Juvenile Justice Commission

San Diego County

COMMISSIONER HANDBOOK

This document can also be found online at:

www.sdcounty.ca.gov/jjc

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Meeting Dates for 2012

Full Commission meetings are held the
first Wednesday of every month.

Jan.	4	Full Commission Meeting
Jan.	18	*Quarterly Public Meeting*
Feb.	1	Full Commission Meeting
Mar.	7	Full Commission Meeting
April	4	Full Commission Meeting
April	18	*Quarterly Public Meeting*
May	2	Full Commission Meeting
June	6	Full Commission Meeting
~~July~~	~~4~~	*Holiday* - Full Commission Meeting (will combine with July 18 PubMtg)
July	18	*Qrtly Public/Awards Reception*
Aug.	1	Full Commission Meeting
Sep.	5	Full Commission Meeting
Oct.	3	Full Commission Meeting
Oct.	17	*Quarterly Public Meeting*
Nov.	7	Full Commission Meeting
Dec.	5	Full Commission Meeting

FULL COMMISSION MEETINGS – **12:00 Noon** (1st Wednesdays)
Catalina Room – our bldg, 2nd Floor

QUARTERLY PUBLIC MEETINGS - **12 – 1 p.m.** (3rd Wednesday)
Santa Barbara Room

BYLAWS OF THE
JUVENILE JUSTICE COMMISSION
OF SAN DIEGO COUNTY

Adopted February 2, 2011

PURPOSE

The Juvenile Justice Commission of San Diego County is a state-mandated, court-appointed citizens' commission. Its purpose is to inquire into the administration of juvenile court law in San Diego County, to provide leadership for citizen action and to promote an effective juvenile justice system operated in an environment of credibility, dignity, fairness and respect for the youth of San Diego County.

These bylaws are intended to supplement the governing provisions of State law and to aid the Commission in more effectively discharging its statutory duties and responsibilities. If one part of these bylaws is found to be invalid because it conflicts with State Law, no other part of these bylaws shall be affected by such finding of invalidity.

ARTICLE I. STATUTORY AUTHORITY AND DUTIES

Section 1. Authority. The Juvenile Justice Commission of San Diego County ("Commission") is established pursuant to the provisions of Sections 225 to 231 of the California Welfare and Institutions ("W&I") Code.

Section 2. Duties. In accordance with the provisions of the W&I Code and with California Penal Code Section 6030, the Commission has the following statutory duties and authority:

A. To inspect no less frequently than once a year all publicly administered institutions, including Juvenile Hall and Ranch facilities, authorized or whose use is authorized by the Arnold-Kennick Juvenile Court Law (Chapter 2 (beginning with Section 200) of Division 2 of the W&I Code), to inspect annually any jail or lockup within the County that is used for the confinement of any minor for more than 24 hours, and to report the results of such inspections in writing to the Juvenile Court and to the California Corrections Standards Authority (W&I Code Section 229);

B. To inquire into the operation of any group home in the County that serves wards or dependent children of the Juvenile Court in order to review the safety and well-being of the wards and dependent children (W&I Code Section 229.5);

C. To inquire into the administration of juvenile justice in a broad sense including, but not limited to, the operations of the Juvenile Court, Probation Department, Social Services Agency and any other agency involved in juvenile delinquency or dependency (W&I Code Section 229);

D. To prepare and issue an annual report on the administration of the juvenile court law in San Diego County;

E. To make recommendations to the Presiding Judge of the Juvenile Court and to send copies of the recommendations to designated department heads for a response;

F. To publicize the findings and recommendations of the Commission (W&I Code Section 230);

G. To ensure that needed services are identified, developed and provided for the children and youth of the County (various W&I Code sections);

H. To hold public hearings on all matters affecting the administration of the juvenile court law in San Diego County. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documents at such hearings;

I. To investigate complaints brought against the administration of the juvenile court law in San Diego County;

J. To investigate citizen complaints which involve Children's Services of the Health and Human Services Agency and the Juvenile Probation Services of the Probation Department;

K. To propose, endorse or oppose State legislative or administrative proposals which would have an impact upon the administration of juvenile court law in San Diego County;

L. To work with State and local governmental, legislative and administrative agencies for the improvement of the administration of the juvenile court law in San Diego County;

M. To develop cooperative programs on juvenile delinquency with the San Diego County Commission on Children, Youth and Families (SDCCCYF);

N. To advise the California Corrections Standards Authority concerning security, rehabilitation programs, recreation, and the treatment of persons confined in correctional facilities (Penal Code Section 6030); and

O. To consult with the Chief Deputy Secretary for the Division of Juvenile Justice of the California Department of Corrections and Rehabilitation concerning the operation and maintenance of the Juvenile Hall (W&I Code Section 1760.7).

ARTICLE II. MEMBERSHIP

Section 1. Number. The Commission shall consist of not fewer than seven nor more than fifteen citizens. Two or more members shall be persons who are between 14 and 21 years of age, subject to their availability to serve and to carry out the duties of a Commission member in a manner satisfactory to the appointing authority (W&I Code Section 225).

Section 2. Appointment. Members of the Commission are appointed by the Presiding Judge of the Superior Court with the concurrence of the Presiding Judge of the Juvenile Court. Recommendations to the Presiding Juvenile Court Judge for membership on the Commission shall be made by the Commission through the Membership Committee. Referrals for consideration and review by the Membership Committee and the Presiding Judge may be made by community groups, elected or appointed public officials or by private citizens.

Section 3. Term of Office. The term of office is four years. Members may be re-appointed at the discretion of the Court.

Section 4. Vacancies. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee filling such vacancy shall hold office for the unexpired term of his or her predecessor.

Section 5. Qualification. Each person appointed shall appear before the appointing judge or his/her designee and qualify by taking an oath to faithfully perform the duties of a member of the Commission. The qualification of each member shall be entered in the records of the Commission.

Section 6. Resignation. Any member desiring to resign from the Commission shall submit his/her resignation in writing to the Chairperson of the Commission with a copy to the Presiding Juvenile Court Judge.

Section 7. Attendance. The attendance of members shall be taken and recorded in the minutes of all Commission meetings. If any member is absent for three consecutive meetings,

a review of that member's status will be undertaken by the Chairperson. The Chairperson shall notify the Presiding Juvenile Court Judge of his or her findings and shall recommend appropriate action.

Section 8. Committee Participation. Each Member is expected to participate as a team member on at least one scheduled juvenile institution inspection and one scheduled jail and/or lock-up inspection during each fiscal year, and to serve on standing or ad hoc committees as needed.

ARTICLE III. OFFICERS

Section 1. Title and Term of Office. The officers of this Commission shall be a Chairperson, a Vice Chairperson and a Second Vice Chairperson, who shall serve one year terms. Officers may be elected to more than one term in office but may serve no more than two consecutive terms in the same office. The San Diego County Chief Administrative Office shall provide administrative staff and clerical support to assist the Commission in carrying out its mandate. The classification titles shall be one Administrative Officer and one Juvenile Justice Commission Assistant.

Section 2. Elections. Officers shall be elected at the regularly scheduled Commission meeting in June of each year and shall take office on July 1 of each year.

Section 3. Vacancies. If the Chairperson's position becomes vacant or in the absence of the Chairperson, the Vice Chairperson shall assume that role. In the event of a vacancy in both the offices of the Chairperson and the Vice Chairperson, an election for those two offices shall be held at the next regularly scheduled meeting. In the event of a vacancy in the Second Vice Chairperson position, the Chairperson shall appoint a member to complete the annual term of that office.

