

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

**JUVENILE HALL  
DECEMBER 2007**

**I. INTRODUCTION**

The Santa Clara County Juvenile Justice Commission (JJC or Commission) inspected the Santa Clara County Juvenile Hall on October 1 and 16, November 5, 12, and 30, and December 7, 2007, pursuant to the State of California Welfare and Institutions Code Section 229. The inspection team was primarily concerned that the Probation Department: maintain an orderly and safe custodial placement for youth awaiting court, serving court-ordered Juvenile Hall time, or awaiting transition to placement; and bring together services for the youth and their families during and after incarceration.

Formal interviews were held with the Juvenile Hall Managers, Medical/Mental Health personnel and the Osborne School Principal to provide Commissioners with an overview of policies, procedures, programs and issues. Commissioners also held informal interviews and conversations with youth, living unit staff members and school personnel. The physical facilities were toured, including the kitchen, food supply storage areas and cafeteria. Observations were conducted in the Health and Mental Health Clinics and all living units.

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

**II. POPULATION**

The Juvenile Hall population is reported as the total number of youth, along with breakdowns by gender, age, and ethnicity.

The inspection team was provided with the following population and gender breakdown numbers during the three November visits:

<u>Date</u>	<u>Boys</u>	<u>Girls</u>	<u>Total</u>
11/05/07	312	31	343
11/12/07	294	34	328
11/30/07	288	44	332

By comparison, the total Juvenile Hall population on November 28, 2006 was 254, with 218 boys and 36 girls.

The age breakdown on November 5, 2007 was as follows:

<u>Age</u>	<u>Number</u>	<u>Percentage</u>
12	3	0.9
13	15	4.4
14	41	12.0
15	65	19.0
16	77	22.4
17	121	35.2
18	18	5.2
>18	<u>3</u>	<u>0.9</u>
	343	100.0%

The ethnic/racial breakdown was provided in the Santa Clara County Juvenile Facilities End-of-Month Population Snapshot for October 2007, and is compared to end-of-month data for December 2006 and September 2005 as follows:

<u>Ethnicity/Race</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>
Asian	5.6	2.9	8.1
Black	9.1	10.7	11.5
Hispanic	69.4	68.7	61.5
White	12.7	13.2	14.8
Other	<u>3.2</u>	<u>4.5</u>	<u>4.1</u>
	100.0%	100.0%	100.0%

The percentage of minorities in Juvenile Hall increased from 85.2% in 2005 to 86.8% in 2006 and 87.3% in 2007. This representation continues to remain very high compared to the overall population of Santa Clara County.

### **III. STAFFING**

Juvenile Hall is overseen by a Deputy Chief Probation Officer and two Probation Managers. When one of the Probation Managers recently retired, the position was temporarily reassigned so that a grant writer could be added to seek replacement for funds lost in County budget reductions. Thus, the Deputy Chief Probation Officer and one Probation Manager currently share the operational responsibilities for Juvenile Hall.

### **IV. FACILITY**

#### **Living Units**

After completion of new living units, the California Corrections Standards Authority (CSA) increased the rated capacity of the facility to 390. This rated capacity represents the total number of living units (13) multiplied by the capacity of each unit (30). Twelve of the 13 units are currently in use, with ten units for boys and two units for

girls. Members of the inspection team visited all twelve units. The following is a summary description of each of the units.

- **B-2, Life Skills Preparatory Commitment Unit**, provides the Court with another option in lieu of Ranch placement for males. The minors get a set commitment time of 120 to 180 days.
- **B-3, Ranch Readiness Program (RRP)**, assists males with adjustment and transition to the residential portion of the Ranch commitment.
- **B-4, Transition/Assessment Unit**, houses the male population that requires intensive mental health services.
- **B-5, General Population Unit**, houses the youngest males, usually between the ages of 12 and 14.
- **B-6, General Population Unit**, houses males, usually between the ages of 14 and 16.
- **B-7, Commitment Unit**, is for males who have been committed by the Court to a specific amount of time to be spent in Juvenile Hall.
- **B-8 and B-9, Security Units**, are responsible for the highest security-risk males in Juvenile Hall. There are no school or meal movements in these units.
- **B-10, General Population Unit**, houses males, usually between the ages of 15 and 17.
- **B-12, General Population Unit**, houses males, usually between the ages of 16 and 18.
- **G-1, Female General Population Unit**, is a general population/security unit for females.
- **G-2, Female General Population/Life Skills Preparatory Commitment Unit**, provides the Court with another option in lieu of Ranch placement for females.

### **Food Service**

Commissioners had lunch in the cafeteria and ate at tables with some of the youth. The meal included a hot soup, a warm entree, and a tasty dessert. Comments from the youth indicated that they were generally happy with the food, unlike in prior years when Juvenile Hall was undergoing construction and there were uniform complaints about the same, boring, tasteless lunches.

Commissioners inspected the kitchen, dry storage area, refrigerated area and freezer area. It was noted that the washer unit was operating in a proper fashion and that the trays were emerging scoured and sanitized. The cafeteria was clean, and tables were quickly cleared.

## **V. PROGRAMS**

### **Behavior Modification**

The purpose of this program is to reinforce and promote positive socialization and interaction. Minors achieve status based on positive behavior and length of stay through a system that rewards them with incentives and privileges such as recreational activities.

