IN LOCKUPS

FACILITY NAME	# of Months Reported	STREET ADDRESS	CITY	ZIP	# of Minors Held in Secure Detention
<b>SANTA CLARA COUNTY</b>					
Campbell PD	12	70 North First Street	Campbell	95008	5
Gilroy PD	12	7301 Hanna Street	Gilroy	95020	6
Los Altos PD	6	1 North San Antonio Road	Los Altos	94022	0
Los Gatos PD-Los Gatos Blvd	2	15900 Los Gatos Boulevard	Los Gatos	95031	0
Morgan Hill PD	12	16200 Vineyard Boulevard	Morgan Hill	95037	13
Mountain View PD	10	1000 Villa Street	Mountain View	94041	0
Palo Alto PD	12	275 Forest Avenue	Palo Alto	94301	3
Santa Clara PD-El Camino Real	12	601 El Camino Real	Santa Clara	95050	7
Sunnyvale PD	11	700 All America Way	Sunnyvale	94088	10
State Univ San Jose PD	12	1 Washington Square/377 South 7th Street	San Jose	95152	2



## Juvenile Justice Commission County of Santa Clara

840 Guadalupe Parkway  
San Jose, California 95110

(408) 278-5993 FX (408) 294-6879



February 8, 2015

Bureau of State and Community Corrections  
600 Bercut Drive  
Sacramento, CA 95811

Re: Santa Clara County Juvenile Justice Commission Inspection Report: Temporary Detention of Minors in Law Enforcement Facilities (LEF) for the Year of 2013

Dear Bureau of State and Community Corrections:

Pursuant to Section 209(b) of the Welfare and Institutions Code and Rule 1.O. of the Santa Clara County Local Rules of Court, Juvenile Division, the Santa Clara County Juvenile Justice Commission (JJC) has finished its annual inspection of the temporary detention facilities for minors located in the various county's law enforcement agencies. The agencies inspected were those identified by the Board of State and Community Corrections (BSCC) in its letter dated July 18, 2014 as detaining a minor in 2013 (Enclosure A).

In all, the JJC inspected 7 temporary juvenile detention facilities. While Mountain View Police Department (MVPD) was not listed in the BSCC letter as holding a minor, upon further inquiry, MVPD determined that one minor was detained during the 12 months of 2013.

Attached is a copy of the Inspection Report with findings, commendations and recommendations (Enclosure B). All inspected facilities, on the whole, follow the BCSS guidelines and were clean, well organized, professional and had written policies and procedures. Findings specific to the individual LEF are included in the report. All departments were also very cooperative and responsive to the JJC.

The JJC have made the following recommendation:

- LEF comply with WIC 207.1(d)(1)(B) which limits temporary detention of a juvenile to 6 hours.
- LEF have readily available a copy of the applicable Fire Inspection Certification for review.
- Signs be posted in all area where minors are detained and written in simple language explaining procedures and minor's rights and in English, Spanish and Vietnamese.

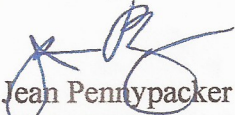
Since the completion of the inspections, the JJC received responses from the following LEF:



- The Campbell PD has located the latest Fire Inspection Report for the JJC to review and will have the latest report available for the next inspection.
- Mountain View PD now provides unlocked access to the outside when booking non-secure minors.
- Palo Alto PD sent a copy of the appropriate Fire Inspection Report to the JJC inspection team subsequent to their visit. The officers will be receiving training on documenting the advisement of minor's rights in the logs and on the six-hour limit for detaining minors.
- Sunnyvale PD has taken steps to ensure that a copy of the Fire Inspection Report is available for the next inspection and will be posting multi-language signs within the next month.

The JJC is available to answer any questions concerning their report.

Sincerely,



Jean Pennypacker  
Chair, LEF Inspection

Enclosure (2)