

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

**JUVENILE HALL
DECEMBER 2006**

I. INTRODUCTION

The Santa Clara County Juvenile Justice Commission (JJC or Commission) inspected the Santa Clara County Juvenile Hall on October 27, November 6, 16, and 28, and December 5 and 20, 2006, pursuant to the State of California Welfare and Institutions Code Section 229. The JJC was primarily concerned that, within Juvenile Hall, 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 Juvenile Hall Managers, Medical/Mental Health personnel, and the Osborne School Principal to provide Commissioners an overview of policies, procedures, problems and programs. Commissioners also held informal interviews and conversations with youth, living unit staff and school personnel. The physical facilities were toured, including the kitchen, food supply storage areas and cafeteria, with a particular focus on the newly constructed or under-construction areas. Observations were conducted in the Medical and Mental Health Clinics and all living units.

II. INSPECTION REPORTS REVIEWED

Documents and inspection reports from various sources were requested and reviewed during the JJC inspection. All of the 2006 reports were not yet available.

1. Santa Clara County Juvenile Hall Handbook
2. Santa Clara County Public Health Department Annual Health Inspection of Juvenile Hall Facility, dated February 2005, with transmittal date to the Chief Probation Officer of June 15, 2006 (reviews nutritional, environmental, and medical/mental health services)
3. Annual Report for Osborne School, dated December 1, 2005
4. Department of Forestry and Fire Protection, Office of the State Fire Marshal's Fire Safety Construction Correction Notice, dated August 16, 2006 (Fire clearance was granted)
5. Building Operations walk-through of facilities titled "Santa Clara County Juvenile Center, Building Inspection 2006", dated January 2006

6. Juvenile Hall exit information/youth questionnaire
7. Parent handout brochures
8. Record-sealing procedures
9. Daily cafeteria menus for youth, 10/22/06 - 11/18/06
10. U.S. Department of Justice Report, dated June 9, 2006
11. Harvey Rose Management Audit of the Probation Department

III. YOUTH DEMOGRAPHICS

The Juvenile Hall population is reported as the total number of youth, along with breakdowns by gender, age and ethnicity. Upon the opening of the new living units in 2006, the California Corrections Standards Authority (CSA), formerly called the Board of Corrections (BOC), increased the rated capacity to 330 youth, 270 boys and 60 girls. On December 31, 2006, the facility was at 68% (243 youth) of capacity. The Juvenile Detention Reform process looks to a goal of 220 youth or lower.

Population

Commissioners reviewed the Juvenile Hall population figures at various visits:

<u>Date</u>	<u>Total Youth</u>	<u>Girls</u>	<u>Boys</u>
10/27/06	269	39	230
11/16/06	271	45	226
11/28/06	254	36	218
12/31/06	244	33	211

Historically, there are fewer Juvenile Hall admissions in late December.

Ages at Admission

The previous full month of population statistics, November 2006, shows the ages of admitted youth as brought to Admissions. Some may be released without detainment.

<u>Age</u>	<u>Number</u>	<u>Percentage</u>
12	2	0.4
13	14	3.2
14	44	10.0
15	70	15.9
16	114	25.8
17	152	34.5
18	<u>45</u>	<u>10.2</u>
	441	100.0%

Boys aged 18 or over may be admitted for special circumstances, false age identification, or temporary transfer from the State Department of Juvenile Justice (DOJJ), formerly called the California Youth Authority (CYA). At the time of the visitation, one 18-year old male was incarcerated after having served time in the DOJJ and returned to Santa Clara County because of court proceedings. Boys under age 12

have been admitted and held in Juvenile Hall. The standard protocol is to have these younger youth released to their parents, but on occasion the severity of the crime requires a Juvenile Hall stay.

Ethnic/Racial Distribution

From the December 2006 end-of-month population summary, the ethnic/racial distribution of the Juvenile Hall intakes was as follows:

<u>Ethnicity/Race</u>	<u>% (2006)</u>	<u>% (2005)</u>
Asian	2.9	8.1
Black	10.7	11.5
Hispanic	68.7	61.5
White	13.2	14.8
Other	<u>4.5</u>	<u>4.1</u>
	100.0%	100.0%

The representation of all minorities was 81.1% in September 2005. In December 2006, the percentage was 82.3%. This continues to remain a very high representation of people of color compared to the population of Santa Clara County. Yet, these figures accurately show the ethnicity of those youth who were in custody at the end of 2006.

Length of Stay in Juvenile Hall

The average length of stay for the general population in Juvenile Hall is 22 days. The length of stay for youth in the Placement Unit varies from 60 to 90 days. At the time of our visitations, the average length of stay of a youth awaiting placement at the Ranches was 20 days. At the time of the Commission’s visitation on October 27, 2006, there were 15 boys awaiting placement at the James Ranch and five youth (one boy and four girls) awaiting placement at the Wright Center. The longest wait at the time of the JJC visit was expressed by one boy as waiting two months for placement.

IV. STAFFING

Staff Vacancies

Juvenile Hall management stated that there were 30 staff vacancies. Within the last three years, some 60 new staff members were hired; the largest number was 40 in 2006. However, with the background check requirements and interview process, coupled with retirements and resignations, the Probation Department has difficulty filling vacancies in a timely manner. Therefore, staff members must work overtime or be augmented by extra help personnel. In order to expedite the application process, the Probation Department has hired two agencies to do background checks that previously were done internally.

The Mental Health Clinic is short six therapists. With anticipated departmental budget cuts, staff members feel this situation may get worse.

Staff Qualifications

During living unit visitations, Commissioners informally, though not uniformly, asked living unit Counselors about their educational backgrounds and experience as Juvenile Hall Counselors. Commissioners were pleased to note the college backgrounds and generally lengthy experience in the Juvenile Hall setting. Counselors' educational attainments demonstrate goal setting and determination for these individuals to reach high levels of achievement, and the years of experience provide them interpersonal skills to reach out to youth.

Two years of college is the entrance level educational requirement for Juvenile Hall Counselors, with the expectation they will continue their education to finish four years of college.

Staff Morale

Many staff members were asked during the visitations to express their opinion regarding the current staff morale at Juvenile Hall. On a scale of 1-10, staff members generally judged morale to be about 8-9. Experienced staff members' comments included "You will never get to a 10." Positive comments made included "We have better training now" and "We just got a raise in our new contract for the next three years showing that they know we are doing a good job." But also a staff member noted there was a need for more full-time positions to be filled by permanent staff rather than filling the void by overtime and extra help staff. Relying upon the latter solutions may be a financial expediency or based upon difficulty in locating sufficient numbers of persons who can meet the employment criteria. One of the Juvenile Hall Managers commented on the large number of applicants who cannot pass the required legal background checks. Overtime as a solution carries a component of stress and fatigue on the part of staff members called upon to offer their services in this type of situation, with concomitant dangers of lessened awareness and over-reaction to potentially disruptive conditions.

V. LIVING UNITS

General Information

Youth are divided into 30-bed living units. The current ten units are divided with eight units for boys and two units for girls. The units have been redistributed and adjusted during the fall of 2006 due to completion of construction. The second portion of Beta wing was opened in October 2006. The play field will be ready in the spring of 2007, thus returning to having a larger area for physical activities than is available in the living unit courtyards.

In the Alpha wing, there are four active units and two reserve units. This wing was identified as Alpha because it was the first new wing constructed. It is located over the main entrance to the Probation Department.

- G-2 is the boy's placement unit for those awaiting transition to other private institutions or out-of-state placements
- B-8 is a security unit for boys with serious offenses, generally waiting for court trials in juvenile or adult court

- B-9 is also a security unit for boys with serious offenses, waiting for trial
- B-10 is an honor unit for girls
- B-11 is currently closed, but available as the population fluctuates
- B-12 is also currently closed, but available as the population fluctuates

There are six units in the Beta wing. The second section of this wing, replacing the old original building, was opened in the fall of 2006.

- G-1 includes the general population of girls and those who are a security risk
- B-2 includes a general population of the oldest boys, ages 17-18
- B-3 is a unit for the facility's middle-aged boys, ages 15-16
- B-5 includes a general population of the youngest boys, ages 12-14
- B-7 is the Commitment Unit for boys with court-specified Juvenile Hall time
- The old B-7 dormitory unit will be remodeled as a visitors' center

Individuals in each unit are divided into classifications (A, B, C and C-mod) based on behavior. A is an earned promotion, B is standard behavior and C is for new youth or a disciplinary demotion. Each level has its privileges or disciplines; C-mod is generally a procedure for restriction as a severe disciplinary measure. C-Mod youth are restricted to their rooms and do not go out to school, meals or recreation. On occasion, a youth is placed on a 1:1 observation by the Mental Health staff. Per Probation management, youth on such observation still receive the basic services required by the CSA.