- **Basic Program (B Level)**  
Upon admittance to Juvenile Hall or return from the Control Program, the minor is placed on this program, which includes three hours of recreation on school days and five hours of recreation on non-school days.
- **Advanced Program (A Level)**  
If a minor has received less than two hours of minor disciplines and no major disciplines in seven days on the Basic Program, they are moved to this program, which includes four hours of recreation on school days and up to six hours of recreation on non-school days.
- **Control Program (C Level)**  
When a minor's behavior warrants, an Incident Report (IR) is generated to recommend placement on this program. The IR must be modified or approved by the on-duty supervising group counselor, and reviewed by a manager. The program includes three hours of *separate* recreation on school days and five hours of *separate* recreation on non-school days.

The inspection team visited all of the living units on November 5, 2007. Minors assigned to each of the three classifications, by units, are listed below:

<u>Unit</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>Total</u>
B-2	20	10	2	32
B-3	32	0	1	33
B-4	17	7	2	26
B-5	16	8	4	28
B-6	17	13	5	35
B-7	26	7	0	33
B-8	3	19	4	26
B-9	24	4	0	28
B-10	20	13	2	35
B-12	13	22	0	35
G-1	10	7	2	19
<u>G-2</u>	<u>11</u>	<u>0</u>	<u>0</u>	<u>11</u>
Subtotal	209 (61.3%)	110 (32.3%)	22 (6.4%)	341
Boys Receiving				1
<u>Discharged</u>				<u>1</u>
<b>Total</b>				<b>343</b>

### **Ranch Readiness**

The intent of the Ranch Readiness Program (RRP) is to productively utilize the time between the minor's commitment and the actual date of departure to the assigned Ranch. It is an opportunity for minors to learn the Ranch culture and structure, and to earn credit toward their Ranch commitment. The criteria for a minor's entrance into the RRP are: a Ranch commitment; on A or B Level; no assaultive behavior in Juvenile Hall

within the past four weeks; no room removals or extractions within the past four weeks; and an overall good attitude.

The program, which is nominally two-to-six weeks in length, is housed in the B-3 living unit. Three single-spaced pages outlining the responsibilities, privileges, and expectations of the program are posted on the B-3 bulletin board. The youth are divided into four separate teams, with the programming conducted in small groups similar to the pods at the Ranches. The youth begin work on Phase I of the Ranch program, and start their group work on the development of pro-social skills. For each two successful days (i.e., good behavior and program progress), one day of credit will be applied to their Ranch commitment. Youth in the RRP can earn a maximum of 30 days credit toward completion of the Ranch program, such that some youth who have been in the RRP for over 60 days stopped receiving credit.

The inspection team was impressed by the enthusiasm of the counselor who conducted their visit to the B-3 unit and spent time walking them through all the aspects of the RRP. He said he had requested duty in that particular unit

The counselor walked the inspection team through the items covered in the expectations section of the program. Family circumstances, education, and employment head the list. Peer relationships and reinforcement of core values follow. Zero tolerance for substance abuse and self-abuse is stressed as part of personality and behavior. The counselor noted that lack of empathy and sensitivity toward others was the focus of attitudes orientation. The final items included in the expectations list covered counseling, a writing assignment and a list of things to think about.

The counselor said minors in the unit generally wake up very moody in the morning. Care must be taken in how they are addressed, and “baby steps” sometimes have to be taken to motivate the youth. The counselor’s role, he said, is to encourage the youth. All of the youth are part of a cohesive unit who live together.

The counselor provided a copy of the Ranch Readiness Adjustment Report. This report is the instrument used to determine how much time is credited toward the Ranch program for each individual in the unit. There are eight categories, with 17 sub-categories, used to evaluate each minor: education and work, peer/adult relationships, leisure/recreation, personality and behavior, attitude, responsibility, completion of writing assignment, and programs. There are four grade levels for each of the eight categories: excellent, good, satisfactory and poor. There is a separate section to the Adjustment Report that seeks a yes or no reply to questions concerning gang activity and/or affiliation, graffiti activities, assaultive behavior, incident reports, and at risk behavior/medical issues.

The inspection team also received copies of the Daily Point Record sheets for Monday through Friday (green) and Saturday-Sunday (white). Each sheet lists the activities evaluated during the 7:00 am to 3:00 pm shift and the 3:00 pm to 11:00 pm shift. Forty-five points can be earned for the eleven items evaluated during the first shift

and 25 points can be earned for the eight items evaluated during the second shift. A score of 70 is excellent, 65 to 69 points is good, 55 to 64 points is average and 54 points or less is unsatisfactory. A Daily Point Record is reported for each youth each day of the week.

### **Commitment Unit**

The Commitment Unit (B-7) is for those youth who have been committed to a serve a specific amount of time in Juvenile Hall. Within the first week of each minor's commitment to Juvenile Hall, the assigned counselor will meet with the minor to assess their educational, vocational and/or employment goals. The minor and counselor will create a Plan of Action for the minor to follow during their commitment to Juvenile Hall.

The Commitment Unit operates on a point system that is designed to encourage minors to participate in self-improvement programming. Minors must be on A or B Level, with no pending disciplinary actions, to participate in the program, and points can be earned only through participation. Points are awarded for good behavior, but are not lost due to poor behavior. Points can be used to qualify for early release, with each 100 points accrued qualifying for one day of early release. The minor must complete a request for early release, noting what he or she learned while in the program, the programs in which he or she participated and the changes he or she will make in their personal life. All requests for early release must be submitted to the Office of the District Attorney and the Court for review and approval.

There were 58 minors (54 males and four females) in Juvenile Hall slated for the Commitment Unit on November 5, 2007 as compared to a capacity of 30 males in Unit B-7. Seven of the males had Security Unit (B-8 or B-9) commitments, leaving a waiting list of 17 males for the Commitment Unit being temporarily housed in other units. Probation management reported that youth on the waiting list continue to serve their commitment time and will be released from Juvenile Hall on their projected release dates. Minors waiting to get into the Commitment Unit are provided with an array of program services through the Multi-Agency Assessment Center (MAAC), volunteer program providers or the programming provided by assigned staff in each unit.

