

**SANTA CLARA COUNTY
JUVENILE JUSTICE COMMISSION**

JUVENILE HALL INSPECTION REPORT

March 2005

INTRODUCTION

The Santa Clara County Juvenile Justice Commission visited the Santa Clara County Juvenile Hall on seven occasions during November, December 2004, and January 2005, pursuant to the State of California Welfare and Institutions Code Sec. 225. Seven Commissioners inspected the physical facility and conducted interviews with youth and staff. Documents and Inspection reports from various sources were requested and reviewed during the inspection. Juvenile Hall (Hall) is administered under the State of California's Board of Corrections Guidelines, and Federal institutional standards. The Hall is funded through taxpayer dollars budgeted by the Board of Supervisors, overseen by the County Executive and its employees are union represented.

The dates of the seven inspections were: November 12, 15 & 19, 2004; December 7 & 16, 2004; January 13 & 21, 2005. On December 16th Commissioners attended the annual Foster Parent Recognition event and visited all Units for the Commission's Annual Holiday Decoration Judging of the units.

This report is a descriptive summary of the information gathered regarding population, staff morale, physical plant, programs, unit composition, incident reports, medical/mental health services, school services, gang issues, the Roush Report, and commendations and recommendations for action complete the report.

Initial Visit On November 12, 2004 the Hall Manager stated that there were significant changes in the Hall staff over the past year. Five staff retired, shift changes took place in February and some Community Release Program staff joined the Hall staff. February 2005 provided another round of unit bidding for counselors so personnel continues to shift.

Open codes for counseling staff total 23. These codes are filled by employees from the extra help pool of counselors resulting in a depletion of extra help staff. This means that some staff work a significant over-time schedule "dragging them down." There are five staff positions that are light duty for those who cannot perform a full range of duties. As of November 12, 2004, all of those positions were filled and another 13 counselors are on Worker's Compensation leave. According to management, the length of time staff is out due to injuries is about the same as last year although the number of staff out is lower.

Reports Commissioners collected and reviewed various reports that included:

1. Santa Clara County Office of Education (COE) Annual School Program Evaluation to Board of Corrections for Osborne School, dated November 1, 2004
2. Documents describing the Programs held in Juvenile Hall over the past six months
3. Office of the Fire Marshall annual inspection for 2004. No significant life threatening conditions were noted
4. Santa Clara County Juvenile Detention Reform, Site Assessment, September 2004, Annie E. Casey Foundation, by John Rhoads
5. Santa Clara Valley Health and Hospital System Juvenile Probation Medical Services Juvenile Hal/Juvenile Ranches, Annual Report 2004. February, 2005

6. Probation Department Response to the JJC 2004 Juvenile Hall Inspection Report, April 26, 2004
7. County of Santa Clara Daily Unit Composition Report for the visits
8. Santa Clara County Probation Department Multi-Agency Assessment Program (MAAP) and Volunteer Programs in Juvenile Hall
9. Probation Department Juvenile Hall Breakfast, Lunch and Dinner menus for December 2004.
10. Daily schedules for Juvenile Hall activities for each unit
11. Juvenile Hall Orientation Packet which is printed in three languages
12. Juvenile Hall Management Protocols, November 12, 2004
13. Commitment Unit: Program and Structure Plan
14. Risk Assessment Instrument for Girls in Juvenile Hall, December 13, 2004
15. Information from the Missouri Department of Social Services, a Treatment and Education Program for Youth in Incarceration - Master Plan 2002-2006
16. Juvenile Mental Health Court: 2004 Rationale and Protocols
17. A Response to the Issues and Concerns at the Santa Clara County Juvenile Hall, Findings and Recommendations, August 26, 2003
18. Monitoring Progress Towards Juvenile Detention Reform, February 2004
19. Memo entitled Function of the Office of the Ombudsman, January 3, 2005
20. Santa Clara County Juvenile Facility Biennial Inspection of Juvenile Hall conducted by the Board of Corrections, February 17, 2004
21. Changes in Ranch Adjustment and Ranch Orientation Program Memo, February 14, 2005

DESCRIPTION

Population The Program Manager reviewed the Hall population figures at each visit. The following lists the population figures.

DATE	BOYS	GIRLS	TOTAL
11/02/04	236	48	284
11/12/04	226	49	273
11/15/04	230	47	277
12/07/04	219	48	268
01/13/05	217	40	257
01/21/05	234	46	280

These population figures are consistently larger than at last year's inspection, particularly in the female population. As a result of the increase a second girls' unit was activated.

The ethnicities of Hall intakes are:

ETHNICITY	% of TOTAL HALL POPULATION
Hispanic	65%
Black	9%
Caucasian	16%
Asian	6%
Other	4%

According to staff and management, the youth in the Hall are increasingly gang-identified. Some staff claim gang involvement by nearly 90% of the youth. Staff estimated that 40% to 50 % of the youth have committed serious and violent crimes classified as 707B

crimes (“serious felonies with mandated consequences.”) These characteristics are indications of the level of supervision that must be maintained with this population.

Staff Morale The JJC interviewed staff from the Probation Department, including the Superintendent, supervisors, probation counselors and extra-help staff, kitchen staff, administrators and school staff from the COE, Mental Health and Medical Clinic employees. Staff comments are contained within the unit and /or program area. Staff morale was at low ebb when the Commission conducted last year’s inspection. Negative articles about conditions in the Hall appeared in the Mercury News and the articles received limited public response from top management. The staff, most college graduates and many with master degrees, told the Commission that they were dedicated professionals who felt isolated and adrift. Staff stated then that the Hall and Probation staff had no spokesperson.

Management reports that staff morale today, while improved from last year, is still not totally back to former levels. The Department, while experiencing a few resignations and some retirements, is suffering from a staff shortage which necessitates daily overtime. There were approximately 200 applicants for open counselor positions. When asked by Commissioners to describe staff morale on a scale of 1 to 10, with 10 being the highest, staff answers varied from 2.5 to 6. Management and line staff have a different perception about staff morale.

Management reports that while there are fewer grievances filed by youth, complaints about counselor abuse, and verbal abuse by youth continues. Abuse by youth in school is much increased from last year’s levels with teachers writing incident reports and sending individuals from class. Often youth, many functioning at a low level and intimidated by schoolwork, use verbal abuse as a device to get out of class and return to their unit.

There is a staff concern that, Juvenile Hall is still without a spokesperson. One staff asked, “What will happen when the Department of Justice’s report is released?” “The Mercury News will cover the story, but who with community credibility, from the Department, will respond to any misstatements?” Staff said they were left without backing in the past. They are waiting to see what happens next time.

In the September 2004 Detention Reform Site Assessment from the Annie E. Casey Foundation, the consultant urged the Probation Department to “improve its ability to hear the voices of staff and while listening to develop some trust and support from these staff.” Staff do not work 16-hour shifts like Ranch staff but the overtime is “dragging them down.” Full-time staff receive 32 hours of training per year. The thrust of training this year focused on restraint techniques, report writing, deescalating techniques and fire and safety programs. The use of restraints is down from last year according to management. The number of room walk-outs has increased.

Physical Plant The grounds are restricted due to construction. Expansion and modernization of the facility are in progress. Both new and old housing units are used. Program areas for medical services are quite efficient and complete. Additional area for mental health and individual counseling is being added. The kitchen, food preparation, and storage areas were clean and well-organized. The school buildings are temporary portables in use during the construction process. Many youth are assigned to attend school in their living unit. The gymnasium is used by some youth for physical education and recreational needs. The Fire Marshall report is timely.

Commissioners did discover that the kitchen staff was having difficulty maintaining sanitary water temperatures to wash dishes and utensils. The matter was referred to the Facilities Manager and in our last inspection repaired appropriately. Another item in the GSA Report regarding the kitchen was that “all areas subject to water should have ground fault interrupter protection.” This was also fixed.

Programs Programs provided to incarcerated youth include: Life Skills, Health Realization, Domestic Violence, Substance Abuse Prevention Education, Gang Intervention, Sexual Violence Prevention, Planned Parenthood, Girls Scouts, Anger Management, Bible Study, Alateen, Beat Within, (a writing program), Foster Grandparent Program, Pet Assistance Therapy, and Religious Services. The most frequently mentioned programs were: Multi-Agency Assessment Program (MAAP), a project where county agencies such as COE, Probation, the Clinic, Mental Health and the Department of Alcohol and Drug Services (DADS) coordinate assessments and treatment plans, California Youth Outreach (CYO) and the Right Connection which are programs that focus on gang intervention.