Section 4. Temporary Absence. In case of the absence of the Chairperson, the Vice Chairperson and the Second Vice Chairperson at any meeting of the Commission, the members present shall select a Chairperson pro tem.

ARTICLE IV. DUTIES OF OFFICERS

Section 1. Chairperson. The Chairperson shall preside at all meetings of the Commission and shall perform such duties as pertain to this office, including being the primary point of contact for the Commission. The Chairperson shall notify the Court of any vacancies and the attendance status of members. The Chairperson may nominate committee chairpersons as necessary to ensure that the Commission fulfills its mission and mandates. The Chairperson shall oversee the completion of an annual

report that summarizes the Commission's activities during the year in which he/she serves as Chairperson.

Section 2. Vice Chairperson. The Vice Chairperson shall preside at all meetings of the Commission in the absence of the Chairperson and shall perform such additional duties as may be assigned. The Vice Chairperson shall chair the Membership Committee and shall coordinate special projects as requested by the Chairperson.

Section 3. Second Vice Chairperson. The Second Vice Chairperson shall be responsible for presiding at meetings of the Commission in the absence of the Chairperson and Vice Chairperson. The Second Vice Chairperson shall chair the Critical Incidents Committee and shall coordinate special projects as requested by the Chairperson.

ARTICLE V. MEETINGS

Section 1. Open Meetings. The Commission is an adjunct of the State judiciary and is therefore not subject to the open meeting requirements of the Ralph M. Brown Act (California Government Code Sections 54950 et seq.). The Chairperson may close any regular or special meeting to the public as is deemed necessary and appropriate.

Section 2. Meeting Time. The regular meeting of the Commission shall be held on the first Wednesday of each month at 12:00 noon unless otherwise scheduled by the Chairperson. These meetings may be open to the public. Quarterly meetings are open to the public and are held on the third Wednesday of January, April, July and October, respectively, at 12:00 noon unless this date falls on a legal holiday, in which case the meeting will be held on the fourth Wednesday in such place within San Diego County as the Commission shall designate. A schedule of meeting times, dates and places shall be promulgated from time to time by the Commission.

Section 3. Location. The Commission shall meet at the Juvenile Probation Office, 2901 Meadow Lark Drive, San Diego, California.

Section 4. Special Meetings. Special meetings of the Commission shall be open to the public and may be called at any time and place within the County as designated in the notice and call of the special meeting. A special meeting may be called by the Chairperson or by any three members on twenty-four hours written notice unless such notice is waived by all members of the Commission. Waiver of this requirement by each member of the Commission shall be noted in the minutes of the special meeting. Nothing in this section shall be construed to prevent the convening authority of the special meeting from closing any special meeting of the Commission to the public if such closure is ordered in the call of the meeting, as long as closure is not inconsistent with the laws of the State of California. A majority vote of the

Commission may order any special meeting open to the public at any time on majority vote.

Section 5. Quorum. A quorum for the transaction of business shall consist of no fewer than five members. If no quorum is present, the official meeting shall be adjourned. If those present choose to remain, all discussions shall be considered informal and no motions shall be considered.

Section 6. Agenda. The Chairperson shall approve an agenda for each regular meeting of the Commission that shall be distributed to each member of the Commission at least four business days in advance of each regular meeting. Nothing in this section shall be construed to prohibit the introduction of agenda items, which through the exercise of due diligence could not have been placed on the agenda and which require early action by the Commission. Members of the Commission desiring to place items on the agenda should contact the Chairperson. Any member of the Commission at any meeting may bring up items introduced solely for informational purposes and which involve no request for immediate action by the Commission.

Section 7. Non-member matters. Requests for non-members to discuss a matter before the Commission should be received ten days prior to the meeting date.

Section 8. Youth welfare matters. Written requests or an oral petition concerning a youth's welfare shall be presented at a meeting of the Commission.

Section 9. Commission business. Commission business and the business of its committees shall be decided by a majority vote of the members present at a regular meeting at which there is a quorum, except as specified elsewhere in these bylaws.

Section 10. Suspension of the order of business. The order of business may be suspended at any time during any meeting of the Commission by a majority vote of the members present.

Section 11. Records. The official record of Commission meetings shall be known as the minutes and shall be a record of actions taken by the Commission. The assigned Juvenile Justice Commission staff person shall record the minutes of all meetings of the Commission and shall handle Commission correspondence. The Juvenile Justice Commission staff keeps the roll, certifies the presence of a quorum, maintains a list of all active members and keeps records of actions as they occur at each meeting. It is the staff's responsibility to ensure that the posting of meeting notices in a publicly accessible place for 72 hours prior to the Commission meetings occurs, to keep a record of such posting and to reproduce and distribute the Commission notices and minutes of all meetings.

Section 12. Critical Incident Reports. In order that the Commission may meet its responsibilities under the Welfare and Institutions Code, the following procedures shall be followed by the Chief Probation Officer and the Director, Health and Human Services Agency, for bringing to the Commission's attention serious incidents or conditions affecting the children who come within the jurisdiction of the Juvenile Court.

For minors confined in juvenile detention facilities or placed in emergency shelter homes, or supervised on probation or under the supervision of the Director, Health and Human Services Agency, the Commission Chairperson and the Commission Administrative Officer shall be notified within 24 hours of the incident, excluding weekends or holidays, of any of the following circumstances:

A. Fatalities. Death of a minor, regardless of the manner of death, i.e., suicide, homicide, accident, natural causes or undeterminable;

B. Near fatalities, serious bodily harm and suicide attempts. Any near fatality or serious bodily harm of a minor, including all attempted suicides with overt gestures, all attempted homicides and any accident, injury or illness that requires admission to a hospital or psychiatric facility. The Juvenile Justice Commission wishes to be informed of the instance or injury regardless of the cause, including injuries caused by other minors or employees or contractors acting within the scope of their assigned duties;

C. Criminal conduct of employees, contractors or caretakers that relates to minors. Any allegation of misconduct which has been referred for investigation because any employee, contractor or any person providing care for a minor has allegedly committed a criminal act which involves the welfare of a minor or relates to the minor directly. This includes all instances where the employee, contractor or caretaker's alleged criminal act would have jeopardized the safety of a minor (for example, if an employee is accused of transporting a minor in a motor vehicle while the employee is intoxicated). The Juvenile Justice Commission wishes to be informed of all instances of child abuse or neglect or alleged child abuse or neglect, including all instances where the employee, contractor or caretaker's alleged conduct would require an individual who is designated a "mandated reporter" under the Child Abuse and Neglect Reporting Act [California Penal Code Sections 11164 to 11174.3] to make a report. Reports made under this sub-section can consist of a synopsis of events without identifying names.

D. Serious acts of violence between youth. All serious acts of violence between minors including serious physical assaults, all instances of sexual contact, aggression or violence, any act of physical aggression involving three or more minors, or any circumstance that required riot protocols to be implemented.