### **Transition/Assessment Unit**

The Transition/Assessment Unit (B-4) serves youth with a history of emotional and behavioral disorders who are detained in Juvenile Hall. Treatment services and behavior management systems are structured, predictable and therapy-based. The unit is not intended to be a long-term treatment or placement unit. The primary purpose is in providing intervention, promoting healthy coping skills, decreasing self-abusive behavior and providing social skills training for a successful placement.

The unit combines the efforts of Mental Health, Probation, County Office of Education (COE), and Medical staff. Youth assigned to the unit, ranging in age from 12 to 18, have been assessed by a mental health professional as having an emotional or behavioral disorder. Minors are not court-ordered into the unit, but can be referred by any of the collaborating agencies to be screened for admission.

Juvenile Hall staff and clinicians are bringing a behavioral health model into this unit, and there has been a significant decrease in incidents among minors. The positive outcomes experienced in this unit with the integration of the Mental Health staff have resulted in a proposal to have clinicians assigned to other units in Juvenile Hall. The decrease in clinical staff reduces the opportunity to provide similar services in other units.

Three counselors, two teachers, and one Mental Health therapist staffed the unit on the day of the visit. The three therapists provide three hours of service per day, two days per week. Staff reported that youth in the unit all have open case plans and are difficult to place in a group home. It was pointed out to the inspection team that heavy glass, rather than jail-like bars, is used to make it impossible for minors to injure themselves by jumping or falling from the second level of the unit to the first level.

### **Life Skills Unit**

The Life Skills Preparatory Commitment Unit (B-2) provides the Court another option in lieu of Ranch placement. The youth, males ranging in age from 16 ½ to 18, get a Juvenile Hall commitment of 120 to 180 days. According to the Probation Department, the boys in this unit are primarily repeat offenders who have reentered Juvenile Hall because of Violation of Probation (VOP) and/or a variety of property offenses.

The Individual Service Plan for each youth focuses on vocational training program enrollment, education program enrollment, General Educational Development (GED) preparation, high school exit examination and high school diploma. Job search and job placement, prior to release, are part of the program.

The unit staff was experienced, with the senior staff member serving in the Probation Department for 26 years. The inspection team spoke at length with the Life Skills counselor assigned to this unit, who has ten years of Probation Department experience. The counselor works a flexible schedule and, in a typical day, may visit youth at their work place, set up and transport youth to job interviews, help youth get their DMV California Identification cards, identify housing for emancipating youth or help youth search for job opportunities at computer sites such as Jobs for the Future.

There were five youth either working outside of the unit or attending Evergreen Valley College on the date of the visit. Only one youth, of the 32 in the unit, was a first-time offender. A number of youth interviewed by the inspection team had been to the James Ranch and had failed the “old” Ranch program.

Osborne School provides school curriculum that focuses on GED preparation, high school exit examination, high school diploma and catching up on required courses. On-line vocational training courses are also included in the program.

There was a point system on display for each of the youth in the unit. Minors can earn points for activities such as job search, reading books or writing reports. The minors were to be allowed special “perks” such as a trip to a sports event and/or a movie outing, but counselors said they believed this part of the program had not yet been implemented.

Probation management said that youth completing the Life Skills program would be eligible for the Mentally Ill Offenders Crime Reduction (MIOCR) grant, which was scheduled to begin in December 2007. Aftercare Services, including family counseling, outpatient mental health services, continued Aggression Replacement Training (ART) classes, and Health Realization classes in community settings, will be available under the MIOCR grant.

There were 60 minors (55 males and five females) in Juvenile Hall slated for the Life Skills Unit on November 5, 2007 as compared to a capacity of 30 males in Unit B-2. Thus, there was a waiting list of 25 males for the Life Skills Unit being temporarily housed in other units. Probation management reported that youth on the waiting list continue to serve their commitment time and will be released from Juvenile Hall on their projected release dates. Minors waiting to get into the Life Skills Unit are provided with an array of program services through the MAAC, volunteer program providers or programming provided by assigned staff in each unit.

## **VI. BEHAVIOR MANAGEMENT PROGRAM**

### **Reports to the Juvenile Justice Commission**

The Juvenile Justice Commission requires current information in relevant areas to effectively discharge its statutory duties. In a June 6, 2007 letter to the Chief Probation Officer, the Commission requested that summary information be provided at each monthly meeting of the Commission regarding the following issues: (1) injuries to a minor or staff member; (2) suicides or suicide attempts (excluding suicide gestures); (3) mandated reports to Child Protective Services; (4) gang-related riots/fights; (5) youth moved to C-Mod level; (6) escapes; (7) youth awaiting Enhanced Ranch Program placement; and (8) youth 12 years of age and under admitted to Juvenile Hall. This information is not currently being provided on a consistent basis.

### **Incident Reports**

Members of the inspection team read each of the 160 Incident Reports (IRs) written in June 2007. Significant events that occurred during the month, and their frequency, were noted as follows:

- Restraints applied 39
- Gang activity 30
- Suicide attempt 2
- Fire drill 7
- Fire 1

Youth were assigned to the Control Program (C Level) in 82 instances during the month. The length of the loss of privileges while on C Level varied from two to six days.

Members of the inspection team were aware that a fire had occurred in Juvenile Hall on November 17, 2007, and requested the IR containing the details of this incident.