Unit Composition The housing units serve for both housing and programming. The current ten units are divided by gender, behavior and function. Eight units are currently for boys and two for girls. It should be noted again that the Juvenile Hall is undergoing reconstruction and programs and unit activities are sometimes adjusted due to construction issues. The increased population of girls in the Hall is evident. Secure units house individuals who are not allowed to mingle with the general population. Each unit is described individually as each unit offers a youth a different experience.

There are four units in the old wing:

- B2 includes a general population of older boys ages 16-18
- B6 includes boys who are committed by the Judiciary to Juvenile Hall
- G1 includes girls who are a security risk
- G2 is an honor unit for girls

There are six units in the new wing:

- B7 is now an honor unit for boys
- B8 is a security unit for serious offense boys
- B9 is a security unit for serious offense boys
- B10 is a unit of boys awaiting transition to other placements.
- B 11 is currently the unit that houses the Ranch Orientation Program, Ranch escapes and Ranch failures. The unit provides intensified services through Mental Health, COE and community based organizations (CBO). B11 is scheduled to change to a general population unit in March and RAP/ROP programs moved to the Ranch site.
- B12 is a unit for the institution's youngest boys ages 12-14.

Modified C Level Youth admitted to Juvenile Hall experience a three tier level system. When a youth is first admitted he is placed on "B" level for one to two weeks. Youth are generally upgraded to "A" level if they are responding well to the Hall rules. Youth experiencing a lot of behavior issues may be placed on "C" level. The Commission has become aware of the increased use of the Modified C Level program in the units. The Modified C Level program is designed to identify the minor whose behavior is chronically inappropriate and monitor this by controlling their daily schedule. As noted in the *Juvenile Hall Policies and Procedures Manual*, youth may be placed on the Modified C Level program when the minor displays behavior consistent with the following major disciplines: a. continued extreme disrespect, b. possession of contraband, c. gang activity, d. inciting riots, and e. conspiring to escape. Everyone in the Hall is eligible for the Modified C Level. Increased use of this option appears to be gang related.

The Manual further states: "A minor will be placed on the Modified C Level Program, classified a security risk, and transferred to a security unit when: the minor displays behavior consistent with the following major disciplines: a. possession of major contraband,

b. involved in an assault on staff, c. involved in an unprovoked assault on a minor, and d. involved in a gang motivated assault.”

Youth on this level spend most of their time locked in their rooms including school and meal times. They do have a one-hour large muscle activity time. A minor on the Modified C Level program will be placed on Independent Studies and restricted from participating in school activities. Unit staff is responsible for providing minors on the Modified C Level with the State minimum standards for activities and recreation. After four days the minor’s status is reviewed. The minor will be removed from the program if no disciplines have been received during that four-day period. If the minor’s behavior has not improved, the program may be extended for four additional days. The program may be extended additionally if the minor’s behavior continues to be chronically inappropriate with no observable effort to cooperate.

The Commission has documented the number of youth on the Modified C Level program during the inspection visits. This intervention seems to be gathering momentum although it is difficult to evaluate its impact on behavior and/or successful outcomes for youth. The Commission was particularly concerned that the youth would not be in school when placed on Modified C Level status. Only a few teachers are available to go into the youth’s cell to provide instruction. Commissioners requested printed policies on this program and confirmed that it was also mentioned in the Hall Orientation brochure.

G1 There were 20 girls in the security unit on the inspection date. Girls in this secure unit are kept in the unit for school, meals, and activities. Although it was the secure unit, eight girls were on A status, eight on B status, and only four on C status. Two were transferred to Emergency Psychiatric Services (EPS) because of suicide attempts. One counselor, a multi-year veteran with the Department, said she knows most of the girls and their families. Staff said that most of the girls in the unit were Ranch failures. The majority of girls claimed a gang affiliation. The counselor said gang related problems usually start with a small thing, such as “Why are you looking at me?” Then, there is a ripple effect.

There were girls in the classroom with two teachers and a one on one aide. The girls complained about the “sameness” of lessons since they were often repeat offenders. They complained that they never were assigned homework so they could make up school work in other subject areas. There was one high school graduate who was on Independent Study. One girl said she needed 30 units for high school graduation. One of the counselors said she provided PE if the teacher wasn’t available.

The girls also spoke highly of the Life Skills after school program. They said the teacher helped with life skills, anger management techniques and even meditation. Mention was made of the “beauty nights” where girls could apply nail polish. Staff said the girls occasionally received family visits. The nurse reported that fourteen girls are receiving prescribed medications including antidepressants. Another youth said that there had been a fight in the courtyard several weeks ago that had frightened her. One girl from Alameda County said that there was more out-of-room time in Alameda County. One fifteen year old said she had been in Juvenile Hall three times this year. She ran away from home a lot after her Mom lost their house and her job. She said before all of the family’s financial problems she had been attending school and doing well. She commented that she was “treated well in the Hall by counselors but a few brought their personal problems to work.”

G2 G2 is the girls’ honor unit, with youth between 15 and 18 years of age. Gender specific programming was recommended in the Roush report. Management said this

unit is operating without added funding and there is need for additional staff and gender specific programs.

On the day of the inspection there were 18 girls in the unit. All girls but one were on A level. The girls attend Osborne School. One girl remains in the unit for GED schooling. Girls take their meals in the cafeteria, go to school in the portable classrooms, and go to the gym for PE and recreational activities. While the girls are in school, staff may search their rooms for contraband. Staff also fills out the chronological log and completes paper work while the youth are out of the unit. Staff escorts youth to court, to the clinic, or to meet with an attorney. One of the staff member has a masters degree in Counseling Psychology and the second a bachelors degree in Sociology.

On the day of the Commission visit staff reported there were no pregnant minors in the unit. A "Best Bunk" award was used to encourage cleanliness.

The inspection team visited with the youth and asked if they had seen the orientation video upon admission to the Hall. Most said they had not, including one girl who said it was her third time in the Hall. Four girls said they knew how to file an appeal and a grievance. Girls felt that they were learning a lot from the CYO program provided several times a week after school. About half of the group said they were involved in gangs. They said there is always gang tension, but for the most part they get along and feel safe in the unit.

The girls complained that they are not receiving the classes they need in Osborne School. They said the lesson plan is the same for everyone and they do the same thing every day. Two girls offered that their parents were delivering school work daily from their schools. Even though they were in the Hall for many weeks, they were still trying to keep up with class work. Some of the girls were awaiting transfer to the Ranch and or another placement.

A nurse was present in the unit during our visit. She said that medications in this unit included: antibiotics, antidepressants, folic acid and medication for the lactose intolerant. The nurse said she had frequent calls from parents about the health of their children. The G2 Honors program didn't seem to have the program structure that a unit such as B6 had. It should be noted that management conducted a five-month evaluation of the use of the new Detention Reform Risk Assessment concerning the female population. One finding was that information on the Risk Assessment form itself was inadequate and that staff training was needed. Another finding demonstrated that there was also confusion about how to score the form. It was noted that some girls were detained who could have legitimately been released.

B2 This is a general population unit with the oldest boys. It is not a secure unit. The population on the day of the inspection was 39. Seven youth were on A level, 15 were on B level, 13 were on C level, and four were on the Modified C Level.

Unit staff consisted of two full-time counselors, one part-time counselor and one provisional counselor at the time of the visit. All of the youth go to Osborne School. The youth however do not go to the gymnasium "as most are just off the street and new to the Hall, the counselors don't know them or their history." Depending on availability either a teacher or a counselor provides PE in the unit. Youth come to B2 from Boys' Receiving if there are no violent charges against them. Ranch failures are also sent to this unit. Members of the JJC inspection team joined youth from B2 for lunch. There are many contradictions concerning the population and the programs of B2. Several counselors interviewed said it was a unit "most didn't want to work in."

B6 B6 is the boys' commitment unit within the Hall. On the day of the visit the population in the unit was 29. Twenty-five youth were on A level and four were on B level. Two youth in this unit are fathers. Most of the youth in the unit are Ranch failures. Hall administration said that this unit had the most difficult minors, with most being non-compliant.

B6 is the unit where the new personal improvement program was introduced and is being tested. A Probation Supervisor developed the program, with the approval of Juvenile Hall management and the Court. Her personal dedication, plus the support of the staff, has made this innovative program a success. The staff member lauded management for giving her the opportunity to implement this innovative project.