"Serious" is defined as a reportable crime resulting in injury requiring medical attention. Statistics will be provided to the Juvenile Justice Commission on a quarterly basis;

E. Serious injuries to employees, contractors or caregivers. All serious injuries to employees, contractors or caregivers that were caused by minors and all serious injuries to employees, contractors or caregivers that were the result of the intentional or negligent actions or other employees, contractors or caregivers or that were the result of a failure to follow written policies and procedures. "Serious" is defined as incidents resulting in injury requiring medical attention. Statistics will be provided to the Juvenile Justice Commission on a quarterly basis;

F. Incidents that require intervention with a weapon or chemical agent. All instances where a weapon or chemical agent, such as oleoresin capsicum (OC/pepper) spray, is used to gain control over a minor or other individual. Statistics will be provided to the Juvenile Justice Commission on a quarterly basis;

G. Public health risks. All serious public health risks within a juvenile institution or emergency shelter home, including instances where a minor tests positive for tuberculosis or other highly communicable diseases;

H. High profile incidents. All high profile incidents, including incidents that generate media attention or that can reasonably be expected to generate media attention, incidents that are referred to high level County officials, such as the Board of Supervisors or the Chief Administrative Officer, or incidents which are likely to precipitate a lawsuit. The Juvenile Justice Commission requests to be informed of any incident, report or finding that may generate media interest prior to the release of information to the media or prior to media publication whenever possible. Reports made under this sub-section can be a synopsis of events without identifying names;

I. Evacuations. Any condition of a facility in which minors under the jurisdiction of the Juvenile Court are placed which requires evacuation or relocation of such minors, or otherwise affects their safety or welfare; or

J. Other Incidents. Any other incident of which the Chief Probation Officer or Director, Health and Human Services Agency, determines the Commission should be notified because it relates to the health or welfare of minors under their supervision (e.g., escapes, staff job action; breaches of security).

The need for written incident or progress reports will be determined by the Chairperson or by the full Commission. Any records that are kept by the Chief Probation Officer or the Director, Health and Human Services Agency, will be made available to members of the Commission upon receipt of form, "Request to Review Records and Order Thereon."

ARTICLE VI. COMMITTEES

Section 1. Committees. The Commission may establish ad hoc or standing committees of its membership to perform fact-finding functions in any matter under the jurisdiction of the Commission. The Commission Chairperson shall appoint a committee chairperson from one of the membership of the Commission for each committee established. A committee may have members other than persons who are members of the Commission.

A committee shall report its findings of fact to the Commission at a meeting of the Commission, at which time the whole Commission shall consider the findings of fact contained in the report. All committee meetings shall be open to any member of the Commission.

Section 1. Membership Committee. The Commission Chairperson shall appoint a Membership Committee, which shall be led by the Vice Chairperson. The Membership Committee shall support recruitment efforts, shall review the bylaws and the New Member Binder annually and shall be available to provide guidance and training for new members.

Section 2. Critical Incident Committee. The Commission Chairperson shall appoint a Critical Incident Committee, which shall be led by the Second Vice Chairperson. The Critical Incident Committee shall review critical incident reports from Child Welfare Services and Probation, shall request additional information as appropriate, and shall report trends and concerns to the full Commission.

Section 3. Court Observation Committee. The Commission Chairperson shall appoint a committee chair and members of the Court Observation Committee. The Committee shall observe juvenile court proceedings on a quarterly basis and report to the full Commission.

Section 4. Awards Committee. The Commission Chairperson shall appoint a chair and members of the Awards Committee no later than the regular March meeting. The Awards Committee shall select the recipients of the awards, with the approval of the full Commission, and shall work closely with the Commission Secretary to

coordinate the Juvenile Justice Commission Awards Ceremony to be held annually in July.

Section 5. Inspection Teams. The Commission Chairperson shall appoint inspection teams for juvenile institution inspections, jail/lock-up inspections, and other inspections as deemed necessary and appropriate.

Section 6. Ad Hoc Committees. The Commission Chairperson may appoint ad hoc committees as necessary to fulfill the mission and mandate of the Commission. Any member may recommend the creation of an ad hoc committee.

ARTICLE VII. RELEASE OF INFORMATION

Section 1. Communications. The Chairperson of the Commission or other commissioner designated by the Commission shall be the spokesperson with County agencies and/or personnel as well as with the media. All press or media contacts shall be referred to the Chairperson.

Section 2. Correspondence. All correspondence on behalf of the Commission shall be sent only with the approval of the Chairperson or with the approval of a majority of Commissioners voting at a regularly scheduled meeting at which a quorum is present. Correspondence shall reflect the title of Chairperson.

Section 3. Individual Commissioners. Individual members acting in their own individual capacities have no authority to commit the Commission to any policy determination or course of action unless the Commission has previously authorized or subsequently ratified such act by an individual member of the Commission. Nothing in this section shall be construed to prevent members from expressing themselves as individuals, but such action should, where appropriate, include a disclaimer that such expression is made in an individual capacity and not as an official statement for the Commission.

ARTICLE VIII. PLANS AND ANNUAL REPORT

Section 1. Plans. At a special meeting held between July and September of each year, the Commission shall formulate its goals and objectives for the ensuing year.

Section 2. Annual Report. The Chairperson of each standing and ad hoc committee shall, in May of each year, submit to the Chairperson of the Commission a report on the activities of that committee during the year just ending. The Chairperson shall collate the committee reports into a Commission report and submit it to the incoming

Chairperson. The Chairperson shall incorporate the approved goals and objectives into the prior year's Annual Report for publication. Copies of the Annual Report shall be sent to the Presiding Judge of the Juvenile Court, the State Corrections Standards Authority, the Board of Supervisors and to others as directed by the Commission.

ARTICLE IX. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order shall guide the Commission in all cases to which they are applicable to the extent they are not inconsistent with these bylaws or any specific rules of order that the Commission may adopt.

ARTICLE X. AMENDMENT OF BYLAWS

This Commission shall review these bylaws annually to ensure that they conform to applicable laws. These bylaws may be amended at any regular meeting by two-thirds of the members in attendance, provided that the amendment to be voted upon was submitted in writing at the previous regular meeting of the Commission and is listed on the agenda as an item for discussion. All previous bylaws are hereby superseded.

Adopted by the Commission this 2nd day of February, 2011.
Revised June 1, 2011.

Kathleen K. Edwards, EdD
Chairperson

DELINQUENCY & DEPENDENCY CALENDARS 2011 Effective March 1, 2011

DEPARTMENT	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1 Bashant (Presiding)	**8:30 AM** **2:00 PM** DEP. DRUG COURT	**8:30 AM** **2:00 PM** DEP. DRUG COURT	**8:30 AM** **1:30 PM** DUAL CASES 827 DISCLOSURES MENTAL COMPETENCY	**8:30 AM**	**8:30 AM** CITATIONS (2ND & 4TH FRIDAYS) **1:30 PM** ADOPTIONS **2:00 PM** " **2:30 PM** " **3:00 PM** "
2 Caietti (Asst. Presiding)	**8:30 AM** DELINQUENCY DETENTIONS **1:30 PM** TRIALS	**8:30 AM** DELINQUENCY DETENTIONS **1:30 PM** TRIALS	**8:30 AM** DELINQUENCY DETENTIONS **1:30 PM** TRIALS	**8:30 AM** DELINQUENCY DETENTIONS **1:30 PM** TRIALS	**8:30 AM** DELINQUENCY DETENTIONS **1:30 PM** TRIALS
3 Kapiloff and Pro Tems (Delinquency & Dependency)	**8:30 AM** DELINQUENCY TRIALS 1:30 PM	**8:30 AM** DELINQUENCY TRIALS **1:30 PM**	**8:30 AM** DELINQUENCY TRIALS **1:30 PM** PROBATION VIOLATIONS	**8:30 AM** DEPENDENCY SCOs (Pro Tem) 1:30 PM DEPENDENCY SCOs (Pro Tem)	**8:30 AM** DELINQUENCY TRIALS **1:30 PM** DELINQUENCY TRIALS
4 Willis (Delinquency)	**8:30 AM** STANDARD CALENDAR **1:30 PM** TRIALS	**8:30 AM** STANDARD CALENDAR **1:30 PM** SARB/Truancy CALENDAR	**8:30 AM** STANDARD CALENDAR **1:30 PM** OPEN FOR TRIALS	**8:30 AM** STANDARD CALENDAR **1:30 PM** TRIALS	**8:30 AM** STANDARD CALENDAR **1:30 PM** SARB/Truancy CALENDAR in South County