The IR reported that a fire and evacuation occurred in Unit B-10 at 2:45 pm. A dust mop used in the cleanup following a barbecue had been placed in the B-10 supply closet. Embers from the fire remained embedded in the mop and started to smoke, causing excessive smoke in the unit. The smoking dust mop was then sprayed with a fire extinguisher. The IR said that the youth in the unit were released from their rooms, directed to put on their shoes and ordered to go into the courtyard. The counselor ensured that all youth in the top tier were out of their rooms. A roll call was then taken in the courtyard and all youth were accounted for. Chairs were moved to the courtyard and the youth were seated five at a time. The San Jose Fire Department responded to the alarm, and the Chief Probation Officer and Juvenile Hall Manager were both on the scene. All appropriate actions rehearsed in fire drills were taken, and youth were commended for the good job they did in evacuating the unit.

### **Grievances**

The Juvenile Justice Commission's December 2006 Inspection Report for Juvenile Hall included a recommendation that the Probation Department "Update the grievance and appeal procedures..." That recommendation was prompted by a concern that the deficiency noted in the grievance procedures by the United States Department of Justice (DOJ) reassessment of the facility in 2006 had not been properly addressed. This concern was based on the low rate of usage of the grievance system and comments by two youth, who reported that they felt treatment would be even worse if a grievance were filed. In light of the concerns noted previously, this inspection team paid particular attention to the grievance process.

During one visit to the facility, the inspection team reviewed grievances from June 2007. There were only eight grievances provided for review. While six of the grievances concerned minor complaints, which generally should have been the subject of a disciplinary appeal rather than a grievance, only one of the grievances had a statement from an involved staff member, and two of the grievances warranted concern that Juvenile Hall policies were not being observed.

The first grievance of concern was made by a boy who complained that he had been hit by a counselor while being physically restrained. There was no statement from the involved counselor attached to the grievance form, as is required by Juvenile Hall procedures, and there was no reported investigation by the supervisor who received the grievance; nor did the supervisor make any findings. Rather, the grievance officer referred the minor to the minor's Public Defender. Probation management explained to the inspection team that the matter was automatically referred to the Internal Affairs unit, which found the allegations of abuse to be unfounded. This information was not included on the grievance form.

The second grievance that was cause for concern was a lengthy complaint from a boy who complained that he had been held in Boy's Receiving for 16 days without cause (and presumably without appeal). He further complained that the room in which he was held was too hot, that he had been threatened by a counselor ("I'm going to drop-kick you") and called names by various staff members. Again, there were no statements from

the staff against whom allegations were made, and no other investigation noted. The only action stated on the form was “status to be reviewed.” The minor checked the box indicating satisfaction with the process, but not the box indicating whether he wished to appeal. The Probation Manager, who noted that the minor agreed to conditions, reviewed the grievance form but not the conditions that were agreed upon. More important, the Probation Manager is specifically named in the grievance as the party responsible for the minor’s being housed in Boy’s Receiving for more than two weeks. Essentially, then, there was no objective review of this boy’s grievance. One of the concerns noted by the DOJ expert, who toured the facility in April 2006, was that the grievance forms should be submitted to an impartial person for investigation. Probation management explained to the inspection team that, due to confidentiality issues, “not all pertinent information can be expressed in our grievance form or process.” However, this does not entirely justify the lack of documentation regarding the disposition of the minor’s complaints. As with the first grievance discussed above, this grievance form was missing substantial pertinent information which had to be supplemented by undocumented personal recollection.

As a result of concerns arising from the review of grievances from June 2007, the inspection team returned to Juvenile Hall on December 7, 2007 for further review of the Probation Department’s grievance procedures to determine whether: (1) the minors were aware of the grievance procedure; (2) the minors believed the procedures were adequate to protect their rights; and (3) the grievances were properly investigated by an impartial person. In an effort to determine the adequacy of the Probation Department’s grievance policy, the team interviewed the Probation Manager, visited boy’s unit B-4, where six boys were interviewed, and reviewed the grievances submitted in November 2007. As a result of the December visit, the concerns of the inspection team have been alleviated as to each of the items noted above, as follows:

1. The inspection team noted that the grievance policy is visibly posted in each unit and that the grievance policy is included in the minors’ initial orientation. Moreover, the grievance forms are available in a plainly visible location near the locked box marked “Grievances” into which the forms are to be submitted. The forms themselves advise the minors that they “have a right to fill out a grievance form when you feel that you have been mistreated or your rights have been violated.” The form goes on to assure the minors that they will not be punished for filing a grievance.
2. Six minors were interviewed specifically to determine if they were aware of the grievance policy and if they had any confidence in its adequacy. All of the minors interviewed expressed satisfaction with the system of grievances. All of them were well able to describe the process. Although one young man said he did not understand grievances, he was nevertheless able to describe the procedure. Only two of the six minors had actually filed grievances, and both were satisfied with the results. It should be noted that the minors expressed some confusion between grievances and appeals, which will be addressed in the Appeals section of this report.

3. The Probation Department's grievance form instructs the minor to put the form in the Grievance Box when it is filled out. The Grievance Box is a locked box, located in the unit adjacent to the forms, which is opened and emptied two times per day by the on-duty supervisor. The supervisor reads the grievance and gives it to a staff member for a response if a staff member is named in the grievance. The form for response by the staff member is either a separate form or is printed on the back of the grievance form. The response form includes the admonishment "Minors must not be punished for filing a grievance." The supervisor makes a finding as to whether the complaint was founded or unfounded and states the reasons for the decision. If founded, corrective action is taken. The decision is conveyed to the minor, who indicates whether he or she is satisfied and, if not, whether an appeal is requested. In either case the grievance form is forwarded to the Probation Manager for review.