There are three school groups in most living units. Groups A and B are generally divided equally for regular education and a Special Day Class (SDC) group may be needed for special education. In the older age units, a General Educational Development (GED) group may also be included for those who qualify. School runs from 8:30 am to 2:30 pm, which includes one hour of PE per day and the youth are given a second hour of large muscle exercise by a Counselor in the unit.

Living units were found to be clean and well-maintained, with one exception. The B-8 Unit had a broken sink, but a repair work order had been already submitted. There were no physical facilities issues observed.

In the past, a Ranch Unit housed the boys in the Ranch Orientation Program, Ranch escapees and Ranch failures. Over the years, as the Juvenile Hall time for those youth committed to the Ranch program has been greatly reduced prior to actual placement at the Ranches, the necessity for such a unit was negated. Instead, youth now receive a one-on-one orientation prior to placement at the Ranches. Nevertheless, a Ranch Unit in Juvenile Hall may again become a necessity as youth begin to spend longer time awaiting placement at the Ranches because of the longer program time at the Ranches under the Enhanced Ranch Program.

B-2, Oldest Boys

Commissioners visited B-2 when the unit housed 28 youth. Thirteen boys were at A-level, eight at B-level and seven at C-level. Two other boys were being processed in from other units and part of the orientation presented to them was observed by the Commissioners. During this process, and in congruence with existing protocol, the Counselor reviewed the unit rules with the youth, following which both the youth and staff member signed a written copy of the rules. Most youth are only in the unit pending court appearances.

There are three school groups in the unit: groups A and B and an SDC group.

B-3, Middle Aged Boys, Ages 15-16

This unit, housing boys ages 15 and 16, had 29 boys when visited. The unit had just accepted four new youth transferred from B-12 unit, which was being closed down. Boys, excluding these four new youth, were classified as 13 on A-level, 11 on B-level and five on C-level.

A point system is used to reward good behavior. The points may be used to obtain things from the canteen, and there is a Canteen Night. There is also a pilot program under way in this unit utilizing behavior modification techniques. In this program, only youth exhibiting gang issues are on the lowest level. "Goofy behavior" and horseplay by a youth will merely keep the youth on B-Level without progression to A-Level. This program has been in use in the G-1 living unit for a year.

The boys were in class when the Commissioners arrived. There are nine boys in each of the two regular education groups and eight in the SDC group. Those who might be a discipline problem in school are kept in the in-unit classroom. The classroom off the hallway leading from the outer corridor to the unit had a class in session, with the door unlatched so staff could observe the classroom with less disruption (there is no window in the door). Regular classrooms visited by the Commissioners have either a wall of windows through which the classroom can be observed from the unit control desk or, when the classrooms are located along the outer corridor, through windows along the corridor walls.

A "phase alert" occurred when Commissioners were in the unit. A teacher inadvertently activated the alarm. Teachers and instructional aides are urged NOT to become involved if a fight occurs, but rather, to protect themselves and allow the Probation staff to handle the situation. In addition to the alarm sounding, the Counselor at the master control desk announces on the public address system the location of the problem. Six to eight Counselors and Managers came on the double to assist as needed. The response was swift, intentional, and coordinated.

A boy had been ousted from the classroom by the teacher. The boy was observed, in tears, attempting to write a complaint regarding the episode, being unable to decide about which issue to complain. Staff members allowed him his time, emotion and a place to write the document while attentive observation was provided.

B-5, Youngest Boys, Ages 12-14

This living unit had 26 boys and was in the process of accepting the transfer of four additional boys from the closing of B-12, bringing the unit to the maximum capacity of 30. Of the original 26 boys, 11 were A-level, nine on B-level and six on C-level. The arriving boys would be maintained initially on the same level they had attained in their previous living unit. These boys had been in Juvenile Hall less than a week and were on the B or C classification levels.

Because the boys are of the youngest age group and tend to come from homes with little discipline, the Counselor said they can be “squirrely”. Staff members maintain a disciplined atmosphere to add structure to the youths’ lives. Two boys are age 12 but cannot be released to family because of the seriousness of their charges. Two boys are age 15 but were placed in this unit because they are small and unsophisticated. All gangs are readily mixed in this unit. This is acknowledged as not preparing the youth for real gang culture life on the streets, but for maintaining appropriate behavior in the unit.

The boys are divided into school groups by the Counselors to minimize behavior problems for the teachers. The fourth school period was PE with the unit Counselor who regularly covers when the teachers are short-staffed. Sometimes, a PE teacher, when available, will take the boys to the facility gym. The boys welcome the opportunity to get out of the unit.

B-6, Boys Honor Unit

On the visitation day, there were 30 boys in this unit: 24 on A-Level and six on B-Level. Their ages ranged from 14 through 19. As honor youth, they go to the cafeteria for meals and to the gym for exercise and sports activities. The youth of appropriate age, 17 and above, are offered the GED program, if eligible.

This living unit also employs a point system for good behavior, as do living units B-3 and B-10. These points may be used to obtain things from the unit canteen, and there is a Canteen Night during the week.

Five Counselors are assigned to this unit, three on duty at a time. One Counselor has a degree in sociology and hopes to make corrections a career. She has worked in Juvenile Hall for a year and at the James Ranch for eight months.

Commissioners spoke with six of the youth about their Juvenile Hall experiences. All said they felt safe in this unit. Some said it was the safest unit in Juvenile Hall. They appreciated the opportunity to go to the cafeteria for meals and to go to the gym.

There are four school groups in this living unit: groups A, B, and C and a GED group. School runs from 8:30 am to 2:30 pm, which includes one hour of PE per day.

B-7, Commitment Unit

This unit is the commitment living unit for boys who are committed by court order to serve time in Juvenile Hall. On the visitation day, 30 boys were residing in the unit, ranging from 13 to 18 years of age. Their stay may range from as little as five days to six months, but most stay for 60 to 90 days.

The unit Counselors reported that most were in this unit because they had “failed all other programs” while on probation and were now “doing their time”. Some will be released with no further supervision as they have already completed their court-ordered supervision. The unit Counselor said “With little structure they may fail again and wind up doing adult jail time”.

Staff members are trying to instill personal responsibility, common sense, values and future planning into these youth emphasizing job application and interviews, community college applications and educational financial aid applications. No one in this unit is currently employed outside of the facility. One high school graduate is the “supply boy”, like a trustee, in the unit and is considering college when released, although he is not taking any on-line courses.

Multi-Discipline Team meetings (MDT’s) are generally held on Thursdays to promote a unified plan of action for these boys. Representatives from the living unit, the School, and Mental Health meet with each boy, his family and his Probation Officer to make an individual plan and to encourage progress by the boy.

Two boys are preparing to take the GED test. They acknowledge that they do not have sufficient credits to graduate from high school and that they will need to show proof of education to get a good job. As they approach age 18, a good job is the primary goal of most boys in this unit.

B-8, Boys Security Unit #1

There were 28 youth in this living unit: 19 on A-Level, five on B-Level, three on C-Level with restricted programming and one on a C-Mod program requiring one-on-one supervision. Seven youth were high school graduates and did not attend school, so they were working on Christmas decorations for the unit. Most of the youth in this unit, as well as the second boys security unit (B-9), have committed serious offenses as itemized in the State of California Welfare and Institutions Code, Section 707b. They may be sent to a “CYA” facility or a “CYA” alternative. The youth do not leave the living unit, but attend school and eat their meals within the unit.

The lead Counselor on duty, who has spent most of his years with the department in the security units, has a good rapport with the youth in the unit. He said most youth in the unit are there for longer periods of time and are more respectful towards the Counselors. The youth appreciate the interaction between themselves and the Counselors and of the awards and special programs that good behavior earns the youth.

The staff members are creative with the many programs, sports activities including weight lifting, and the movies that are available to the youth in the evenings.

The lead Counselor spoke very highly of the two teachers in B-8, stating they were exceptional.

