

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



**JUVENILE HALL
MARCH, 2014**

I. INTRODUCTION

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

The Santa Clara County Juvenile Justice Commission (JJC) conducted its annual inspection of the Santa Clara County Juvenile Hall from November 2013 through January 2014 in accordance with Welfare and Institutions Code Section 229, and Title 15 of the California Code of Regulation, Minimum Standards for Juvenile Facilities. The annual inspection found the Probation Department continues to maintain an orderly and safe custodial placement for youth awaiting court, serving court-ordered Juvenile Hall time, or awaiting transition to placement, while bringing together services for the youths and their families during and after incarceration.

Members of the Commission Inspection Team conducted interviews with the managers from Juvenile Hall, Medical Services, Mental Health, Facilities Management, Alcohol and Drug Services (DADS), the Chaplaincy, Quality Assurance and the Osborne School to obtain an overview of policies, procedures, and programs. The Inspection Team held informal interviews and conversations with youth, living unit staff members, school staff and medical personnel. The physical facilities were toured, including the kitchen, food supply storage areas and cafeteria.

The Juvenile Justice Commission conducts inspections of Juvenile Hall at least annually, and inspection reports for prior years are available on the internet at: http://www.scscourt.org/court_divisions/juvenile/jjc/jjc_home.shtml.

II. POPULATION

Many factors affect the population of Juvenile Hall. Two of these are juvenile arrests and county population. According to the County Office of Education (COE), the population of children one to eighteen years of age in 2013 was 429,545. There continue to be nine units open in the facility. The facility is well within its Board Rated Capacity (BRC) of

390 minors, and there is no indication of overcrowding. According to statistics provided by the Probation Department, there were 142 youths in custody as of January 1, 2014. Of this number, 133 were males and 9 were females. Four youths were awaiting placement and two were on the wait list for the Ranch. The following is the demographic background of the daily population average of 134 youths for December, 2013: 13% or 17 youths were Black; 7% or 10 youths were Caucasian; 1% or 1 youth was Asian; 77% or 104 youths were Hispanic and 1% or 2 youths were categorized as "Other."

The JJC Commission believes the continued reduction in the overall number of youths in Juvenile Hall is due in large part to the leadership of probation managers, elected officials and outside partners and consultants in developing alternative placements to Juvenile Hall. The Commission appreciates the efforts of Probation staff and the County's support in this continuing successful effort to divert youth from Juvenile Hall.

Another successful effort has been the general reduction in the number of youth in the Hall who are twelve and under. In 2011, the Board of Supervisors (BOS) unanimously voted in support of not placing children younger than thirteen years of age in Juvenile Hall. Further, the BOS directed the Juvenile Probation Department to work with Community Based Organizations (CBOs) and the Juvenile Justice Court to find alternative placements for these youths. As indicated in our report last year the Commission has continued to monitor Juvenile Hall admits of youths 13 years old or younger. During 2012, there were only 3 minors detained who were under 13, but all turned 13, shortly after detention. During 2013, there were 5 youths who were 12 years old in JH custody.

III. STAFFING

The current Juvenile Hall staffing includes the following coded positions: 186 Group Counselor codes; 17 Supervising Group Counselors; two Managers and one Deputy Chief. Of the 17 Supervising Group Counselors, one is assigned to the Internal Affairs Unit. There are six vacant Group Counselor positions and applications are currently being accepted. Presently, five of the vacant positions have been filled with provisional extra-help counselors who receive full pay and benefits. Once the recruitment process has been completed and appointments made, the provisional positions will be eliminated. According to the JH Managers, there are 25 to 30 extra-help staff persons available to work in Juvenile Hall on an as-needed basis. This is historically the lowest level of available extra help staff in Juvenile Hall.

The gap remains between those Group Counselors having five or more years of experience and those with less experience. Seventy-nine percent (79%) of the staff members are Senior Group Counselors and the remaining staff members have fewer than five years' experience. Historically, a small percentage of staff members transferred to the James Ranch, promoted to Probation Officer, or found similar positions in other counties. The staff turnover rate for 2013 was 6.98%.

Since the March 2013 JJC inspection, Units B10 and G2 were closed due to low population and the sixteen staff assigned to these two units were redirected within Juvenile Hall. Nine staff members from the B10 Unit were redirected to B2, the new Assessment and Orientation Unit; one went to the Multi-Agency Assessment Center (MAAC) Unit; three to Evidence Based Practices (EBP); and three to Teaching Adolescent Skills in the Community (TASC).

Staff Education and Training:

The number of Group Counselors with four-year college degrees continues to increase. Although the education requirement for the Group Counselor position includes two years of college, fifty percent of staff members had four-year college degrees at the time of this inspection visit. According to the Deputy Chief, the Union supports the requirement of a four-year college degree for all Group Counselor positions, but Probation Management does not believe all group counselor classifications require the four-year degree to be effective counselors. The Deputy Chief also reported that many staff members holding four-year degrees do not apply for the job of Probation Officer, a position requiring a four-year degree. In the past, Senior Group Counselors were required to have two years of college and 3 years of experience. This position now requires 90 college credits, while the Supervising Group Counselor position does require a four-year degree.

IV. FACILITY

On November 4, 2013, Commissioners met with the Juvenile Hall Deputy Chief and the two Managers assigned to Juvenile Hall (JH). The Deputy Chief provided information regarding JH services, staff, programs and management.

Two Commissioners toured JH on November 15, 2013. In the Visiting Lobby, Commissioners were pleased that the old, torn waiting room chairs have been replaced with new ones. Commissioners noted that the two chairs used by Deputy Sheriffs assigned to this area were badly worn and torn, with foam cushioning exposed. Commissioners noted that the signage language noted in the March, 2013 JJC Inspection Report had been removed and replaced with language appropriate to the Juvenile Justice System. Numerous information pamphlets were available in multiple languages (Chinese, English, Tagalog, Spanish and Vietnamese) on the walls in the visiting area. There was also a supply of mental health services forms. A "Suggestion Box" was secured to a wall; however, it was not locked and any suggestions placed inside would be easily accessible, and thus not confidential.

Food Service and Kitchen

Commissioners met with Director of Food Services and Food Service Supervisor on November 26, 2013 to inspect the kitchen and food service program for Juvenile Hall.

Kitchen prep area, storage and service area are clean and very well organized. As stated in previous inspection reports, the kitchen is outdated, poorly designed, much of the equipment is no longer used and in need of replacement. Commissioners were informed that the staff anticipates a new kitchen to be funded soon.

The plans are near completion. Options under consideration to maintain smooth foodservice operation during construction are to either install temporary kitchen trailers on site or to use the jail kitchen that is directly across from the Juvenile Hall. The decision will be made at a later time.

The menu would be pared down during construction. The youth would still dine in the dining room as it will remain largely untouched during construction. Construction is expected to take from 6 months to a year.

The kitchen is running smoothly under the circumstances and only minimum maintenance and repair is being done to the existing equipment because it will all be replaced when the new kitchen is built. There are 10 employees, six per shift. There are two shifts: 5:00 am - 1:30 pm and 10:45 am - 7:15 pm.

Meals are served to the youth for dining in all areas including cafeteria, housing units, and intake areas. Special diets are prescribed by medical staff for needs such as malnutrition, allergies, medical need, and increased activity such as work crews and sports activities.

A new HVAC system was installed mid-November 2012. The system has been adjusted to temporarily work with the old exhaust hoods. They will be readjusted when the new kitchen is built to meet the new load.

V. PROGRAMS

Assessment and Orientation Unit (A&O)

A Service Enhancement Committee was developed as a result of the Probation Department's move toward evidence based practices. The committee is comprised of counselors, probation officers, supervisors, managers and analysts. They are tasked with reviewing and enhancing service delivery to the Juvenile Hall youth. One area of focus for the committee was service delivery of the assessments and orientations all youth receive. The Assessment and Orientation Unit (B2) was created and became operational September 2013. The A&O Unit currently houses males only; however, service delivery for the females is being evaluated so there is equal service delivery. Three of the units (B2/B4/G1) have been painted with bright colors resulting in a less intimidating environment. Once youths are processed in the boys' receiving area, an A & O Unit counselor will escort the youth to the B2 Unit. The unit does not accept youths charged with 707 (b) offenses involving personal injury, female offenders, or Ranch failures. Youths receive the MAAC evaluations

within this unit. In-unit space for CBO programming is being prepared. An in-unit Mental Health private office is already in place. An in-unit medical office will be opened when facilities can make the necessary improvements.

New admits are still provided an orientation video in Police Admissions, along with an orientation handout from the boys' or girls' receiving staff. In addition, youth now are provided a 1-on-1 orientation about their Title 15 rights and rules within the Hall. Youth learn about phone call rules, visiting hours, appeals, and grievance procedures. They received medical, educational, mental health and DADS assessments. Staff members representing Hall programs like FLY, Food Service, Mental Health and the Chaplaincy explain their services. The daily structured activities are clearly outlined and communicated. The goal is to minimize the exposure of repeat offender youths with the first-timer. With their assigned one-on-one counselors, youths sign a document acknowledging they underwent orientation. Upon leaving the unit they complete an exit survey. Management indicates that youths have said they feel safe in the unit.