The inspection team reviewed the thirteen grievances filed during the month of November 2007 and found significant improvement over the grievances from June. There was what appeared to be a complete investigation for each grievance, completed by an apparently impartial on-duty supervisor and reviewed by the Probation Manager. All were timely processed and, in each case, the minor checked the box indicating satisfaction with the supervisor's decision. The inspection team finds that the manner in which grievances were processed during November is commendable. Probation management attributed the observed differences between June and November 2007 to improved staff training and heightened management oversight of the grievance process during the intervening months.

### **Appeals**

The appeal procedure differs little from the grievance procedure. The differences include: the appeal is based upon a perceived unreasonable discipline, not on mistreatment; the appeal is turned in to unit staff members, not placed into a locked box; the staff member responds to the minor's statement on the appeal form; the minor is shown the response and may agree or disagree with the staff member's response; and the supervisor's decision is not reviewed by the Probation Manager. Notably, some minors are confused as to what warrants an appeal and what calls for a grievance. This confusion is not deemed to be problematic inasmuch as the processes are so similar.

The staff person(s) who imposed the discipline respond to the minor's statement on the appeal form and turn it in to the on-duty supervisor. The supervisor holds an informal hearing and either upholds, revokes or modifies the discipline.

The inspection team reviewed 28 appeals filed during June 2007. In 27 of the appeals the discipline was upheld. In the one appeal not upheld, there was a modification from a one-hour down time to one-half hour. It should be noted that none of the appeals were based on what the inspection team considered to be excessive discipline. The discipline imposed was relatively minor in most cases, and most appeals were based upon an allegation that the counselor was lying about the minor's wrongdoing.

There are few appeals in comparison to the number of infractions for which discipline is imposed. This small number may be explained in part by what amounts to an automatic appeal of the more serious incidents. A supervisor reviews every serious incident report (IR). The supervisor may uphold, reduce, or stop the disciplinary action taken by the unit staff. The Probation Manager further reviews the supervisor's decision. Consequently, in these cases, there seems to be no real need for a separate appeal.

## **VII. MEDICAL SERVICES**

The Health Clinic provides full medical coverage while youth are in Juvenile Hall, including direct medical services with 24-hour nursing care seven days a week for routine aches and ailments. Specialized medical services are available when necessary.

Commissioners met with the Health Clinic Doctor and the Juvenile Hall/Children's Shelter Nurse Manager. Commissioners were provided an overview of the Clinic and health related programs, and visited the facilities. Medical services were being provided to several youth during the visit, and the Clinic was in good order.

The Nurse Manager stated that there are optional classes offered to minors with asthma or bronchitis to help increase their lung capacity. There are also classes on Sexually Transmitted Disease (STD) and Human Immunodeficiency Virus (HIV) prevention, Girls' Talk – contraception, smoking cessation, nutrition, childhood obesity, skin problems, diabetes and sleep disorders. A nurse instructs minors in caring for babies, using a life-size soft doll which the participating minors have named Guadalupe.

The Commissioners were introduced to the crash cart program. The crash cart contains all of the equipment and medications needed to meet a medical emergency, including a cardiac arrest device, portable oxygen, and emergency delivery equipment. Last year, there was only one crash cart, and it had to be moved to wherever there was a need. Now there are three crash carts: one in the Clinic; one in the original Juvenile Hall building, and one in the new Juvenile Hall structure. All of the medications in a crash cart are contained in a sealed compartment. If the seal compartment is broken, the contents must be inventoried. The contents of the crash carts are also inventoried monthly for quality assurance as well as inventory control. Crash carts were used on four occasions during the month of July 2007. The dates and reasons were as follows: (1) on July 5, a minor fainted and was transported to Valley Medical Center (VMC) Emergency Room (ER) by ambulance due to blood pressure drop; (2) on July 10, a minor was unresponsive for about 20 minutes and was transported to VMC ER by ambulance following a 911 call; (3) on July 13, a minor suffered chest pain and increased heart rate and blood pressure; and (4) on July 14, a minor with a history of heart problems fainted.

The Nurse Manager demonstrated the video cameras and communications equipment that provide a tele-nursing link between the Ranches and the Juvenile Hall Health Clinic. Camera #1 (at the James Ranch or the Wright Center) provides a long distance evaluation of the youth, while Camera #2 focuses on the examining table and

Camera #3 enlarges the local view while providing a tape measure on the side. A grant is being sought to cover the cost of installing the system in the Children's Shelter.

The Commissioners reviewed the sick call process that has been implemented to ensure that the minors' medical needs are not denied. There was previously a sick call book maintained by the Probation staff in each unit, but Sick Call Request Forms are now directly available to the youth. The form asks the reason for the request and how long the problem has existed. The completed form is placed in a locked box within the unit. The box can only be opened by members of the Health Clinic staff, who collect forms daily.

Dental services are currently available in the Health Clinic, with two dental chairs and x-ray equipment. A dentist from the adult jail facility is on duty two days a week (Monday and Wednesday). The Health Clinic advertised with the Santa Clara County Dental Society for a volunteer dentist, and the County Counsel's Office resolved the insurance issue, making this volunteer activity possible for a participating dentist. A volunteer has been selected, but has not yet started work.

## **VIII. MENTAL HEALTH SERVICES**

Commissioners met with the Mental Health Manager. The Manager reported the Mental Health Clinic in Juvenile Hall has suffered a budget reduction of 35%. This has caused the department to review all mandated services and look at revenue producing services. The Juvenile Hall clinic staffing previously included 16 full-time clinicians and one full-time rehabilitation counselor. Seven positions (one manager and six clinicians) have been eliminated as a result of the budget cuts, and the rehabilitation counselor position is slated for deletion once the budget cuts have been fully implemented. The Mental Health Manager duties for Juvenile Hall and the Ranches are to be combined in January 2008.