When asked for suggestions for things that need improvement, he said he wished the youth could have better food, particularly something warm at lunch time. He believed that staff morale was good. He did say he noticed an increase of phases in the past few months although that was not true of his living unit. He noted that 80-85% of the youth in the unit had a gang affiliation, though the different gangs were integrated within this unit and were respectful to one another. He also noted that four or five of the boys were fathers.

The Counselor said the boys are told “You control the education you receive in Juvenile Hall. Everything else you receive here is controlled for you. The more schooling you receive while you are here, the better equipped you are to face the future.”

The living unit was in general good repair, showers clean and rooms neat. However, the Commissioners noted one sink was broken and there was a repair work order.

B-9, Boys Security Unit #2

B-9 is the second boys security living unit, holding young men whose security concerns and/or the level of their charges require close supervision. Again most have been charged with serious crimes, 707b crimes, and are awaiting court in either adult or juvenile court with possible prison time in adult prison or “CYA.” The youth Commissioners spoke with still refer to the DOJJ facilities as “CYA”.

Because the boys do not leave the unit, two hours of physical activity takes place in the unit, with limited space. They are divided into groups to exercise outside in the courtyard, use weights, or run the circuit. Running the circuit involves running from the lower level up to the balcony, past the upper rooms, down the second stairway, down the ramp, past the lower rooms and back to the control desk.

There were 28 youth in this living unit: 17 on A-Level, seven on B-Level, and three on C-Level with restricted programming.

The school classroom is in the unit. Counselors report that most of the boys are quite cooperative in the classroom as this is their last chance for an education. Each year, several boys qualify for their high school diploma or California High School Equivalency Certificate.

Commissioners observed the boys after lunch had been served in the unit. Lots of food was being dumped in the trash. Counselors reported that many times the boys will keep some of the fruit in their rooms, but the stale sandwiches are frequently dumped.

B-10, Girls Honor Unit

When Commission visitation occurred, there were 17 girls assigned to the unit. Eleven girls were at A-Level; five at B-Level and one at C-Level. Some 65% of the girls in this unit are on A-Level status because of entrance requirements for transfer.

Girls come to this unit who have been doing well in G-1 (girls general population). The Counselor said the behavioral expectations are higher in this unit and girls were selected with that criterion in mind. Some girls who had been doing well in the G-1 unit cannot meet the higher behavioral expectations in B-10 and subsequently are returned to G-1. Group level promotions take place at 6:00 pm daily, although group level demotions may occur at any time. This unit, in addition to B-3 and B-6, has a point system for good behavior. Earned points may be used to obtain items from the unit canteen, and there is a Canteen Night during the week.

Girls in the unit at the time of visitation were engaged as follows: two were knitting, two watching a video program and three or four were sitting quietly, either talking or reading.

Two different gang memberships exist within the living unit. The expression or self-acknowledgement of gang affiliation is discouraged at all times.

There is no school classroom, per se, in this living unit. The school classroom is outside the living unit and across the corridor. There are four special education students currently residing in the living unit and 13 regular education students. Were a student to be confined to the living unit and thus unable to go to the out-of-unit classroom, a teacher or instructional aide would come to the unit to provide instruction.

Programs such as Girl Scouts, Church Bible Study, Girls Circle, Bingo and structured games are offered to youth in this unit.

B-11 and B-12, Overflow Units

These units are currently closed and only occasionally used as extra capacity units when the youth population fluctuates. The normal capacity of each unit is 30. When a temporary overflowing situation occurred last year, it was handled by bringing mattresses into the unit for the boys to use on the floor of a room during the day. These additional boys were transferred to another unit to sleep at night. Now, with additional capacity with the opening of the second section of the Beta wing, B-11 and B-12 are opened as overflow units when necessary and then closed as the youth population fluctuates. On the day of the JJC visit, B-12 was in the process of being closed and Commissioners observed four boys in the process of being transferred to B-3.

G-1, Girls General Population and Girls Security Unit

On the day Commissioners visited this unit, there were 25 girls: 11 at A-Level, 11 at B-Level and three at C-Level. Two girls had been removed and were in “re-entry” (housed temporarily in the Receiving Unit for one to five days). Acting out is more common in this unit with a mixed group of girls from the general population and security risk cases.

One Counselor, with nine years of experience working in Juvenile Hall, handles one group of the Girls Circle, which consists of seven girls and is conducted over an eight week period. The Counselor said “This program is quite successful in helping to improve communications.” It receives good feedback from the youth.

In addition, a revised behavior modification program is utilized in the unit. In this program, only youth with gang problems are on the lowest level. Girls with “goofy behavior” or horseplay will be kept at the B-level classification. The behavior modification program has been in place on this unit for a year.

At the time of the visitation, Commissioners did not talk with any of the girls since none were available. Most girls were in programming, with seven in a Girls Circle counseling group and seven in an ART therapy group conducted by a Mental Health therapist and a Juvenile Hall Counselor. All youth seemed engaged in the sessions.

There are two school groups, Group A and B. RSP special education services are provided by an instructional aide and, if necessary, SDC services are provided by a roving SDC teacher.

G-2, Boys Placement Unit

Commissioners visited the G-2 living unit housing boys awaiting primarily group home and other placements. On the day of the visitation there was a total population of 18; 10 in A-Level, three in B-Level and five in C-Level. The specialized counseling program Aggression Replacement Training (ART) is being utilized in G-2.

G-2, in essence, houses youth with mental health issues who are awaiting placement. Youth who receive multiple discipline reports or who cannot get along with other youth or the staff are placed on C-Mod status. A youth may remain on this status up to four days, for a maximum of three times, and is returned to unit daily activities when they show improvement. Juvenile Hall management personnel review C-Mod demotions.

One youth complained about being “picked on” by other boys for being “stuck” in a G-unit “for girls and sissies”. Commissioners noted the difficulty in handling negative comments by boys already facing acceptance issues because of mental health issues.

Staff members report gang problems in this unit are “not too bad”, as there are more gang problems in other units.

At the time of arrival of Commissioners, one youth was running the stairs and the upper level living room balcony. The Counselor said he was voluntarily running to work off excess energy. The youth was smiling and cheerful and did not appear to be under duress in the activity. Other youth were involved in large muscle exercise by playing handball in the courtyard area, participants rotating into the game as it progressed. Youth

were attentive and quiet as they awaited their turn in the game. The remainder of the unit was attending school classes outside of the unit.

Unit routine begins each morning with staff members and youth reviewing issues in the unit and then going to breakfast. After returning from breakfast, school runs from 8:20 am until 11:20 am. Lunch is from 11:30 am to 12:00 noon. After lunch, staff members and youth go over issues again. Rewards are given to youth who are doing well. Sometimes, a PG13 movie is shown. Gym activity is held every other day. Detailed cleaning in the unit is conducted at 2:30 pm, after which the swing shift Counselors come on duty.

Commissioners noted that the unit staff members cannot electronically control the door entering the unit from the unit control desk. This door is controlled by the master control desk staff.

The lead Counselor at the unit control desk said that every Counselor on duty is provided a portable phase button along with a fanny pack containing safety devices. Teachers on duty are also provided portable phase buttons. Probation management said that the fanny packs will soon be replaced with utility belts, so that the phase buttons and safety devices will be more readily available for use in emergencies. A portable video camera was noted behind the unit control desk, consistent with the policy that each physical removal of a youth is to be videotaped.

In talking with the classroom teacher, the portable phase button that had been issued to him had been removed from his possession some weeks previously because of needed repairs. It has not been replaced as of the day of the visit. The safety concern regarding lack of a portable phase button was communicated to the Commission Chairperson and in turn to the Chief Probation Officer.

The teacher is an experienced special education teacher, having taught severely emotionally disturbed children as well as having taught in Juvenile Hall in Santa Cruz County. One group of youth goes out of the living unit for classes; a second group remains in the living unit for classes. Special education students require the teacher to be extremely flexible when the volatility of the group may indicate non-acceptance to function within the structure of the initially planned lesson. Since this is a special education classroom, class size typically numbers eight or nine students, maybe as low as five or six, and at times may reach as high as 15 or 16. The teacher recognizes this possibility and maintains the flexibility to make quick changes in the lesson plan for that day.

The teacher was not concerned about the lack of a phase button because the classroom has windows on the wall looking out toward the living unit and the control desk. A Counselor, if not actually in the classroom, stations himself/herself in a chair facing the windows and is immediately available if a control problem erupts in the classroom. The interior of the classroom is also observable from the unit control desk. This unit is scheduled to be moved "shortly" and that fact further dampened concern

about missing phase buttons by the teacher as well as by the Counselors. However, when a phase is called, as it was twice one day when Commissioners were visiting, attention of staff members is distracted or diverted, opening up the possibility of youth taking advantage of the situation even if the phase did not originate within this unit.

