

**SANTA CLARA COUNTY
JUVENILE JUSTICE COMMISSION
INSPECTION REPORT**

**TEMPORARY DETENTION OF MINORS
IN LAW ENFORCEMENT FACILITIES
APRIL 2007**

INTRODUCTION

Juvenile Justice Commissions (JJC) in California annually inspect law enforcement facilities at which minors were detained for any length of time. The purpose of these inspections is to review policies and procedures as well as to inspect the juvenile processing areas within each facility. The Santa Clara County JJC conducted inspections of six law enforcement agencies within the County during March and April 2007. Included were the following agencies: Gilroy, Morgan Hill, Milpitas, Santa Clara and San Jose Police Departments and the Santa Clara County Sheriff's Department.

PROCEDURE

Two Commissioners conducted the inspections of the six jurisdictions which were prescheduled in order to review the process of what takes place when a minor is brought into the facility due to a law violation. Commissioners conducted a "walk through" at each facility to review what and how procedures are followed, examine the secure and non-secure detention logs, and view the physical surroundings. Reference was made to previous inspections to determine whether previous programs still exist, improvements have occurred and/or corrections have taken place relative to previous concerns. Agencies are asked about prevention and intervention programs being utilized.

JURISDICTIONS INSPECTED

Gilroy

When last inspected, Gilroy's new police facility was scheduled to be opened in early 2006. Delays have occurred and the new facility was now to be opened in April 2007. The police department's procedures manual relating to the "Temporary Custody of Juveniles" was revised in January 2006 and is posted with the Secure and Non-Secure Logs. Juveniles in custody enter the facility through the secure non-public entrance and are then taken to an interview room. An officer is with the juvenile at all times. If it is necessary to replace clothing, paper jumpsuits are available as is clean clothing donated by members of the community. A restroom is just a few feet away, and food and snacks are available. Juveniles are fingerprinted and photographed based on the nature of the offense. A probation officer continues to be assigned to the department and receives copies of the reports concerning each juvenile. Sight and sound separation from adults in custody is maintained at all times. There are two school liaison officers, a prevention

officer and an officer working diversion programs. A visit will be made to the new police facility when it opens.

Morgan Hill

When juveniles are brought to the facility, they enter through a secure non-public entrance and are placed in an interview room which is used for non-secure detention. The six rooms available can also be used for secure detention. Two other rooms with toilet facilities are maintained for secure detention and are located in another hallway. The juvenile is under constant personal observation with sight and sound separation from adults in custody being maintained. Fingerprinting and photos are a judgment call based on the offense. Secure and Non-Secure Logs are being used. Food, paper jumpsuits, and restrooms are available in the area. The department has two School Resource Officers (SROs). An SRO is assigned to each of the two high schools in the community and also works with the other schools as needed. The 43,023 sq. ft. facility, which replaced the old 10,000 sq. ft. facility four years ago, has greatly improved Morgan Hill's ability to handle juveniles.

It should be noted that runaways from the James Ranch are no longer considered a problem for the department. The construction of a fence and improved communications with the Probation Department appear to have resolved the issue.

Milpitas

Juveniles in custody are brought to the police facility in a vehicle which enters the garage area through a secure non-public entrance. They are placed in an unlocked interview room where someone is with them at all times. There is sight and sound separation from adults who may be in custody. Secure detention, accomplished by handcuffing, is only used if the juvenile poses a danger to himself or others. Secure and Non-Secure Logs are maintained. Snacks are available, as are paper jumpsuits when necessary. Restrooms are also available. A probation officer comes in twice each week to conduct hearings, and works with the Youth Services Bureau Sergeant who also conducts hearings. There are two SROs assigned to the high schools and one to the middle schools. An At-Risk Specialist is employed by the school district, with the secretary for this function housed at the police department. This provides direct contact between the police department and the school district. There are currently 13 citizens enrolled in a citizen police academy. The police science course developed by the department and offered at the high school is temporarily on hold due to the instructor being in Iraq. When the last inspection was made, 21 students were enrolled in the program.

Santa Clara

The Santa Clara Police Department's facility is still a model for what a police facility for a city of the size of Santa Clara should be. The juvenile area has its own entrance separate from in-custody adults and the detention area is also separate from the adult detention area. Sight and sound separation is well maintained. Secure and Non-Secure Logs are properly maintained. The department's manual is now computerized and updated every year with Juvenile Detention procedures readily available for officers.

The facility processed 144 juveniles in 2006. Juveniles in either secure or non-secure detention are under constant observation, with monitors also providing audible supervision. Food is available if needed, as are paper jumpsuits. Restrooms are easily accessible. The department has four school liaison officers, and three officers work the DARE program focusing on fifth grade. A probation officer is assigned to the department, and juveniles with minor offenses and citations are diverted to special programs.

San Jose

The San Jose Police Department's Pre-Processing Center (PPC) is a model for large departments in the handling of youthful offenders. In 2006, a total of 810 juveniles were handled in the PPC. It should be noted that all these juveniles were held in non-secure detention with constant visual and auditory supervision. In addition to the direct presence of an officer, closed circuit television at the main desk of the PPC provides constant visual observation. The condition of the facility was excellent with respect to appearance, maintenance, and equipment operation. The logs were inspected and were completed properly. They had also been inspected by the State just a few weeks prior to our visit, and no problems were found at that time. Digital clocks are located outside of each holding room to provide an audible alert if a safety check is to be conducted at certain times. Fingerprints and photos are taken of all juveniles processed.

It should be noted that a small change was made in the configuration of the Juvenile Pre-Processing section since the last inspection. A long counter runs down the center of the room in front of the holding rooms, and stools had been bolted to the floor on the side of the counter nearest the holding rooms. Thus, anyone using these stools when filling out forms would have had his or her back to the unlocked holding rooms. It became apparent that this could result in someone leaving a holding room and possibly attacking an officer from behind. The stools have been relocated to the opposite side of the counter so that all seating now faces the holding rooms, precluding such an event. Even though no such attack had ever occurred, safety of the juveniles and the officers is of constant concern.

No discrepancies were noted during the inspection and the facility continues to meet all standards regarding the processing of youthful offenders. It was noted that "caregiver calls" have been added to the phone calls allowed a juvenile in custody.

Santa Clara County Sheriff's Department

The Sheriff's Department was visited to verify if mutually agreed upon standards for the completion of the Secure and Non-Secure Logs were taking place. The logs were reviewed and are being maintained for the JJC exclusively since the State no longer requires the Sheriff to forward these reports. A walk through was conducted, and interview rooms used for non-secure detention were found to be in excellent condition. Rest rooms, snacks, and paper jump suits are available. Juveniles who are detained are under constant observation. Sight and sound separation is maintained with interview rooms in different areas being used to separate juveniles and adults as necessary.

Commissioners are satisfied that the Sheriff's Department processes juvenile offenders properly.

SUMMARY STATEMENT

Commissioners followed the same procedures for each jurisdiction. The administration and staff of each agency were cooperative and serious about their obligations concerning the handling of juvenile offenders. There was a positive atmosphere of mutual sharing of information, experiences, and concerns. No problems were noted in any facility.

The Commission has a high regard for the law enforcement agencies in Santa Clara County and recognizes and appreciated the work that each agency accomplishes on behalf of the youth of this County.

Approved by the Santa Clara County Juvenile Justice Commission on June 5, 2007.

William J. Scilacci, JJC Chairperson

Date

Arthur E. Knopf, JJC Inspection Chair

Date