

# Juvenile Justice Commission County of Santa Clara

840 Guadalupe Parkway  
San Jose, California 95110  
(408) 278-5993 FX (408) 294-6879



## SANTA CLARA COUNTY JUVENILE JUSTICE COMMISSION INSPECTION REPORT

### TEMPORARY DETENTION OF MINORS IN LAW ENFORCEMENT FACILITIES

JUNE 2, 2009

#### **I. INTRODUCTION:**

The Santa Clara County Juvenile Justice Commission (JJC or Commission) is required pursuant to the State of California Welfare and Institutions Code section 229 to inspect any jail or lockup within the County which in the preceding calendar year was used for confinement of any minor for more than 24 hours. The Commission may also inspect other law enforcement facilities in the County where minors were confined for less than 24 hours. The Commission conducted inspections of the following eight law enforcement jurisdictions for the prior year in May, 2008: Campbell, Los Altos, Los Gatos/Monte Sereno, Mountain View, Palo Alto, San Jose, Sunnyvale and the Santa Clara County Sheriff's Department. The Commission conducts annual inspections of law enforcement facilities in Santa Clara County. The inspection reports from prior years can be accessed at: <http://www.sccsuperiorcourt.org/juvenile/jjc.htm>.

Pursuant to Welfare and Institution Code (WIC) section §209 (b) a judge of the juvenile court shall annually inspect each jail or juvenile hall in the county that held one or more minors for more than 24 hours or detained for any length of time during the preceding calendar year. Additionally, this code requires the judge to promptly notify the operator of the facility of any observed non compliance with the minimum standards for juvenile facilities adopted by the CSA (Title 15, California Code of Regulations). Under the WIC § 209 (b) juvenile judge or designated members of Juvenile Justice Commission ( JJC ) inspect each Law Enforcement Facilities (LEF) where jail or lockup for adults in which one or more minors was held in Secured or Non Secured cells.

On any given day more than 100,000 youths are under the jurisdiction of the California Juvenile Justice System – these juveniles are in secure facilities, private treatment programs or on probation. (Ref. Juvenile Justice Data Project). Prior to youth entry into the juvenile system, law enforcement agencies with the help of cities, schools and other local community based agencies intervene to change behavior of troubled youths.

According to 2007 Attorney General Report for the State of California, a total of 236,856 minors were detained. See tables below for the breakdown:

**TOTAL ARRESTS AND DISPOSITIONS FOR THE YEAR 2007**

<b>TOTAL ARRESTED</b>	<b>RELEASED TO PROBATION</b>	<b>COUNSELED AND RELEASED</b>	<b><i>TURNOVER</i></b>
<i>236,856</i>	<i>189,731</i> (80 %)	<i>44,420</i> (19 %)	<i>2,705</i> (1 %)

**TOTAL ARRESTS BY GENDER FOR THE YEAR 2007**

<b>TOTAL ARRESTED</b>	<b>MALE</b>	<b>FEMALE</b>
<i>236,856</i>	<i>175,449</i> (74 %)	<i>61,407</i> (26 %)

**TOTAL ARRESTS BY ETHNICITY FOR THE YEAR 2007**

<b>TOTAL ARRESTED</b>	<b>HISPANIC</b>	<b>WHITE</b>	<b>BLACK</b>	<b>OTHER</b>
<i>236,856</i>	<i>175,449</i> (51 %)	<i>61,407</i> (26 %)	<i>40,882</i> (17 %)	<i>14,720</i> (6 %)

For additional data: <http://ag.ca.gov/cjsc/publications/misc/jj07/preface.pdf>

In 2008, eleven Santa Clara County LEFs (see attached table 1) submitted monthly reports to CSA. These reports detail how many minors were detained in secured cell(s) or non-secured cell(s).

This year the Commission conducted annual inspections of 11 LEFs in Santa Clara County: Gilroy, Morgan Hill, Santa Clara, Sunnyvale, Campbell, Los Gatos/Monte Sereno, Mountain View, Los Altos, Palo Alto, San Jose and Santa Clara County Sheriff.