The purpose of the program is to prepare minors for a successful return to their communities. The objective of the program is to challenge this population to become the best they can be by exposing them to a variety of programs and community resources. All of the unit's staff is involved in this program. The program has been in effect since Fall 2004. Incident Reports from B6 have dropped almost to zero since the program was introduced. There is a need for additional staff time to expand the program offerings.

Self-esteem programs are designed to promote positive self-awareness, confidence, and self-respect in the individual. Programs in this category include an array of experiences that will broaden the minds and thought patterns of the participants. Classes have included: gardening, cooking, the solar system, art, and child development.

The career options programs expose the minor to the many work opportunities available in the market place. Programs include job preparation, employment training, vocational training, and military service. Each staff is responsible for programming. Youth participating in the program have been taken for job interviews with some being employed in local stores. The youth "leave" for work in street clothes, go to work, and return to the Hall. No one at their place of employment knows they came from and will return to the Hall.

The educational goals encourage the minors to push themselves as far as possible in the area of education. The minors are assisted in securing their GED, completing their high school curriculum, or applying for admission to a community college. Youth participating in the program have participated in college orientation programs at the college sites.

Participation in the self-enhancement program is voluntary. The youth must be on A or B level, with no pending disciplines needing to be served, to qualify for the program. C level minors will not be allowed to sign-up for any of the Program's options.

A point system is used to encourage minors to participate in the self-improvement program. Each program is assigned a point value and the points awarded to the minor upon completion of the program. Behavior and participation remain separate; points are not awarded for good behavior and points are not deducted for poor behavior. Minors demoted to C level can bank points until they return to B level and are eligible for re-entry into the program. Each 100 points could qualify the individual for one-day early release, depending on some conditions. Recreational opportunities can be earned outside of the unit.

One youth, soon to successfully complete his Hall commitment, was felt to be too incorrigible to be admitted into the personal enhancement program. He spoke with great enthusiasm about how the program had enabled him to turn his life around. He said he always thought he was dumb and sent to the Hall many times for gang violence. He finally realized he had a lot of potential. He said staff gave him one more chance and now he's only five units away from high school graduation. He said he hoped to go to college and study Computer Graphics. He said he has spent the last five years in and out of the Ranches and the Hall. Now his whole life will be different in 14 days when he completes his Hall time. He said he had been referred to a tattoo removal project.

The Commission was impressed by the success of the program. Commissioners were told by staff in other units that they thought B6 was "cherry-picking" minors for assignment to the program. The Commissioners found it interesting that youth, who had many Ranch failures and were subsequently committed to the Hall, were all doing so well in the special program.

Among the B6 staff one has a Master's Degree in Counseling and was applying for a Probation Officer position. One experienced full-time counselor on duty said "there is a need

for more physical restraint training. While the quality of the current training is good, it's only provided once a year and counselors can get rusty. The injuries that result when restraints are applied are not the result of restraint techniques, he added. The injuries are caused by the youth's non-compliance. The counselors never touch a youth if they don't have to."

A staff member said it would be useful to have chemical spray to use in riot situations, as is the policy in Monterey and Alameda Counties. Staff said that morale was slowly improving over last year.

B7 B7 is the boys' honor unit. The youth, except for one minor, were out of the unit and attending Osborne School at the time of the JJC inspection. There was a total of 20 youth in the unit with 18 youth on A level, two on B level, and none on C level. There are no Modified C level youth in B7. Youth in B7 go to the gymnasium for their PE period and on Friday and Saturday nights.

This is the only dorm-like unit for boys with all of the bunks facing each other. One counselor said group fighting/gang fighting, involving six, seven or eight youth, is a recent phenomenon in the Hall. It generally occurs in the general population unit. In B7, standards are higher and counselors try to impress on minors the necessity of controlling the gang affiliation behavior in their lives.

Both Counselors were college graduates, one in Computer Science and the other in Child Development. One counselor said a different approach is needed in the Hall. "Kids fight and nothing happens." "There are no consequences." "Youth in the Hall get more information from the public media." Their first comment to a staff member is, "I will sue you." "A comment like this was never heard years ago." A provisional counselor said that she enjoys working with minors and helping them make choices. Some minors are not respectful towards staff. Most minors need someone to listen to them. This counselor tries to give positive feedback.

B8 B8 is a boys' security unit. The capacity of the unit is 30 youths. On the day of the inspection, the population of the unit was 29. Of the 29 youth in the unit, 21 were on A level, five were on B level, two were on C level, and one was on D level.

The counselor on duty, a college graduate, has worked at the Hall for several years. The prevalence of gang conflict is much worse than it was two years ago, the counselor said. Use of a chemical spray to help address gang fights would result in fewer staff injuries suggested one counselor.

One youth sitting alone talked to Commissioners. He said he was charged with two murders – gang murders. He said it all happened so fast. He didn't know how it happened. "It must have been self-defense," he said. "I'm a good student and that's all that's left of my life now. You know how you wish you could take something all back?" he added. He commented that his mother said: "at least she could visit him but those other boys' mothers would never see their sons again." When asked if he was afraid of gang violence against him he said "no- everyone is afraid" of him.

B9 B9 is a boys' security unit. On the day the JJC visited, there were 29 youth in residence, 12 were on A level, 11 on B level, four on C level and three on Modified C Level. The three on the Modified C Level status were part of the James Ranch riot that had taken place the evening of January 12, 2005.

There were three staff on duty and one one-on-one staff assigned to a youngster that looked quite confused. The Counselor in charge had been in the Hall over five years. He felt that it was a good idea that management had recently doubled the amount of restraint training so counselors would now take the eight-hour course twice yearly. He added that too many

youth and counselors were injured when staff members, who infrequently used restraints, were forced to use them.

He described morale as 5.5. He seldom saw a management person. He thought pepper spray might be a useful tool to avoid restraints. This counselor repeated a theme Commissioners heard in many of the units: "Why did management insist on having the Sureños and Norteños live together? It only caused fights. They were not friends on the outside. Why would locking them up together without any structured behavior modification program in place help the situation?" The Counselor said this unit did not allow any movements of minors outside the unit to school or to the gymnasium. He said most boys here had committed such serious offenses and they might be sent to the CYA. Ranch failures seldom come to this unit he said. He estimated that about 30% of the youth in this unit were prescribed psychotropic medications.

The counselor pointed to the mission of the Hall "to provide an environment where safety and security for the minors was the top priority." He said it wasn't safe to house rival gangs together. Programs offered in this unit included: anger management, dance, health realization and CYO. When asked about a point system such as B-6, he said that only worked for kids who didn't want to be in the Hall. Since most come from poor neighborhoods why couldn't a positive intervention be sooner?

Commissioners spoke with one young man not in the classroom. He said he already had 42 math units and had taken the GED several days ago. He was hoping he had passed his GED. He said he chose to sit out in the unit proper rather than remain in his room when his Resource Specialist (RSP) teacher wasn't available.

B10 B10 is a male placement unit with a capacity of 24 youth. On the day of the inspection the population in the unit was 26. Ten youth were on A level, eight were on B level, and eight were on Modified C level. Many of these youth need intensive mental health treatment. Some youngsters have been removed from their parent's custody. The unit also houses sex offenders and substance abuse minors. It was reported to the Commission that due to probation staff retirements, boys in this unit are spending more time in the Hall because of probation placement staff vacancies and placement failures. The counselor, a six-year Hall employee, said most of the minors in the unit have mental health problems. Half of the youth in the unit do not have families to go home to or have had bad experiences with their parents. Some move on to a group home such as Starlight. The counselor said there had been much fighting in the unit. On Monday there were three youth on Modified C Level. By Friday there were eight on Modified C level because of fighting.

There is a high turnover ratio in the unit. The youth go to a group home, come back to the unit, go again and return again. The counselor said he is seeing the same kids in and out. The reasons for placement failures are many. Some youth run for the sake of running. Other failures are gang related, with too many of the opposing gang in the group home. The counselor said the youth feel secure in the Hall. They are comfortable with some of the counselors because the counselor has known the youth for a period of time. He added that he tries to warn a youth before he leaves the unit for a new placement that he may encounter "disaffiliation."

