

**Juvenile Justice Commission**  
**County of Santa Clara**  
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**Santa Clara County Juvenile Commission**  
**Inspection Report**

**Temporary Detention of Minors at Law Enforcement Agencies (LEAs)**  
**For the Year of 2015**

The Juvenile Justice Commission (JJC) has completed its annual inspection of the Law Enforcement Agencies (LEAs) in Santa Clara County that held any minor in secure custody for the calendar year 2015. As a result of this inspection, which is described in detail below, the JJC makes the following:

**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.

The JJC noted that most LEAs have incorporated a 12-page document and policy entitled "Policy 324" which was updated in August of this year and 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 Board of State and Community Corrections (BSCC) concerns for the safety and well-being of the juvenile while being detained, and also details other specific policies and guidelines that LEAs should follow based on the Welfare and Institutions Code (WIC) and the California Code of Regulations (CCR).

The JJC commends all law enforcement agencies for not having any detentions greater than 6 hours and for, on the whole, doing visual checks on minors in 15 minute intervals, which is more frequent than required.

**Recommendations**

The JJC recommends:

1. That signs be posted in all areas where minors are detained and that they be 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. Having the signs in the minor’s primary language improves communication and avoids the appearance of discrimination.
  
2. That all LEAs document UPLIFT as the first choice for youth with mental health issues and that Emergency Psychiatric Services at Valley Medical Center should be a backup choice for transport.

**I. Introduction**

Pursuant to WIC 209(b), a judge of the Juvenile Court or a delegated member of the local 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 BSCC sent a letter dated June 10, 2016 to the Presiding Juvenile Court Judge and the Juvenile Justice Commission Chair detailing the WIC annual inspection requirements. Included in this letter was the following list of LEAs in Santa Clara County (SCC) that temporarily detained minors in 2015

**Juveniles Held in Detention 2015: SCC LEAs**

<b>Agency</b>	<b>Secure Detention</b>
Campbell Police Dept.	9
Gilroy Police Dept.	2
Los Gatos/Monte Sereno Police Dept.*	1
Morgan Hill Police Dept.	5
Palo Alto Police Dept.	3
San Jose State Univ. Police Dept.*	3
Santa Clara Police Dept.*	13
Sunnyvale Dept. of Public Safety	5
<b>TOTAL</b>	<b>49</b>
*Los Gatos/Monte Sereno, San Jose State and Santa Clara each only reported 11 months of data to BSCC.	
Mountain View only reported 3 months of data to BSCC, but follow up confirmed they held no minors in secure detention in 2015.	



## **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 holding facility. 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.<sup>1</sup> 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 must be:

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.

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<sup>1</sup> 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.

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 used 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 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.<sup>2</sup>

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 a minor in temporary detention. In teams of two, the Commissioners conducted the inspection of LEA holding areas during September and October 2016. Prior to the issuance of this report, the LEAs were given an opportunity to review the draft 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. A new concern for the Commissioners inspecting LEAs is that not all agencies understood or complied with the protocol requiring them to transport of youth in need of psychiatric care to UPLIFT, formerly Eastfield Ming Quong Families First (EMQFF), in Campbell rather than take them to Valley Medical Center (VMC) Emergency Psychiatric Services (EPS). This protocol was approved 5-20-14 by the Santa Clara County Mental Health Dept.

Below are specific findings for the individual LEAs inspected:

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#### **• Campbell PD**

- It is suggested that Campbell Officers who deal with juveniles be trained to direct their transport, as a first option, to UPLIFT for psychiatric care.
- Though the BSCC letter noted 9 secure detentions a review of those detentions found that one young person's secure detention was counted twice.
- The department was in compliance with all other regulations and statutes.

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<sup>2</sup> Access to the video can be found at <http://www.bscc.ca.gov/sfsoservices.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.



- **Gilroy PD**

- It is suggested that a Gilroy PD representative contact UPLIFT to request that Gilroy officers be included in the UPLIFT training program to assure that in the future youth in need of psychiatric care are transported to the appropriate facility.
- Commissioners confirmed with UPLIFT staff that Gilroy PD had been omitted from the initial training list.
- The department was in compliance with all other regulations and statutes.

- **Los Gatos/Monte Sereno PD**

- The department only reported eleven months to BSCC.
- There is no sign posted explaining procedures and the minor's rights.
- The department was in compliance with all other regulations and statutes.

- **Morgan Hill PD**

- The agency is now uniformly using the latest revision of the log form dated January 2014.
- The department was in compliance with all other regulations and statutes.

- **Palo Alto PD**

- The sign explaining procedures and minors' rights is no longer posted as it was in previous years (in English and Spanish.) It was previously suggested that the agency might consider adding Vietnamese and Chinese to the posted signage if these languages represent the ethnicity of a significant proportion of the Palo Alto youth brought into custody. Officers assisting the Commissioners no longer felt there was a need for Vietnamese or Chinese. The department reported that the detainee's rights and procedures were read to them.
- The department was in compliance with all other regulations and statutes.

- **San Jose State University PD**

- The department only reported eleven months to the BSCC.
- The department reported 3 minors held in secure custody to the BSCC, but review of their 2015 logs showed 4 secure detentions.
- The department was in compliance with all other regulations and statutes.

- **Santa Clara PD**

- The department only reported eleven months to BSCC.
- The posted sign explaining procedures and minors' rights is only in English. It was reported to the inspecting Commissioners that if further languages were necessary that translation was provided by phone.
- 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**

- The department promised to move the signage of procedures and minor's rights to the fingerprint area so that it would be more available to youth in custody.
- The department was in compliance with all regulations.

**V. Summary**

Based on this inspection, the Santa Clara County Juvenile Justice Commission believes that, with minor exceptions, 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 12/6/2016

  
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Raul A. Colunga, Chairperson

12/6/16  
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Date

  
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Victoria BurtonBurke, Chair, LEA Inspection

12/6/2016  
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Date