**II. JUVENILE DETENTION - POLICY:**

Through the Juvenile Detention Reform initiative, the Santa Clara County Police Chiefs Association, in conjunction with the Probation Department, have defined goals, policies and procedures to minimize the unnecessary incarceration of youthful offenders by seeking alternatives to custodial confinement. The policy balances legal mandates, community safety and the best interest of the juveniles and whenever appropriate, community resources are utilized as an alternative to incarceration. All LEFs, except Campbell, have community resource programs funded by the schools, cities, and the community.

When a juvenile falls under the provisions of WIC §602 and is arrested for a simple violation, such as a fight without weapons, public disturbance, drunk in public and where public and community safety is not at risk, the minor may be booked at the local LEF and subsequently released to a parent or guardian with a written promise to appear.

Another alternative to detention is to release a juvenile to a diversion program or alternative community resource. If a minor is charged under WIC § 602 and the charge does not justify detention, and a parent or guardian is not available or unwilling to accept the juvenile, then the minor may be transported to a community resource center like Bill Wilson Center or Alum Rock Counseling Center, unless the minor is 14 years or older and commits a violation as specified under section WIC § 707(b). This is a standard procedure adopted by all the police departments inspected.

If minor has committed a crime which in judgment of the arresting officer falls under WIC § 707 (committed violent or repetitive crimes) or requires further detention beyond 6 hours, then minor will be taken to the Santa Clara County Juvenile Hall. It is policy of LEFs that the officer(s) takes every precaution to drive minors and adults prisoners separately to appropriate facility.

**The standard procedures when minors are brought to city jails are:**

- 1) Booking.
- 2) Photo and finger printing procedures as appropriate.
- 3) Fill in Juvenile Contact Report (JCR) and violation code.
- 4) Sex, Age, reason for detention including secured or non secured detention.
- 5) Date and time entered the facility and release to the parents/guardian.
- 6) Arresting officer's name and serial number.

Depending on the nature of crime, juveniles are held in a secured or non-secured cell at a city jail. Juveniles are constantly observed by the officer on duty to ensure safety of the juvenile and others in the cell. Also, with exception of booking, photo or finger printing of minors, necessary precautions are taken so that minors are not exposed to adult prisoners held in secured or non-secured cells at the jail.

It should be noted that there are more minors arrested, cited and released to their parents than brought in to the LEF. This is a common procedure followed by all the LEFs inspected. That decision is made by the arresting officer.

**III. GENERAL INSPECTION CRITERIA AND OBSERVATIONS:**

In 2008, there were no recommendations from the JJC which inspected 8 LEFs, so no follow-up was required. All inspections were pre-announced and five members of the commission inspected the following LEFs:

1) Gilroy	04/21/09
2) Morgan Hill	04/21/09
3) Santa Clara	04/22/09
4) Sunnyvale	04/22/09
5) Campbell	04/27/09
6) Los Gatos	04/27/09
7) Mountain View	04/28/09
8) Los Altos Hills	04/28/09
9) Palo Alto	04/28/09
10) San Jose	05/12/09
11) Santa Clara County Sheriff	05/12/09

The commissioners used a set of standardized questions for each of the above LEF inspection to insure consistency. In addition, commissioners asked each LEF to provide data on the number of juveniles arrested/cited statistic and their disposition during 2008. This data appears on table #2. This data provides demographic information including age, gender, ethnicity and type of citations. Not all police departments have this data computerized, so not all cities are displayed here.

All the LEFs had:

- a) Clean rest rooms,
- b) Sight and sound protection where needed,
- c) Snack vending machines close to detention area,
- d) Water fountain,
- e) Paper jump suits and blankets available
- f) Log book for booking minors with incoming and release time entered
- g) Juvenile Contact Report (JCR) is also filled out which shows the age, sex , race and nature of crime,
- h) Copies of monthly CSA reports
- i) Hard and soft copies of the policy and procedures manual

All the LEFs have an annual training program for their officers.

#### **IV. INSPECTIONS OF LAW ENFORCEMENT FACILITIES:**

##### **CAMPBELL POLICE DEPARTMENT (CPD):**

CPD is a clean facility. There are two secured and one non-secured cell. Minors are in an open office until they are released to the parents or guardians. In the event there are adults in detention, minors are held in a patrol car until released to parents or guardian. In 2008, there were 6 minors held in secured cells and 16 in non-secured cells.

The CPD had eliminated Drug Abuse Resistance Education (D.A.R.E.) and School Resource Officer (SRO) positions for the past few years due to budget cuts. They have no plans to staff these positions in the future.