Commission members visited the new unit and talked with staff and youths. There were 12 boys in the unit the day of our visit. Most were involved in a Physics lesson in the school. Staff can accommodate up to 30 youths at any one time in this unit. In the past 45 days, 95 boys were admitted to A&O. All assessments and orientations are documented in a Youth Success Plan Document that is transmitted to another unit if the youth is to remain in custody.

Commissioners also visited the G1 unit, spoke with staff, and met briefly with a youth. With such a small population of girls, they are all housed in the same unit – no matter the age, mental health need, offense, or length of stay. Staff is very sensitive to this logistically challenging situation and uses the Carey Guide, a cognitive-based behavior assessment and modification tool. Three units (B5, B6, and B8) use the BITS (Brief Intervention Tools) program. The Juvenile Hall Quality Assurance Team is currently evaluating both tools for efficacy.

Multi-Agency Assessment Center (MAAC)

The Multi-Agency Assessment Center (MAAC) assesses youths who are in custody beyond 72 hours. The MAAC counselor assesses each youth for program needs so that the appropriate referrals may be made to the contracted CBO. The MAAC provides services to assist youths with their social reintegration into their programs to address their social, physical, behavioral, psychological, and emotional needs while in Juvenile Hall. Federal JJCPA (Juvenile Justice Crime Prevention Act) funding supports the contracts with community based organizations, one Supervising Group Counselor, and one Group Counselor who oversee the assessment services and CBO referrals to the programs in Juvenile Hall. A second counselor recently assigned to the unit but not funded by JJCPA, works with the volunteers and program providers in Juvenile Hall.

Comprehensive Assessment

The first assessment a youth receives is the Risk Assessment Instrument (RAI). The screening Probation Officer conducts this assessment at intake. If the youth is detained, the following assessments will occur: medical, mental health, education, MAAC (after 72 hours), and DADS (if referred). The assessments will occur primarily in the A&O unit with a 5-7 day time frame along with the orientations.

The Probation Officers assigned to the youth complete their case plan assessment referred to as a pre-JAIS, which characterizes the degree of risk as high, medium, or low. Later a more comprehensive JAIS assessment (Juvenile Assessment and Intervention System) is completed by the Probation Officer that identifies supervision strategies. Family issues, gang involvement, domestic violence history, and fighting behaviors are assessed.

Community Based Organizations (CBOs)

CBOs provide interactive, biweekly workshops for minors in Juvenile Hall. The organizations are usually present in the Hall 5 days a week and provide workshops from 3:30-5:00 p.m. Starting at 5:00 p.m. they will then be available for 1-on-1 individual counseling sessions in fifteen-minute increments. The CBOs invoice the Probation Department for those counseling services. CBOs are scheduled to provide services in different units on different days. This is a change from past practice when each CBO was assigned to one unit. Now youth can benefit from all the different CBO offerings.

Asian American Recovery Services (AARS): This agency provides individual counseling, referrals, anger management units, aftercare services and substance abuse prevention education. AARS is the only Hall program with staff currently trained to use the best practices model, "Seven Challenges." The goal is to offer this program throughout the county.

Fresh Lifelines for Youth (FLY): This program provides legal education, mentoring, and leadership programs to support youth in all units to become responsible citizens.

California Youth Outreach (CYO): This program provides workshops that help youth with anger management, suggests alternatives to gang involvement, develops life skills, etc. CYO also works with the County's Restorative Justice Program. Currently this is offered in four units.

Family and Children's Services (FCS): - A new Juvenile Hall provider that focuses on crisis intervention, therapy needs, and dating violence.

Catholic Charities: This provider works with families and youth who have been impacted by incarceration. Services include case management, gang violence

prevention, food pantry, clothes closet, youth groups, school advocacy, placement services and other daily needs support.

Bill Wilson Center (BWC): This provider offers workshops for girls.

Volunteer Programs in Juvenile Hall

A variety of programs are provided in Juvenile Hall by community volunteers or other community programs. These include: Alcoholics Anonymous, Al-Ateen/Al-Anon, Catalyst for Youth (providing arts, gardening, fashion design), Choir, The Beat Within (writings and artwork by the youth), Flower Programs, Furry Friends, Aztec Dance, Girl Scouts, Hair Care, The Art of Yoga, Chess King Corporation, Narcotics Anonymous, Planned Parenthood, Bible Study, 3 Principles/Health Realization taught weekly, and Reading Enrichment.

Juvenile Hall Special Programs

Juvenile Hall has a wide variety of special programming offered throughout the year including activities like: Hot August Nights Car Show, Fourth of July Decorating Contest, December Holiday Decorating Contest, Santa Claus visits, Black History Month, Cinco de Mayo, and a Pizza Night provided by the Public Defender's Office.

Valley Medical Center

The VMC nursing staff provides health-related classes as staff members are available. Classes include; Asthma Management, Sleep and Health Realization, Dangers of Methamphetamines and Pot, Sexually Transmitted Diseases, Diabetes, Self-Esteem Building, Pregnancy in Teens, and Girls' Talk.

Monthly Calendar

Each month a calendar is prepared that lists all the above programs with assigned units. This shows the wealth of programming opportunities available to youth in the Hall.

Unit Meetings

Unit Meetings take place weekly or bi-weekly within units from 2-3 p.m. This allows staff members to assess the needs of youth, plan evening activities, provide information exchange, and trainings.

Juvenile Hall Living Units:

At the time of this inspection visit, there were nine open living units housing JH minors.

1. G1 – general population girls unit
2. B2 – A&O or the Assessment and Orientations Unit (opened September 2013)
3. B3 – Ranch Waiting and Administrative Ranch Review (ARR) Unit
4. B4 – Transitions or Mental Health Unit – prepares minors for general housing or placement
5. B5 – younger boys 13 and 14 years old
6. B6 – boys 15 and 16 years old
7. B7 – older boys 17 and 18 years old
8. B8 – security unit for boys 16 and 17 years old
9. B9 – security unit for boys 17 and 18 years old

B8 and B9 minors are housed by age; however, if any of these minors are co-participants in a case, they are housed separately, regardless of age. SRs (Security Risk) minors do not have meals in the cafeteria, but instead have their meals in their assigned living unit. SR minors do not participate in programs outside their living unit, and they are always escorted when it is necessary to leave the unit; for example, when they are going to court. With the low numbers of girls in JH, SR girls are housed together with the general population in G1.

In all of the housing units, counselors conduct a general watch of minors in their bedrooms every 15 minutes, which entails looking into an occupied room. Room checks are required every five minutes for some minors. The more frequent checks are intended for a minor with a medical problem, and/or one who is suicidal or very young.

Although it is housed in JH, the MAAC Unit or Programs Unit is not a living unit. MAAC staff are stationed in JH unit and provide program services for detained minors. Medical assessments are currently performed in the JH Medical Clinic. A medical and mental health assessment room has been designated in B2 and once operational, medical and mental health staff will perform these assessments in the minor's living unit.

Control Area:

Cameras placed in all living units are constantly monitored by the Control Desk. According to the two counselors on duty on the date of this inspection visit, the cameras and equipment in the Control Area have been malfunctioning. Specifically, the counselors reported two malfunctions within the previous days. During such events, Control Area counselors cannot communicate with counselors in the living units. They are also unable to control the door locking mechanisms and cameras in the living units. The potential for minors and counselors to be injured during such

events concerns the Commissioners. While a follow-up visit in February 2014 revealed that this issue may not be reoccurring, the Commission is concerned that the Control area equipment is old and may be in need of replacement.

Juvenile Hall Beautification Project:

The Beautification Project collaboration with Fleet and Facilities Agency (FFA), involves Juvenile Hall as a whole, not just the minors' living units. As part of this project, JH Management solicited consultation services of a local major paint company. An online search was also conducted to select colors that have been suggested to have mood-calming effects. At the time of this inspection visit, two boys' units and one girls' unit have been painted in bright and soothing colors chosen by the minors and staff. In addition, all outside recreation areas adjacent to the living units have been power-washed. Commissioners noted the display of brightly colored balloons, which were part of a celebration for a minor who graduated high school while in JH.

Commissioners noted concerns in the March 2013 JJC inspection report about the ongoing graffiti problem in the minors' bedrooms. As part of the Beautification Project and a remedy to the graffiti on bedroom doors, consideration is being given to sanding the doors to the bare metal with no paint covering them. Any minor writing graffiti on his or her bedroom door will be given sandpaper and instructed to remove the graffiti. The Juvenile Hall Managers are hopeful this policy will be a deterrent and reduce the graffiti in the living units.

Family Visiting:

Family visits are held every Monday through Friday from 5 pm to 9 pm and on Saturdays from 9 am to 5 pm. All visits are 30 minutes and must be scheduled. There are no visits on Sundays. There are five (5) visiting rooms on the Alpha Wing (first floor) and seven (7) rooms on the Beta Wing (second floor). Minors designated as security risks (SR's) visit with family on the Alpha Wing. The family visiting area on the Alpha Wing is located adjacent to the Deputy Sheriff's security area. A Juvenile Hall counselor also monitors the visiting area on the Alpha Wing. A probation officer monitors visits on the Beta Wing.

Gymnasium and Outdoor Area:

The gymnasium was clean and equipment was well organized and appeared in good condition. According to JH Managers, roll out mats are on order and will be used to protect the newly surfaced gym floor. The outside play/recreation area was free of debris and standing water. The grass was well maintained. A soccer goal frame and net were stored adjacent to the gym.