Updated 03/08/2011

DELINQUENCY & DEPENDENCY CALENDARS 2011 Effective March 1, 2011

DEPARTMENT	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
7 Armour (Delinquency)	**8:30 AM** STANDARD CALENDAR **1:30 PM** SETTLEMENT CONFERENCES	**8:30 AM** STANDARD CALENDAR **1:30 PM** SETTLEMENT CONFERENCES	**8:30 AM** STANDARD CALENDAR **1:30 PM** OPEN FOR TRIALS	**8:30 AM** STANDARD CALENDAR **1:30 PM** SETTLEMENT CONFERENCES	**8:30 AM** STANDARD CALENDAR **1:30 PM** TRIALS
8 Moring (Delinquency & Adult filings)	**8:30 AM** STANDARD CALENDAR 1:00 PM TEAM MTG. 3:00 PM DRUG CT. In Dept. 2	**8:30 AM** STANDARD CALENDAR **1:30 PM**	**8:30 AM** STANDARD CALENDAR **1:30 PM** *TEEN WATCH (3ND Wednesday ONLY)	**8:30 AM** STANDARD CALENDAR 1:30 PM OPEN FOR TRIALS	**8:30 AM** STANDARD CALENDAR **1:30 PM**
10 Shamoon (Delinquency)	**8:30AM** STANDARD CALENDAR **1:30 PM** TRIALS	**8:30AM** STANDARD CALENDAR 1:00 PM TEAM MTG 2:30 PM DRUG COURT	**8:30AM** STANDARD CALENDAR **1:30 PM** TRIALS	**8:30AM** STANDARD CALENDAR **1:00 PM** JFAST Screenings **2:30 PM** JFAST Hrgs	**8:30AM** STANDARD CALENDAR **1:30 PM** TRIALS
11 Kapiloff (Minor Offense)	**8:30 AM** TRIALS in D3 **1:30 PM** D-11 TRAFFIC ARRAIGNMENTS	**8:30 AM** TRIALS IN D3 **1:00 PM** D-11 TRAFFIC ARRAIGNMENTS & Law Enforcement Truancy Sweeps, as needed	**8:00 AM** TRIALS IN D3 **1:30 PM** D3 – PROBATION VIOLATIONS	**8:30 AM** Contested Minor Offense Matters TRAFFIC TRIALS & OVERFLOW TRIALS (non-detained only) **1:00 PM** **D-11** TRAFFIC ARRAIGNMENTS	**8:30 AM** TRIALS IN D3 **1:30 PM** TRIALS in D3

Updated 03/08/2011

DELINQUENCY & DEPENDENCY CALENDARS 2011 Effective March 1, 2011

DEPARTMENT	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
NORTH COUNTY					
N09 Imhoff (Delinquency & Dependency)			12 – 1 PM TEAM MEETING 1 - 2 PM DRUG COURT 2-5 PM SARB/Truancy CALENDAR		
SOUTH COUNTY					
S11 Willis (Delinquency)					**1:00 PM** SARB/TRUANCIES
5 Isackson (Dependency)	**8:30AM** STANDARD CALENDAR **1:30 PM** **DARK**	**8:30AM** STANDARD CALENDAR 1:30 PM TRIALS	**8:30AM** STANDARD CALENDAR **1:30 PM** TRIALS	**8:30AM** PERM. HEARINGS TEEN REVIEWS EMANCIPATIONS **1:30 PM** TRIALS	**8:30AM** TRIALS **1:30 PM** TRIALS
6 Birkmeyer (Dependency)	**8:30 AM** STANDARD CALENDAR **1:30 PM** TRIALS	**8:30 AM** STANDARD CALENDAR **1:30 PM** DARK	**8:30 AM** STANDARD CALENDAR **1:30 PM** TRIALS	**8:30 AM** PERM. HEARINGS TEEN REVIEWS **1:30 PM** TRIALS	**8:30 AM** TRIALS **1:30 PM** TRIALS

Updated 03/08/2011

DELINQUENCY & DEPENDENCY CALENDARS 2011 Effective March 1, 2011

DEPARTMENT	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9 OBERHOLTZER (Dependency)	**8:30 AM** STANDARD CALENDAR **1:30 PM** TRIALS	**8:30 AM** STANDARD CALENDAR **1:30 PM** TRIALS	**8:30 AM** STANDARD CALENDAR **1:30 PM** DARK	**8:30 AM** PERM. HEARINGS **1:30 PM** FINANCIAL HEARINGS TRIALS	**8:30 AM** TRIALS **1:30 PM** TRIALS
C04 ESPAÑA (Dependency and Criminal)	**8:30** **CRIMINAL CALENDAR** **1:30** **STANDARD CALENDAR**	**8:30** **CRIMINAL CALENDAR** **1:30** **STANDARD CALENDAR**	**8:30** **CRIMINAL CALENDAR** **1:30** **STANDARD CALENDAR**	**8:30** **CRIMINAL CALENDAR** **DEPENDENCY TRIALS** **1:30** **DETENTIONS**	**8:30** **DEPENDENCY TRIALS** **1:30** **DETENTIONS**

Updated 03/08/2011

JUVENILE JUSTICE DELINQUENCY PREVENTION
COMMISSIONER HANDBOOK

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JUVENILE JUSTICE / DELINQUENCY PREVENTION COMMISSION HANDBOOK

INTRODUCTION

The Juvenile Justice and Delinquency Prevention Commissions and Commissioners serve important functions in California's juvenile justice system. This handbook is intended as a resource to assist in carrying out commissions' mandates and responsibilities in fulfilling your roles.

The Board of Corrections has compiled it with advice and assistance from its Juvenile Justice/Delinquency Prevention Planning Committee to serve as a resource for commissioners. The Juvenile Justice/Delinquency Prevention Planning Committee was comprised of commissioners from different size counties and different areas of the state. The Board of Corrections graciously thanks those you have contributed. They have helped develop this manual to inform, instruct, guide, and serve as a reference.

This handbook is intended to help new commissioners understand their roles and responsibilities, help more seasoned commissioners expand their vision of the functions and possibilities of commissions, and help the juvenile justice system understand and use commissions more effectively. Thus, help frame the vision of commissions seeking to enhance their positive impact on the reduction of crime and delinquency in our communities.

THE EVOLUTION AND ROLE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSIONS

From its inception, California's juvenile justice system has been shaped by the involvement and strong influence of lay citizens. Citizen reaction to conditions within government's provision or lack of provision for the needs of children had played a part in major reforms leading to the state's present system. Lay advocacy of the interests of children had been and must be a consequential dimension of California juvenile justice.

HISTORY

With statehood in 1850, California inherited the legacy of the English Poor Laws of the sixteenth and seventeenth centuries. It was these laws which established local governmental jurisdiction over the young, poor, and criminal. Workhouses, almshouses, jails, and prisons for adult paupers, vagrants, criminals, and the insane were the common caretakers of young offenders as well. Upon admission to the Union, California's public capacity to respond to the needs of children was small indeed.