Morale within JH has improved slightly, but is still not normal, according to the counselor. There is still a lack of support from top management. Hall youth know what is going on and it impacts them. Several years ago a Hall fight involved two kids. Today a fight involves six or seven kids. This results in staff injuries. Counselors are reluctant to apply restraints because parents press charges. He said, "Juvenile Hall needs a spokesperson. People outside don't know what happens. No one is beating up on kids since I've been here."

Many of the kids have mental health problems and meet with a mental health counselor. Due to confidentiality, unit counselors are not permitted to sit in on the group

mental health sessions. There is talk of a collaborative effort between the unit staff and mental health staff on a regular basis, but it has not happened as yet. The strongest deterrent to fighting is a full-time staff member. Fights can be prevented if there is mutual respect between the counselor and the youth. With part-time help, the youth take advantage of their inexperience and the dynamics within the unit changes.

B11 This unit is currently composed of youth preparing to go to a Ranch. The capacity of the unit is 30 youth. On the day of the inspection the population was 29. Eleven of the youth were on A level, nine were on B level, and nine were on C level, with six of those on the Modified C Level program.

Youth are taught what to expect at a Ranch. The counselor, a ten-year Hall employee, said most of the youth are not prepared for a Ranch. The youth pay no attention to the preparation classes or are not interested in what the counselors present.

The counselor feels that some minors, most of who are young and immature, are not ready to accept the responsibility entailed in going to a Ranch. They need to integrate with other youth. They have to get along with others. They have to ignore differences between youth. Youth need to go to the Ranch with a positive attitude. The counselor feels a Ranch is not a great program, and has a low success rate. The goal of some of the youth is to fail a Ranch program and would do whatever is necessary to keep from going there. Some say they will run before they go to the ranch. Youth that want to do well at a Ranch are easily identified: they ask many questions about life there. The counselor feels there should be security at a Ranch, with no opportunity to run. He said that at the San Mateo Ranch, located in a remote coastal area, the youth are afraid to run. The San Mateo wards are reminded that poison ivy, snakes, and mountain lions surround the facility. Counselors asked why a security fence couldn't be built around a Ranch facility. In March, RAP and ROP will be moved to the Ranch campus.

Boys Receiving There were three boys in Boys Receiving on December 7, 2004 when Commissioners made an unannounced visit to Juvenile Hall. Staff said that interventions like videotaping restraints and other suggestions from the Roush Report hadn't been implemented yet. This is the unit that provides orientation for each admit. All three of the youngsters interviewed in Boys Receiving had verbal orientations but had not seen the Hall orientation film. Evidently, only new admits see the film. Others are told verbally about Juvenile Hall rules. However the one new admit who was going on to his unit, still had not seen the film. Counselors said there was nothing in writing saying the youth had to see the film. Sometimes the television doesn't work one suggested. Sometimes it's too noisy. One youth had just returned from a 16 day stay at EPS for a suicide gesture. He hadn't seen the orientation film. One youth said he had been in the Hall for three months pending an assault with a deadly weapon charge. He hadn't viewed the film; had filed a grievance once; but, no one ever talked to him about it.

Counselors suggested that pepper spray might be used to intervene in some of the gang fights and lessen the impact of physical restraints. They were concerned for the 20 or so counselors on "injured reserve". The suggestion was made that pepper spray training could be given to all Counselors and that the can of spray would remain in the waist pack of the prescribed unit not given to all Counselors.

Both Counselors on duty were college graduates although both were also provisional employees. Both said they loved working in Juvenile Hall and liked working with the kids. "I have never seen anything bad happen to kids here in my three years," said one counselor.

Girls Receiving This is where girls would first come upon being admitted. Two girls were in the unit at the time of the visit. One girl said she had been admitted at 2 a.m. and had never seen the orientation film. Another girl said she didn't see it when she was admitted but did sit with another new admit and saw it with her when she was working in Girls Receiving.

The counselor commented that she thought some girls were just using the Emergency Psychiatric Services unit and pretending to be depressed just to get out of the Hall. She said some girls stay in Receiving for four or five days because of behavior issues or problems with medications. Most are only in the area for a couple of hours and then transferred to a unit.

The two girls talking to the counselor in Receiving seemed to have trust in the counselor. The counselor said she often responded to disturbances in the units when she didn't have anyone in Receiving. She would like to see more interaction between Hall staff and community mental health professionals.

Incident Reports The inspection team reviewed all incident reports prepared during the month of September 2004. A total of 459 reports were written during the 30-day period, or an average of 15 reports daily. Each report is read and signed by a supervisor. Reports must be detailed, accurate, and complete as they are the official documents that are examined if there is follow-up action after the event. Two Hall Managers read every incident report. One Probation Manager reads all incident reports. The Supervisor of each unit reads all the reports from his/her unit. Many incidents that occur in the Hall require multiple written reports.

Each counselor who has observed an incident writes a report. In the case of multiple youths being involved, reports are written for each youth. In the case of a physical injury, a nurse writes the results of her physical examination on the bottom of at least one of the incident reports about a particular minor. This is all very time consuming and, without an integrated data base management system, difficult to use as an assessment tool. For example, an event occurred during September where three youth barricaded themselves in a room after setting off fire sprinklers and releasing the locks on the individual rooms. Extra counselors were called into the unit to help subdue the offenders and assist in removing them from the unit. A total of 16 incident reports were prepared because of the number of youth involved in the incident and the number of staff required to diffuse the situation. From five to eight reports per incident seem to be the average for a removal and physical restraint initiated incident.

Also in September, two incident reports were prepared because of suicide attempts and one because of a suicide gesture. The reason given for most of the reports is disruptive behavior, application of restraints, profanity/insubordination, and removal from the unit. Some incidents are gang related. Disruptive behavior and removal from class in Osborne School produced a surprising number of reports.

A change in the reporting format is being introduced into the database program in the Hall. The installation of additional computer stations and on-going training will permit counselors to prepare individual reports promptly in a standardized format. Currently, many of the reports are still hand written.

Analysis of the data will be easier when the refinements are made in the program. Currently there is no process to examine data by category. It is hoped the new program will ease the paper work for the supervisors who are required to read and sign all of the reports. One supervisor said he shuddered when he saw the stack of incident reports awaiting his review following a two-week vacation.

SERVICES

Medical Services The nurse manager outlined the procedure that is followed with each

juvenile admitted to Juvenile Hall. Each minor is screened by a nurse usually within one hour of admission in a "rather thorough" half-hour assessment. The youth is then seen by a medical doctor within 24 hours of admission. While the drug and alcohol classes and programs are provided through a different county department, the nurse manager said that referrals for treatment are ordered through the Judiciary or at the request of a nurse or the youth. If a youth is admitted under the influence, he may be prescribed a detox medication by the pediatrician or sent to VMC for detox treatment.

Youth are tested for any communicable diseases. All sexually active youth are asked if they are interested in receiving HIV testing. On the day of our Clinic visit there was one pregnant girl in the Hall and one diabetic youth. There are no youth who have tested positive for TB in residence. No youth that this Manager knows of has tested positive for HIV.

Each youth is asked about his/her drug/ alcohol use and birth control usage. All youth are given free birth control if they wish. A physician's assistant from VMC follows up with sexually active youth. Pregnant girls are now assigned a Public Health Nurse who visits with the girl at the Hall and then follows her pregnancy through VMC. The Manager said that this is a very high risk group of young mothers. Pregnant girls receive high protein diets and regular snacks.

A full-time pediatrician is available whenever needed. Approximately 80% of the youth seen in the Hall are already part of the county health system through Medi-Cal eligible families. This obviously indicates that most youth admitted to the Hall are from low income families. Unit clerks at the Hall have become proficient at retrieving youth records through computer access to county and school records. The clinic at the Hall is part of the Immunization Registry making each minor's records readily available. Often outside pediatricians are also contacted by clinic staff to verify medications. Commissioners asked the manager about the availability of flu shots and she said that all youth received flu shots or mist. There has not been an outbreak of influenza in the Hall this season.

The nurse manager will complete an overhaul of the medication procurement system by the end of March 2005. Prescriptions will be written using a computer-generated system to insure that the prescribed dose is prepared appropriately. There are three fulltime pharmacists at the Main Jail. They will receive faxed prescriptions from the Hall and prepare, pack and deliver medications in the minor's name to the Clinic. The computer program will regularly develop lists seven days in advance when a youth needs to have his prescription renewed.

By the end of April, the nurse manager said that all medical records at the Hall and in the county medical system will be integrated to ensure consistency of coverage and care. The most frequent medication given in the Hall is psychotropic medications with about 20% of Hall youth receiving this type of medication.