VI. BEHAVIOR MANAGEMENT

Title 15 of the California Code of Regulations requires that the Juvenile Hall administrator develop written policies and procedures for the discipline of minors that shall promote acceptable behavior. Such discipline shall be imposed at the least restrictive level, which promotes the desired behavior and shall not include corporal punishment, group punishment, physical or psychological degradation or deprivation of specified basic needs and rights.

Title 15 also requires that the written policies and procedures for the administration of discipline shall include, among other things, provisions for handling minor rule violations informally with counseling or imposition of a minor penalty or segregation for a period not to exceed 24 hours. Discipline is to be accompanied by written documentation, a policy review and appeal to a supervisor. Major rule violations, including any violation that results in segregation for 24 hours or more or extension of time already in custody, shall be documented and include the following:

1. Written notice of violation prior to a hearing;
2. Hearing by a person who is not a party to the incident;
3. Provision for the minor to be heard, and to present evidence and testimony;
4. Provision for an administrative review.

Three Program System

The behavior modification system used by Juvenile Hall consists of the following components:

1. **Basic Program** – Allows for 3 hours of recreation on school days and 5 hours of recreation on non-school days;
2. **Advanced Program** – Allows up to 4 hours of recreation on school days and up to 6 hours of recreation on non-school days;
3. **Control Program** – Allows for 3 hours of separate recreation on school days and 5 hours of separate recreation on non-school days.

Minors start at the Basic Program level upon admittance and usually remain on this level for the first week they are in Juvenile Hall. If they exhibit acceptable behavior, they are moved to the Advanced Program. Minors are disciplined for specified violations either by being retained at the Basic Program level or by being removed to the Control Program level for a specified period of time. An Incident Report approved by the Supervising Group Counselor must document removal to the Control Program.

Room Extractions and the use of OC (*Oleoresin Capsicum*) Spray:

While room removals and the use of restraints have been decreasing in use in Juvenile Hall, an additional method of room extraction was authorized in a pilot program in 2013. Currently, minors can be physically removed or extracted from their rooms if they are unwilling to exit their rooms when repeatedly instructed by Juvenile Hall staff. JH staff

members may now use OC spray only as a last resort before physically removing a resistant minor. It is hoped that the possibility of using OC spray will deter the minor's refusal to leave the room, but, if not, the Supervising Group Counselor will inform the minor that OC Spray will be used.

The Policies and Procedures Manual Sections under the "Use of Force," specifically Section 5.03 and 5.04, detail the guidelines for use of OC spray as follows:

1. Supervisor is contacted when a youth repeatedly refuses to exit his/her room voluntarily
2. The video camera is started
3. Supervisor reports to the unit and counsels youth
4. Youth--Still no compliance--still threatening
5. Decision by Supervisor for "Room Removal Team" to assemble in unit
6. There is one team for each shift
7. Youth is given options to comply and warned of potential OC deployment
8. If youth chooses to remain non-compliant, a decision to use Pepper Spray will be made after consultation with the medical clinic
9. Spray is directed towards the non-compliant minor
10. Youth given direction to exit room, i.e., keep low, head towards door
11. Youth is decontaminated and placed in Receiving Area until decision is made that returning to his/her unit is indicated

Management staff also informed the Commissioners that staff would be requesting from the JH Medical Clinic the minor's medical and mental health history and reviewing it before the use of OC is initiated. Also the extraction team would be wearing full body overalls and headgear during the extraction process. All other youths in that particular unit would be instructed to remain in their rooms until such time as the Supervisor decides it is safe for normal activities to be reinstated.

Even with the identified safeguards, the Commission is concerned about any use of OC spray, and recommends that additional safety steps be taken. When the medical and mental health records are requested, medical staff should be consulted as part of the review process to determine the safety risks to the youth and staff involved. In addition, the Commission urges that a nurse or other medical personnel be present at the extraction site to respond directly to any medical emergency resulting from use of the spray.

The Probation Manager stated they have yet to use the OC spray and it will be used only under the direst of circumstances and only after all other efforts have been made by Group Counselors and Supervising Group Counselors to remove a youth from a room. According to the defensive tactics consultants from the Roush Report, the primary cause of injury in a detention facility is resistance. Therefore, Juvenile Hall policy efforts are designed to eliminate resistance, which decreases the potential for injury to a youth and staff. It will never be used as a form of punishment in and of itself.

At the time of this inspection visit, not all Juvenile Hall staff members had received OC spray training. Completion of training for all Juvenile Hall staff is expected in the fiscal year 2014-2015. As of September 2013, staff members who have been trained in the use of OC spray are authorized to use it if necessary. As of the date of this inspection visit, OC spray has not been administered in Juvenile Hall.

While the Group Counselor's Union has requested authorization to use OC spray throughout the Juvenile Hall Facility, Management has not yet authorized its use in open areas. According to the Deputy Chief, although data on the use of OC spray shows a reduction of injuries if it is used in facilities, Management maintains there is a potential for cross contamination if it is used in open areas, such as the Juvenile Hall living units and cafeteria. This cross contamination could negatively affect youths and staff, especially those who have medical conditions which could be exacerbated by the use of OC spray. The Deputy Chief pointed out that, while most counties in California have authorized the use of OC spray in detention facilities; however only five states in the nation authorize its use in juvenile facilities.

Incident Reports

Incident Reports are written by Juvenile Hall Counselors on a number of issues that occur including incidents that lead to a youth being placed on the "Control Program," injuries, fights, suicide attempts and suicidal gestures. Each staff member involved in the incident writes a computer report that is reviewed and approved by the Juvenile Hall supervisor before the end of the shift. If a youth wishes to appeal an incident of discipline during the shift, this appeal is reviewed and, if possible, resolved by the shift supervisor before the end of the shift. The Incident Reports are then reviewed by the Juvenile Hall Manager and ultimately by the Deputy Chief of Facilities. Decisions about which behavior program the juvenile is on are often based on the disposition of the Incident Report.

The Juvenile Justice Commission has begun a practice of regularly reviewing Incident Reports. The goal of this review is to have a timely understanding of incidents more serious in nature (for example, an escape from Juvenile Hall or a gang-related fight) and to identify patterns or other emerging issues. Over the course of the year, when issues have been identified, Commissioners have felt that the explanation(s) from the Juvenile Hall manager were satisfactory.

For the period of March through October 2013, 53 incident reports were reviewed. In this review of 51 Incident Reports, Commissioners found the reports to be informative and reviewed and signed by the appropriate people. The incidents seemed to be handled appropriately.

Appeals from Disciplinary Actions

Juvenile Hall has an Appeals policy that states minors who are disciplined have a right to due process, which includes the right to notice, right to respond, right to an informal

hearing and notification of the decision. The policy states that Juvenile Hall strives to provide the following for minors in custody:

1. Reasonable disciplinary methods and conditions of program removal;
2. Limits on length of sanction/restrictions;
3. Counseling when removed from program;
4. Due Process;
5. Administrative review.

Minors can obtain Discipline Appeal forms from the unit bulletin board or from the unit's group counselor. Once the appeal has been initiated, the Discipline Appeal form must be submitted to the On Duty supervisor for due process review prior to the end of the shift. Usually the issue is resolved without a hearing. However, if the minor disagrees with the staff response, he or she is entitled to a Disciplinary Review Hearing and has 24 hours to gather information or present names of his/her witnesses for the hearing. The On Duty Group Counselor conducts the Disciplinary Review Hearing. Once the hearing is completed and the appeal deemed resolved, the manager signs it off. Copies are given to the administrative clerk for distribution to the minor and all involved parties.

More often than not, there is an intermediary step to having a Disciplinary Review Hearing. In these cases, the Juvenile Hall Manager will review the Discipline Appeal form and consult with the staff involved and the youth. In many cases, the discipline will be repealed or modified. In other cases, the manager's conversation with the youth will help the youth better understand and accept the disciplinary action.

There were 176 appeals filed from January to September 2013. Commissioners found no irregularities, and that appeals seemed to be handled appropriately and professionally. In a small proportion of the cases, the appeal did result in the repeal or modification of the original disciplinary action.

Grievances

Title 15 of the California Code of Regulations requires the administrator of a juvenile detention facility to develop written policies and procedures and inform minors in custody that they have a right to file a grievance regarding any inappropriate or inadequate conditions at Juvenile Hall. Such grievances may concern actions of staff or volunteers, conditions of confinement, health care services, mental health services, education services, classification decisions, program participation and services, telephone, mail or visiting procedures, food, clothing, bedding and hygiene. These procedures must, among other things, provide that grievance forms be freely accessible, that grievances be capable of being filed confidentially and that the person who hears the grievance is not directly related to the circumstances leading to the grievance.

Juvenile Hall has a detailed Grievance Policy and Procedure that addresses the above requirements and also provides that there be no reprisal for using the grievance procedure. These procedures also state that the Juvenile Hall staff's goal is to resolve the grievance at the lowest staff level possible and that the On Duty Supervisor review all

pertinent staff written material and bring resolution before the end of the shift or at maximum within 48 hours of receipt of the grievance.