A Special Panel of Commissioners determined that 300 youth under age 20 were sent to California's prisons and another 600 were detained in or committed to jails during the decade of the 1850's. Public pressure upon the Legislature to separate juvenile from adult offenders led to the establishment of the San Francisco Industrial School in 1858 and the State Reform School in Marysville three years later.

This was small provision still for delinquent children outside of jails and prisons. Private groups such as the Boys and Girls Aid Society of California began to address themselves to decent care for children. Through the Society's efforts the Juvenile Probation Law was passed in 1883. The Probation Law was not only the state's first child welfare law but for the first time provided for placement of juveniles in facilities other than jails.

Despite the law, confinement of juveniles in jails continued. Miserable conditions confronted juveniles not only in jails but private institutions as well. These prompted the Boys and Girls Aid Society, the California Club, and the Associated Charities of San Francisco to work for reform. Their efforts culminated in 1903 in an Act Defining and Providing for the Control, Protection, and Treatment of Dependent and Delinquent Children, California's first juvenile court law. The law prohibited the commitment of children under 12 to jail, prison, or police stations. It allowed the commitment of children to the care of the sheriff, police officer, constable, or probation officer. It required placement in a city or county facility outside the enclosure of any jail. The Act established the Board of Charities and Corrections, which placed in state government the function of establishing standards for juvenile institutions. Until this provision, standards for the decent care of juveniles were informally addressed by private citizens' organizations.

The Act was amended in 1905 to require the juvenile court judge of each county to appoint a probation committee. The precursor of juvenile justice and delinquency prevention commissions, probation committees served as unpaid assistant probation officers and citizens' advisory groups.

The role of probation committees expanded over the years. By 1945 the law authorized probation committees to inspect and report to the court on private and public (except state) juvenile institutions. When directed by the court the committees provided friendly supervision and visitation of court wards, investigations, reports to the court, and recommendations on court orders. They could establish public delinquency prevention committees and cooperate in their work. Probation committees were given the authority to nominate probation officers and assistant probation officers to the juvenile court judge.

By 1960, although the specific repertoire of functions varied from county to county, probation committee roles typically included selection of the probation officer, advice on administration, public relations and political influence for their probation departments, administrative functions in juvenile halls, and personnel matters. In lesser number, some committees were involved in preparation and presentation of budgets, and delinquency prevention functions.

The Governor's Special Study Commission on Juvenile Justice, whose work led to the Arnold-Kennick Juvenile Court Law of 1961, indicated in 1960 that there was a general feeling that the statutorily assigned functions of the probation committee was no longer appropriate to the juvenile justice system. More specifically, a number of chief probation officers felt the committees made little contribution. There was some resentment by a smaller number of chiefs of what was felt to be committee interference in probation administration and in personnel selection.

As a result, the Governor's Study Commission proposed that probation committees become part of local juvenile justice commissions. These commissions would investigate the administration of juvenile justice in its broader sense, including law enforcement, the courts, and probation departments. The traditional functions of probation committees would be relinquished.

The Arnold-Kennick Juvenile Court Law was placed in the statutes the following year. The recommendation of the Governor's Study Commission was implemented. Juvenile justice commissions were established replacing probation committees, except in Los Angeles County. There, the role of the Probation Committee was defined as advisory to the probation officer. The duties defined for juvenile justice commissions in 1961 by the Arnold-Kennick Law remain unchanged today.

With the demise of probation committees the Law left authority to establish public delinquency prevention committees with the juvenile court and probation. In 1965 the Juvenile Court Law was amended to allow county boards of supervisors to establish delinquency prevention commissions or designate the juvenile justice commission to serve as such. Like the justice commissions, the duties defined in 1965 describe the duties of delinquency prevention commissions today. By 1965, 31 counties had established prevention commissions.

ROLE

Government's Provision for the care of delinquent children at times falls short. The course of juvenile justice in California is marked by studies pointing to objectionable conditions suffered by children in public facilities, adult and otherwise. Public response to governmental shortcomings in its provision of care for delinquent children had led to important changes in the state's laws regarding delinquents. It's as if quality government requires citizen watchfulness and involvement.

Beginning with the Boys and Girls Aid Society, through probation committees, to the juvenile justice and delinquency prevention commissions of today, justice for juveniles' calls for concerned private citizens advocating the interests of children to government. Prior to 1905 and the advent of probation committees, California juvenile law made no provision for citizen advocacy. Nevertheless, private citizens groups advocated reform. After the establishment of Board of Charities and Corrections with standard setting responsibility and the creation of probation committees in each county, the work of private advocacy groups is not as discernable in the records of California juvenile justice. Juvenile justice and delinquency prevention commissions are today charged under the law with that tradition of advocacy of the interests of children to government and the larger public.

The Role of Juvenile Justice Commissions

Section 225 of the Welfare and Institutions Code requires each county to have a juvenile justice commission. The definition of the role of juvenile justice commissions is found in Sections 229, 230, 270, and 271 of the Welfare and Institutions Code. The law requires commissions to inquire into the administration of juvenile justice in their counties. To accomplish this, commissions are granted access to all publicly administered institutions in their county authorized by the Juvenile Court Law. That includes annual inspection of probation-administered institutions, jails, and other lockups detaining juveniles more than 24 hours. Conceivably this means not only law enforcement and probation facilities, but of those state facilities located in the county as well. It also can be considered to include those institutions operated for dependent children of the court. To gain information beyond the inspection of institutions, commissions may hold hearings and, using the subpoena power of the juvenile court judge, require testimony of witnesses and the production of papers. Commissions must report yearly the results of their inspections to the juvenile court judge and the Youth Authority. Commissions may also recommend changes that investigation indicates beneficial to any person administrating provisions of the juvenile court law. Commissions may publicize its recommendations. Justice commissions are empowered to play an important role in the appointment of the probation officer. This is not true in chartered counties where provisions of the charter control such matters or in counties with merit or civil service systems. The commission is required to nominate the probation officer to the juvenile county judge as he/she directs. The judge must then appoint the nominee.

Thus the tools of advocacy as defined in the law are:

1. Inquiry into the administration of juvenile justice in the county.
2. Inspection of publicly operated juvenile institutions in the county authorized under the juvenile court law.
3. The holding of hearings using the subpoena power of the juvenile court judge.
4. Recommendation for changes deemed beneficial after investigation, to any administrator of the provisions of the juvenile court law.

5. Publicizing its recommendations.
6. Nomination of the probation officer.

The Role of Delinquency Prevention Commissions

The law governing delinquency prevention commissions is found in Sections 233 and 233.5 of the Welfare and Institutions Code. Unlike juvenile justice commissions, the law does not require counties to establish delinquency prevention commissions. Boards of supervisors are allowed, if they wish, to appoint a delinquency prevention commission separate from the juvenile justice commission or the designate the juvenile justice commission as the county's prevention commission. Most boards of supervisors, who have established delinquency prevention commissions, have chosen the latter option.

The law is considerably less specific in defining the role of prevention commissions. It says the board of supervisors may establish a delinquency prevention commission to coordinate countywide, the work of governmental and non-governmental organizations engaged in delinquency prevention. It may receive funds from private and public sources to hire an executive secretary and staff, to defray administrative expenses, and expend on specific projects. In counties with populations greater than 6,000,000, the commission may be assigned by the board of supervisors to report on pornography. The law does not define delinquency prevention. With a rather vague charge under the law, compared to that of juvenile justice commissions, the role of delinquency prevention commissions can be uncertain. When commissions fulfill both roles the result can be, understandably, effort focused largely on the more concretely determined inspection function.