VI. GANG AFFILIATION AND MEMBERSHIP

Over the years, youth in Juvenile Hall have become increasingly gang-identified. This can be clearly seen by observing the incarcerated youths' behaviors, tattoos, and flashing of "gang signs". The gang phenomenon is a generational family value system for some and a community focus for others. Brought to the Juvenile Hall living units, it requires a special awareness of, protocols to address, and skills of the Counselors to manage the potential violence of gang rivalry.

On the JJC survey administered in 2005, many youth self identified themselves as gang members, 42% of the boys and 69% of the girls, respectively. The JJC felt at that time the numbers seemed low and that the boys in particular may have chosen not to identify in an effort to drop their affiliation or knowing they must get along in Juvenile Hall.

Gang identification is self-reported in many cases. Juvenile Hall staff members ask the youth when they come into custody whether they would have a problem sharing a room with a member of a specific gang. If a youth says "yes", staff members will identify the youth as a gang member or a gang affiliate. Staff members also look for tattoos to ascertain gang involvement.

Each living unit maintains a log noting the gang affiliation and/or actual membership for each individual in the unit. This is for protection of the staff as well as that of the youth.

The current policy in Juvenile Hall, when there are opposing gang members in a living unit, is to avoid mixing gang members in the same cell room, as well as to avoid mixing them when they are seated or standing in rows. Whenever gang members are together, care is taken that there is an equal number from each gang to prevent either group from enjoying an advantage. In one living unit visited, 26 of the 30 youth had a gang connection.

One supervising group Counselor discussed gangs and their impact on Juvenile Hall. He said it was difficult to differentiate between affiliation with a particular gang and actual gang membership. Actual gang membership involves an initiation. "Differentiation," he said, "is an art form, with no perfect answer."

The Probation Department and Juvenile Hall Managers and staff are to be commended for the directness with which they have addressed, and are addressing, the problems associated with gang affiliation.

VII. CONTROL ISSUES

Phase Buttons

For safety purposes, school classrooms and the control desks in the living units have wall-mounted electronic devices (phase buttons) that can be activated by school personnel or Probation staff when an emergency occurs, such as when a fight/attack has occurred or is about to occur. Each living unit Counselor is also provided a portable phase button to be carried upon their person. Both types of phase buttons alert the main Juvenile Hall control desk, so that other staff members can be alerted to a crisis and in turn respond to the location where the problem is underway.

During visitation to one of the units, a classroom teacher inadvertently had backed into the wall-mounted phase button in the classroom. Commissioners visiting that unit observed the living unit supervising Counselor's immediate response and the almost instantaneous arrival of additional staff from other units to provide what support and physical intervention may have been required in the emergency. Control was obviously the initial need and response for the safety of youth and staff had it been an actual emergency response. Numbers and physical presence, backed by the ability and skill to physically intervene, were obviously present. The two Commissioners present, though nearly trampled, were duly impressed.

Language Usage

Most youth who are admitted to Juvenile Hall understand English. Bilingual Counselors are available for youth with limited or no English skills. Certain staff positions are "codes" requiring bilingual skills. These staff members are scheduled on all day/swing shifts to meet the language requirements of youth, primarily Spanish, but also Vietnamese. Due to tensions between Norteño and Sureño gang members, youth in custody are required to speak English if capable of doing so for safety and security reasons.

Restraints

Various means may be used to remove a disruptive, unruly youth from the unit. This may involve different levels of control including walkouts, removing youth with mechanical restraints or physical restraints. The latter involves direct "hands-on" contact to restrain and subdue the youth, if necessary. This is the most stressful removal of all and is usually the result of a fight situation.

Sign-in Log

Visitors to Juvenile Hall, such as personnel of Community Based Organizations (CBOs) and volunteers, use a sign-in log provided at the visitors' registration window. This requires name, signature, organization, and the time in and out of the facility. Perusing the log, it appears that the only people routinely signing the log are visitors from Furry Friends. Thus, it does not appear that signing in/out is rigidly enforced. If this procedure is for control and safety, the safeguards are lacking. As determined by pocket mail box slots for CBOs in the interior hallway leading to the main control desk area, there are twenty-one CBOs having access to youth in custody. There is a separate log

maintained elsewhere in Juvenile Hall, where, by contract, CBO personnel are required to state the number of youth seen while visiting.

VIII. FOOD SERVICES

Commissioners had lunch in the cafeteria and ate at tables with some of the youth from units B-6 and B-10 on November 28, 2006. The youth's comments remain basically unchanged from the inspection in 2005. The majority of the youth with whom Commissioners conversed spoke of the same, boring, tasteless daily lunches. The kitchen has a menu prepared in advance, but it varies little, especially at lunchtime. Much of the food is obtained through government surplus resources at greatly reduced expense.

State law requires that the dietician compile a meal menu with specific nutritional and caloric requirements, leaving little room for variation. Menus for some of the days listed peanuts as an item to be provided. With many persons highly allergic to peanuts, this presents a potential health hazard, particularly if such condition were ascertained during the health screening at admission and not made known to staff.

The youth visited during the lunch period were generally positive in their comments regarding breakfast and the evening meals. The head cook recognized the monotony of the noon meals, remarking that the construction occurring in Juvenile Hall has made it necessary to serve cold meals. When construction is completed, noon meals will again be varied.

The head cook conducted the inspection team through the kitchen, the refrigerated area, the freezer area and the storage area. The inspection team noted the washer unit was operating in a proper fashion and the serving trays were emerging scoured and sanitized. The cafeteria was clean and tables were quickly cleared. The food served was edible although cold. There were fresh fruit and fresh vegetables on the plates.

IX. YOUTH COMMENTS

The youth freely talked about their life experiences and life in Juvenile Hall. Comments included the following:

- They talked about numerous Juvenile Hall admits.
- One said he was going to "CYA".
- Two had been Ranch failures and were now returning to James Ranch for another program.
- One said while this was his first Juvenile Hall admit, he had been through a one-year Wilderness Program covered through his father's insurance.
- One was returning to James Ranch although he had been offered a "CYA" alternative program on the East Coast but turned it down because it was a year-long program. He had 110 school credits, had completed the welding program when previously at the Ranch and hoped to gain even more credits at the Ranch. He hoped to get away from the gang culture and planned on moving with his girlfriend out of state.

- One youth said he first was admitted to Juvenile Hall when he was eight years of age. He was on “meds” and other youth said he “had problems”.
- One has been to a Job Corps Open House and also had information on low cost community college credits.
- One 19-year old was serving time he owed as a juvenile although he had served time at Elmwood as an adult.
- Many entered into a discussion of high college costs, but some provided information about low cost community college programs and the applicability of credits to college degrees.
- One youth felt more information should be provided on community college programs.
- One youth complained about access to his Probation Officer, enhanced by his further comment that “due process is ridiculous”. He said he had made two requests to speak to his Probation Officer but it had been nine days and he was still awaiting a response.
- A youth said he did not understand why hard-to-obtain special permission is required for visits by other family members (grandparents, siblings, etc.) and the youth’s “significant others”.

During the visitations, many youth complained about the use of restraints. One youth in B-10, the Girls’ Honor Unit, reported receiving restraints while she was in G-1, general girls’ unit. Youth pointed out there are restraints used in G-1 every day. A phase had been called in the G-1 unit on one of the JJC visits.

Girls in B-10 reported that some youth have received physical injuries during restraint incidents. Some weeks previously, a boy in the B-3 living unit received a broken wrist during a restraint episode. Another youth was in the Health Clinic because of a broken nose received during a restraint incident.

Two youth, one boy and one girl, reported that, if a youth writes a grievance about treatment while in Juvenile Hall, treatment will be even worse.

X. PROGRAMS

Gender Specific Programming

Several stakeholders in Santa Clara County are currently evaluating the development of programs for all girls who are being served in the Probation system, both detained and non-detained. One Counselor generalized “Four times as many boys as girls have problems, but when a girl has a problem she is four times harder to change than a boy!” Consequently, the focus on gender specific programs for girls is a well-directed concern. A professor from Santa Clara University, in collaboration with the Santa Clara County Probation Department, is working to develop a risk/needs assessment tool. The purpose is to examine the social, emotional and physical risk factors and needs among adolescent girls entering Juvenile Hall. It will also measure the relationship between needs and decision-making.

