



Juvenile Justice Commission
County of Santa Clara
840 Guadalupe Parkway
San Jose, California 95110
408-278-5993 Fax 408-294-6879

Santa Clara County Juvenile Commission
Inspection Report

Temporary Detention of Minors at Law Enforcement Agencies (LEAs)
For the Year of 2014

I. Introduction

Pursuant to Welfare and Institutions Code 209(b), a judge of the Juvenile Court or a delegated member of the local Juvenile Justice Commission (JJC) is required to inspect each law enforcement facility that “contain[s] a lockup for adults, which in the preceding calendar year, was used for the secure detention of any minor.” The Superior Court in Santa Clara County adopted Rule 1.P. of the Local Juvenile Rules of Court, which delegates responsibility to the Juvenile Justice Commission for the annual inspection of all LEAs in Santa Clara County that contain a lockup for adults which, in the preceding year, was used for the secure and non-secure detention of any minor. The rule further provides that the results of each inspection shall be presented in writing to the Presiding Judge of the Juvenile Court or the Supervising Judge of the Juvenile Justice Court during the calendar year.

The Board of State and Community Corrections (BSCC) sent a letter dated July 2, 2015 to the Presiding Juvenile Court Judge and the Juvenile Justice Commission Chair detailing the Welfare and Institutions Code (WIC) annual inspection requirements. Included in this letter was the following list of LEAs in Santa Clara County (SCC) that temporarily detained minors in 2014.

Juveniles Held in Detention 2014: SCC LEAs

Agency	Secure Detention
Campbell Police Dept.	13
Gilroy Police Dept.	5
Morgan Hill Police Dept.	3
Palo Alto Police Dept.	1
San Jose State Univ. Police Dept.	5
Santa Clara Police Dept.*	2
Sunnyvale Public Safety	1
TOTAL	30
*Santa Clara PD reported 3 months of data to BSCC.	

II. Juvenile Detention – Policy

When a juvenile falls under the provisions of WIC 602 and is arrested for a simple violation where community safety is not at risk—such as, a fight without weapons, public disturbance, or public

intoxication—the youth may be detained at the local law enforcement facility, cited, and subsequently released to a parent or guardian with a written promise to appear in court.

WIC 207.1(d)(1) authorizes law enforcement to hold a youth in temporary custody on the basis that the youth falls under the definition of WIC 602 and may be at risk of “harm to self or others.” Depending on the nature of the crime, juveniles are held in a secure or non-secure area at the LEA. In a non-secure area, the door is not locked, and if unattended, the youth would be able to walk out of the cell. Juveniles must be under constant or, in some cases, frequent observation (every 30 minutes) by the arresting officer, the police officer on duty, or a trained Multi-Service Officer.

A youth may be held in temporary custody in order to investigate the case or make arrangements for release to a parent or guardian or for transportation to Juvenile Hall (WIC 207.1(d)(1)(A)). However, the youth cannot be detained in an LEA longer than six hours (WIC 207.1(d)(1)(B)). After reviewing the legal exceptions to the six-hour limit, the only extension to the six-hour maximum period of detention applicable to Santa Clara County is the temporary unavailability of transportation due to inclement weather, acts of God or natural disasters. The Board of Corrections alone has the authority to grant this extension on an individual, case-by-case basis (WIC 207.1(d)(1)(B) and (f)(1)(A)).

The BSCC has specific guidelines to ensure that law enforcement agencies follow “minimum jail standards” to afford minors the same protections as adults.¹ Included in the BSCC guidelines is the requirement that law enforcement agencies make sure that juveniles understand the purpose of detention and “are provided with an orientation including the purpose of detention, length of stay and the six-hour time limit.” The BSCC is very clear that juveniles are:

1. Separated from any contact with adult inmates at all times.
2. Under constant supervision
3. Provided with snacks, water, blankets, toilet facilities and food.
4. Monitored every 30 minutes, with logs kept to reflect this.
5. Separated from juveniles of the opposite sex, unless under constant visual observation.
6. If intoxicated, handled according to written procedures developed by the detention facility.