Commissioners reviewed 30 grievances during the January – September time frame. This is a decrease from the 2012 Calendar Year when 76 grievances were filed. There were no irregularities noted in this review of incidents.

VII. MEDICAL SERVICES

The Medical Director has worked in Juvenile Hall for the past five years and the Nurse Manager for nine years. Two Registered Nurses (RNs) and two Licensed Vocational Nurses (LVNs) work the day shift (6:45 a.m. to 3:15 p.m.) Monday through Friday, and two RNs work that shift on weekends and holidays. Two RNs and four LVNs work the PM shift (2:45 p.m. to 11:15 p.m.) Monday through Friday, and two RNs work that shift on weekends and holidays. One RN works the night shift (11 p.m. to 7 a.m.) seven days each week.

Every youth admitted into Juvenile Hall receives a two-step nursing exam. The first exam checks the youths in the Receiving area to ensure that they don't have a communicable disease, such as TB or the flu. Once youths have been cleared for admission, a record check is conducted to see if they have a medical history at Valley Medical Center or a previous admission into Juvenile Hall. Once youths have showered, they are given a head-to-toe examination, which takes about forty-five minutes and includes performing hearing and vision exams and looking at any history of suicide and/or surgery. These examinations currently take place in the clinic, but youths admitted into B2, the Intake and Assessment unit (A&O), are examined in an on-unit examination room, which is currently being constructed. Clinic staff are currently working with a San Jose State University intern who is a licensed nurse working towards a BS degree, to find an evidence-based assessment tool, which will likely add some new questions to the examination. These questions might include those related to sleeping patterns and nutrition.

The Juvenile Hall doctor conducts a full physical examination, which takes between 15 minutes and an hour. About four dozen Stanford medical students and residents rotate through the clinic each year. Stanford students have nominated our Juvenile Hall Clinic as the number 1 preferred site for internships.

The clinic has twelve nursing students from San Jose State University rotating through the clinic. They receive an orientation to the clinic and provide health education to youth in the units on such topics as dating violence.

Parental support and involvement in the medical needs of minors continues to be a concern to Juvenile Hall medical staff. It is difficult to obtain a medical history and follow-through from parents for various reasons, such as lack of organization, interest and cooperation.

Electronic Health Records

A significant challenge for the clinic during 2013 is that they are not using the same medical record system as other parts of the Health and Hospital system. This was an oversight in the contracting process, when EPIC was introduced across other parts of the Health and Hospital system. Custody Services including the jail, Hall and Ranch were not included in the EPIC contract. They remain in an incompatible system called ELMR so they cannot share electronic data about our youth with VMC or any other medical institution that has EPIC such as Kaiser. This places the clinic at a considerable disadvantage, since a high proportion of youths have received services at Valley Medical Center or in other parts of the Health and Hospital System, and parents frequently provide little history. The sharing of information is not as efficient as it could be, especially in cases where youths are admitted into Juvenile Hall after first being taken to Valley Medical Center, or are sent there after being admitted to Juvenile Hall. The Medical Director and the Nurses had been sent to trainings to integrate EPIC into their practice. This snafu is causing morale and safety issues throughout custody services. Health and Hospital System staff report to Custody Services that 258 million dollars was spent by the Hospital System to develop EPIC. To include Custody Services in EPIC would cost an additional 6 million dollars to reprogram the program to comply with state and federal oversight mandates. The County should make it a budgetary priority for the coming fiscal year to rectify this oversight for the safety of youth and for increased efficiency.

Hard copy mental health records are housed in the Medical Clinic and are accessible to Clinic staff. They cannot be shared electronically due to the incompatibility of the programs used by each department. Plans for the sharing of Department of Alcohol and Drug Services (DADS) records with the clinic have been stalled, primarily due to the stricter confidentiality rules under 42CFR part 2, although there are clear advantages to the sharing of such records.

Mandated reporting

Clinic staff members report that they treat about three or five youths a year who are admitted into Juvenile Hall with dog bites and other serious injuries reported by youth to have occurred during their arrest. They make about four reports a year to Law Enforcement Agencies.

Pregnancy

During 2013, seven pregnant girls were admitted into Juvenile Hall. They were referred to the Public Health Department's Nurse Family Partnership (NFP) program. The program works to support the girls in the decisions they make regarding their pregnancies. If they decide to keep their babies, they receive an incentive for participating in visits and receive support around such needs as childcare and returning to school. The program continues to follow babies for three years. About 90% of the pregnant girls in the Hall decide to participate.

Dental Services

A dental examination room is located in the Clinic area. A probation officer is stationed in the Clinic Monday through Friday from 8 a.m. to 5 p.m. The probation officer scans and does pat down searches of all minors following dental exams, to detect and recover sharp instruments that might have been taken from the examination room. The dental care provided at Juvenile Hall can be the first experience of dental care and hygiene for many youths. Limited dental care is available to youths. There are two prospective volunteer dentists who have been trying to complete the county background check process for almost a year. Both female dentists would provide preventative dental care such as examination and teeth cleaning.

Accreditation

The Juvenile Custody Health Services Clinic has been awarded another two-year accreditation from June 2012 to June 2014 by the Institute for Medical Quality (IMQ), a subsidiary of the California Medical Association. The IMQ recognizes the quality management program of the Custody Health Services, Juvenile Facilities, as outstanding with recognition for high quality patient education programs, excellent dental care, and thorough medical documentation. Medical health services provided to minors in the juvenile facilities were found to be appropriate and to be in compliance with the Environmental Health, Nutritional and Medical/Mental health evaluation, as required in Title XV of the California Code of regulations.

General Pediatric Services

The Clinic staff members perform general pediatric services to all youths admitted to the Hall. Those services include: treatment for acute and chronic health issues; medication administration; medical emergency response; pre- and post-operative nursing care; contraceptive counseling; communicable disease screening; neurological, orthopedic, dermatology and optometry interventions. While the 2013 Clinic Annual Report is not yet available, there are some statistics currently available on the average monthly clinic activities during 2013.

They include:

1. RN sick call visits: 356
2. Doctors' clinic visits: 218
3. Sexually Transmitted Disease screenings: 78-102
4. HIV oral quick instant test screening: 25-35
5. Other VMC appointment: 12-18
6. Flu vaccine administrations: Total of 284

Strategic Plan

The Juvenile Hall Clinic staff members have been involved in a strategic planning process to improve the quality of services and the training opportunities for staff. A series of surveys and trainings which began in 2012 continue to improve communication among clinic staff and improve overall patient and work life quality. A sampling of Juvenile Hall Facilities performance measures based on Strategic Planning efforts include:

1. Maintain above 95% quality care for patients
2. 10% of staff members attend annual training regarding conflict resolution and diversity in the workplace.

All 28 staff members attend follow-up trainings and complete self-evaluation documents.

VIII. DRUG AND ALCOHOL AND MENTAL HEALTH SERVICES

The Commissioners met with the Health Care Program Manager for the Youth System of Care and the clinical lead for Juvenile Hall from the Department of Alcohol and Drug Services (DADS) and Health Care Program Manager from the Mental Health Department.

ALCOHOL AND DRUG SERVICES

DADS has had a presence in the Juvenile Justice System since the inception of the Juvenile Drug Court in the late 1990s.

Staffing

Three (3) clinicians are assigned to Juvenile Hall, two of which are Spanish bilingual. During this last year, DADS filled a staffing vacancy. DADS has used interns at Juvenile Hall in the past but does not currently have one and does not anticipate adding interns to the program in the near future.

Referrals

DADS receives referrals for services from various sources, which include: the Court, probation officers, the Mental Health Department, attorneys and the Clinic at Juvenile Hall.

1. At intake for admission into JH, a Probation Officer does an intake screening (JAIS) and the existence of substance abuse is one of the areas evaluated;
2. Mental Health Services in the course of assessing will also screen for substance abuse;
3. A Supervising Probation Officer from the Geographical Unit will refer a minor who is on formal probation;

4. A judge, or at the request of an attorney, will order a screening.

Under certain circumstances, a minor may receive an in-depth assessment for the level of use. This assessment is primarily done for the Court for placement or participation in Juvenile Treatment Court (JTC) or the Court for the Individualized Treatment of Adolescents (CITA), for a Probation Officer to help in the development of a case plan or for Mental Health Services when substance abuse co-occurs with a mental health issue. There is no reimbursement for services provided in custody. In most circumstances, a youth identified through screening as having a substance use problem will be referred to a provider in the community. After the youth is released, the provider will evaluate the youth more thoroughly to develop a treatment plan. This assessment process enables community-based providers to build rapport with their clients, and they are able to receive reimbursement through Drug MediCal, Valley Health Plan or State realignment funds for assessment and other services.

Services

DADS indicated that staffing resources are still limited as noted in the last inspection report. Consequently, services continue to be prioritized. The majority of staff time is spent in screening and determining the appropriate treatment referral for minors as they transition into the community.

As the result of limited resources coupled with the short time minors are detained in JH, the provision of treatment services for JH minors is rare. In those instances when it has been determined the minor is in need of this service, a clinician will meet with the minor once a week for a fifty-minute session. To offer treatment services to JH minors on a regular basis, DADS stated that an additional FTE was necessary.

With the opening of the B2, the Assessment and Orientation Unit, in September, DADS now conducts a one-hour orientation once a week. If the number of minors at the orientation is fewer than ten (10), the session will be done in a group. If the number is over 10, the clinician will meet with a minor one-on-one.