The information collected through these assessments will identify specific risks and needs of the female youth detained in Juvenile Hall. The information will be used to develop future gender specific programs that will address the needs of this specific population.

Girls Circle

Girls Circle, a non-profit organization, provides comprehensive training and materials for gender specific programming. The Girls Circle Facilitator Training developed in 1996 has been taught to over 500 organizations nationally, including non-profit agencies, government-supported programs, institutions, and systems that work with adolescent girls.

Girls Circle is a model of structured support groups for girls from nine to 18 years of age. The program was started in September 2006, in units B-10 and G-1. Role-play is utilized, and if used four girls are involved. Girls work on their problems and want to be part of something. Arts and crafts are used to bring out their creative side. It is designated to foster self-esteem, help girls maintain authentic connection with peers and adult women in the community and to counter trends toward self-doubt and self-depreciation. Each week a group of girls and a staff member and/or Counselor meet for a period of one to two hours. The girls take turns talking and listening to one another as they discuss their concerns and interests. The staff members like the program, want to do this program, and find it effective.

Domestic Violence Counseling

A domestic violence program helps youth who have been a victim of domestic violence or have witnessed acts of domestic violence.

Multi-Agency Assessment Center

The Multi-Agency Assessment Center (MAAC) provides comprehensive assessments for youth admitted and detained in Juvenile Hall for longer than 72 hours. Staffing includes psychologists, ART, Mental Health and School staff, reflecting the positive multi-disciplinary team effort that is a core element of the Healthy Returns Initiative process. Everyone who deals with a youth is part of the team, including the Probation Officer, social worker, and Mental Health practitioner. These meetings are beneficial for all staff members. Team meetings include the parents when appropriate. CBOs are included if they are involved with the youth. The interaction between Probation and Mental Health staff is very good. They are now in the “same room” and no longer is it a “we/they” process. Everyone involved is there to treat the youth and coming together to put the emphasis upon helping in the process.

Youth receive health and educational screening assessments. The assessment information is used to develop an individual case plan, the Action Plan, of which everyone has a copy. The Multi-Disciplinary Team plans are usually completed within five to seven days maximum. The assessment results help to underscore the integrated case management process to assist staff in identifying the appropriate support services for

youth while in custody. Screenings in the first week includes mental health, medical, school, and drug & alcohol. The primary partners in the assessment process are:

- County Office of Education (COE)
- Department of Alcohol and Drug Services (DADS)
- Mental Health Department, and
- CBOs, including:
 - Asian American Recovery Services,
 - Asian American for Community Involvement (AACI),
 - California Youth Outreach (CYO),
 - Fresh Lifelines for Youth (FLY),
 - Friends Outside,
 - Gardner Family Care Corporation, and
 - Mexican American Community Service Agency (MACSA).

The mental health assessment and risk/classification occur during the intake process actually during the first week that the youth is in Juvenile Hall. The educational testing takes place within the first week of a youth's admission, as does the Health Clinic screening. Drug and alcohol testing takes place within the first week of confinement in Juvenile Hall. If a youth is released pending further Probation Officer action before completion of the medical evaluation, the parent may be required to bring the youth back for completion of the evaluation.

There are currently less than five youth on a one-to-one observation/ supervision status. A Multi-Discipline Team meeting is required for any youth on the one-to-one classification. In such cases, the Mental Health staff chairs that particular meeting.

The "Chron Log" notes, which include the Probation Officer's notes, are available to the staff. The notes will be computerized in a month or two but only for viewing, not for reproducing. Everyone needs to understand the behaviors of the individual youth both in and out of custody. However, the staff members will not be able to see behavior reports from School and from Mental Health staff

Aggression Replacement Training (ART)

Aggression Replacement Training (ART) is a program for aggressive adolescents and young children conducted by trained Mental Health staff members coordinating with Probation Department Counselors. ART is an intensive ten week program designed to address the behavior of aggressive youth, reduce anti-social behaviors, and offer an alternative of pro-social skills to the participants. The three components of ART include social skills, anger control training, and moral reasoning.

The ART program is a best practice, evidence-based model that has shown to be an effective intervention for detained juveniles. It enhances pro-social skill competency and overt pro-social behavior, reduces the level of impulsiveness and in studies has decreased, where possible, the frequency and intensity of acting-out behaviors and enhanced the participants' levels of moral reasoning.

ART is currently being offered in the Transitions Living Unit (G-2), which houses the high-need mental health boys, and in the Girls Unit (G-1), which houses the general female population and security females. Juvenile Hall staff and Mental Health staff co-facilitate workshop presentations, which are taught three times a week. The goal is to introduce the program into all of the living units, as well as to incorporate the program into the James Ranch and the Wright Center facilities.

XI. MEDICAL SERVICES

Commissioners met with the Juvenile Hall Nurse Manager, the Health Clinic doctor, and the Santa Clara County Health & Hospital System (H&HS) Supervisor of the Juvenile Hall Health Clinic. Commissioners were provided an overview of the Health Clinic and health information programs, and visited the Health Clinic facilities. The clinic was in good order and several youth were being provided medical services during the visit.

The Health Clinic provides direct medical services with 24-hour nursing care seven days a week to youth for routine aches and ailments. The clinic provides 100% medical coverage while the youth is in Juvenile Hall. All medications are distributed by the nurses. If necessary, specialized medical services are available. An orthopedic clinic and a neurologist are available, albeit on a schedule which is neither daily nor even weekly.

Immunization Services

In the area of preventive medicine, immunization plays an important role. The Health Clinic staff is attentive to this need and diligent in correcting missing immunizations. For example, in 2006, 606 flu immunizations and 752 hepatitis immunizations were administered.

Immunization status for incarcerated youth is a problem in three ways: first, obtaining the immunization records from local schools; second, lack of information from the parent or guardian; and third, parental refusal to allow immunizations. The Harvey Rose audit criticizing the lack of immediate immunization looked only at Juvenile Hall numbers, not the reasons for lack of immunizations. When parents refuse consent for immunization, the Health Clinic staff members have no recourse.

If records and immunizations are not up to date, when a child moves from school to school, even if parental authorization is not given, the student must be separated from all other students, including Osborne School. No similar separation is required in the living unit for such a youth.

Needed Medical Equipment

There is a need for a new X-ray machine. The existing machine is still being utilized but is getting old. A new and updated X-ray machine would cost in the order of \$100,000. The current machine is used three to four days a week, serving ten to fifteen

youth a week. When worn out and not replaced, youth will have to be transported to Valley Medical Center (VMC), thus incurring unnecessary staff and transportation costs.

Educational Programs

The Nurse Manager informed Commissioners that, in addition to medical services, the Health Clinic staff tries to provide preventative intervention and information to the youth. The education programs include STD & HIV Prevention, Girls' Talk (Puberty, Dating and Conception), Smoking Cessation, Nutrition, Self Esteem, Childhood Obesity, Skin Problems, Teen Pregnancy, Asthma, Diabetes and Sleep Disorder. Games and treats are used to entice attendance and attention.

Some Juvenile Hall Counselors took smoke cessation classes with the youth offered by certified trainers through the American Lung Association. Juvenile Hall sent six nurses to a train-the-trainers training. Once certified, these staff members conducted classes for those youth who wanted to stop smoking. The program is now down to one nurse providing the training sessions.

Youth in Juvenile Hall are evaluated for asthma and diabetes in order to provide coordinated services. In the event these conditions require use of medications, this information is provided to Juvenile Hall staff members in order that they are alerted to possible need for medical intervention. While training on many health care issues is optional, it is mandatory for youth with asthma problems.

Nutrition training is recommended for overweight youth or who might be at risk for diabetes. Health Clinic staff members cite an example of a youth who lost thirty pounds in three months while on the nutrition training.

Stress and anxiety, common for incarcerated youth, may cause sleeping problems but the common concept for treatment by the general public is to "pop a pill". Health Clinic staff members talk with the youth about this disorder and how to overcome it. If this is a serious problem, the youth is seen by a psychiatrist.

Health Clinic staff members have prepared outstanding posters and visual aids to use in presentations regarding many of the educational Programs. A Stanford medical program, San Francisco State University students and San Jose State University students have provided speakers to make presentations to the youth, but some volunteers have not been able to continue the presentations.