Nevertheless, if the thesis offered in this paper (that juvenile justice commission advocacy of the interests of governments juvenile charges is required because government can fail to provide adequate care) is valid, then the meaning of delinquency prevention becomes clearer. Prevention within this context means encouragement and coordination of the efforts of those who work to make governments' assumption of responsibility unnecessary.

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JUVENILE JUSTICE COMMISSION
PROTOCOLS

By
Bruce Malloy

Action Plan

The purpose of an Action Plan is to give direction and focus to your activities during the year. The plan is the "roadmap," it sets the course for what your commission expects to accomplish, and helps keep you on task. This encourages teamwork and focus.

Every plan is outdated the day it is produced; conditions change. That is the reason for the midyear review, a way to check on "how we are doing."

Annual Report

Each year it is incumbent upon you as a commission to issue a report of your *actions, findings, evaluation, and recommendations.* As the membrane between the public and the system and the eyes of the court, your official findings are important. The Annual Report is your annual product. It should provide an accurate and easy to read snapshot of the juvenile justice system in your county for that year. Helpful elements should include the following:

* letter of introduction from the Chairman
* total number of hours donated by the commissioners
* commissioner activity (new appointments, resignations, etc.)
* total cost to the county for the commission
* activities, including: inspections, investigations, studies, evaluations, recommendations, commendations and tables of data
* copy of the Welfare and Institutions code Sections pertaining to the commission reports from the Chairperson for the committees on annual activities/findings.

Bylaws

The rules by which your organization operates are your "*Bylaws."* You will note that in the W & I Code, there is no mention on how to operate the Commission. That is described in your bylaws, which show all that review them the extent of your powers as well as the limitations. These rules by which you govern your operation are critical, each commissioner needs to know what is expected of him/her. The bylaws give that explanation.

In any organization there is a need to set boundaries for actions and establish predictable expectations. The bylaws are the "blueprint for expectations" for the commissioners. Each new commissioner should be given a copy and sign a form indicating he/she knows, understands, and

agrees to comply with the stated expectations in the bylaws. Unless this is done, you run the risk of people engaging in personal agendas, abusing their authority, and jeopardizing the integrity and the operations of the group.

Sharing your bylaws with the Presiding Judge and the heads of the agencies you interface with, is valuable because it demonstrates your willingness to show others what rules are expected of your commissioners. By doing this, you tell others you are not a "secret" organization and your roles are clearly defined.

Commissioner's expectations and responsibilities fall into several important categories.
Among other things, commissioners are expected to exhibit:

* Integrity
* Dedication
* Commitment to issues
* Willingness to be a "team" player
* Willingness to learn all the aspects of the system
* Desire to keep making improvements to the Juvenile Justice System.

Investigations

During the year, people within and without the system may come to the commission with complaints and requests for investigations. If your commission is inclined to conduct investigations the following is recommended:

* Have a *defined protocol* that outlines how you conduct investigations
* Have the *Vice Chair do the initial review* for assessment prior to further action
* Undertake investigations that are "*systems*" issues only
* The investigations must be confined to juvenile court issues (no family law, etc.)
* The results of a full investigation should yield a report to the agency(s) and the Judge
* If the press is involved only the Chair and Vice Chair speak for the Commission.

The process can be difficult, and sometimes agencies and individuals will refuse to provide necessary information. It is for that reason that the commission is empowered to request the Presiding Judge of the Juvenile Court to issue a subpoena or ask for material via an 827 Order. In the event of a subpoena, it is recommended County Counsel issue the document. If County Counsel is unavailable (because the subpoena is against another county agency that has already contacted county counsel making them in a conflict), the County must provide appropriate legal services for the issuance of the document. The Presiding Judge cannot give legal advice and cannot act as counsel for the commission. In addition, it is recommended you contact other commissions for their experiences in this area.

EACH COMMISSION - A FORCE IN THE COMMUNITY

Juvenile Justice and Delinquency Prevention Commissioners are in a unique role, with their mandates from the State and from their Boards of Supervisors, to work on behalf of youth, their families, and their communities. We have strong motivation to become significant participants in changing our communities, which seem increasingly to be overwhelmed by drugs, youth violence, property crimes, and a large number of youth and adults who do not see themselves as individuals who could have strong positive roles in their community.

To develop your Commission to a level of significance in its positive impact in your community requires that you mobilize on several levels. First, develop within our Commission a sense of the strength, competence, and resources of your individual members as well as your strength, competence and resources as a group. Second, using the abilities of your commissioners, reach out to the community and find the many allies who exist but may feel that they are alone in the effort to improve conditions for youth and families. Third, build a reputation for integrity, based on a thorough and judicious study of community needs and concerns, followed by responsible reporting of your concerns to representatives of the juvenile justice system, Board of Supervisors, and the community at large. Fourth, maximize yourselves and strengthen others in their advocacy by working together regionally as commissions as well as acknowledging your strength in advocating these ways, you will be able to analyze your community needs and then decide on goals, objectives, and strategies which will allow you to advocate successfully to most effectively serve your community's youth and families.

BUILDING OURSELVES

First, develop within your Commission a sense of the strength, competence, and resources of your individual members as well as you strength, competence and resources as a group.

Capacity Building: Your Commission has the capacity to be a powerful force in your community. When Rollo May was writing about the problem of violence in our society, he defined power as the awareness or sense that you have impact as a person - that you affect things around you. He saw danger, not in those who see themselves as powerful, but rather in those who feel weak and therefore express their power by furiously trying to appear strong. Each commissioner and Commission can have a sense of power, of impact on others, and through them, on our communities.

Membership: If your Commission is representative of the community including human services, law enforcement, schools, churches, business, public agencies, foster parents, etc. and includes a range of ages from youth to retired individuals, a diversity of backgrounds, and if these individuals involve themselves in activities which are supportive to the growth of a healthy community, their range of impact, in their network of interests will be large. We need to realize that our advocacy role as

Commissioners are augmented as we take individual responsibility to develop and expand our own networks of individuals and groups whom we can influence through close contact. Recruitment for diversity in interests, enthusiasms, expertise, and areas of commitment will result in a much more effective commission with a wide range of advocacy.

Commission Education: We, as Commissioners need to learn form our chief probation officers, our judges and essential agencies. We can become an informed Commission, in regard to the Juvenile Justice system, because our Chief Probation Officer and our Juvenile Court Judge can teach us enough so that we can learn on our own, and if we support them in continuing to teach us, our advocacy can be up to date. A big part of that growth is the willingness of our Chief Probation Officer and Judge to be our teachers and to see us as valued partners. Being valuable partners is our job. If this close relationship does not exist with our judge and chief probation officer, we need to begin by building a strong relationship with them.

We need to learn from our agencies and organizations. This can be done through individual outreach by Commission members through their other community activities. It can be done formally, at each Commission meeting, through the sharing time described below. We, as Commissioners, must make a concerted effort to know our communities. We must understand the community needs, strengths, weaknesses, gaps and overlaps in services. We need to understand our community power structure and how to work with it. We need to understand our communities in depth so that we can support effective community programs, help to build needed programs, and support all providers in becoming more collaborative as they serve the community. With this kind of understanding, it is possible to develop specific action plans to make the wisest use of Commissioners time and energies.

Organizational Structure: Structure your commission so that you can most effectively use your members. Develop structures and processes, which support your Commission officers and share the workload so that everyone feels involved and no one is worn out. Some Commissions function under multiple vice chairs. Sutter County, for example, has a Vice Chair for Youth to support their excellent program for recruiting and maintaining youth members. Planning Commission structure to support the diversity of interests represented by the membership will result in increased performance and satisfaction of commission members.