DADS also contracts with Advent, a community treatment provider, to coordinate seven residential treatment beds. These beds are available to minors released into the community. Two of the beds are funded by a CDCI grant and the remaining are paid from county general services funds.

DADS is considering reinstating an orientation program to familiarize minors with JTC, if the numbers of participants increase. For several years, the overall numbers of participants in JTC dropped to the current total of 20, which was not sufficient to conduct this orientation program. If reinstated, it will be offered for 6 sessions while JTC minors participate in Phase 1 of JTC. The program provides basic information about recovery and what would be expected of minors in JTC. This also

provides an opportunity for minors to ask questions and also to prepare for treatment after release.

MENTAL HEALTH SERVICES

Thirteen clinical positions are assigned to Juvenile Hall. Five staff members speak Spanish. Other languages spoken by staff include Vietnamese, Cambodian, and Krio (West African). Five positions are licensed. The department was able to free up some funding for stipends and has been using two interns, who are available for the academic year (September through May). Two staff members are currently on maternity leave and two positions are vacant.

A Multi-Disciplinary Team Coordinator was hired in the past year and was promoted to a lead position. The position is jointly funded by the Mental Health Department and Probation Department (with JJCPA funds).

Mental Health Department staff screens all youth, who are admitted into Juvenile Hall, within the first 72 hours. The screening includes an interview with the youth and a review of past services. This information is reported to Probation staff, and may be used to refer a youth to services in the community after release. About half of the youth refuse a more extensive assessment. In some cases this is because they have already gone through an assessment during a previous stay in custody. The Mental Health Department does provide service to some groups, but most treatment is provided one-on-one.

The Health and Hospital System has been implementing a new electronic record system. It had been anticipated that the Mental Health and Alcohol and Drug Services Departments would be using the same system and health records would become fully integrated throughout the Health and Hospital System. That has not been possible due to the computer system's inability to interface with the departments' billing functions. Unicare, the system already in use by Mental Health Department and the Department of Alcohol and Drug Services (DADS) is being redesigned so that the departments can meet the new federal mandates. Electronic records remain separate at this time. To facilitate the sharing of information with the medical clinic, the Mental Health Department embarked on a pilot project of sharing paper records. Records are now fully integrated. Since it is not possible to integrate electronic records, the combining of paper records has proven to be a more worthwhile project than initially expected and allows for the sharing of information across disciplines.

DADS is merging with the Mental Health Department to create a single integrated department. While formal plans are being developed for presentation to the Board of Supervisors, both departments at Juvenile Hall have been increasing their collaboration. For example, DADS sends a representative to CITA and the Mental Health Department sends a representative to Drug Treatment Court. They are also exploring ways to eliminate duplication of referrals and services. In the past year,

the Probation Department created an assessment and orientation unit for most youth newly admitted into Juvenile Hall. (Boys with serious charges and girls are not admitted into the unit). Youths stay in the unit for three to seven days before being transferred to another unit. DADS and Mental Health staff help with the orientation.

The Competency Restoration program is wrapping up its second year. It is facing some challenges. Although they have a “triple check” system of a third independent evaluator having to agree with the findings of two Mental Health Department staff, attorneys have presented legal challenges to those findings. This has occurred both when an individual has been determined as “restored” and when a youth has been declared “non-restorable.” These challenges can lead to delays of up to six months before a judge issues an opinion. Another challenge has been to hire and train independent evaluators. They are required to be trained in Virginia. The training is only offered once a year and takes a full week. Responsibilities for covering all costs associated with the training lie with the trainee. This is a cost and time commitment that is unappealing to most potential evaluators.

IX. CHAPLAIN SERVICES

Commissioners met with the detention facilities Chaplain who has overall responsibility for the management of Protestant and world religion programs at the Juvenile Hall and James Ranch. The Correctional Institutional Chaplaincy (CIC) contracts with the Chaplaincy Services program to manage and coordinate services and activities for multiple faiths. These programs include religious programs at all adult and juvenile correctional institutions in Santa Clara County. The Catholic Church maintains its own contract. The Facilities Chaplain has his own office but the volunteers from both the Facility Chaplain and the Catholic groups share office space. Each group is responsible for providing the religious materials that they distribute to the youth.

The program goals and objectives of the Chaplaincy Services are to serve the spiritual and religious needs of all youths in Juvenile Hall. They do this by offering respect and hope to individuals and by helping them to grow in their faith as they define it. The goal is for the program to meet the spiritual and religious needs of the individuals as they identify those desires. The objective is for youths to grow in their faith tradition, to learn of their own value as people, to know they are respected and to learn how to respect themselves and others more fully. A major objective is for people to develop an attitude of hope through an awareness of their possibilities of choice, change, reconciliation within their faith perspective and acceptance by the community.

Title 15 requires youths to have access to religious services and/or religious counseling at least once a week. Attendance is voluntary, and all religious programs shall provide: a) opportunity for religious services, b) availability of clergy, and c) availability of religious diets. The Chaplain states that these requirements are being

met. Also, he authorizes all religious diets. The religious services are offered weekly in each individual housing unit when it is possible. Security issues may hamper a youth's involvement in a particular religious program if a "phase" alert is called and that program is unable to start or continue.

Commissioners met with the Juvenile Hall Chaplain and discussed the programs that are available to youths while they reside in Juvenile Hall. The Chaplain has been at Juvenile Hall for 5 1/2 years. We reviewed the various weekly programs offered by the Chaplaincy Services. They include: a weekly hour long class in B2, the Assessment and Orientation Unit, where the services provided by Chaplaincy Services are explained; a highly interactive discussion on various religious and life topics relevant to the youth; a very popular bible study series; self-esteem and self-respect training; improving communication skills; worship; pastoral counseling; choir; and meditation. A girls' faith based mentoring program entitled "Heart and Soul," will be offered in the spring of 2014. Also, a 10-week boys' faith based mentoring course, "Lions and Lambs," that meets weekly in B8 and B9, will be offered three times a year.

Assisting the Chaplain are approximately 100 trained volunteers who are given background checks prior to entry into the program. Volunteers are carefully selected through in-depth interviews and complete a yearly four hour training and certification from their individual church affiliation as well as CIC. There is special training for those volunteers who want to do counseling. Additionally, monthly volunteer training classes are offered that deal with topics like depression, setting boundaries, substance abuse, and dealing with grief and loss, to name a few. Many of the volunteers have been with the Chaplaincy Services for several years. The volunteers provide bible study groups and other worship services. Ten volunteers are certified for one-on-one counseling. Volunteers supplement efforts by the Chaplaincy Services to cover various religions, help to lower program costs and attain broad community involvement and ethnic diversity. Over the years, outside churches and groups have donated countless bibles, Christmas cards for every youth and staff in the facilities, daily devotionals, school supplies, computers and audio video equipment, among other contributions. One donor in particular gave 300 youth bibles so every youth in the facilities would have his/her own copy. These bibles contain scripture and daily devotional topics.

There are private rooms available near the Admissions area of Juvenile Hall for clergy counseling. A list of resident youth is published daily with names, ethnicity, gender, and unit placement so that clergy and volunteers can find youths quickly. The Chaplain also visits youths who have aged out of the Hall and been transferred to the Main Jail. Chaplaincy services are provided through a grant with the county and supplemented by material and financial donations from local churches, faith-based organizations and private contributors.

Religious services are provided in English and Spanish. The Programs Office publishes reports that list programs offered to youth. The Chaplaincy Service

provides monthly reports to the Probation Department documenting the number of worship services, bible studies, counseling and special religious events conducted monthly. In the latest fiscal year, the 2012 CIC report, over 1,150 Christian religious services were provided in Spanish and English, 1,400 youths received individual religious counseling and 95 youths received visits from outside pastors. Overall, the vast majority of youths use Chaplaincy Services programs and services. As a result, staff members and community volunteers are able to assist in the rehabilitation and development of the youth population in Juvenile Hall.

X. EDUCATION

This section of the Juvenile Hall inspection report is based on last year's report and the 2012-2013 Annual Report for Osborne School written by Osborne's current and past principals and the Commission's observations.

Osborne School serves an average of 160 students in grades six through twelve, with the majority of students in grades 10-12. The average stay of students in the program ranges from 20-23 days, with a few students attending the program from one to two years during a single period of incarceration due to lengthy adjudication. It should be noted that Osborne School is housed within the Santa Clara County Juvenile Detention Center (Juvenile Hall), with the classrooms adjacent to the housing units.

Students who remain longer than 30 days have their transcripts reviewed to determine graduation status and their best educational options. An Individual Learning Plan (ILP) is developed for each of these students by interim counselors, as available, based on input from the students, their parents, their counselors and probation officers as appropriate and available. The principal also stated that a youth's standardized test data (e.g. California Standards Test) were used frequently to ensure each student is getting an appropriate education.

During the 2013-2014 school year, there were 13 Alternative Education teachers, 2 Special Day Class Teachers and a Special Education Program Specialist at Osborne School. In addition, an RSP (Resource Specialist Program) teacher provided special education services for students. Those students classified as Special Day Class students spend four periods with the SDC teachers for their core subjects like Reading, English and Math. Then these students join others with their Special Ed. teachers for other subjects such as Science. The California Department of Education reviewed the assistance given to Special Education students at the Santa Clara County Office of Education's institutional schools. According to the principal's report, the California Department of Education staff found no significant area/issues of non-compliance and the Department "passed" its most recent audit.