### **GILROY POLICE DEPARTMENT (GPD):**

The GPD facility is very large and clean. It opened in May 2007. This LEF has two non-secured cells away from the adult cells. The juveniles' secured cells are near adult cells but away from where adults are held. In the event a minor is held in a secured cell, an officer in charge will monitor the minor every 30 minutes. In 2008, there were 32 minors held in secured cells and 226 in non-secured cells. These numbers were verified by the commission.

The GPD has a Community Base Crime Prevention program for minors. A sergeant is assigned to run the Drug Abuse Resistance Education, (D.A.R.E.) program. In this program, the police sergeant interacts with the minors and their parents to help and educate them to change their behavior. The GPD plans to continue this program despite budget cut threats.

### **LOS ALTOS POLICE DEPARTMENT (LAPD):**

LAPD has no secured cells and one non-secured cell. In 2008 LAPD had no minors in secured cells and 7 in non-secured cells. LAPD is running several community based crime prevention programs. LAPD has one SRO at the high school that interacts with minors to educate them about drugs, alcohol abuse. CHAC and the Dept. of Mental Health also offer services. The LAPD officer stated that this community has a high number of alcohol and drug-related arrests maybe related to the affluence of the community.

### **LOS GATOS POLICE DEPARTMENT (LGPD):**

LGPD is a clean facility. They have one secured cell and they use a briefing/interview room as a non-secured cell. A new facility is being constructed and will be in operation this year. In 2008, LGPD had 6 minors in secured cells and 11 in non-secured cells. LGPD has a School Resource Officer (SRO). The cost of the SRO is shared by school and the LGPD. They hold one-on-one meetings with parents as appropriate. LGPD also has a juvenile diversion program supported by a detective. According to the officer, the LGPD has more alcohol and drug related arrests than other crimes like LAPD related to the affluence of the community.

### **MORGAN HILL POLICE DEPARTMENT (MHPD):**

This MHPD facility is fairly new and very clean. This facility has two secured cells and one non-secured cell. The officer in charge monitors minors in the cells every 30 minutes. In 2008 there were 28 minors held in secured cells and 110 in non-secured cells. These numbers were verified by the commission.

The MHPD has a Community Based Crime Prevention program for minors. They have two officers assigned to work at two high schools. The officers interact with minors and their parents to help to educate them to change their behavior, especially gang related crimes. The MHPD plans to continue this program despite a budget deficit.

Additionally, the MHPD and Community Solutions have been piloting a "Direct Referral Program" for those youth who are between 10 and 18 years of age who have committed low-level offenses. The purpose of this approach is to ensure that low-level delinquent youth receive a swift response to their law violation, to reduce the number of inappropriate referrals to the Restorative Justice Program and to provide appropriate services to the youth and his/her family. In the case of low-level offenses, the officer completes and submits a "Juvenile Contact Report" (JCR) for review and once approved, remains in the MHPD (and is not forwarded to Probation). Twice a week, the community-based organization, Community Solutions, picks up the JCR's and makes contact with the family within 5 days. Community Solutions staff conducts an intake with the family within 10 business days of receiving the referral and provide services such as crisis intervention, skill building, parent education, individual/family counseling and referrals to other services for up to 90 days. Community Solutions staff report completion status to MHPD and unsuccessful cases are referred to the Special Operations Sergeant for review and possible referral to the Probation Dept. In the first 9 months, with existing resources, the MHPD and Community Solutions served 49 youth. Forty of the youth completed their treatment plan and did not have a new citation during the 90-day intervention period

#### **MOUNTAIN VIEW POLICE DEPARTMENT (MVPD):**

MVPD has one secured cell and they use an interview room as a non-secured cell for holding minors. In 2008, MVPD had one minor in a secured cell and 119 in non-secured cells. MVPD runs community-based crime prevention programs and D.A.R.E. with city and grant funding. MVPD has contracted with and refer youth to counseling at the Community Health Awareness Council (CHAC). MVPD also offers "Dreams and Future" during the summer. In this program, the MVPD take minors to Marine World or involve minors in sports and other activities. The MVPD community programs also identify gang members at school and work with them to help them change their behavior. According to one officer who has been working with gang members for the past 11 years, some gang members take pride in belonging to gangs because their parents or grandparents also are/were members of the same gangs. In such situations it is extremely difficult to divert these minors from gangs.