Dental Services

The Dental Clinic is staffed by personnel from the adult jail system who are at Juvenile Hall on Mondays and Wednesdays. Although poor dental hygiene and dental problems are common among incarcerated youth, the patient load is such that an appointment requires about a two week waiting period for Juvenile Hall youth, although at the time of the JJC visit on November 28, 2006, the patient waiting time was to the end of December. Youth needing treatment for emergency services may be seen outside of custody time or while under house arrest.

Health Clinic staff members point out that Juvenile Hall has full dental equipment and is only lacking a dentist or a dental hygienist in order to ensure dental care to the youth in Juvenile Hall.

The SCVH&HS has no budget for dental care for youth, presently tapping the adult detention budget. The dentist sees some thirty youth a week. The adult dental appointment list takes priority, and there is sometimes a need to cancel visits if the adult care list is too long. If a resource could be found, a program of preventative dental care, which is not now available, could be considered. The Nurse Manager will contact dental hygiene schools at Cabrillo and Foothill colleges, the County Dental Association and retired dental care providers to find volunteer help.

Technology

Video cameras and communications equipment have been acquired to provide a videoconferencing link between Juvenile Hall and the Ranches. A unit was installed at the James Ranch in December and a second unit will be installed at the Wright Center, connecting those facilities with the Juvenile Hall Health Clinic. This allows for remote nursing assessment of medical problems, reducing the need for Medical staff at the Ranches and for transportation to VMC for diagnostic evaluation and treatment.

MediCal Services

Youth are only eligible for MediCal services until the end of their month of arrest. However, if a youth is on house-arrest, MediCal can be billed for medical services obtained while on house-arrest status. While 80% of youth who are admitted to Juvenile Hall are known in the county health system, the clinic is not currently eligible for federal or state reimbursement for youth care after the end of the arrest month.

A new bill, AB 1496, requires county juvenile facilities to develop protocols for follow up MediCal or Healthy Family medical coverage once a youth has been released so that a youth can receive services as long as they are eligible for MediCal coverage. The Probation Department is developing a protocol to implement AB 1496, which requires the Probation Department to forward the names of youth to the County Department of Social Services in order to determine eligibility for medical services of the youth on Juvenile Probation. A written policy must be in place by July 2007 to implement AB 1496, with a startup time required as of January, 2008. The Health Clinic staff is cooperating in this mandated endeavor.

Staff Commentary

Health Clinic staff members are anxious to see the Enhanced Ranch Program implemented, although youth with mental health issues and who are on psychotropic medications should not be candidates for that program because psychiatric services are not readily available at the facility.

Santa Clara County really has no psychiatric unit for youth and those needing this service must be placed elsewhere for treatment or observation. The adult jail has a

psychiatric unit run by psychiatric nurses because the adult jail has also experienced a rise in the frequency in mental health diagnoses. Health Clinic staff members are united in believing we must more closely examine the needs of our youth and develop appropriate services.

Health clinic staff members cited two fractures in the past month that occurred when restraints were imposed on youth. One youth had a complex nasal fracture and the second a radius and ulna fracture. Probation management says that the majority of injuries occur due to resistance by youth during restraint incidents. Injury can also occur due to lack of experience or proficiency in applying restraint holds. To address this issue, the Probation Department has increased mandatory staff restraint training from eight hours to 16 hours annually.

It was noted that Health Clinic staff members are mandated to report suspected child abuse to the Office of the Sheriff and to the Department of Family & Children's Services.

XII. MENTAL HEALTH SERVICES

Commissioners met with the Mental Health Clinic staff for an orientation presentation regarding mental health services provided to the youth and discussed psychiatric needs with both Medical and Mental Health staffs.

Mental Health Services staff is comprised of two psychiatrists (one employed on a 3/4 time basis and one on a 1/2 time basis). A licensed clinician is the Acting Manager. There are eighteen full time clinicians. These are state licensed (or may be on waivers while completing training units) Marriage and Family Therapists or Clinical Psychiatric Social Workers. These licensed positions require a master's degree. There is a Rehabilitation Counselor who works with youth and their families regarding drug and alcohol issues. The psychiatrists also provide service to the James Ranch and the Wright Center. The three clerical staff members must also provide service to these two facilities as well as to the Children's Shelter.

The number of staff members providing coverage will vary as to the time of day and day of the week. A psychiatrist is available on site from 7:00 am to 4:00 pm five days a week, with coverage available 24 hours a day by clinicians. Normal coverage is from 7:00 am to 9:30 pm during weekdays and from 8:00 am to 9:30 pm on weekends. There is one swing-shift clinician on duty until 4:00 am. The only time when a staff member is not actually on-site is between 4:00 am and the time the regular day staff members come on duty. The Clinic Manager and/or a psychiatrist are on-call when a Mental Health staff member is not actually on-site.

Each admitted youth is provided a mental health screening within the first 24 hours after admission. A mental psycho-social testing instrument called MAYSI, Massachusetts Adult and Youth Screening Instrument, provides an evidenced-based evaluation. Youth on psychotropic medications are followed up by the Mental Health

Clinic personnel. To assist in determining the scope of a youth's emotional problems, Juvenile Hall has an on-line connection with the County Mental Health Department.

Youth may request at any time to go to the Mental Health Clinic. They do so by using a white request form. Staff members also may request mental health services for a youth, utilizing a yellow request form. For some youth requesting help poses a stigma problem. In years past, the Mental Health Clinic was known as the Guidance Clinic, a rather softer and less demeaning terminology. The clinic uses bilingual therapists to make it easier for youth to request and receive services. About one-third of the Juvenile Hall youth population is believed to have mental health issues. Some 157 cases are currently open, with one-third of these on medication. Youth in custody can receive medication, but to do so requires screening by a psychiatrist and staff supervision when medication is distributed and actually ingested by the youthful patient.

Suicidal/homicidal youth must have a one-on-one supervision at all times and must be evaluated by the Mental Health staff. Yet, total Mental Health staff positions are down by six at this time. It is hard to contract out for psychiatric services for youth. Staff training helps bridge the gap in services.

Probation staff members are receiving training from Mental Health staff on specific issues that are relevant and are of concern to both groups. All Probation staff members have received four hours of training and are now working on the next four hour cycle of training. It takes four months to train all of the staff. Staff members on the night shift, which runs from 11:00 pm to 7:00 am, are also receiving the training. A three-year grant, which is now finishing its second year, was provided for this training program. Each four-hour block of training covers ten subjects. The program was put together with input from all staff members.

Mental Health personnel and Probation personnel are working together. Juvenile Hall staff and Mental Health staff co-facilitate workshop presentations for ART. Probation personnel are trained to make referrals to the MAAC. They understand that they are all there to serve the youth as best as possible and to work out discrepancies in policies and practices. Any staff member may make a referral to the Multi-Discipline Team. Any staff member and any CBO personnel may attend the meeting if they have dealt with the youth or have been providing service to the youth. The MAAC provides a real place of action in establishing services for youth and their families.

While Juvenile Hall admissions are down, and the Health Clinic staff has done a good job on preventive health problems, Medical and Mental Health Managers strongly emphasized the need for a mental health housing unit for Juvenile Hall youth. Juvenile Hall has become a mental health hospital for many youth, compounded by the limited mental health services at the James Ranch and the Wright Center, but does not actually have a Mental Health department capable of complex treatment. The JJC observed the need for Probation and H&HS management to collaborate in this regard. A recommended level of service should provide for 15 to 18 youth, with a maximum of 24. It was estimated is that 15% of the Juvenile Hall general population is on psychotropic

medication, and it can go as high as 30% at times. Health Clinic staff members also said there are now more youth in Juvenile Hall on psychotropic drugs and exhibiting mental health concerns than in the past years. Juvenile Hall has never had a mental health living unit. In contrast, the Main Jail has 44 mental health beds for adult inmates.

Youth on psychiatric holds are transported to VMC's Emergency Psychiatric Services (EPS) Receiving. Such a youth is evaluated to determine if admittance to a psychiatric ward is warranted. Even if a youth is on a 72-hour hold at EPS, the youth cannot be kept longer than 24 hours unless diagnosed by a doctor and bed space is available. Importantly, no hospital in Santa Clara County will admit youth from Juvenile Hall. As a result of that condition, VMC has obtained a Waiver to License and Regulation, thus allowing admission of one youth, 16 years of age or older, to the adult psychiatric ward per day. Therefore, one admitted youth may be kept at Barbara Aarons Facility in either Unit 400 or Unit 500. One youth can be admitted to each unit; thus, only two can be housed at any given time. Because of the seriousness of mental illness of adults housed in these units, each admitted youth is assigned a nurse. To ensure the youth's safety from seriously ill adult patients, the youth is accompanied by an assigned nurse at all times. The youth is kept on this level of supervision until it can be determined that he/she can be returned to Juvenile Hall. Concerns for this expensive level of service were expressed.