The number of staff members providing coverage varies as to the time of day and day of the week. Mental Health services are available five days a week from 7:00 am to 3:30 am. Clinicians work four ten-hour days each week. One clinician works from 7:00 pm to 3:30 am on weekdays. Weekend coverage is from 9:00 am to 9:30 pm. The only time a staff member is not on-site on weekdays is between 3:30 am 7:00 am. A supervisor and/or a psychiatrist are on-call when a Mental Health staff member is not actually on-site. Mental Health currently has two psychiatrists on duty at Juvenile Hall; one on duty two days a week and the second on duty two and one-half days a week.

Mental Health screenings, including administration of the Massachusetts Adult and Youth Screening Instrument (MAYSI II) to provide an evidence-based evaluation, is usually done within 24 hours of a minor being admitted to Juvenile Hall. The data is provided to MAAC the same day as the screening. The Mental Health Manager reported that 2400 minors were screened last year, with 70% of the problems uncovered related to drug and alcohol usage. It was also reported that there were 140 mental health cases currently open, compared to 157 cases open at the time of the December 2006 inspection.

A case remains open if the minor is stable and on medication, and is closed if the minor is stable and not on medication.

A one-year Mentally Ill Offender Crime Reduction (MIOCR) grant started in July 2007. Three additional clinical staff members have been added with these funds to augment and enhance needed services to the minors in Juvenile Hall with a mental health diagnosis. The program works with high-risk minors and funds the training of custodial staff in the areas of mental health and behavioral health. The Mental Health Manager, who helped write the MIOCR grant request and has seen the success of the program, now has her salary funded by the grant.

Mental Health staff is available for crisis intervention, including on-call personnel who respond to the needs of minors when staff is not present. Minors on the mental health watch sheet are seen daily by a clinician. Mental Health staff members also see minors for ongoing therapy, provide limited family counseling, conduct ART classes in selected units and assist in making referrals for minors to receive services upon release.

A clinical coordinator assigned to the Health Returns Initiative (HRI) is responsible for providing additional clinical support and program support for minors on one-on-one and watch sheet supervision. The clinical coordinator calls and conducts Multi Disciplinary Team (MDT) meetings for high-risk minors to help the minors succeed in Juvenile Hall and to link and recommend services for use after release from Juvenile Hall and return to the community.

As noted previously, the Transition/Assessment Unit (B-4) is a behavioral health model that includes Mental Health staff. The unit has enjoyed success with this program, with incidents reduced from an average of 26 to six since February 2007. The goal, based on the success of this unit, is to put at least one therapist in all units by continuing the MIOCR grant.

Mental Health staff screens and processes white, green, and yellow requests for services. Minors who are requesting mental health services generate white slips. The white slips are prioritized and the youth seen when deemed appropriate. Unit supervisors generate green slips for specific concerns regarding a particular minor. The minor is seen within four hours of receipt of a green slip. Yellow slips are generated by the medical clinic. Generally, these are requests for medication evaluation or to initiate services for a youth. Yellow slips are addressed within two days of receipt.

## **IX. EDUCATION**

Osborne School is run by the Santa Clara County Office of Education (COE), and serves students in grades six through twelve. Attendance is mandatory, and all students currently attend five 60-minute classes, reflecting an increase from 240 to 300 minutes of daily instruction. The core subjects are Literacy, Language Arts, Mathematics, and Physical Education. The enrollment fluctuates daily, based upon the flow of arrested and released minors.

Enrollment begins the first school day following the youth’s incarceration. The average stay in the program ranges from 16 to 21 days, with some students, due to lengthy adjudication processes, having attended the program from one to four years during a single period of incarceration.

There is one Principal for the schools at Juvenile Hall and the two Ranches, and a teacher-in-charge at each facility manages day-to-day decisions and “keeps the system running.” The teacher-in-charge at Osborne School was commended by the Principal for her exceptional contributions to the success of the instructional program. An increase in the number of incarcerated youth and a backlog of youth awaiting placement into appropriate Ranch programs were unexpected challenges arising within the past year that have made staffing and delivery of instruction more challenging. Osborne School is currently staffed for 280 students, with 17 full-time General Education teachers plus Special Education staff. There were 330 youth in Juvenile Hall on October 1, 2007, the day of the visit to Osborne School, and the Principal reported that he must use retired teachers to fill the gap. Two more full-time teachers are needed to meet the needs of the current population.

Two assessment technicians are responsible for educational screening of incoming students and for collection of demographic information. Students are assigned to the Assessment Center within 24 hours of entering Juvenile Hall for testing in English and mathematics. Students are retested every 60 days to document progress and achievement. The transcripts of all students enrolled in Osborne School for more than 30 days are reviewed to determine graduation status and best educational options. The Individual Learning Plan (ILP) for each student is updated every three months, and is part of the student’s records as they move within the facility or exit Osborne School.

Two classrooms have been reconfigured, and each is equipped with 15 desktop computers. Software has been installed, and servers contain filters to control the material available on the computers. Funds are available to hire instructional aids and provide access for all students, and the target date for the computer laboratories to become operational is spring 2008. The rooms are currently being used as extra classrooms.

**Special Education**

The following statistics show an average of 99 Special Education students in Juvenile Hall during the past year, divided between Special Day Class (SDC) and Resource Specialist (RSP)/Designated Instructional Services (DIS). There were 120 Special Education students on October 1, 2007, the day of the visit to Osborne School.