#### **PALO ALTO POLICE DEPARTMENT (PAPD):**

PAPD has one secured cell and the use of an interview room as a non-secured cell to detain minors. In 2008, PAPD had no minor held in secured cells and 10 were held in non-secured cells. The commissioners observed that some booking sheets (log in sheets) were missing from the binder for the year 2008, and they were not made available to the inspection team. Pursuant to California Welfare and Institutions Code section 207.1 (d)(1)(A)(F) a log or other written record must be maintained showing the offense, the reasons and circumstances for the detention, and the length of time the minor was securely detained. The deficiency was pointed out to the officer on duty. He called the following day to inform the commissioner that he found the missing pages which were miss filled. The 2009 log sheets were properly filed and available for review during the visit. PAPD has no SRO but they work closely with schools and parents to run

the Parents Project class. The two high schools and three middle schools also have school personnel focused on troubled youth. The officer was concerned that potential budget cuts may impact this program.

### **SAN JOSE POLICE DEPARTMENT (SJPD):**

SJPD is a clean facility. There are no secured cells and five non-secured cells. Generally, they will only put one minor in each cell. In 2008, SJPD had 812 minors held in non-secured cells. The person in charge of administration was experienced with the juvenile policies and procedures. He is also the person responsible for maintaining the booking records and data base.

SJPD has 6-8 School Liaison unit officers and one supervisor. They are paid by the San Jose Unified School district. These officers help minors in school with various programs to eliminate graffiti and change criminal behaviors.

### **SANTA CLARA COUNTY SHERIFF (SCCS):**

SCCS has three facilities in Santa Clara County. These are located in San Jose, Cupertino, and San Martin. The Commissioners inspected the San Jose facility.

SCCS has a clean facility for booking. They have no secured cells and no non-secured cells. If a minor is detained, s/he is handcuffed to the arm of the chair and the chair is bolted to the floor. Detained minors are in constant view until they are released to parents/guardian. In 2008 there were 47 minors detained and handcuffed and 90 were detained with no handcuffs. The Policy and Procedures manual was available and they also have it on PC.

SCCS has two SRO positions. San Jose Unified School District pays for their services. They work with minors regarding gang related issues, trying to help change their behavior and address drug and alcohol use/abuse.

The Santa Clara Sheriff Officer in charge at the time of the inspection did not know where copies of the monthly report to the CSA were stored. This officer was new to this position and still learning the system. However, she called a fellow officer who provided the information. It is recommended that in future, the officer(s) be informed of the location of the various records so these records will be available for inspections and other purposes.

### **SANTA CLARA POLICE DEPARTMENT (SCPD):**

SCPD is a very new, small and clean facility. This LEF has two non-secured cells and one secured cell. In the event a minor is held in secured cell, an officer in charge will monitor the minor every 30 minutes. In 2008, there were 33 minors held in secured cells and 125 in non-secured cells. These numbers were verified by the commission.

The SCPD has Community Based Crime Prevention program for minors. They have D.A.R.E. and a School Resource Officer (SRO). They also have Juvenile Probation Officer (JPO) who interacts with the minors and their parents and works to educate them to change their behavior. The SCPD stated that having JPO has made big difference in reducing the crimes among juveniles. SCPD plans to continue these programs despite a budget deficit.

#### **SUNNYVALE DEPARTMENT OF PUBLIC SAFETY (SDPS):**

SDPS's LEF has six secured cells used for adults and a booking area. When required, the booking area is used to book juveniles. This is done under supervision so that minors don't come in contact with adults. There is an interview room in the Desk Officers' area that is used for both secured and non-secured detention of juveniles. For non-secured detentions, the juveniles remain in the Desk Officers' area or in the interview room with the door open. For secured detentions, the juveniles are placed in an interview room with the door locked. In 2008 there were 7 minors held in secured detention and 135 held in non-secured detentions. These numbers were verified by the commissioners.

#### **V. COMMENDATIONS:**

All officers in every LEF inspected who were interviewed were courteous to the inspection team, and appeared to be passionate about helping minors and their families get appropriate counseling and referrals.. The officers' stated their main goal is to teach minors to make better decisions.