The nurse manager reported she is responsible for supervising 20 RN and LVN nurses. Three nurses are scheduled to work Monday through Friday on the 6:45 a. m. to 3:15 p. m. shift, with clerical persons assigned to the shift. Three nurses are scheduled to work Monday through Friday on the 2:45 p.m. to 11:15 p.m. shift, with clerical staff assisting. One RN works the night shift 11:15 p.m. to 7a.m. Weekend/holiday coverage is reduced to three nurses on days and evenings. Youth interviewed about the nursing staff all made positive comments to Commissioners.

Routine sick call is conducted Monday through Friday by both shifts but currently assigned to the LVN staff while the RN staff is more involved in assessment and referral. Weekend nurses handle only acute cases or emergencies. All minors requesting to see a nurse are seen regardless of when the sick call was completed in their unit.

A full time medical doctor and a half time psychiatrist are on site Monday through Friday. A dentist is on duty at the clinic two days a week. Youth are assessed by the RN staff for referral to the dentist. She indicated that a new "tooth protocol" was in place for any

youth's tooth that had been knocked out during a fight. The tooth must be immediately placed in milk and the youth referred for an emergency implantation. The nurse manager oversees the Hall and Ranch nurses and clerical staff on a 24/7 basis. Another department through GSA handles the dietary needs of youth.

The nurse manager also said she wanted to make the time youth spend waiting to be seen by the medical staff more efficient. She said some youth may spend an hour or so in the waiting room of the Clinic. She organized an area that will begin to show videos while the patient is waiting. Subjects of the videos will include: parenting, smoking cessation, child development, AIDS, sexuality and other topics of interest to teens.

She said that the Clinic never misses an opportunity to educate a youth. Flyers and brochures will be available from local programs so youth can follow up after release from the Hall. She added that staff cuts have not hampered the quality of service performed in this Clinic although the services may be provided by an LVN rather than an RN.

Commissioners asked about the number of youth sent to EPS for suicide attempts. The manager said that she held a joint meeting in December 2004 to discuss that matter. Now Mental Health must inform the Clinic and Probation staff about the necessity of a Mental Health hold. That information will be faxed to VMC along with the youth's medical records. After treatment, VMC will fax back to the Clinic a report on the diagnosis along with a description of the treatment and medication given to the youth.

Some probation staff complained that youth were manipulating the system in order to be sent to VMC, where they receive one on one attention, are able to watch television, and get wholesome snacks. She agreed that there may be some who do look forward to going to the locked mental health unit but she would not want to make an assessment mistake.

One alternative might be to set up a treatment center right in the infirmary but that there were not that many youth who abused the system at this point to make such a recommendation.

Commissioners also asked about child abuse reports. Since August 2004 there were three such reports sent to the Sheriff's office regarding youth who said that staff overused physical restraints. A fourth referral was made because a young admit was covered with bruises and had said he had been the victim of his father's beating. She said it was not the Clinic's job to investigate the reports but to insure they were made.

She also cited a successful Holiday program in the Clinic where model youth were sent from their units to the Clinic to decorate the walls and trees in a festive manner. She said one 16 year-old girl said it was the first time she had ever decorated a Christmas tree and wondered if she could return next year to help. The youth wrote thank you notes to the community agencies that had donated the materials. She shared some of the notes and emphasized the poor reading, writing and spelling skills of the youth.

Mental Health Services Serious mental health issues are a continuing concern for a number of youth. Some are so troubled that one-to-one supervision is necessary as these youths are a danger to themselves, other youth and staff. Counselors provide suicide watch and 24-hour direct supervision. These serious emotionally disturbed youths may need extensive mental health therapy or confinement in a mental health facility such as EPS. It is difficult to meet these mental health needs in a detention facility.

There are 12 FTE therapists serving the youth of Juvenile Hall and 2 open positions to be filled. There is coverage almost 24/7 with both evening and weekend coverage. Caseloads range from 8 to 18 depending on the program and the individual needs of the youth. Some youth may be seen every day and others weekly. Staff emphasized that they have a therapeutic relationship with the youth.

Staff said there was a need for additional therapists as they have seen an increase in seriously mentally ill youth in the Hall. There is also a drug treatment caseload in this unit and the Placement unit is able to bill its services through Short- Doyle funding.

The Mental Health Supervisor said that there are philosophical differences among staff in the Hall. A few were reluctant to see that many of the youth needed treatment. Some thought that since the youth had committed crimes the staff was only there to detain youth and curb their wayward behavior.

The counseling and school staff need to work together to improve communication and behavior diffusing techniques training. Some Probation staff sees Mental Health youth as "regular" youth and all must be treated the same. Mental Health providers gave the example that staff should not "lean" on youth when they are first put on medications or have medications changed. It takes two or three days for the medications to settle in. Sometimes youth are lethargic and this is often thought of as being lazy or uncooperative by counselors and teachers. This is especially true for youth in the general population units

The Mental Health staff thought that all Hall staff could benefit from ongoing training on issues of psychotropic medications and behavior modification techniques. The unit indicated that they had given some thought to assigning one clinician to a certain unit but there are downsides to that approach since youth are moved to different units. Mental Health kids are often taunted by the other kids in the units. For instance, "a kid may kick at another kid's chair knowing that that will 'set him off' then, when the emotionally disturbed kid can no longer stand it, he/she 'goes off' and often has to be restrained and/or removed from the unit." Staff indicated that they opposed the lockdown of an entire unit when there are only one or two youth involved in an infraction.

Staff said that the MDT meetings are very effective. The meetings are not regularly scheduled but are on an as needed basis. They pointed to the success of MDT meetings this past fall in addressing the needs of some of the more serious mentally ill youth. Staff also felt that they needed to be consulted when a Judge ordered a Psychiatric evaluation for a youth. They felt they could offer some assistance to the evaluator. Staff was very supportive of the training of counselors in the use of restraint techniques that do not cause injury. The therapists said that most of the counselors are caring and dedicated but that everyone needed more training in case planning. The Mental Health Court is a national model for effective youth intervention.

Staff uniformly praised the Juvenile Hall psychiatrist. The psychiatrist alone prescribes medications. Staff reports that he is very supportive. Before referring a youth to the psychiatrist, staff must complete a very detailed screening. All the justice system institutions for youth in the County share the time of the one psychiatrist. He is always available to help. Staff would like to have him provide additional training for therapists and attend the staff meetings.

School Services The JJC reviewed the Osborne School program at Juvenile Hall as part of this inspection and compared its findings to the Annual School Program Evaluation for Osborne School, dated Nov. 1, 2004, from the COE. The school provides classes for 200 to 285 students with needs ranging from elementary through high school, regular and special education. The constant in and out movement of students is an ever-present fact of life. Some students are in/out within a week. Others stay for one to two years during the adjudication process. The average is three to five weeks.

Each living unit of approximately 30-35 is divided into two school groups. Class size averages between 15-20 students depending on the population at the Hall. PE classes are double this size as both groups join together and Probation Counselors assist in the supervision. For security purposes, Probation Counselors also stay in each classroom when there are 2 or more units represented.

Attendance rates, per day, average 80%. Those students are not in school for various reasons: court, confined to their rooms (C-Mod status), illness or visitation. The JJC was given the impression that the “floater” teachers deliver individual instruction to students who are not in school although the counselors in the units indicated the teacher’s period of direct instruction is very short. More clarity is desired by the JJC regarding the “floater” teachers: Who do the teachers serve and, who directs the instruction delivered by the teachers? The JJC would like to explore if placement into the “C-mod” form of instruction becomes a mark of status for gang or negative behavior. There were several reports of students being allowed to miss school because the just “don’t feel like it”.

Students attend four periods of class within a five-period, minimum day under the direction of a Regular Education principal who is usually on-site and a Special Education principal who is reported to be on site once a week. The regular education principal indicated a split in responsibility for students even though special education students are served in the classroom taught by regular education teachers and the report indicates full collaboration between special and regular education teachers and presumably collaboration between the Regular and Special Education principals.

One Alternative School Department (ASD) Teacher and two Assessment Technicians operate the Assessment Center. On entry students are given the STAR test for grade placement and the Individual Learning Plan (ILP). They are then re-tested in Reading and Math to document achievement. The number of assessment technicians has just increased to three to allow for testing in the three secure units and for language testing.