All teachers possess valid California Teaching Credentials permitting them to work in the Alternative Schools and Special Education Departments. The Alternative Schools Department continues the commitment and fulfillment of No Child Left

Behind (NCLB) requirements of having fully compliant teachers providing instruction to students across all grade levels and subjects. During the 2012-2013 school year, the Master Schedule reflected Santa Clara County Office of Education's (SCCOE) targeted hiring procedure: more than 80% of Osborne students attended classrooms taught by NCLB compliant staff. The following year, 2013-2014, this percentage increased by 10% to 90%. Class size averages between 10-15 students, depending on the nature of the class and the current student population. The relatively low student-staff ratio allows staff to establish and maintain one-on-one contact with students and monitor their individual progress. According to the principal's report, the guiding philosophy of Osborne School is providing a positive and engaging learning environment to help students in developing a greater sense of resiliency while maintaining and expanding acquired educational skills.

For the 2012-2013 school year, the principal was assigned to Osborne School on a half time basis. The current school year, (2013-2014), the principal is serving full-time at the school. Also, there is a "Teacher in Charge" who, besides being responsible for helping students meet the requirement of the General Education Diploma (GED), also acts as a liaison between the different agencies and Osborne School, when the principal is not available.

The focus of Osborne School is Literacy and Numeracy. The core subjects focus on Literacy, Language Arts, Mathematics, Science, Social Studies and Physical Education. Class is conducted in 21 classroom spaces located near the students' living units. Students can earn one credit per course for every twelve hours of school attendance and they are graded based on attendance, effort, work performance and overall participation in classes.

Staff members attend ongoing professional development, seminars and workshops to facilitate their instructional skills in delivering a sound comprehensive program to students. The academic program is defined and structured through adherence to state standards as defined by the California Department of Education. The Osborne staff is trained to successfully provide Literacy and Language Arts instruction using "Character Based Literacy" a comprehensive curriculum developed through Santa Clara University. According to the principal's report, the program allows for a minimum of disruption to a student's learning environment as they are placed into different units while being adjudicated. The program maintains, reinforces, and instructs students on Literacy and Language Arts skills, while being clearly aligned to State-approved skills. EDGE, an intervention program used with English Language Learners (ELLs), is used in most English Language classes along with the Character Based Literacy (CBL).

The Alternative Education Department of the County Office of Education was accredited by WASC (Western Association of Schools and Colleges) in 2013. Because Osborne School at Juvenile Hall belongs to the Alternative Education Department, it follows the WASC process that emphasizes examining the school to determine how to improve the instructional program for youth. A new principal

was hired at Osborne in July, 2013, and her instructional philosophy correlates with that of WASC because she wants staff members to visit other schools and learn from each other. The principal also stresses engaging teachers so they can grow professionally, demonstrate their strengths in instructional issues and internalize the values of being a lifelong learner. She also wants teachers to be emotionally present for students and customize their instruction so individual learning plans can be developed for students, especially for those youth who have special educational or emotional needs.

The professional relationship between the principal and teachers impacts the type of instruction students should be receiving. Thus, teachers are deepening their instruction and making learning memorable and interesting because instruction is less about content and more about the way lessons are delivered. Teachers are urged to apply interactive lessons and demonstrations using the internet and smart boards. One example of a demonstration was using the internet to show students the effect of various strengths of earthquake tremors on a building.

A major component of staff development is the teachers' implementing the key concepts in the book, Life Behind Bars in America by Michael Santos. The main ideas were helping youth attain values and setting goals. Also, the author counsels youth to "own their stuff" by taking responsibility for their behavior and seeking restitution for the people they have hurt. The book offers very structured steps and motivation for youths to make something of themselves after they leave Juvenile Hall and return to the community. The staff uses this book as a springboard for counseling youth to prepare for successful lives in the community.

The principal works closely with the Probation Department regarding the youths' educational issues. Since Probation determines how the students are grouped depending on their offenses, the principal collaborates with the Probation Manager when concerns arise about the youths' educational environment. The principal also seeks advice from the Mental Health staff to support youth who have psychological problems. The Mental Health staff also trains teachers about bullying among youths.

The Commissioners visited eight classrooms during the inspection. In the SDC (Special Day Class) classroom, youths spent four periods in one class. Then an assistant accompanied them to a general education Social Studies class. In a science class, youth were defining vocabulary words before they began reading a selection in a science textbook. In another classroom, a guest speaker presented resume and interviewing skills to students. In the remaining classrooms, students were working at various levels in Math. In each class, we found the youths engaged in their work with the teachers either presenting or helping individual students.

Youths are assigned to housing units based on their custody status and the academic program to which they are assigned by the Probation Department. Therefore, with the exception of Special Day Class students and GED candidates not housed in

secure units, all student schedules are determined by their living unit designation. To the extent possible, education is based on individualized instruction. This is especially true for math because the students have widely differing abilities.

Within 48 hours of entering Juvenile Hall, a SCCOE Assessment Technician screens all minors. This process helps gather necessary educational and socio-economic data to help plan the student's curriculum while attending Osborne School. Students are provided an average of 240 minutes of instruction in the areas of Reading, Language Arts and Math. The school is open for 230 instructional days. The only breaks the students get are two weeks off during winter break and a week during spring break. School during the summer is a continuation of the school year.

Youth take several tests while they are in Juvenile Hall. Aside from the initial screening by the Assessment Technician, students take the California Standards Tests (CSTs). According to the principal's report, the average ELA (English Language Arts) and math scores are about five years below for grades 10-12. The average ELA and math scores are about four years below for students in grades 8-9. According to the principal's report, "The average student arrives and enrolls at Osborne School significantly below grade level in English Language Arts and Math. There are pronounced gaps in students' skills and knowledge-base that make differentiated instruction that much more critical." For that reason, the teaching staff focuses on filling in the students' educational gaps. Students in grades 10-12 take the California High School Exit Exam. As reflected in the principal's report, 40% was the passing rate, with students performing better on ELA as compared with math. The principal notes that the percentage of students passing CAHSEE is higher in the 10th grade versus 11th and 12th grades. These figures as presented in the principal's report showed the teachers where the support and services were needed. Students whose first language is other than English are tested in the California English Language Development Test (CELDT). According to the principal, the test results are used to determine necessary interventions. According to the principal's report, Santa Clara County Office of Education schools were in year 5 of Program Improvement status because these schools did not meet their goals as designated by the federal government's Annual Yearly Progress. The District School Leadership Team was created to determine how students' academic performance could be improved. Curriculum committees were created to align Osborne School's instruction with student performance.

Also, the Juvenile Hall Site Team at Osborne School meets quarterly to discuss current situations while planning for anticipated events. The team includes Probation, Mental Health, Medical and school staff who collaborate on implementing coherent programs addressing all students' needs. Other than these formal meetings, probation and the school staff converse with each other on an ongoing basis.

The number of students who qualify for special education services fluctuates across the various units at Juvenile Hall. According to the principal, 90-95% of the IEPs

were compliant or compliant within thirty calendar days. The special education staff reviews all daily admits into Juvenile Hall, and determines if a student is eligible for special education services using the Management Information System (MIS). Presently, all special education students are part of the County-Wide MIS allowing for immediate access to special education information and data. Students are then placed with appropriate special education staff. Students are provided with services as indicated by the IEP, including any Designated Instructional Services (speech, mental health) and primary services from intensive services to resource specialists.

Osborne School has 2 Special Day Class (SDC) teachers to address the needs of identified students. There is one full-time equivalent (FTE) Program Specialist providing services to students across the different living units and serves on the Multi-Disciplinary Unit (MDT). Specific issues are discussed and plans are developed to address concerns of individual students. According to the principal, the Program Specialist collaborates with probation, judges and school districts in addressing possible eligibility for special education services while the student is enrolled at Osborne. Also, six Special Education Assistants are assigned to specific classes and provide additional support to identified students. Other special education staff includes: 1 full-time psychologist, one school office coordinator, one Program Specialist, and a part-time Speech Therapist.

Osborne School has a School Site Council in which students are involved, but their membership changes frequently due to their transient status. Because of this situation and the difficulty of finding parent members, new members must be voted in every other month. This makes the consistency of the decision making process difficult because the purpose and focus change every other month when new members begin attending. Because many students qualify for Title I funds, the federal government gives alternative schools money that the School Site Council plans to spend to augment student achievement. In 2012-2013, this committee decided to focus on technology by buying laptops for student use. A math lab was also equipped with at least 20 desktops. The committee also wanted to use this money to support English Language Learners and training for staff and parents. In 2013-2014, the SSC wanted to spend money on “mini” libraries of leveled reading materials for each classroom and instructional materials for all staff.

Students use computers for two general reasons—earning a GED or recovering units. A teacher is assigned to supervise students for these purposes. Also, each classroom has three to four computers that students can use under their teacher’s supervision. Because the staff members are concerned with the potential for youth to access inappropriate sites, school administrators at Osborne and the County Office of Education are continually ensuring that computer firewalls exist to prevent unsuitable entry by students. Also, classroom teachers use smart boards to project computer-generated lessons.

