

Juvenile Justice Commission County of Santa Clara

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SANTA CLARA COUNTY JUVENILE JUSTICE COMMISSION INSPECTION REPORT

TEMPORARY DETENTION OF MINORS IN LAW ENFORCEMENT FACILITIES September 9, 2010

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. In a survey of Santa Clara County law enforcement agencies, no Law Enforcement Facility (LEF) held a youth for more than 24 hours. In 2009, the JJC 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. The JJC inspected two facilities that had not been inspected in 2009. Milpitas and San Jose State University were inspected on July 23, 2010.

The inspection reports from prior years can be accessed at:
<http://www.sccsuperiorcourt.org/juvenile/jjc.htm>.

II. JUVENILE DETENTION - POLICY:

Through the Juvenile Detention Reform initiative, the Santa Clara County Police Chiefs Association, in conjunction with the Probation Department, has developed 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.

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).

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.

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.

Depending on the nature of crime, juveniles are held in a secured or non-secured cell at the LEF. Juveniles are observed by the police officer on duty to ensure safety of the juvenile. 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.

III. GENERAL INSPECTION CRITERIA AND OBSERVATIONS:

The commissioners used a set of standardized questions for each of the above LEF inspection to insure consistency. In addition, commissioners asked Milpitas and SJSU to provide data on the number of juveniles arrested/cited statistic and their disposition during 2008. The LEFs inspected 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

San Jose State University:

The SJSU law enforcement facility was clean. There were secured and non-secured cells and room in the facility to monitor minors without placing them in a cell. Generally, minors waited, monitored by a police officer in the conference room until released to a parent or guardian. The policies and procedures manual was last reviewed and revised in March 2007. Minors were rarely held longer than 90 minutes and arrests were usually the result of minor fights or alcohol on campus. The SJSU law enforcement agency has four resource officers that go to the neighborhood school to educate about drugs, alcohol and gangs. In addition, officers attend the monthly neighborhood association meetings to address resident concerns.

Milpitas:

The Milpitas law enforcement facility was clean. There were secured and non-secured cells and room in the facility to monitor minors without placing them in a cell. The secured cells are sound proof and monitored by video cameras. Generally, minors waited, monitored by a police

officer in the conference room until released to a parent or guardian. The policies and procedures manual was last reviewed and revised in April 2005. Minors were rarely held longer than 90 minutes and arrests were usually the result of fights at school, public disturbance and shoplifting. Milpitas has an outreach program to the schools to educate students about drugs, alcohol and gangs. Milpitas has also developed a program focused on decreasing gang violence on campus. Over the course of implementation of this program, assaults reported at Milpitas High School decreased from 82 in the 2004-05 school year to 13 in the 2007-08 school year. Because of the success of this program, many jurisdictions have contacted Milpitas for advice on duplicating its success.

IV. COMMENDATIONS:

Both Milpitas and SJSU law enforcement facilities were very cooperative and accommodating of Commissioners' request for information. Both facilities were clean and appeared to be well-managed and officers conveyed a sense of balance between compassion and support to the youth that are arrested and brought to their facility as well as a commitment to the safety of their community.

V. RECOMMENDATION:

There were no recommendations as a result of the inspection.

VI. SUMMARY:

Based on this inspection, the Santa Clara County Juvenile Justice Commission believes that the Santa Clara County's Law Enforcement Facilities meet or exceed the requirements for assuring the safety and good care of juveniles while in their facility. The Law Enforcement officers in these facilities also have an excellent attitude. They are passionate in helping troubled minors to transform their criminal behaviors to normal life.

Approved by the Santa Clara County Juvenile Justice Commission on September 7, 2010.

Pam Serrano, JJC Chairperson

Date

Dana Bunnett, LEF Inspection Chair

Date