A Harvey Rose Audit of the County Mental Health Department noted several years ago that an out-of-county youth was housed at VMC for four months, during which time the youth was personally assigned two VMC staff members. The Harvey Rose Audit expressed concern regarding the lack of a child/adolescent psychiatric facility in Santa Clara County.

Although Health Clinic staff members recommend a living unit at Juvenile Hall, a possible site in the Health Clinic for a few temporary beds is in the area now serving as a meeting room. But, while of help to Probation needs, temporary beds or a mental health living unit would serve only incarcerated youth and it would not serve the broader needs of the total community. A better program would be establishing a psychiatric unit for all youth.

XIII. EDUCATION

Commissioners met with the principal of the Juvenile Hall, James Ranch and Wright Center school programs operated by the Santa Clara County Office of Education, Alternative Schools Department. Commissioners visited school classrooms while inspecting the living units and were given a general overview of the program at Osborne School in Juvenile Hall.

Educational Staffing

The credentialed instructional staff of the Osborne School is comprised of thirteen general education teachers, three special education teachers for identified Special Day Class (SDC) students, one Resource Specialist (RS) to work with students needing

special education instruction but requiring less than SDC students, eight instructional aides and one program specialist who works with the Probation staff and parents to facilitate the transition of youth back into schools within the community.

A James Ranch Counselor from that facility's Blue Ridge High School works with student transcripts to determine coursework and credit status for youth in the institutions who are awaiting placement.

Classroom Instructional Groups

Youth are generally divided into A and B instructional groups in each living unit, typically providing ten to twelve students to each classroom. Teachers are required to have information on the demographics of their students. Division of youth by unit Counselors can assist in avoiding placement of troublesome members of rival youth gangs in the same classroom.

When it is determined that a student is in need of special education instruction, a referral is made to the RSP teacher, the program specialist or the principal. An initial consultation with the classroom teacher and referring adult is followed by a Student Study Team (SST) meeting where appropriate. Given the reality that referrals have to be time sensitive since students go in and out of custody but may require immediate identification for placement purposes, an SST may not be conducted and an assessment process initiated immediately.

There are three SDC special education classes in operation. Some special education services are provided by the teacher going to the student's group, particularly the girls' units and restricted students, rather than the students coming to the teacher's specific classroom.

Instructional Strategies

There is limited evidence about what a "normal" classroom environment may be, or how to be successful in meeting the myriad of educational, social, medical and/or mental health needs of the incoming students. The key feature is constant and consistent engagement of students in their education, while providing a comforting and familiar environment for them. The principal stated that it is crucial that complacency does not set in and there is an opportunity to be innovative and think "outside the box".

The teaching is very prescriptive and with an attempt to focus on passing exit skills, particularly in math. Yet, the academic program cannot proceed chapter by chapter. The average length of stay in Juvenile Hall is twenty-two days. The principal raised some significant practical concerns. The question arises as to what are the different ways of addressing the educational needs of the individual? What skill building and evaluation can be accomplished in those living units such as B-2, B-3, and B-5 for youth who are in custody such a short time? Hardcore gang members whose interests lie in a direction of power and control rather than in acceptable values pose a particular challenge in providing relevant instructional materials. Life skills, rather than academics, may be the needed dimension. Yet, California state standards must be met. Thus, the

immediate goals are to help youth learn useful techniques and to teach skills that fill the gaps in subject areas. The character-based literature model developed with assistance from the University of Santa Clara combines emphasis upon character development plus academic skill building.

State Mandated Testing

The state mandated educational testing requirement also applies to youth in custody. During the summer of 2006, students in Juvenile Hall identified as being in danger of not passing the test were provided extra tutoring in preparation for testing. The STAR test of academic skills in English and math is administered to the youth in custody every sixty days as a means of helping youth ascertain their achievement levels. However, it is nearly impossible to compare data from one test period to another in order to ensure an academic progression because the youth population tested is not the same from test date to test date.

Academic Coordination

While a youth's educational program before admission to Juvenile Hall should ideally be continued while in custody, the barriers to do so are many. The short stay in custody makes that endeavor very difficult. For youth awaiting transition to placement with a longer custody time, the opportunity is present to lessen the problem. The mechanics of timely obtaining from local schools a youth's current schedule and grades can be a burden. Added to that is the problem of obtaining copies of active Individual Education Plans (IEPs) for currently identified special education students. The local school cannot maintain an incarcerated youth on their rolls, so an "out-of-sight, out-of-mind" attitude prevails. Thus, a real effort to maintain academic coordination is endangered. A timely response by the local school district for educational information is essential.

Computer Use by Students

A SDC classroom has one new computer available for teacher use and another for student use. There was an old Mac, but with no available software. The GED classroom has several computers for GED preparation, high school requirements and selected independent studies use. The testing room has many computers for initial placement and follow-up tests. Most of the other classrooms do not have computers available for student use. Some do not even have one for teacher use. The JJC sees a decrease in the use of technology since the prior year. However, a review of technology use is underway by COE, and classrooms in the new wing have been wired for installation of multiple computers.

General Educational Development (GED) Test

A GED program is available at the Osborne School. Participation, as denoted in a small 8½ x 11 notice posted on the wall of the Juvenile Hall visitors' entrance, requires the following stipulations: five weeks in Juvenile Hall; 17 years of age; Probation Officer approval; and good behavior. Indication of necessary reading level for relevant participation in the GED program might also be set forth in this document.

With the availability of such a program, a larger more attractive poster should be placed in the Visitors' Lobby as well as within appropriate living units and classrooms housing youth of suitable age and time in custody.

Increased Length of School Day

The COE has announced a change scheduled for late January to increase from the state minimum instructional time of 240 minutes to 300 minutes per school day. This poses the question of what subject or classes to add to the curriculum. While utilizing this extra period to make up specific high school graduation deficiencies would be one avenue to consider, computer hardware is not available nor is there instructional staff with the requisite skills available at this time to run such a program.

XIV. INCIDENT REPORTS

The new method for filing an Incident Report (IR) became operational in 2005. The Counselor prepares an IR on the computer. The IR is transmitted to the supervisor for acceptance or for return to the Counselor for revision. Each IR is numbered consecutively and contains the reporting Counselor's name, date, time, location, a report of injuries (if needed), and a description of the incident. Two Managers review each IR on the screen. The Assistant Chief of Probation reviews every IR for compliance with procedures and policies, as required by the new database. Every IR is accounted for in the new database system. Items are identified and recorded in numerical sequence. The individual item could be from different departments, e.g., Medical, Mental Health, School, incident reports, etc.

The inspection team made a detailed analysis of the 51 IRs written from July 1 to July 25, 2006. The first IR written in July was number 2894 and the last written in that month was 3253. That indicates 359 separate entries were made in the database during the 25 day period, but only 51 of the entries were Juvenile Hall IRs.

The difficulty of categorizing each specific IR written is illustrated by the following three examples:

- The July 7 IR for a male youth had the following categories checked: assault (minor on minor); gang-related fight; and physical and mechanical restraint. It was noted the youth was currently on C-Mod classification and awaiting transfer to "CYA".
- The July 16 IR for a male youth was checked in the following categories: attempted escape; information (safety and security); and physical restraint. The youth was placed on C-Mod.
- The July 25th IR was prepared for two male youth and the following categories were checked: assault (minor on minor); gang activity; and physical and mechanical restraint.

Further analysis of the July 2006, data shows that four male youth and one female youth had multiple IRs prepared. Included were the following:

- A male youth was cited on July 9 for disruptive conduct, insubordination, refusal to follow directions, disrespectful to staff and moved to C-Mod; on July 10 for profanity, disrespect to staff, refusal to follow directions, fight (minor on minor), physical and mechanical restraint; on July 17 for profanity, disruptive conduct, information (safety and security).
- A male youth was cited on July 9 for disrespect to staff, disruptive conduct, and restraint; on July 14 for disruptive conduct, insubordination, disrespect to staff, and information (safety and security); on July 25 for assault (minor on minor), gang activity, physical and mechanical restraint.
- A female youth was written up on July 2 for disruptive conduct and refusing to follow directions; on July 5 for Mental Health referral, Mental Health suicide, and information (safety and security); on July 11 for Mental Health (depression, despondent), Mental Health watch, and time-out in Receiving; on July 25 for Information and time-out in Receiving.