The principal indicated that several variables characterized Osborne School. They included 80% of students being enrolled less than three months and their movement between units while enrolled. Also, between 95% and 97% of enrolled students are not proficient in Language Arts and Math. Finally, instruction occurs in a setting where adjudicated variables may take precedence over schooling.

The Juvenile Justice Commission team found the principal and her staff are very dedicated in working with youths. As mentioned earlier, the Commission observed the teachers actively engaging the youths in every classroom and helping them when they had problems. The youths were very respectful of their teachers. Several teachers told the Commissioners that the youths will look out for the teachers' safety and advise them when there is tension in a particular unit. The principal said her goal was to teach the youths more life and job skills so they could be more competitive and employable in the job market.

XI. POLICIES AND PROCEDURES

Juvenile Justice Commissioners met with the Juvenile Hall Probation Manager to review the Juvenile Hall Policy and Procedures Manual and also to inquire as to how often the manual is updated and to learn more about the implementation of the latest revisions. Last year, the Policies and Procedures Manual went on-line within Juvenile Hall and can be easily accessed at any computer terminal by Probation staff. This was confirmed by the Commissioners. In addition to being online, hard copies of the manual have been placed in all living units. Juvenile Commission members confirmed the Policy and Manual is up-to-date including the latest section regarding the use of OC spray (Oleoresin Capsicum), commonly known as "pepper spray." This was listed in the Manual's Use of Force Section 5.03.

The Policy and Procedures Manual is the "how to manual" and serves as a guidepost for all operations at Juvenile Hall. The Manual sets out, in detail, every function of the facility. It is a mandate which all staff must follow. It also serves as a training tool, which sets out rules and standards for every situation, thus, guiding staff in the safe-keeping and care of all Juvenile Hall youth while they are housed in the facility. The establishment of the Procedures Manual is specifically addressed in Title 15 of California Code of Regulations. Title 15 mandates that the Juvenile Hall Administrator develop written policies and procedures to promote and guide, among other goals, acceptable behavior and discipline of youth and staff. Title 15 also states clearly that discipline should not include corporal discipline, group punishment, psychological degradation, or deprivation of specific basic needs and rights. All Probation Department staff members, extra-help, and part-time staff are required to attest that they have read, understand, and will abide by all the mandates contained therein. The Policy and Procedures Manual can be revised and updated as needed, however, it is mandated by the State that it be reviewed annually.

The revision process is a straight-forward process whereby the Quality Assurance/Policy and Procedures team in Juvenile Hall review the Policy and Procedures for appropriate revisions. All revisions are reviewed by Juvenile Hall management prior to final review and sign-off by the Deputy Chief and Chief Probation Officer.

As stated earlier, Commissioners wanted to see an example of a new policy and procedure that was implemented and reviewed the Policy and Procedures Manual regarding the use of OC spray. This issue is addressed in the Policies and Procedures Manual Section under the "Use of Force," specifically Section 5.03 and 5.04 and was also addressed in the Behavior Management section of this report.

The Commission found the Policy and Procedures Manual regarding the use of OC spray to be adequate, but have recommended some additional safeguards. The Commission is concerned that a youth or Probation Staff member could suffer an adverse reaction to the OC spray.

QUALITY ASSURANCE

Commissioners inquired briefly into the Juvenile Hall Quality Assurance Program. In 2011, the Quality Assurance Process was organized with the purpose of overseeing the manner in which the Policies and Procedures Manual was implemented at Juvenile Hall. This provided the staff and administration the opportunity to inspect and critique their own facility procedures, ensuring the current practices were in compliance with California State Mandates and up-to-date with the guidelines of the Policies and Procedures Manual. The Quality Assurance Team currently comprised of one Supervisor and 4 staff members seek to identify and remedy areas of insufficiencies. The team's focus was Maximum Performance regarding meeting mandated standards. Once again, input from staff and youth is encouraged and sought out.

The Quality Assurance Team aims to annually review the following sections:

1. Leadership
2. Food Service
3. Admissions, Classification and Release Procedures
4. Training
5. Behavior Management
6. Youth Rights and Services
7. Facility Structure and Maintenance
8. Safety and Security-for Staff and Youth

For Quality Assurance in the Food Service program, for example, depending on the population at Juvenile Hall, there are approximately 375 to 450 meals that are served on a daily basis (breakfast, lunch, and dinner). The Quality Assurance (QA) team is examining all aspects of the food delivery process to not only make it more efficient, but also to make sure that the correct meal is delivered to the specific

youth. Some youth may require a special diet for example, and more importantly, some youth may have serious allergic reactions to certain foods. The QA team is aware of this and is studying the entire process to make sure that all meals are delivered correctly to the youth and that safeguard systems are built into the food delivery process.

POLICE ADMISSIONS AND INTAKE

Juvenile Justice Commissioners met on two separate occasions with a Juvenile Hall Manager and Intake/Screening Staff in the Police Admissions Desk area of Juvenile Hall. This is the point of entry for all youth brought to the Juvenile Hall facility. The youth arrives in restraints, accompanied by a police officer. The youth is photographed, interviewed and necessary paperwork is initiated. After visually checking the youth for signs of injury, drug or alcohol influence, or, if the law enforcement report indicates one of these concerns, an assessment is made by the on-site Juvenile Hall Medical Staff. If necessary, the youth is transported to Valley Medical Center, (VMC), for a medical assessment before he/she is admitted to Juvenile Hall. After his/her arrival at Juvenile Hall, the Screening Probation Officer also contacts the youth's parent(s) or guardian(s).

Several Intake Procedures may take place simultaneously, and, in no particular order, depending on the number of youths in process at the time and staffing available. Security is always taken into consideration. The youth is asked if he/she has eaten recently. If not, a tray is ordered, and he/she may eat his/her meal in the receiving area. The Screening Officer interviews the youth, his/her identity is confirmed, any previous file on the youth is accessed, and information is updated. Several photocopies are generated, with two copies routed to Medical Staff. The youth's personal property is logged, and the youth signs a verification of listed property. Any monies in possession of the youth are logged, placed in separate envelopes, and identified with the youth's information. This personal property is removed from the Intake area, and the youth can retrieve it (if it is not included in the criminal charges) after his/her release.

RISK ASSESSMENT INSTRUMENT (RAI)

At this point the minor is referred to the Screening Probation Officer, and the Juvenile Contact Report, (JCR), written by the police officer, is reviewed to determine if the youth will be admitted to Juvenile Hall, or released to a parent(s) or guardian(s). A youth's restraints are removed prior to meeting with the Screening Officer. A Risk Assessment Instrument (RAI), initially introduced in the mid-1990s, is used to determine if the youth meets the criteria for admittance into Juvenile Hall, or if he/she should be released.

The RAI process includes a series of questions, plus and minus factors, criminal charges, criminal history, family situation and any mitigating factors. Each category is assigned a pre-determined point(s). This point system places the Risk

Assessment of the individual youth in one of several risk categories. It also serves to determine if the youth meets admission criteria. In addition, this instrument serves to circumvent the possibility of Disproportionate Minority Contact (DMC) influence in the decision to admit or release. This DMC issue was addressed a few years ago when the RAI was updated. The Screening Officer may, during this process, interview the parent(s) or guardian(s), and the youth's attorney, along with the youth, in making the decision to admit or release.

In 2002, Santa Clara County received a grant from the Annie E. Casey Foundation to help reduce the disproportionate representation of minority youth detained within the Juvenile Justice System. An objective Risk Assessment Instrument, (RAI), was introduced at that time, along with a Police Booking Protocol, to help reduce the unnecessary and inappropriate detention of minority youth. With the Police Booking Protocol, guidelines were established, whereby, depending on the offense, a youth could be cited and released. Since its inception, the Juvenile Hall population has steadily declined, and the current population is approximately 50% less than it once was.

Some of the information received by the Screening Probation Officer may serve to determine the minor's housing at Juvenile Hall, needed medical care, mental health care, and other factors while the youth is a Juvenile Hall resident. Notice will be given to appropriate staff if youth might be a suicide risk, escape risk, or exhibits anger control problems.

Title 15 requires the Juvenile Hall Administrator to develop written policies and procedures regarding the classification of youths to determine housing placement. Classification is to take place with expediency, placing the youth in the least restrictive setting, while ensuring the safety of the youth, other incarcerated youths, staff and the public. Classification is based on Risk Assessment results including age, gender, sophistication, emotional maturity, legal status, program needs, mental health needs, medical issues and security concerns. Classification reviews are conducted periodically, based on the behavior in custody and the level of supervision needed.

If it is determined the youth should be released, there are several options. The youth can be directly released to parent(s) or guardian(s). He/she may be released through a Discretionary Restricted Release Program, (DRRP), or a Community Release Program, (CRP). If the minor is homeless, a law enforcement officer takes the youth to the Santa Clara County Receiving Assessment Intake Center, (RAIC), for placement within 24 hours with a relative or pre-approved care family. The process is much the same for a youth who is released prior to Admission. Property is taken and logged. The youth watches and acknowledges that he/she has seen the Orientation Video. The youth is photographed and screened. Any previous file about the youth has been updated. The youth will have been served a food tray if he/she indicates he/she hasn't eaten. The Release Process, with the return of property, takes place in much the same manner as well. If a determination is made

that a youth will be admitted, the Law Enforcement Officer leaves, and Juvenile Hall takes jurisdiction and responsibility for the youth.

