

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 2016

The Juvenile Justice Commission (JJC) has completed its annual inspection of the Law Enforcement Agencies in Santa Clara County that held any minor in secure custody for the calendar year 2016. 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 last 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 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 Welfare and Institutions Code (WIC) 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 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. It also recommends that the signs be posted at eye level and in type large enough to be easily read. While signs are not required, the presence of the signs provides a visual statement of procedures and youth's rights and a reminder to the officers to orient the minor at detention. Having the signs in the minor's primary language assures that all youth understand the procedures and their legal rights..
2. That all LEAs document their policies and procedures to show UPLIFT as the first choice for youth with mental health issues as approved by Santa Clara County Mental Health Department on 5-20-14; recognize that UPLIFT can assess and transport these minors; and that each LEA has an appropriate plan in place for the least traumatic transport of these youth.

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 March 23, 2017 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 2016

Juveniles Held in Detention 2016: SCC LEAs

Agency	Secure Detention
Campbell Police Dept.*	6
Gilroy Police Dept. *	6
Morgan Hill Police Dept.*	4
Palo Alto Police Dept.*	1
Santa Clara Police Dept.*	4
San Jose State Police Dept.	3
TOTAL	24
*Campbell, Palo Alto and Santa Clara each reported 11 months of data and Gilroy reported 10 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 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.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.

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.

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.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 a minor in temporary detention. In teams of two, the Commissioners conducted the inspection of LEA holding areas during June through August 2017. 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. A continuing concern for the Commissioners inspecting Law Enforcement Agencies is that though all inspected agencies understood the protocol regarding the transportation of youth in need of psychiatric care to UPLIFT, the issue of mode of transportation to UPLIFT and/or the ability of UPLIFT to come to the jurisdiction to do an assessment, and then if necessary medically transport youth to the UPLIFT facility was not consistent. This policy was approved by Santa Clara County Mental Health Department on 5-20-14. Following this policy assures that each LEA has an appropriate plan in place for the least traumatic transport of these youth.

Below are specific findings for the individual LEAs inspected:

- **Campbell PD**
 - The department only reported eleven months to the BSCC.
 - It is noted that Campbell Officers who deal with juveniles are now directed to transport as a first option to UPLIFT for psychiatric care and have a contract with ambulance service if there is a separate medical reason for the psychiatric transfer of youth. However,

² 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.

youth without separate medical need are handcuffed and transported to UPLIFT in the back seat of the police car.

- The signs listing the process of detention the youth's rights are located outside the detention rooms and are quite small and cannot be read easily by a youth in detention. It is recommended that the signage be updated with larger print and place within the detention areas.
- The department was in compliance with all other regulations and statutes.

○ **Gilroy PD**

- Gilroy Officers now contact UPLIFT for transport of youth to a Psychiatric Care Facility, once a youth has been determined to be in need of psychiatric care.
- Intoxicated youth are taken to the local hospital accompanied by an officer at all times and not taken to the Gilroy police department.
- It was determined that the Fire Inspection was out of date at the time the Commissioners inspected the facility, but an inspection took place shortly thereafter and the Commissioners were subsequently provided with a copy.
- Though there was signage advising the youth of the procedures, they were in small print and too high up to be easily read. It is recommended that the signage be updated with larger print and lowered to eye level.
- Gilroy complies with Policies 324, but they also have the treatment of youth elsewhere in the manuals that did not reflect the update of transportation of the youth with psychiatric needs to UPLIFT. It is recommended that these sections be updated.
- The department only reported 10 months to the BSCC.
- The department was in compliance with all other regulations and statutes.

○ **Morgan Hill PD**

- Intoxicated youth are taken to the local hospital accompanied by an officer at all times and not taken to the Morgan Hill police facility.
- Minors' rights are prominently displayed and in both English and Spanish.
- Youth that are determined to be in need of psychiatric care are transported by ambulance to UPLIFT, and if charged with an offense, are accompanied by an officer.
- The department was in compliance with all other regulations and statutes.

○ **Palo Alto PD**

- The most recent fire inspection was from February 2015 and should be updated.
- The sign explaining procedures and minors' rights was returned to display after being missing in the last inspection (in English and Spanish.) Signage in Mandarin is recommended based on the population of the city.
- The department does use UPLIFT as an alternative for minors in need of psychiatric help. If an ambulance is needed, it comes from and delivers to Stanford Hospital not UPLIFT, but they are aware of and have used UPLIFT's crisis support team in the city..
- The department only reported 11 months to the BSCC.
- The department was in compliance with all other regulations and statutes.

• **San Jose State University PD**

- It is recommended that the 6 hour maximum time limit for detention be added to the present signage for youth in the holding area.
- The Department uses Policy 324 and the policy manual update is in process.
- The protocol for youth under the influence to be transported to Valley Medical should be added to the policy manual.
- The documentation of a youth's release should show that the youth was released to the Receiving, Assessment and Intake Center (RAIC) and not the "Children's Shelter."
- The department only reported 11 months to the BSCC.
- The department was in compliance with all regulations and statutes.


• **Santa Clara PD**

- The department only reported 11 months to BSCC which reflected 4 secure detentions, but when the 12 month period was reviewed it showed 6 secure detentions.
- 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.

V. 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 _____



Jean Pennypacker, Chairperson

9/5/17

Date



Victoria BurtonBurke, Chair, LEA Inspection

9/5/17

Date