#### **VI. RECOMMENDATION:**

Based on the successful project data so far, all cities should consider implementing a "Direct Referral Program" such as that being piloted in Morgan Hill. This has the potential to provide swift intervention into the lives of youth who have committed low-level offenses and reduce the number of inappropriate referrals to Probation's Restorative Justice Program.





**VIII. TABLES FOR REFERENCE:**

**TABLE # 1**

**SANTA CLARA COUNTY CALENDAR 2008 – SECURE AND  
NON-SECURE DETENTION OF MINORS:**

SANT CLARA COUNTY POLICE DEPT.	# OF MO's	STREET ADDRESS	CITY	ST	ZIP	# OF MINORS IN SECURE DETENTION	# OF MINORS IN NON-SECURE DETENTION
CAMPBELL	12	70 N. FIRST ST.	CAMPBELL	CA	95008	6	16
GILROY	12	7301 HANNA ST.	GILROY	CA	95020	32	226
LOS ALTOS	12	1 N. SAN ANTONIO RD.	LOS ALTOS	CA	94022	0	7
LOS GATOS	12	110 E MAIN ST.	LOS GATOS	CA	95030	6	11
MORGAN HILL	12	16200 VINEYARD BLVD.	MORGAN HILL	CA	95037	28	110
MOUNTAIN VIEW	12	1000 VILLA ST.	MOUNTAIN VIEW	CA	94041	1	119
PALO ALTO	12	275 FORREST AVE.	PALO ALTO	CA	94301	10	48
SAN JOSE	12	201 WEST MISSION ST.	SAN JOSE	CA	95110	0	812
SANTA CLARA	11	601 EL CAMINO REAL	SANTA CLARA	CA	95050	30	
SUNNY-VALE	12	700 ALL AMERICAN WAY	SUNNY-VALE	CA	94088	7	135
SANTA CLARA COUNTY SHERIFF	12	55 W. YOUNGER AVE	SAN JOSE	CA	95110	47	90

**TABLE # 2**  
**SANTA CLARA COUNTY JUVENILE LAW ENFORCEMENT FACILITIES DATA-YEAR 2008**

	CAMP-BELL	LOS ALTOS	MT. VIEW	MORGAN HILL	PALO ALTO	SUNNY-VALE	SAN JOSE	LOS GATOS & MONTE-SERENO
<b>BOOKED</b>								
<i>ARRESTED/INCARCERATED</i>	45	5	29	30	14	42	576	20
<i>CITED AND RELEASED</i>	167	39	196	222	244	100	235	183
<b>TOTAL</b>	212	44	225	252	258	142	811	203
<b>GENDER</b>								
<i>MALE</i>	176	39	179	201	176	117	711	145
<i>FEMALE</i>	36	5	46	51	82	25	100	58
<b>AGE</b>								
<i>10-13 YEARS</i>	28	3	39	9	10	12	43	19
<i>14-17 YEARS</i>	184	41	186	243	248	130	768	184
<b>RACE</b>								
<i>HISPANIC</i>	90	14	125	110	58	N/A	559	25
<i>WHITE</i>	80	23	66	132	112	N/A	72	150
<i>BLACK</i>	27	3	23	3	48	N/A	90	5
<i>ALL OTHERS</i>	15	4	11	7	40	N/A	90	23
	212	44	225	252	258	0	811	203
<b>PRIMARY CHARGE</b>								
<i>ALCOHOL/DRUNK</i>	28	5	10	8	4	10	0	38
<i>ASSAULT W/DEADLY WEAPON</i>	2	0	3	8	6	10	93	4
<i>BURGLARY</i>	10	1	14	28	33	17	98	25
<i>DRUGS</i>	21	9	38	38	40	10	73	34
<i>DOMESTIC VIOLENCE</i>	10	0	39	17	10	0	6	2
<i>HOMICIDE</i>	0	0	1	0	0	0	2	0
<i>PETTY/GRAND THEFTS</i>	45	4	35	7	71	6	8	13
<i>POSS. STOLEN PROP.</i>	3	0	7	6	6	2	0	6
<i>ROBBERY</i>	5	0	4	0	0	9	111	3
<i>VANDALISM</i>	12	0	12	18	27	10	21	11
<i>ALL OTHER TOTAL</i>								
<i>(MISDEAMINOR AND FELONY)</i>	76	25	62	122	61	68	399	67
<b>TOTAL</b>	212	44	225	252	258	142	811	203