A recompilation of the 51 IRs prepared in July shows that restraints were used 16 times (14 mechanical and two physical), or in 31% of the IRs written. Of the 51 IRs written in July, 22% were written on girls.

According to the Juvenile Hall Manager, the Boys Transitional Unit and the Girls General Population Unit account for some 45% of the IRs detailing the use of physical and mechanical restraints. Many of the incidents occur with the same youth. To address these issues, the Girls Circle and ART programs are in use in the Girls Unit and ART has been initiated in the Boys Transitional Unit. The Manager said these were cognitive programs set in place to specifically reduce the number of incidents that would trigger filing an incident report.

The inspection team reviewed the 11 IRs prepared by Osborne School personnel during July 2006. Seven of the IRs were behavior reports, two were for tagging, and one each for information and for gang activity.

Under Concerns and Recommendations, the U. S. Department of Justice (DOJ) report states “The County could benefit from restructuring the codes used to categorize incidents as the current schema has much overlap (e.g., “fight-multiple minors”, “assault-gang related”, “fight-gang related”, and “riot”). Forming distinct categories is essential for valid comparisons to be made across time.”

The DOJ report also noted that very few of the incident reports included a statement from the youth involved, and those that did filtered the statement through staff.

XV. GRIEVANCES

The Probation Department grievance policy reads that youth who have complaints about their care relating to any condition of confinement, including but not limited to health care services, classification decisions, program participation, telephone, mail or visiting procedures, and food, clothing or bedding shall have access to a system of due

process and formal Grievance and Appeal procedure when their complaints are not resolved on an informal basis. A youth may initiate a grievance when he or she feels their rights have been violated.

The inspection team reviewed the grievances submitted by the youth during the month of July 2006. A total of 13 grievances were reviewed. There was a written response by management to each grievance. The ultimate resolution for each of the 13 issues was as follows: resolved (6); issue not a grievance (3); no rights violated (2); verbal abuse caused by excessive behavior (1); and on-going investigation (1).

Two youth, one boy and one girl, reported that, if a youth writes a grievance about treatment while in Juvenile Hall, treatment will be even worse.

To quote from the DOJ report about grievances, “The low rate of use (of the grievance process) among youth suggests that youth lack confidence in the process, and may also indicate that certain features of the grievance system make it an unattractive option for youth.”

XVI. APPEAL PROCESS

The Probation Department Procedures Manual disciplinary appeal policy reads that youth 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 process. A youth may initiate an appeal when the youth believes he or she has been disciplined unjustly.

The inspection team reviewed the 49 institutional appeals submitted by youth during July 2006. There are three possible resolutions when an appeal is filed by a youth: the staff action can be upheld, denied, or modified.

In 40 of the 49 appeals reviewed, the action of the staff person preparing the IR was upheld. The reasons the action were upheld for these 40 appeals were as follows: failure to follow instructions (13); C-Mod demotion, which generates an automatic appeal (13); mouthing off/inappropriate language (7); youth understands and accepts the verdict (2); disrespect to staff (2); disruptive behavior (2); and required physical restraint/automatic C-level (1).

The results were modified in nine of the appeals. The modification actions for the modified appeals were as follows: discipline modified from one hour to one-half hour (7); discipline modified to one hour instead of demotion from B to C level (1); and date of placement on C-level adjusted (1).

The JJC is concerned that the staff reporting process and resolution of the DOJ due process concerns had not been implemented at the time of the inspection. The DOJ report states, “The appeal process should be restructured to incorporate all of the required elements and its role should be clearly explained to youth and staff.” In fact, the Probation Department had twice submitted a list of proposed changes to DOJ, and was

awaiting confirmation of approval. This approval has now been received, and Probation management indicates that they will soon be implementing these approved changes.

XVII. COMMENDATIONS

The Santa Clara County Juvenile Justice Commission commends:

1. The Santa Clara County Probation Department for prompt responses with adequate, well-trained staff to phase button activation.
2. The Santa Clara County Probation Department for the directness with which they are addressing the gang problem by procedures to lessen hostile gang interactions and by attention to manifestations of in-custody gang issues. The community must recognize that the incarceration of gang youth serves to help protect the community, but it is not “the elephant in the living room” to be ignored in the custodial facility. There, it is a serious situation waiting to explode in violence that must be contained.
3. The Santa Clara County Probation Department for living unit expansion that provides for improved supervision and control of youth.
4. The Santa Clara County Probation Department for the Multiple Agency Assessment Center joint services and emphasizing the continuation of the Multi-Discipline Team services.
5. The Santa Clara County Probation Department for recognizing the need for gender-specific programs like the Girls Circle counseling program.
6. The Santa Clara County Office of Education for the appointment of a principal to supervise and coordinate the education at Juvenile Hall and both Ranches.
7. The Santa Clara County Office of Education for their leadership in the expansion of the school day instructional program in Osborne School to 300 minutes.
8. The Santa Clara County Office of Education for tracking the services provided for Special Education students to ensure that needs are met for these students.
9. The Santa Clara Valley Health & Hospital System for implementation of the tele-med video communications process as a remote medical diagnostic tool.
10. The Santa Clara County Health & Hospital System for cross-training of Juvenile Hall staff in addressing youths’ mental health needs and working collaboratively to provide such services as ART.

XVIII. RECOMMENDATIONS

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

1. Determine the number of missing phase buttons and provide the necessary buttons. Verify the correct operation of the process to reduce the continuing number of false alarms.
2. Assign responsibility for log-in procedures and compliance. The procedures should be revised to specify all visitors who are required to sign in and out.
3. Introduce the ART program in all units. Its success as a pilot should be expanded to benefit the entire population.
4. Re-establish a Ranch Orientation Unit to orient the youth waiting for transfer to the Enhanced Ranch Program. All school testing and IEPs should be completed during the waiting period.
5. Clarify the criteria for placement of youth requiring mental health services in the Enhanced Ranch Program.
6. Revise meal planning to include both hot and cold meals for lunch.
7. Change the names or numbers of a “G” unit housing boys to avoid the harassment of boys placed in a “girls” unit. This is a repeat recommendation from last year.
8. Update the grievance and appeal procedures to bring Juvenile Hall in compliance with regulations as specified by the U.S. Department of Justice.
9. Coordinate with the Santa Clara Valley Health & Hospital System to evaluate the need for a mental health living unit in Juvenile Hall.

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

1. Utilize the extra hour of instruction time per day with programs targeting specific school population groups contingent upon the educational attainment of the youth (i.e., GED preparation, tutorial assistance to pass the high school exit examination, specific state mandated courses for graduation, and skill building in areas not yet mastered by students).
2. Establish a Public School/Probation Department School Facilities Contact List indicating specified district contact persons to facilitate transmittal of relevant student data between local schools and Probation Department facility schools.
3. Compile a comprehensive Manual of High School Graduation Requirements of all Santa Clara County public schools offering the high school diploma.

4. Create a large and artistically rendered poster for the Osborne School describing the availability of, and requirements for, the GED preparation program in County Probation Department facility schools.
5. Establish comprehensive, computer-driven educational programs for skill building, specific course instruction, and GED preparation, with adequate technological equipment and staff with relevant computer skills to maintain such programs.

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

1. Evaluate the need for a new X-ray machine in the Juvenile Hall Health Clinic.
2. Ensure that preventive dental care is available at Juvenile Hall. Continue efforts to identify resources, including community programs and volunteer.
3. Coordinate with the Santa Clara County Probation Department to evaluate the need for a mental health living unit in Juvenile Hall.
4. Evaluate the need for hospital inpatient mental health services for youth in Santa Clara County.

XIX. SUMMARY

Based on this inspection, the Santa Clara County Juvenile Justice Commission feels that the Santa Clara County Juvenile Hall has met the Commission's standards for a safe juvenile detention facility for youth.

Approved by the Santa Clara County Juvenile Justice Commission on February 6, 2007.

William J. Scilacci, JJC Chairperson

Date

Robert W. Campbell, JJC Inspection Chair

Date