<u>Month</u>	<u>SDC</u>	<u>RSP/DIS</u>	<u>Total</u>
June 2006	70	36	106
July	67	35	102
August	56	32	88
September	58	35	93
October	65	35	100

November	66	44	110
December	61	27	88
January 2007	46	25	71
February	57	43	100
March	60	43	103
April	62	40	102
May	64	45	109
<u>June</u>	<u>72</u>	<u>45</u>	<u>117</u>
<b>Average</b>	<b>62</b>	<b>37</b>	<b>99</b>

The Principal reported that it is a constant challenge to meet all Special Education mandates given the rapid movement of incoming and outgoing students. Staff members are confronted daily with students having non-compliant Individualized Education Plans (IEPs) and no accompanying educational records. The Principal was hopeful that, in the future, the database being developed for foster care youth by the Juvenile Court Education Task Force (JET) could be helpful in minimizing the problem.

The staffing currently dedicated to Special Education is as follows:

- 3.0 Full Time Equivalent (FTE) – Special Day Class
- 7.4 FTE – Instructional Assistants
- 1.0 FTE – School Psychologist
- 1.8 FTE – Resource Specialist
- 1.0 FTE – Program Specialist
- 0.4 FTE – Speech Therapist

The addition of a third SDC teacher during the 2006-07 school year has helped improve the student/staff ratio, and SDC enrollment now averages between six and 18 students per period. One SDC teacher is specifically assigned to the newly created Transition/Assessment Unit (B-4) to provide a consistent educational environment and meet the socio-clinical needs of the students. The Resource Specialists provide additional services for students with identified needs. The Program Specialist is part of the MDT, along with Probation Department and Mental Health staff, where specific issues/students are discussed and plans developed to address these concerns. The Program Specialist also functions as a liaison for COE in determining what possible residential/educational placement environment is appropriate through the Resources and Intensive Services Committee (RISC).

The primary goals of the Special Education instructional program are to provide an engaging, and educationally relevant program, while considering each student's handicapping condition, and to ensure that identified non-compliant Individuals with Disabilities Education Act (IDEA) issues are addressed prior to the student's exit from the school. The program includes: (1) direct instruction within the SDC; (2) one-on-one instruction by instructional assistants under the direction and supervision of Special Education teachers; (3) ongoing consultation and collaboration between Special



Education and General Education staff; and (4) designated instructional services provided by appropriate staff.

All Juvenile Hall admits are reviewed to determine if a student is identified as being eligible for Special Education services. The Program Specialist and School Psychologist are responsible for completing eligibility reviews and initial requests for determination for Special Education eligibility. Each Special Education staff member (RSP or SDC) is assigned to specific units, and is responsible for initiating the process of addressing non-compliant IEPs.

Monthly meetings are held between Special Education staff and Youth Education Advocates (Project YEA!) staff to review, discuss, and plan the educational programs for incarcerated Special Education students.

### **General Educational Development**

Students who are 17 years or older and have earned insufficient credits towards graduation are considered for the GED preparation class. A total of 50 students were provided the opportunity to take at least one part of the GED test during the 2006-07 school year. Of these students, 16 passed the GED test, three did not pass the test and 31 were only able to take parts of the test during their stay at Juvenile Hall.

## **X. FEEDBACK FROM YOUTH**

Commissioners visited with minors in the living units and sat with them during lunch. The minors were cordial and reported that the food was good. This contrasts with inspections in previous years when there were universal complaints about the repetitive cold bologna sandwiches served for lunch. Commissioners also noted that the minors had no complaints regarding the counselors in the units. In fact, the minors seemed to have a good rapport with staff in the units visited by Commissioners. Some of the minors reported they would like a better mattress. Staff reported that safety is the main concern regarding bedding; care is taken to ensure that mattresses cannot be used to conceal contraband or as tools for self-inflicted injury. There were also complaints about the shampoo from a number of minors. A senior staff member reported that he had personally tested the shampoo and found it to be satisfactory. Some girls reported that their requests for Mental Health services often went unheeded for days. Commissioners were told by Mental Health staff that requests from minors are prioritized, and the youth seen when deemed appropriate.

Members of the inspection team interviewed youth in the Transition/Assessment Unit (B-4) on December 7 to collect youth input on the grievance procedure. The following are youth comments about B-4. One youth, 17 years old, said: "B4 is able to address our mental health needs." Another youth, soon due for release, said: "This is where it's at. We have the most activity time, movies every Sunday, and are next to the cafeteria. A mental health therapist is available." He said that his father picks him up at Juvenile Hall on Wednesdays and Thursdays, takes him to school for four hours of class each day, and returns him to Juvenile Hall. A 17 year-old youth said: "Sometimes I get

really depressed. I am learning to control myself. The staff is here to help us. We have short-term goals and long-term goals. We can indicate, on a scale of one to ten, how we feel. If we have a problem, staff can help us get it off our chest.” Another youth said: “I like B4. There is lots of room here. The staff is cool. They help me out a lot. If I get frustrated, I can talk to the staff.” A 16 year old that had been in B6, B10 and B12 said: “I like B4.” An 18-year-old youth, who had been in several units, said: “The counselors in B-4 are very understanding. They talk to you when you have a problem so you can get a better understanding of the problem. It is not the same in other units.”