The State of California in Title 15 Code of Regulations of the BOC (Article 6) specifies an “education plan shall be developed for each minor within five days.” The same chapter also lists required elements for classes, GED and provisions for students with “limited English-speaking skills.” Osborne School has been using a 30-school day figure for the preparation of language reports and ILPs. Osborne School needs to be in compliance with BOC mandates and have ILPs completed within five days unless they have been otherwise instructed by the California Department of Education as was indicated by the regular education principal. It was reported that last summer a change in computer programs caused a problem by eliminating the process for combining assessment scores into the ILP. A new program should begin operation “soon” to eliminate the handwriting of ILPs and subsequent data entry for printed ILPs. Upon completion, it is unclear how the ILP is used or updated by the classroom teacher. The Commission would like to have further clarification on this.

The current COE curriculum emphasizes literacy and numeracy with two class periods of literacy (English and Language Arts), one period of numeracy (Math), and one of Physical Education (as required by state law). Character-Based Literature (CBL) is the foundation for the Language Arts program. Many students are several years behind in their educational progress.

The JJC spent considerable time talking with administrators, staff and students, observing classes, and reviewing records. Three primary concerns arose during our observations and discussions:

1. Progress of students to graduation or equivalency
2. Needs of bilingual students
3. COE compliance with Special Education service requirements.

Many students complained of a limited curriculum repeated year after year so they know the content of the curriculum and the books being read and discussed from prior JH stays. They complain of doing the same thing over and over again. Many, if not most, are sadly lacking in credits. The JJC compliments the COE for informing the students on their current credit status for high school graduation. The students get credit for seat time towards English, Language Arts as an elective, Math and PE.

The principal explained that students can take an extra class during the 5th class period, especially those needing Science, Social Studies, and the State Requirements of Government and Economics. It appears this is only true for students who have a morning schedule as the teacher who directs the State Requirements teaching is available to conduct this teaching only during the morning. Her afternoon is scheduled to teach B7 students. The teacher for this option also has responsibility for incoming assessments and review assessments, the ILPs, GED classes, arrangements for the GED testing, two class periods, and responsibilities as Teacher-in-Charge.

Numerous students requested an opportunity to take GED classes viewing it as an opportunity towards a goal and as an alternate means to collect school credits. Eighth-grade reading ability, as based on STAR testing, is required for GED classes. The program is basically a teacher-directed workbook experience so students below the eighth grade level cannot sufficiently comprehend the assignments and are not recommended for this option of study. Milpitas Unified School District, through its Adult Education Division, in correlation with the adult Elmwood program, provides the GED testing for a nominal fee. Students understand that passing one or more parts of the GED test results in credits in that subject for high school graduation. It was explained to commissioners that this may not be true, but the students positively believe this to be true from other students' experiences. In the fall of 2004 the State of California, in concurrence and operating under the national guidelines, no longer allows its test centers to give high school credit for a segment of the test. A suggestion was made that students could use the GED program as a means of learning the subject matter and subsequently attending an Adult Ed program to get the high school diploma. The JJC would hope that an arrangement could be made with a local adult education program for this continuity of service. The JJC would like to see GED continue to be delivered as an option for the students in spite of them not being able to accrue credits toward high school graduation while pursuing the GED. Absolutely assuring a fifth period for all students to access this option is necessary.

The JJC observed the need for bilingual services. Many of the Hall students are non-native English speakers. The teachers are generally monolingual and only a few aides are bilingual. Several students complained that they could not understand the written work and assignments. The students may be comfortable in speaking, but not reading or writing English. This appears to be a growing problem.

Interviews by Commissioners yielded information that the LAS test has been used to assess English Language Learners (ELL). It was replaced, as of January 2005, by a more appropriate assessment tool, the CELDT test. A requirement for administration of this test is a Home Language Survey. It was unclear how this information is currently obtained and distributed.

The Annual Report states "phonology and morphology based reading programs" are being used to teach language skills for these ELL students. During an interview with the ASD Director it was also stated that new curriculum, High Point, is being implemented. Interviews indicated that both reading programs would require more training for the teachers. Timelines for this implementation were not clear nor was it explained how the teacher would be able to teach the Character Based Literacy program, the High Point program and the phonology and morphology based curriculum with the roving population and no clear way to receive test results to place the students.

A computer program called Rosetta is supposed to be available for ELL students. No evidence of the computer software stated in the Annual Report for ELLs was observed by the JJC. Commissioners inquired as to whether any consideration has been given to a Reading/Language Lab where students could be taught according to individual need as the second hour of literacy skills. To be fully viable this lab should be organized and taught by a reading/language specialist. The response was that it wasn't available.

Federal law specifies the requirements of Special Education. Students, previously qualified or currently identified, must be tested and, if eligible for services, an Individual Education Plan (IEP) developed. The service provisions in IEPs specify the hours and programs for each student listed as goals and objectives. Two problems arise. "Are the IEPs being done in a timely fashion?" and "How are each student's IEP services being met"?

On one snapshot day, the population of JH was 248. Of these, 80 names were on "The List" for Special Education. This correlates with the stated average of 30% of students being identified. Only 51 special needs students had current IEPs, 26 annual and nine triennial plans were past due. Teachers at the Ranches have regularly complained of students being transferred without current IEPs. Seven certificated Special Ed staff including three resource specialists, one full-time and one part-time (1.2FTE) psychologist, a program specialist, and the principal are assigned to JH. All resource specialists have outside community schools on their caseload as do the principal and the one-day psychologist. The program specialist and psychologist are scheduled full time at Osborne though the commissioners did not interface with these individuals on any of their four days on campus. Two of the three RSP teachers were interviewed and stated they spend the majority of their time preparing IEPs. While these teachers did not want to be put on the spot to identify their caseloads, a review of the numbers indicates 30 to 45 students are on the RSP caseload. The JJC wonders how the RSP caseloads can meet State requirements?

A Program Specialist has the primary responsibility for initial IEPs and triennial renewals, but this seems to be an area of considerable deficiency. The annual report states "the assessment results serve as a mechanism for referring students for initial assessments". It is the JJC's impression that no search for student referrals happens as deficits are identified by the entrance STAR assessments. In addition, no information was available for specific areas of compliance (504 plans and 26.5 mental health plans) or the presence of a student study team.

When the IEPs are completed, the required services may not be provided. Boys requiring Special Day Class (SDC) services can be assigned to either of two SDC classes, both having a caseload of 17-18, which, though compliant with BOC 20:1 guideline, seemed excessive considering the severity of the students and the constant flux of attendance. The SDC teachers each have an aide in the classroom and these boys are getting consistent services. SDC students in the secure units receive tutorial assistance from Resource Specialist Aides and the supervising Resource Specialist. No SDC class is available for girls nor was there an indication sufficient special education support is available for the RS girls in the unit. the majority of students require less intense services in the Resource Specialist Program. A prior Office of Civil Rights (OCR) settlement was to not only provide services but also document those services. After the passage of time, there is little continuity. When Commissioners asked the Special Education Principal about compliance with IEPs, he replied "there are no records kept on individuals." He trusts that the teachers and aides know what they do and how they serve the students and keeping such detail was excessive, thus no records are kept either on a log or on the IEP. This is a similar response to last year's inspection and improvement of the service level is not noticeable.

A copy of the weekly schedule for RSP teachers and aides shows minimal services. There is very limited special education teaching in the units or classes. JJC interviews with two RSP teachers indicate they give limited to no direct tutorial services (though this is stated in the annual report) but expend their time on record keeping and testing. Although there are three individuals assigned to the RSP program, their combined time is 3 ½ days per week. It is not correct to say that there are three RSP teachers at Osborne when, in fact, there is less than one full-time position! An aide might come to the unit or classroom for one hour or so each week, but she is generally allotted only 15 to 20 minutes per student. The aide has limited preparation on the specific goals or objectives of the individual student from the RSP

teacher prior to those hours of instruction. The regular education teachers interviewed did not indicate there had been collaboration with them regarding goals and objectives. There are five aides but, because of the limited hours of each, there is the full-time equivalent of 2 ¼ aides. Review of the class schedule revealed some units get as little as one hour a week of RS aide support regardless of the number of RS students. The JJC determined the schedule, as stated, did not accurately reflect services and was, in fact, not correct. It appears this schedule has been in place with nearly the same level of services for at least two years and the JJC regrets the hours of services to students that have been lost as many students have not been served and progress has not been monitored. Information and coordination are lacking.

