

County of Santa Clara

Probation Department

Juvenile Hall
840 Guadalupe Parkway
San Jose, California 95110

Administrative Offices
840 Guadalupe Parkway
San Jose, California 95110



Laura Garnette
Chief Probation Officer

September 19, 2016

Raul Colunga
Juvenile Justice Commission
840 Guadalupe Parkway
San Jose, CA 95110

Re: Response to the 2016 Juvenile Justice Commission Inspection Report on Juvenile Hall

Dear Chairperson Raul Colunga,

The following is a response to the Juvenile Justice Commission Inspection Report and Recommendations prepared April 2016 on the Santa Clara County Juvenile Hall Facility.

The Commission members' dedication to safe, sound and healthy conditions for our youth is appreciated and viewed as important by the Probation Department. Your comprehensive report reflects the significant effort and time committed to reviewing the policies and practices of the Juvenile Hall.

The responses below are enumerated in a manner that is consistent with the inspection report.

Recommendation One (Behavior Management): As in 2015, it is recommended that the Probation Department create ongoing evaluation methods for Behavior Management and for Community Based Organization programs.

Response: As in 2015, Probation agrees an on-going evaluation method to assess the Behavior Management program and improving the evaluation process for Community Based Organization programs in Juvenile Hall is desired. However, last year our Director of Research and Evaluation took another position, as the Director of Cultural Competency in the County Executive's office. Along with her departure, several projects were placed on hold. As such, the existing research and evaluation staff have been working diligently to maintain effective and efficient responses to the Department's existing projects. Fortunately, with the new Director of Research and Evaluation, recently hired in August of this year, Probation will explore ways to develop an ongoing process for evaluating programs in Juvenile Hall this fiscal year.

Recommendation Two (Education): The Probation Department consider alternate times for services to allow youth to take advantage of tutoring programs.

Response: This issue has been resolved with communication and program flexibility. Once Probation became aware of the conflict with the Garden project, the tutoring was reallocated to a different day and youth are now able to take advantage of both programs.

Recommendation Three (Facilities):

- a. The commission requests that the Santa Clara County Fire Marshall or the Santa Clara County Fleet and Facilities reports be forward to the JJC within the next 90 days.

Response: On August 26, 2016, Probation submitted copies of the Santa Clara County Fire Marshall report and the Santa Clara County Fleet and Facilities report to the Juvenile Justice Commission.

- b. As in 2015, it is recommended that funds be allocated in 2016 to correct the issues identified by the JJC and Probation Department to correct and upgrade the identified equipment, heating and air conditioning issues in the Control Room.

Response: The Juvenile Hall security and the security needs of other County facilities are the subject of a comprehensive facility security assessment lead by specialized staff in the Santa Clara County Sheriff's Office with technical support from Santa Clara County Fleet and Facilities staff. The Board of Supervisors provided funding for this assessment, plus set aside two reserves to help address needs identified or confirmed by the assessment. The first reserve is \$1.5 million ongoing net cost for County facility security enhancements such as security personnel. The second reserve is \$3 million one-time net cost for surveillance and security capital project needs. The County's assessment process is well on it way, however, Probation's assessment may not be completed this year. In effect, the county assessment team does not have adequate information at this time to project when the Juvenile Hall assessment is slated to begin, and in fact, have been told it might be two years from now

Recommendation Four (Health and Hospitals):

- a. The Health and Hospital Services agency (HHS) investigate the opportunity to provide some limited medical services to those justice-involved youth not in Juvenile Hall but who return periodically to the Juvenile Court.

Response: Effective June 3, 2016, a medical outreach program has been established for justice involved youths in the juvenile court area. This pilot project provides nursing triage to all minors reporting to the court whose parents have granted consent for their child to receive nursing services. During the pilot project, nurses will offer parents the ability to select providers as their children's PCP, which would allow for continuity of care and the medical record within SCVHHS once the Epic Electronic Health Record (a.k.a. Healthlink) project goes live.

- b. The Probation Department and HHS together develop a plan to implement available appropriate health information technology tools and patient-accessible online portals for all justice-involved youth.