ADMISSION STAFF TRAINING

In years past, much of the training of Police Admissions Staff took place on the job. Two years ago a three-day, extensive, in-house training was implemented for all the Probation Staff working in the Admissions area. Training includes three days of Police Admissions Desk experience. The more extensive training was developed by Senior Staff, via the Quality Assurance Unit, striving for better ways in which staff could function. The training includes the initial entry of the youth, accompanied by a Police Officer, and every step and process, up to, and including, the complete release process of the youth. After this updated training was initiated, staff was interviewed a few months after the training to determine its effectiveness. The response, according to a Police Admissions Desk staff member Commissioners spoke to, was positive.

ORIENTATION

If a youth meets the criteria for admittance, he/she is given printed material that explains the rules and regulations while he/she is incarcerated. The youth is shown an Orientation Video, available in English, Spanish and Vietnamese, and a visual guide, that serves to educate the youth regarding the behavior expected of him/her while in residence. The video explains the youth's rights, responsibilities, the grievance and appeal process, phone policy, visitor protocol, the youth's mail and property allowed in-house, along with, "what happens next". Commissioners viewed the video, and found it to be very informative and current. Staff confirmed that, although the youth receives printed material, and signs verification stating that he/she has seen the Orientation Video, as does the staff counselor, the same information is repeated in the youth's assigned housing unit. Each youth is presented in one form or another with this information three times within hours of admission. Repetition of this information helps circumvent the possibility of any early-on consequences for the youth if the rules are not clearly explained. During the 2013 Juvenile Hall Inspection, Classroom Orientation was being considered, according to facility supervisors.

The youth also receives Assessment/Orientation by Medical Staff and Mental Health Staff. The orientation materials provided to youths by Medical and Mental Health staff were not reviewed by Commissioners this year.

The Lesbian, Gay, Bi-Sexual, Transgender youth is currently a small percentage of the Juvenile Hall population. Juvenile Hall Management has been at the forefront in developing training and policies that are nationally recognized in this area of concern.

During these various processes, the youth is allowed several phone calls. He/she may call their parent(s) or guardian(s), their attorney, and their employer. If the youth is unable to

reach one or more of these individuals, his/her pending calls are credited to him/her, and he/she may try to complete his/her calls later.

The youth is then taken to Boys Receiving/Girls Receiving, where he/she showers and is assigned Juvenile Hall clothing. If, during the admittance process, the youth reports, or is identified as transgender, the youth will be provided a Transgender Preference Form. This form will allow the youth to select the preferred name and pronoun by which he/she would prefer to be addressed. Further, the youth can select whether he or she is housed according to his or her biological or identifying gender. The youth can select the biological gender of staff who will conduct searches or urine tests on him/her.

Depending on the transgender youth's preference, one counselor will observe the youth, and the other will remain out of view of the youth, but within view of the other counselor. Safety and security is always a priority. The youth may be housed according to their biological gender until a Multi-Disciplinary Team, (MDT), meeting is conducted, but only if the youth is unknown to Juvenile Hall. If the youth has previously been identified as transgender, and has selected to be housed according to his/her gender identity during his/her previous detention, then housing will remain unchanged, unless the youth requests otherwise. Although Mental Health is advised upon the admission of all youth into Juvenile Hall, a special request for an MDT is made upon the admittance of a transgender youth. The MDT will take place within three days of admission.

At some point during the admission process, the Juvenile Hall Medical Staff examines the youth, addressing obvious dental concerns, as well as examining and documenting medical information, noting possible medical needs. The nurse arranges any necessary medical or dental appointments at this time.

SUPERIOR COURT'S ANNUAL JUVENILE HALL INSPECTION REPORT

The Honorable Jesus Valencia, Santa Clara County Superior Court Judge, issued the Court's Annual Juvenile Hall Inspection Report for Suitability on December 14, 2012. All areas of Juvenile Hall were found to be in compliance with Minimum Standards, adopted by the Board of Corrections, pursuant to Welfare and Institutions Code 209

XII. DOCUMENTS REVIEWED

Documents and inspection reports from multiple sources were requested and were reviewed during the JH Inspection. They included:

- A. Policies and Procedures Manual from the Probation Department
- B. 2012-2013 Annual Report for Osborne School
- C. Incident Reports 2012-2013
- D. Santa Clara County Probation Department Population data 1/16/2014

- E. Juvenile Justice Commissions Inspection Report for Juvenile Hall, March 2013
- F. Annual Facilities Inspection Report-2012 By Hon. Jesus Valencia, Judge, Superior Court
- G. "Juvenile Hall New Admit Orientation"
- H. English, Spanish, Vietnamese (Small Booklet-Probation Dept.)
- I. "Juvenile Hall Parent/Guardian Orientation Information"
- J. "Juvenile Hall Detention Facility" (Brochure)
- K. "Your Child and the Juvenile Justice System" (Brochure)
- L. "A Newcomer Asks" Brochure Information, listing Community Based Organizations
- M. Risk Assessment Instrument Maintenance Sheet
- N. List of Factors Considered in Admit/Release Decision
- O. Risk Assessment Classification Sheet
- P. Unit Assignment Sheet
- Q. "Clean Slate" card in lobby re: tattoo removal
- R. "Kinship Resource Center" card in lobby
- S. (Families Raising Relative and Non-Relative Children Resource)
- T. Newcomer Workshop-card in lobby by Narcotics Anonymous
- U. California Code of Regulations (CCR) Minimum Standards for Juvenile Facilities, July 2007, Title 15
- W. 2013 Office of the Fire Marshall's Inspection Report for Juvenile Hall
- X. Annual Health Inspection – Juvenile Hall Facility - 2013

XIII. COMMENDATIONS

Osborne Staff and Principal:

- Are recognized for examining the school's educational practices to improve the youths' education according to the WASC accreditation process.
- Are recognized for offering more life and job skills to youth so they can compete more effectively in the job market.

Probation Department management and staff:

- Are recognized for their initiative in developing policies, practices and training that respect the rights of Lesbian, Gay, Bi-Sexual and Transgender youth.
- Are recognized for the amount of Orientation a youth receives as he/she becomes accustomed to residency in Juvenile Hall, and, in general with the entire Assessment and Screening processes altogether.

Juvenile Hall Management:

- Is recognized for updating and improving the old, torn waiting room chairs with new ones as recommended by the Commission in its last inspection report.
- Is recognized for removing the signage and replacing it with language appropriate to the Juvenile Justice System as recommended by the Commission in its last inspection report.
- Is recognized for efforts to recognize an individual minor's accomplishments and special events such as birthdays and graduations.
- Is recognized for its efforts in the Juvenile Hall Beautification Project.

Medical and Mental Health

- Are recognized for their efforts to conduct medical and mental health assessments for minors in the minor's living unit.

XIV. RECOMMENDATIONS

Population

1. Juvenile Hall should continue to closely monitor the number of youths 13 years old or younger who spend time in Juvenile Hall.

Facilities

2. It is recommended that Juvenile Hall Management look into the Control Area functioning as security issues were reported to visiting Commissioners during their initial inspection of the facility.
3. The unlocked Suggestion Box should be secured.

Kitchen

4. Notify the Commission when the kitchen remodeling has begun.
5. Work with medical staff to identify food issues such as gluten intolerance, dairy intolerance and food allergens.

Health and Hospital System

6. The Health and Hospital System should make it a priority to implement the use of the EPIC electronic record system at Juvenile Hall to insure uniformity across the Health and Hospital system, since many youths seen at Juvenile Hall also receive services in other parts of the Health Hospital system. This will improve efficiency and safety and enhance services to youths at Juvenile Hall.
7. Data show that a majority of youths in the Juvenile Justice system abuse substances. The Probation Department and the Department of Alcohol and Drug Services should request funding for an additional Substance Abuse Counselor at Juvenile Hall to increase the availability of substance use services to Juvenile Hall youths.

Policies and Procedures

8. The Commission is recommending as part of the OC Spray Policy, that a Juvenile Hall Supervisor shall consult with the Juvenile Hall Medical Department to review the minor's medical and mental health history prior to the use of OC Spray, and that a Nurse or medical personnel be present at the extraction site in case of a medical emergency. The Commission believes that having a medical person present when OC Spray is used is in the best interest of the minor and the staff in case an adverse reaction occurs.
9. During our 2013 inspection Juvenile Hall Managers stated that plans were being considered to initiate Juvenile Hall Orientation in a classroom setting, in addition to the point-of-entry orientation presently provided to all youth. Commissioners recommend that Managers revisit this concept.

SUMMARY

The Juvenile Justice Commission has completed its annual inspection of the Juvenile Hall. Satisfactory responses were provided to the recommendations contained in the 2012-2013 report.

Juvenile Hall residents are well supervised in a safe and secure environment. The Santa Clara County Juvenile Justice Commission believes, that based on this inspection, the Santa Clara County Juvenile Hall meets the Commission’s standards for a safe juvenile facility.

Approved by the Santa Clara County Juvenile Justice Commission on

Penelope Blake, JJC Chairperson

Date

Anita Sunseri, JH Inspection Chair

Date