Communication Skills: Essential to effectiveness as a Commission are the individual and group communication skills which can be learned and augmented. The communication needs of each Commission are very individual and also have many commonalties with other Commissions. Available from the Community Congress of Humboldt is the pamphlet, What Communication Skills Will I Need?, by Antoinette Martin. You can also plan a special training or retreat for your Commission on which you work on basic communication skills and barriers, which you have encountered as you tried to accomplish your goals. Such training can, for example, support your youth members in speaking out, encourage more sharing of ideas, allowing more creative input from all your members. Many Commissioners are new to each other and therefore don't know each other's styles, apprehensions, needs for power, level of defensiveness, or how to encourage sharing among them.

BUILDING PARTNERSHIPS

Second, using the abilities of your commissioners, reach out to the community and find the many allies who exist but may feel that they are alone in the effort to improve conditions for youth and families.

Communications Bridges: We can increase our impact through helping to build community communication so that our efforts are collaborative rather than fragmented. We can help to build a community-wide collaborative mind set. In many of our communities, we have terrible communication gaps. Many of us are working very hard to bridge these gaps and we still sit down at the table with each other, listen, and then lean across and say "You're doing what?" Some of the Commissions have newsletters. Humboldt County Celebrates, Commission newsletter, has articles about positive things that are happening for children, youth and families and is mailed to schools, agencies, boards, and individuals, thereby helping to bridge that communication gap. Calaveras County has developed a number of outreach documents, which give their Commission a clearer public image. Some Commissions have a sharing time at the beginning of each meeting to keep Commissioners informed. They have a Community Relations Vice Chair who invites members from various groups, agencies, youth organizations, etc. to speak to the Commission about their activities. If there are specific ethnic or minority groups in your community, a special vice chair can help to develop subcommittees such as a Native American Concerns Committee, which meets actively each month with members of the Native American community to look at concerns and possible solutions.

Very specific communication avenues can be used to build the visibility and credibility of our Commissions. Publicity, public relations, and marketing of what Commissions do is essential. Providing useful educational documents such as the Calaveras County Juvenile Justice Handbook which was done in collaboration with schools, district attorney, probation department, law enforcement agencies, bar association, and courts helps others to see what collaborative efforts can do as well as providing valuable information to the youth and adults of the county. You can develop a speakers bureau and share with other members of your community your growing sense of pride and competence as community leaders on behalf of youth and families.

BUILDING A REPUTATION

Third, build a reputation for integrity, based on a thorough and judicious study of community needs and concerns, followed by responsible reporting of your concerns to representatives of the juvenile justice system, your Board of Supervisors, and the community at large.

Becoming Advocates/Gaining Credibility: When you decide, as a Commission, to become a force for positive action in your community, when you decide truly to have impact, you must develop an image of yourselves as Commissioners and as a Commission which encourages you to grow. A crucial step in developing this image in the community is to make yourselves an essential component of your community. This needs to be done by acting as individuals, acting as Commissioners, and acting as full Commissions. To be seen as an essential component of the community, you must make yourself visible as advocates for youth, families, and healthy communities. At first, you wonder how to get into the sphere or situation which is governing the management of areas in which the Commissions have concerns. How do we get into that sphere - that circle? How do we figure out where the decisions are going made? How do we communicate our concerns and priorities? How do we become the advocates we want to be on behalf of youth and families?

Well, we can go to the meetings of the Board of Supervisors as routinely as possible, through thick and thin, as well as to all meetings where our Probation Department is presenting accomplishments or asking for allocations. We can go when Social Services is the topic, or Mental Health, or Public Health, or the Courts, or Parks and Recreation, or child care, or just plain budget, budget, budget. In this way, we become more sophisticated in gaining a better understanding of all the components which affect prevention and intervention.

We won't just go to these meetings. We will speak up. If you are not used to doing it, you will be scared, unsure about when and where to speak. We need to stop making our public figures into psychological giants to whom we give even more power than we do our mothers. Representatives, judges, designated leaders do have charisma and then we give them more when we are afraid to address them. Often they are surrounded by protectors who make us feel like outsiders, and we have to wait a lot. But the bottom line is, that it is we who decide whether we are outsiders and whether or not it is worth the wait. If we really believe, "of the people, by people, and for the people," we have all the motivation and power we need to change things.

When Commissions build and strengthen themselves as outlined above, they become role models for bringing about community change. They are listened to with increasing respect and are seen as the leaders they have become in the communities they serve.

BROADENING OUR ADVOCACY

Networking: We can network with the Commissions near us or those who share common concerns. For example, Humboldt, Del Norte, Mendocino, and Lake Counties have learned through meeting together. They have shared with each other the planning and support for aftercare with regard to the Regional Facility for Hard to Place Youth. Each Commission can follow up trainings provided to them by sharing, supporting, and building on the strengths of each Commission. For very little cost, we can join each other, have joint trainings, communicate by telephone, mail, or the Internet, and expand in the many areas in which we can learn from each other.

Potential Range of Impact: How do we decide what to do? While the range of monitoring in the system is governed by our legislation, the dedication with which we do this job and our creativity in giving support to those within the system is governed by us. The range of activities open to us as Delinquency Prevention Commissions is as wide as we wish to be in terms of productivity. One thing we can do is to look for the places where something is not happening that should be happening? Many examples can be found in the list entitled, "What Commission Can Do/Have Done" (See appendix).

Neighborhood Meetings/Community Forums: Seeing the Commission as an instigator, supporter and hand off organization, may result in many ongoing community efforts. An example of such an effort can be seen in Humboldt County's Community Congress. Begun with a Comprehensive Long Range Delinquency Prevention Planning funded by the California Youth Authority, Humboldt evolved a non-profit, primarily volunteer, group known as Community Congress, who have been given national recognition by the American Parole and Probation Association in their document, Restoring Hope through Community Partnerships: A Handbook for Community Corrections. This approach is a town meeting approach, which has been detailed in a document, The Humboldt County Experience: Creating a Climate for Strengthening Families and Preparing Youth (Building a Community Climate for Change through Neighborhood Meetings), by Dewell Byrd, Antoinette

Martin, and David Lehman. This document can be obtained through the Community Congress of Humboldt. This approach has been very helpful in supporting Humboldt in its growth toward more collaborative, effective human services, and a movement toward more empowered communities. It has been used to help with community organization, gang prevention, healthy start, Board of Supervisors planning, and town meetings for the Crime Commission.

We want and need concrete solutions. The process developed by the Community Congress is a process that supports change and empowerment. It doesn't seem concrete but it is. It is hard to describe systems change without seeming like a "visionary." It doesn't seem specific but in fact, it supports specific solutions.

Many individuals are apprehensive about Town Meetings, perhaps feeling that if concerns and dissatisfactions are aired, they will negatively impact the current situations and make them more difficult to manage. In fact, it has been the experience of the Community Congress that the airing of concerns leads to possible solutions and action planning where the larger community is involved in a supportive way far beyond expectations. With such a process, the partnership which results more than doubles the human and physical resources potentially available to solve the problems. Such meetings are based on the belief that communities know, better than anyone else, what they need. The meetings are conducted with the belief that individuals and communities can solve their own problems and can be supported in this process through respectful facilitation.