Response: The Epic project commenced in February 2016 and is anticipated to go live on November 7, 2016. The implementation team is planning to use one of the functionalities, "MyHealth Online" as a patient access portal. Nursing staff will help youths set up a MyHealth Online account as part of the release process. The account will remain open to the youth after their release.

- c. As in 2015, it is recommended that the HHS re-examine the potential benefits of independently funded data collection and analysis programs related to juvenile medical data.

Response: The Juvenile Hall medical clinic strives to provide the best evidence-based, comprehensive health care possible for the high-risk, underserved youth involved in the juvenile justice system. The Juvenile Hall medical clinic is working with Santa Clara Valley Health & Hospital System Information Services Department to examine the data workflow as part of the Epic project, which would assist in data collection and analysis. There are many efforts underway in Santa Clara County regarding improving data and analysis, including work with Information Services, the Pay for Success pilots, as well as the Center for Population Health Improvement; these relationships could extend to Juvenile Hall as necessary.

d. Complete the B2 unit examination room within 90 days.

Response: The B2 unit exam room opened on August 1, 2016.

Recommendation Five (Policies and Procedures):

a. Sections 5.01, 5.03, & 5.04 be revised to eliminate references to the use of OC (Oleoresin Capsicum) spray, commonly known as “pepper spray.”

Response: Section 5.01 of the policy and procedure manual was revised to eliminate references to the use of Oleoresin Capsicum (OC) spray in Juvenile Hall use of force. Section 5.03 of the policy and procedure manual was updated referencing the use of OC spray only by Supervising Group Counselors and Group Counselors assigned to the Transportation and the Community Release/Electronic Monitoring Programs, who have successfully completed the appropriate departmental training. Section 5.04 of the policy and procedure manual was revised to eliminate references to the use of OC spray in Juvenile Hall room extractions.

b. A tracking mechanism be employed to ensure consistency and currency between the online and hard-copy versions of the Manual.

Response: Probation agrees with the Commission that a tracking process needs to be employed to ensure consistency and currency between the on-line and hard-copy versions of the Juvenile Hall Policy and Procedures Manual. The Juvenile Hall Quality Assurance Unit, under the director of Probation Manager Robert Young, has been assigned to the project. Estimated time for the project to be completed is the second quarter of this fiscal year.

Recommendation Six (Grievances): Probation Department assigns tracking numbers to the Appeals submitted by youth to coordinate them with the Incident Report so that those reviewing the Appeals and Incident Reports can understand the totality of the incident.

Response: Probation has completed its review of the Institutional Discipline Appeal form. Subsequently, the Institutional Discipline Appeal form was revised to reference an associated Incident Report (IR) number, if applicable. However, not all disciplines are associated with an IR. Therefore, appeals that are not associated with an IR will specify the date the discipline was received and documented in the unit Behavior Log. Behavior Logs will be retained for two years. The use of the revised Institutional Discipline Appeal form will be effective October 1, 2016.

Recommendation Seven (Education): The SCCOE in cooperation with Probation create written policies or procedures for the Osborne School.

Response: In collaboration with the Santa Clara County Office of Education (SCCOE), Probation revised the Educational Services/Osborne School policies and procedures (Section 12.03). The new policies and procedures went into effective August 30, 2016. Youth who have not otherwise obtained

their high school diploma (or GED) must attend school. The educational services provided by the SCCOE will meet or exceed the Board of State and Community Corrections (BSCC) Title 15 standards.

The Probation Department recognizes and understands the significant role of the Commission and supports the efforts to ensure proper conditions of confinement of youth are adhered to. We are always grateful for the opportunity to clarify questions and provide responses in any and all areas.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Garnette', with a stylized flourish at the end.

Laura Garnette
Chief Probation Officer

c: Jeff Smith, County Executive
Martha Wapenski, Deputy County Executive
Honorable Katherine Lucero, Presiding Judge
Cheryl Stevens, County Counsel
Jermaine Hardy, Deputy Chief Probation Officer