The BSCC requires documentation regarding visual checks and the use of secure/non-secure detention logs, which list the offense, the reason for placing the minor in secure/non-secure detention, as well as the length of time the juvenile was detained.

III. Inspection Process

The Santa Clara County JJC developed an inspection questionnaire form similar to one created by the San Diego JJC, which was completed by the Commissioners during the inspections. This form was based on the “Inspection Handbook for Minors Detained in Adult Facilities,” May 2000, published by the Board of Corrections Facilities Standards and Operations Division. The handbook outlines the

¹ BCSS. **Minors in Detention Federal and State Requirements, A Guide for Police and Detention Officers.** January 2011. This is the companion to the youth in detention training video, cited below.

minimum standards established by Title 15, Division 1, Chapter 1, Subchapter 4, of the California Code of Regulations (CCR) for minors who are detained in adult facilities. The focus for the inspection is to ensure the safety and well-being of the juveniles while in temporary custody. Prior to the actual inspections, the Commissioners viewed the BSCC training video, "Detention of Youth, V2," on YouTube, which illustrated the Title 15 standards for law enforcement agencies.²

The JJC sent letters and emails to all the respective Chiefs of the Santa Clara County law enforcement agencies listed in the BCSS letter that held minor in temporary detention. In teams of two, the Commissioners conducted the inspection of LEA holding areas between October and December 2015. Prior to the issuance of this report, the LEAs were given an opportunity to review the report and provide any factual corrections or clarifications. The findings incorporate the LEA responses.

IV. Findings

The JJC found that all the LEAs were generally following the BSCC Guidelines and had a Policy and Procedures Manual specifically designed for juveniles. The law enforcement agencies were very informative, knowledgeable on policies and procedures, and professional. Depending on the demographics of the various cities, some may have more contact with juveniles, while others may have very little. Below are specific findings for the individual LEAs inspected:

- **Campbell PD**

- The posted signs in the juvenile detention area are now in English, Vietnamese and Spanish.
- This agency is in compliance with all other regulations and statutes.

- **Gilroy PD**

- On March 29, 2014 one minor was held in non-secure detention for 6 hours and 15 minutes. After several attempts, the agency was able to contact the mother, who refused to accept custody of the minor. No other relative was available. The minor was then transported to Juvenile Hall.
- In previous years, the Commissioners reported that a sign explaining detention procedures and the minor's rights was posted in the juvenile detention area. This year, the sign was missing. Since the inspection, the sign has been found and has been placed back on the wall. The sign is in English and Spanish and includes conditions of secure detention.
- The Commissioners observed that the page numbers listed in the Table of Contents of the Policy and Procedures Manual do not correspond with the content pages in the document. The agency indicated the page numbers would be corrected at the next scheduled Manual update.
- Procedures for transporting an intoxicated minor directly to the hospital prior to detention are not documented in the Policy and Procedures Manual. The agency has since reported a written procedure for the transportation of intoxicated minors will be added in the Manual.
- The department was in compliance with all other regulations and statutes.

- **Morgan Hill PD**

- The agency had not been uniformly using the latest revision of the log form dated January 2014. The agency has reported that the latest version of the logs is now in use.
- The department was in compliance with all other regulations and statutes.

² Access to the video can be found at http://www.bscc.ca.gov/s_fsoservices.php by selecting the expand button next to Youth in Adult Detention Facilities and clicking training video. The Commissioners found this video to be an important training tool. The companion workbook to the video is also available on this site.

- **Palo Alto PD**
 - The posted sign explaining procedures and minors' rights is now in English and Spanish. The agency might consider adding Vietnamese and Chinese to the posted sign if these languages represent the ethnicity of a significant proportion of the Palo Alto residents.
 - The department was in compliance with all other regulations and statutes.

- **San Jose State University PD**
 - The posted sign explaining procedures and minors' rights is now in English, Spanish and Vietnamese.
 - The department was in compliance with all regulations and statutes.