During the interviews no person claimed a complete overview of the Special Education program at the Hall. This appears to have resulted in incomplete and non-compliant services. No point person coordinates the aides for special education tutoring. In addition, it appears no person in charge is available on a reliable basis to resolve Special Education problems. Not all RSP teachers were certain of which units they served. Some aides did not know which RS directed them and stated this had been true for at least two years. The special education aides were not fully apprised of their caseloads. Consequently one unit was not receiving services and one unit had seven hours of aide time with no RS students. Students are assigned to RSP teachers based on their living units, which changes frequently. "The List" is prepared only weekly though the population changes daily and a new composition of students happens every day. Without a daily updating of "The List" students who may change units, are released or admitted end up not being adequately served. It is clear that competent, consistent coordination is critical and that accountability is absolutely vital, but is absent.

The schedule indicates that two psychologists have been assigned to Osborne School resulting in six full days of service. Are these services being fully utilized?

JJC members reviewed the COE Annual School Program Evaluation for Osborne School. Because issues came up, a list of questions from the JJC was prepared to clarify the programs and verify the services and coordination. A special meeting was arranged for the JJC Education Committee and the COE management representing the ASD, the Special Ed Department, and the Principals. Concerns for attendance, bilingual services and special education services were initially discussed. Future meetings will allow the COE to respond, in writing, to questions that address joint concerns as the Commission and COE work together to implement steps to progress.

In the school report the goals of the Joint Task Force were listed noting that all IEPs will be current. Also screenings and annual progress reports will be monitored via the Site Team. The JJC requests a copy of the current and prior year's progress reports to show the changes that have been made. The JJC is anxious to see the improvement and assessment results. The report also refers to an increase of grants for programs. Were any grants received through the efforts of the grant writer?

The JJC was impressed that classroom libraries were enhanced this past year with students encouraged to read 25 to 30 books each.

OBSERVATIONS/CONCERNS

Gang Issues Management reports that gang problems continue in Juvenile Hall. In November 2004, eight minors were involved in a gang-related fight in the Hall. The instigator of the conflict was sentenced to CYA for his most recent offense. He had nothing to lose by creating the incident, as he knew no additional charges would be filed against him. Staff said that by creating the incident, he was able to go out in a "blaze of glory." On January 12, 2005, there was a gang-related riot involving the attack on Surefios by Nortefios

youth at the James Ranch with three boys being sent to the hospital and 13 more returned to the Hall.

Commissioners found a philosophical difference within Juvenile Hall over the gang issue. Some staff felt members of rival gangs should be kept separate and others feel an attempt should be made to integrate them. Some suggested that Nortefios and Sureños should be mixed, but with equal numbers from each gang to prevent either group from enjoying an advantage. Other staff feel that the animosity between the two groups is so intense the system would be better served and the youth safer if they were separately housed. Others thought it was important that they have recreational opportunities together.

Current policy is to avoid mixing gang members in their rooms and to avoid mixing them when they are seated or standing in rows. However, rival gang members often are in school, the cafeteria or gymnasium together. "Management won't consider separating the youth by gang." Many officers said that the youth don't get along in their schools, or in the neighborhoods. Why would they get along when forced to live together when placed in the Hall?"

Staff spoke highly of the Right Connection, an outside resource program, whose staff speak with the youth about the dangers of gang involvement. They also encouraged more one-on-one discussion with counselors and youth about gang involvement since youth are often afraid to speak up in a group. They saw that some youth were being recruited and trained in the Hall to support an adult prison culture of gang behavior. They also mentioned the MAAP and CYO programs for their strengths in diverting youth from gang behaviors.

Because of the severity and intensity of gang activity in the County, the Commission decided to meet with the Probation Department Gang Unit on January 13, 2005. The unit consists of approximately ten Probation Officers and an interim Supervisor. All but one of the assigned probation officers had been Counselors in either a Ranch or the Hall. Each is knowledgeable about gang kids in both the community and the Hall proving themselves to be an asset in understanding the gang milieu.

It was obvious that the officers had ethnic, gender, and language competencies. Many were bilingual. They also provided aftercare counseling for youth released from the Ranches. Officers acknowledged that their jobs had become very difficult. Three codes had been deleted and they were down another code. When asked to rate communication with management, officers gave answers from 2.5 to under 6 (with 10 being the best). In the past they were able to specialize in certain gangs and geographic areas. Several cited involvement with the schools in the past but that was no longer possible because of the caseload. They spoke highly of communication within the unit itself. This unit's staff has the potential to aid the County's efforts at Detention Reform and want to be heard.

The unit was planning their investigation of a Ranch riot the evening before. The interim supervisor said he brought issues to section meetings twice a month but that budget cuts often dominated discussion. "We can't get out of the office," was the resounding theme.

Officers felt that the gang crimes hadn't themselves changed much although there were four Sureños youth murdered this past year and revenge was in the air. Some felt that the kids were set up for failure. There really wasn't any structured behavior modification program within the Hall to address gang affiliation and peer pressure.

"We used to be out to the schools and in the parking lots when school was over. One problem is that the San Jose Police Department's shift change happens just as school is dismissed and so kids know no one is going to catch problems in the parking lot or on the way home."

Many officers said that the kids don't get along in the schools, in the neighborhoods so why would they get along when forced to live together?

Officers were concerned that youth were getting injured by other youth. Behavior isn't going to change unless a real 12 Step-type program and intervention are implemented. One

Officer suggested looking into the Fresno County Hall solution where they took all of the tough gang leaders and incarcerated them all on one floor of the County Jail. Commissioners asked about the success of the B-6 Hall Commitment unit. Several officers said that the program cherry picked the best kids and that's why they were successful. You have to be an A or B to be assigned to the Hall Commitment unit and many of the immature Hall Commitment gang youth didn't qualify. Where is a Hall Commitment youth on C level placed?

Officers also complained that staffing issues in the Hall are worsened by the continual use of extra help staff that has neither the responsibility for, nor training in relationship building. Staff members are moved around so much the youth don't know who they are. There was a realization that management was trying to hire full-time counselors but that morale, retirement and transfer had decimated the experienced staff.

These youth need mentors. They need recreational outlets like football and basketball. Locking youth up alone is not serving them or the community. The use of pepper spray was also mentioned as a way to curb Hall gang violence and prevent more serious physical restraints.

In last year's Commission report, staff reported the development of a "Group Garden" project as a way for different gang youth to come together on specific projects. Staff reported that that garden was now a weed patch as the effort lacked priority. Commissioners viewed the area that once was a garden.

Room Removals According to some counselors, a minor is always given the opportunity to walk out of his/her room when required to do so. The decision to walk, or be physically restrained and removed, is always made by the youth. The room removal protocol has been changed. A supervisor must be on site at the time of the removal in order to evaluate the effectiveness of the procedure. Not all counselors are equally adept at de-escalating minors. Removal encounters always involve restraints and expletives. Disruptive minors disrupt the entire unit. Gang conflict creates more disruption within the unit. The longer a disruption is allowed to continue, the more it impacts the other youth in the unit. The decision of when to make a call for a removal is left to the discretion of the unit staff. Staff told the inspection committee that sometimes there is a hesitancy to apply physical restraint as it exposes the person applying the restraint to potential liability if an accident occurs.

Management reported that the staff is increasingly utilizing de-escalation techniques in dealing with disruptive youth. This has resulted in more voluntary walkouts and decreased the times where restraints had to be used. Management reports there are fewer grievances filed where the complaint excessive force used in the restraint process.

Progress Towards The Roush Report Recommendations

Members of the Juvenile Justice Commission have been active members in the Juvenile Detention Reform Movement (JDR), Graduated Sanctions Training, Beyond the Bench, the Ombudsperson Task Force, Juvenile Hall Task Force, Juvenile Justice Coordinating Council, and the new Mental Health Planning Process Task Force. Although having no budget, no staff and no office, the Commission has been proactive participants in ensuring the safety of minors in County facilities and in support of Detention Reform.

The Commission has used the BOC guidelines to inspect facilities and the Youth Law Center's guidelines for improved programming. Dr. Roush's report also points clearly in directions to improve services to youth and their families. The Commission appreciates the clear direction his recommendations provide and tried to assess the progress towards those stated recommendations.