## **XI. DOCUMENTS REVIEWED**

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

1. California Corrections Standards Authority letter, dated February 11, 2007, noting Juvenile Hall construction completed in compliance with Title 24, California Code of Regulations
2. Santa Clara County Health Department Annual Health Inspection of Juvenile Hall Facility, dated February 2005, with transmittal date to the Chief Probation Officer of June 15, 2006
3. California Department of Forestry and Fire Protection, Office of the State Fire Marshall notice, dated August 16, 2006, granting fire clearance
4. United States Department of Justice letter to the County Counsel, dated June 9, 2006, transmitting report on Conditions of Confinement at the Santa Clara County Juvenile Hall, dated May 23, 2006
5. Juvenile Justice Commission Inspection Report, Juvenile Hall – December 2007, dated February 6, 2007
6. Santa Clara Valley Health and Hospital System response to Juvenile Hall Inspection Report, dated March 18, 2007
7. Probation Department response to Juvenile Hall Inspection Report, dated March 19, 2007
8. Santa Clara County Office of Education response to Juvenile Hall Inspection Report, dated September 10, 2006
9. Juvenile Justice Commission letter to the Chief Probation Officer, dated June 6, 2007, requesting information
10. Santa Clara County Juvenile Hall handbook
11. Santa Clara County Probation Department Juvenile Hall Transition Unit
12. Santa Clara County Juvenile Hall Life Skills Preparatory Commitment Unit
13. Santa Clara County Juvenile Hall Commitment Unit Orientation Packet
14. 2006-2007 Annual Report for Osborne School
15. Santa Clara County Probation Department Behavior Modification Program
16. Santa Clara County Juvenile Hall B-3 Ranch Readiness Program
17. Santa Clara County Health and Hospital System Juvenile Hall Custody Health Services Sick Call Request Form
18. Santa Clara County Probation Department Institutional Discipline Appeal Form
19. Santa Clara County Probation Department Grievance Form

## **XII. COMMENDATIONS**

### **The Santa Clara County Juvenile Justice Commission commends:**

1. Health Clinic, Mental Health, Probation and School staff members for their willingness to talk freely, and with enthusiasm, about their individual programs. All appeared to be dedicated to their professions, and were caring and eager to assist the minors in turning around their lives.
2. Probation Department management for funding the position of grant writer by temporarily consolidating two Juvenile Hall Manager positions.
3. Food Services for the generally acclaimed hot lunches.
4. The B-4 Transition/Assessment Unit staff for the effectiveness of their program, as indicated by the significant reduction in Incident Reports.
5. The B10 General Population Unit staff for appropriate actions taken in response to the fire on November 17, 2007.
6. The Health Clinic for their ability to respond to medical emergencies with three crash carts available located in three separate areas of the facility.
7. The Probation Department for providing a locked sick call box in each unit that can only be opened by members of the Health Clinic staff.
8. The Probation Department for updating the appeals and grievance procedures as recommended in the 2006 United States Department of Justice report, and for improving compliance with the grievance procedure.
9. The County Office of Education for instituting the 300-minute class schedule in the Osborne School.
10. The Osborne School for enabling 50 youth to take at least a portion of the GED test during the 2006-07 school year.
11. The Mental Health Manager for having her position funded by the MIOCR grant after writing the grant request and seeing the success of the program,.

## **XIII. RECOMMENDATIONS**

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

1. Consider increasing the maximum of 30 days credit applied toward completion of the Ranch program for youth who must spend long periods in the Ranch Readiness Program due to lack of available space at the Ranch.
2. Expand on the success of the Transition/Assessment Unit (B-4) behavioral health model by offering it in additional units.
3. Provide monthly updates of the information requested in the Juvenile Justice Commission letter to the Chief Probation Officer dated June 6, 2007.
4. Encourage additional youth in the Life Skills Unit (B-2) to take advantage of community school and work opportunities available outside of Juvenile Hall. Five youth are currently participating in this aspect of the program.

**The Santa Clara County Juvenile Justice Commission recommends that the Santa Clara County Office of Education:**

1. Increase the number of full-time teachers in Juvenile Hall, so the need for part-time and substitute teachers can be minimized.
2. Devise a schedule that will enable the Juvenile Hall students to utilize the two computer laboratories that are now used as extra classrooms.
3. Continue providing support to the Juvenile Court Education Task Force (JET) project. The proposed database will expedite COE's ability to access student records more efficiently.

**The Santa Clara County Juvenile Justice Commission recommends that the Santa Clara Valley Health and Hospital System:**

1. Seek a follow-up to the Mentally Ill Offenders Crime Reduction (MIOCR) grant so that the services can be continued.
2. Solicit additional volunteer dentists for the Juvenile Hall Health Clinic, either through the Santa Clara Valley Dental Society or by word-of-mouth.
3. Establish a policy that minors will be seen within one day of requesting Mental Health services.
4. Conduct the annual health inspection of the Juvenile Hall facility. The most recent inspection is dated February 2005, with a transmittal date of June 15, 2006 to the Chief of Probation.

**XIV. SUMMARY**

The Juvenile Justice Commission has completed its annual inspection of Juvenile Hall. Satisfactory responses were provided to the recommendations contained in the December 2006 report. In response to previous concerns, the inspection team interviewed youth to confirm that they were aware of the grievance procedure and believed that the procedure was adequate to protect their rights. The Commission noted that minority representation in Juvenile Hall has increased from 85.2% in 2005 to 86.8% in 2007. The Mental Health Department has undergone a 35% reduction in staff due to Santa Clara County budget cuts.

New programs have been introduced into Juvenile Hall, including the Life Skills Program, the Ranch Readiness Program, and the Transition/Assessment Program. With full access to records, youth and staff, the Juvenile Justice Commission is in a unique position to evaluate the effectiveness of these programs.

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

**Approved by the Santa Clara County Juvenile Justice Commission on  
January 8, 2008.**

\_\_\_\_\_  
Patricia Khan, JJC Chairperson

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Date

\_\_\_\_\_  
William J. Scilacci, JJC Inspection Chair

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Date