- **Santa Clara PD**
 - The posted sign explaining procedures and minors' rights is only in English. Bilingual officers are available for translation. Since the inspection, the agency stated that additional signs would be ordered in Spanish, Hindi, Vietnamese, Mandarin and Korean.
 - As was reported last year, the officers still do not read the statement of rights to detained minors during orientation. A directive will be sent to all officers reminding them of the requirement to read a statement of rights during the booking process. A box will be added to the logs to document that the statement has been verbally provided.
 - The agency does not hold minors at the detention facility in Levi Stadium. The minors are transported to the Santa Clara Police Department for processing.
 - The department was in compliance with all other regulations.

- **Sunnyvale Public Safety**
 - In previous years, the Commissioners reported that a sign explaining detention procedures and the minor's rights was posted in the juvenile detention area in English only. This year, the Commissioners reported the sign was no longer posted. Subsequent to the inspection, the agency informed the JJC that it has created and posted signs in English and Spanish. The signs are now in the detention processing and the non-secure areas where juveniles are held.
 - The department was in compliance with all regulations.

V. Commendations

The JJC would like to thank all of the LEAs for their cooperation and support in completing these inspections. All of the LEA staff accompanying the JJC inspection Commissioners were courteous, helpful, and forthcoming in their responses to Commissioners' questions.

The JJC found that all of the LEAs were clean, well organized, professional, and had policies relating to the detention of juveniles based on the Board of Corrections Facilities Standards and Operations Division.

The Commissioners found the LEAs efficiently processed juveniles. Depending on the seriousness of the offense, most agencies prefer to release the juvenile as soon as possible to a parent or responsible adult or transfer the juvenile to Juvenile Hall for processing. In all the LEAs that were inspected, law enforcement staff assured the Commissioners that precautions are taken to ensure minors are not exposed to adult prisoners whether held in secure or non-secure areas at the facility. Depending on the seriousness of the symptoms of intoxication or being under the influence of a drug, the law enforcement agencies transfer the youth to a hospital for immediate medical attention rather

than hold them in detention. If the juvenile is in need of psychiatric care, (s)he is transported immediately to a hospital.

The JJC noted that most LEAs have incorporated a 12-page document and policy entitled "Policy 324" which provides additional guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by law enforcement agencies. Policy 324 addresses many of the BSCC concerns for the safety and well-being of the juvenile while being detained, but also details other specific policies and guidelines that LEAs should follow based on the WIC and the CCR.

VI. Recommendations

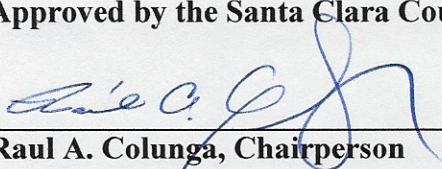
The JJC recommends:

1. LEAs comply with WIC 207.1(d)(1)(B) which limits the temporary detention of a juvenile to six hours. Any extension beyond the six-hour limit must meet the exception as provided in subdivision (f) of WIC 207.1 and authorized by BSCC.
2. Use of the latest version of non-secure and secure detention log sheets.
3. A review of Policy and Procedure Manuals to ensure that the Table of Contents for the Policy and Procedures Manuals conform to the content pages of the document and that the Manuals document all procedures used by the agency when detaining juveniles.
4. LEAs have readily available a copy of the applicable Fire Inspection Certification for review during future audit reviews.
5. That signs be posted in all areas where minors are detained and written in simple language explaining procedures and minors' rights, not only in English, but also in any languages that reflect the ethnicity of a significant proportion of the resident population in the jurisdiction. While signs are not required, the presence of the signs provides a visual statement of procedures and minors' rights and a reminder to the officers to orient the minor at detention.

VII. Summary

Based on this inspection, the Santa Clara County Juvenile Justice Commission believes that on the whole all the LEAs meet or exceed the BSCC recommendations and guidelines and Title 15 requirements for assuring the safety and good care of juveniles while in their facilities.

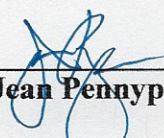
Approved by the Santa Clara County Juvenile Justice Commission on 2/10/2016



Raul A. Colunga, Chairperson

2/10/2016

Date



Jean Pennypacker, Chair, LEA Inspection

2/11/2016

Date