While there had been a decrease in detention numbers in Juvenile Hall through JDR efforts, incarceration seems to be climbing up again. Disproportionate minority confinement remains a reality, as noted in John Rhoads' Report on Detention Reform, September 2004.

The Roush Report recommended that the use of force in the restraint process characterized by the California law enforcement model of pain compliance be replaced by other more productive restraint techniques. The Probation Department has hired trainers to retrain counselors in alternate restraint techniques. They have also doubled the training time allowed for restraint training to two eight-hour sessions per year. The Roush Report encourages change in restraint procedures because the current practices can give rise to misinterpretation.

The JJC noted Grievance boxes in every unit. Youth and staff said that they both knew that youth were free to grieve, but there continues to be an underlying belief by youth that their complaints don't always get a fair hearing. Interviews with Mental Health staff also confirmed that youth still don't think that they will get an unbiased review if they complain.

The Commission has also produced a brochure, available in Juvenile Hall and the Ranches, describing the Commission's ability to investigate community complaints. The phone number is monitored daily for inquiries. Members of the community have provided information to the Commission about incidents that should be monitored.

The Roush Report encourages the Probation Department to increase out of room recreation. That standard is not a BOC standard but a recommendation of best practices by the American Correctional Association. As described in the Unit section of this report, youth are still spending much time in their rooms. This seems to be counterproductive since youth complain of boredom and restlessness and need more physical activity. Management should analyze the quality of life for youth who spend so much time in their rooms.

Those not attending school just sleep through the school day. The gymnasium is not used by many of the units even though those units have a very low level of incidents. Staff would like more options to use the gymnasium. The Roush Report recommends that youth spend at least 14 hours each day out of their room. The Commission encouraged management to look at this issue last year but the Commission could not document an increase in out of room activities other than in B 6.

Community meetings on a regular basis led by unit supervisors could provide a good opportunity for youth and staff to relate.

The use of the orientation film although recently developed is not being fully implemented. The film should be shown regularly in the units as it encourages the communication between youth and staff. Showing the film to only brand new admits and then not even to them seems a missed opportunity for teaching responsibility.

The Commission found that most Juvenile Hall staff interviewed were college graduates. Counselors interviewed seemed to be generally very aware of problems the youth were having.

The Roush recommendations were monitored regularly by the Commission through a monthly review of the Juvenile Hall work plan. These reports ceased and the Commission has not been apprised of their progress. The Commission was told that the Commission would no longer be receiving monthly updates on the Roush Report recommendations. Commissioners were informed that access to the written information has been denied as it is now considered "client/attorney privilege." The Commission is aware that while many of the items in the work plan have been completed, others have not yet been addressed.

The County is looking into the development of an Ombudsperson to investigate parent and youth complaints. The Commission is aware of the Department of Family and Children's Services Ombudsperson office and believes that Juvenile Hall, Probation Officers and parents could benefit from such an intervention.

The Classification System for placement of minors in the Hall is still under review. The items having to do with clarifying the new role for Juvenile Hall Counselors, the revision of the behavior management program, specialized units and treatment plans are still in the discussion phase, except for the new program in B6.

The Roush Report recommended the development of a Community Advisory Board. The County Executive's Office has moved forward with a version of the Juvenile Hall Advisory Group with most members being county employees. It does not appear to be the parent-centered group Roush recommended.

The pivotal concern for increased training and communication among Juvenile Hall staff, Probation, Mental Health and Health care workers needs to become a priority. One benefit that the Roush Report provides is that it was written by outside experts who had visited many Juvenile Halls across the country. The Commission is limited in its ability to visit sites around the country and compare best practices. At the time those recommendations were submitted they were supported by Probation staff, the Judiciary, County Counsel and the Commission. The Commission hopes that the focus on reform will continue.

COMMENDATIONS

The Juvenile Justice Commission commends:

1. Probation supervisor Diana Bishop and probation management for the development of the new B6 program titled: *Commitment Unit: Program and Structure—A Commitment to the Personal Enhancement of Our Youth*.
2. The nurse manager for her efforts to utilize clinic waiting time for education purposes.
3. The Assessment Team for completing the STAR test results for all students within their first week at the Hall and the Osborne teachers and staff for their ability to compile the units for high school graduation and explain the individual requirements to each student.
4. Milpitas Adult Ed program for the GED testing of Juvenile Hall students.
5. SDC teachers for conducting classes with a population that is as large or larger than regular classes.
6. All Probation staff for enduring a long phase of change and disruption in their environment. The JJC extends a "job well done" to all.

RECOMMENDATIONS

The Juvenile Justice Commission recommends to the Probation Department that:

1. Management review the policies and procedures regarding the use of the gymnasium for mandated large muscle activity, Physical Education classes and recreational opportunities for teens. Title 15 requires three hours daily of physical and recreational opportunities and five hours on weekends. Consider a pilot program to assess whether an increase in physical education and/or use of the gym would reduce gang tension.
2. Management and staff consider sibling visiting and family counseling for post jurisdictional youth on A or B status as a meaningful behavioral modification tool.

3. Management explore the limited use of pepper spray for emergency interventions and work toward resolving the liability issues.
4. Staff morale must be addressed by all parties including a designated spokesperson in whom all staff has confidence. Management must be more visible in the Hall so the staff doesn't feel so isolated. Management and staff need to revisit their commitment to the Vision Statement and Goals and Objectives of the Department.
5. Management and staff must jointly address the problem of gang affiliation and gang membership. Outside experts with the aid of the talented Gang Unit of Probation Officers could help staff develop positive motivation techniques for quelling gang violence in the Hall as well as in the community. All sides need to come together to develop a meaningful continuum of services to ensure that youth in our custody are safe.
6. The orientation videotape must be viewed by every youth during every admission to the Hall. The videotape should also be repeated in the units as a conversation opener to discuss the grievance process. This is a repeat recommendation.
7. Management initiate a task force to focus on gender specific programming in the Hall. Although the JJC was told this was underway, no specific programs were evident.
8. Management seriously assess the amount of time youth spend in their rooms and set a goal to increase community time as Dr. Roush recommended.
9. A Database Management system needs to be perfected to monitor incidents.
10. An MDT should be initiated for each youth in the Hall for over 14 days. Behavior Plans should be strictly implemented by all Hall staff.
11. Management institute unit meetings for the youth to reduce pent up anger and violence as recommended by Dr. Roush.
12. Management expand the B6 model for vocational exploration as a behavioral modification tool.
13. The increased use of the Modified C Level programming be assessed by management to determine its effectiveness in quelling violence. Are school mandates being met?
14. Management provide greater security at the Ranches. We understand that this is a priority of both Management and the Judiciary and we applaud this focus.

The Juvenile Justice Commission recommends to the COE that:

1. The COE, in collaboration with the Juvenile Hall Site Team, monitor the service coverage to Special Education students to assure compliance. This is a repeat recommendation from last year.

2. Osborne School staff and the probation officer coordinate a school report that includes an attendance and performance report and IEP status for the judge at each court hearing. All Hall youth, including 18 year olds, should be required to attend school and notified that attendance will be reported to the Court.

3. The Special Education program needs a reliable, knowledgeable, accountable person in charge, on a full-time basis at Juvenile Hall.

4. That the COE initiate a Language/Reading lab to focus on individual services of ELL students and to all students who score below grade level on the reading assessment. This would be a short-term, intensive program to support those students needing more intense skill development in the area of reading and enable ELLs to confidently merge with the general population classes. Assure the computer program, Rosetta, is available for learning and improving English.

5. That the COE allow all students access to courses necessary for a comprehensive high school and in compliance with Title 15, including "state requirements."

6. That the COE distribute the surplus computers and software to the living units for GED, ELL and Modified-C Level Instruction use.

7. That the COE increase number of regular education aides to assist teachers.


SUMMARY

Based on our inspections, the Commission feels that the Santa Clara County Juvenile Hall has met the Board of Corrections minimum standards for a safe, secure juvenile detention facility for Santa Clara County. The Commission hopes that staff and management will work together to address the recommendations of the Commission, the Detention Reform Site Assessment produced by John Rhoads through the Annie E. Casey Foundation, and the Roush Report recommendations to increase positive outcomes for youth in our Juvenile Hall.

Approved by the Santa Clara County Juvenile Justice Commission on March 1, 2005


Nora Manchester, Chair
Juvenile Hall Inspection Committee

3-1-05
Date


Nancy S. Freeman, Ph. D., Chair
Juvenile Justice Commission

March 1, 2005
Date