To reach our communities we must join our "leaders" in a partnership of humanness. This means that we must be willing to be vulnerable as we begin to understand the pressures facing others as they and we try to solve the very serious problems confronting Juvenile Justice and Delinquency Prevention Commissions within communities. Those "in charge" know perfectly well that the professionals cannot solve the problems we are facing, alone. They do not have the staff or the funds to address problems of this size. Further, even if they did, it is a community problem we face, not a problem for human service agencies. With our understanding, support, active collaborative planning, and the hard work which must follow that, their efforts can succeed.

When Commissions have developed an effective collaborative working relationship within, with other Commissions, and with their communities, they can support their counties in recognizing and celebrating all their successes, large and small. With each celebration, they will draw an increasing number of their county's citizens into the circle of helping.

GLOSSARY

ACRONYMS AND KEY TERMS

AB Assembly Bill

AB 90 Assembly Bill 90, the County Justice System Subvention Program, which was repealed by the 1992 realignment of human services.

AB 3121 Legislation passed in the 1970's which deinstitutionalized status offenders and criminalized some delinquents.

AB 3632 Legislation which guides mental health involvement in the Individual Education Plan (IEP) required for special education students.

ACA AMERICAN CORRECTIONAL ASSOCIATION

ACLU AMERICAN CIVIL LIBERTIES UNION

ACYF Administration for Children, Youth, and Families (Federal)

Adjudicated Delinquent A child who has been found by a judge in juvenile court to have committed a violation of the criminal law, a delinquent act. The judge can formally adjudicate the child as an initial step before imposing a disposition (a sentence or punishment), or the judge can decide not to adjudicate the child and instead impose conditions which, if met, will result in dismissal of the charges.

Adjudication Both the hearing and the outcome of a juvenile court process; adjudication hearings are also known as jurisdictional hearings or evidentiary hearings; adjudication is also the equivalent of conviction in adult court, i.e., a juvenile who has been found to have committed a delinquent or criminal act of which he/she was charged is said to be an 'adjudicated' minor. [See also Disposition]

Adjudicatory Hearing The fact-finding (trial) phase of a juvenile case when a judge receives and weighs evidence before deciding whether a delinquency or status offense has been proven beyond a reasonable doubt.

Adult Detention The temporary care of adults in physically restricted facilities, usually referred to as jails or lockups pending court disposition or transfer to another jurisdiction or agency.

Aftercare Follow up, generally by supervision and support in the community, when a minor is released from a juvenile institution or completes a specified correctional program such as boot camp, drug treatment, etc.

AG ATTORNEY GENERAL; head of Department of Justice; both Federal and State Government have Departments of Justice and Attorney Generals.

Aggravating Factors Factors to be considered that may increase the seriousness of an offense, such as prior offenses, weapon use, heinous nature of crime, and threats to victims or witnesses.

APPA AMERICAN PROBATION AND PAROLE ASSOCIATION

Arrest An arrest is made when a law enforcement officer charges an adult with a criminal act or violation of law, and takes the adult into custody based on probable cause. A juvenile is often said to be "taken into custody' rather than arrested."

BOC BOARD OF CORRECTIONS; the agency in California government which sets standards for, provides technical assistance to and inspects city and county jails and, since 1995, juvenile halls. The BOC also sets standard for and provides technical assistance to sheriffs and probation departments relative to the hiring and training of personnel and is the agency responsible for the Juvenile Crime Enforcement and Accountability Challenge Grants per SB 1760. [See also SB 1760]

BOP BUREAU OF PRISONS; the agency of the Federal Department of Justice which runs the federal prison system.

BPT BOARD OF PRISON TERMS; the California agency which is the paroling authority for prisoners in the custody of the California Department of Corrections. [See also CDC]

Brown Act California legislation which requires certain boards and commissions to provide public notice of and access to meetings; in light of differences of opinion from one county to another. Juvenile Justice and Delinquency Prevention (JJ/DP) commissions should contact their county counsel for specific interpretation and/or direction as to whether the Brown Act applies to commission meetings in their jurisdiction.

CAO COUNTY ADMINISTRATIVE OFFICER, aka COUNTY ADMINISTRATOR, COUNTY EXECUTIVE and/or CHIEF ADMINISTRATIVE OFFICER

CASA COURT APPOINTED SPECIAL ADVOCATE, aka CASA COURT APPOINTED SPECIAL REPRESENTATIVE

CBO COMMUNITY BASED ORGANIZATION; a non-public or non-governmental organization, usually nonprofit, which is involved in and/or provides services.

CCCJ CALIFORNIA COUNCIL ON CRIMINAL JUSTICE; the organization within the California Governor's Office of Criminal Justice (OCJP) which has authority for granting federal funds under the Juvenile Justice and Delinquency Prevention Act (JJDPA). CCCJ generally delegates the actual funding decisions to the State Advisory Group (SAG), which is mandated under the JJ/DP Act. [See also JJDPA, OCJP, and SAG]

CCCY CALIFORNIA COUNCIL ON CHILDREN AND YOUTH; State coalition of youth serving agencies, divided into five regions.

CCEC CALIFORNIA CORRECTIONS EXECUTIVES COUNCIL; A loose-knit coalition of state and local correctional administrators which meets to address problems and issues relating to corrections statewide.

CDC CALIFORNIA DEPARTMENT OF CORRECTIONS; The department which operates state prisons and adult parole services.

CEC THE FOUNDATION FOR CONTINUING EDUCATION IN CORRECTIONS; The nonprofit foundation created by the California Probation, Parole and Correctional Association (CPPCA) to provide training and other services. [See also CPPCA)

Citation In the justice system, citation means a summons, and official notice to appear in a court and answer to a demand; a traffic ticket is a citation. When a person is arrested in some communities, the officer may give the offender a citation in lieu of placing him/her in custody in a detention facility. [See also Detention]

Community Service A sanction or order of the court which requires an offender to work at specified tasks in order to 'repay' the community for his/her delinquent or criminal acts

Complaint An oral statement, usually made to the police, charging criminal, abusive or neglectful conduct; a district attorney's document which starts a criminal prosecution; in juvenile or family court the complaint is usually called a petition; a petitioner's document which starts a civil proceeding; also the term used for a report of suspected abuse or neglect. [See also Petition]

Comprehensive Assessment The gathering of information for the evaluation of a juvenile offender's physical, psychological, educational, vocational, and social condition and family environment as these relate to the offender's need for services.

Conflict Resolution A variety of actions that all use communication skills and creative thinking to develop voluntary solutions that are acceptable to those involved in a dispute.

Continuum Of Care A broad array of juvenile justice programs and services ranging from prevention programs for young children and youth at risk of delinquency, to intervention programs serving high risk youth in secure residential settings.

COPS COMMUNITY-ORIENTED POLICING SERVICES PROGRAM: A program that trains police to work not in police stations and in squad cars, but solving problems right in and with the community; i.e., walking the streets, riding a bike or motorcycle. Officers take the time to get to know the members of the community, young and old alike, especially the children and youth. Every COPS program is different because every community is different.

CPO Chief Probation Officer; head of the county probation department [See also Probation]

CPOC CHIEF PROBATION OFFICERS OF CALIFORNIA; The association through which the Chief Probation Officers meet to address legislative and other professional issues.

CPPCA CALIFORNIA PROBATION, PAROLE AND CORRECTIONAL ASSOCIATION; One of the oldest and largest state professional associations for corrections in the nation, CPPCA is the organization through which corrections practitioners and others interested in adult and juvenile justice issues interact on legislation, training, research, technical assistance, and public information and education concerns. CPPCA is a resource for commissioner training and inter-commission communication through its Juvenile Justice/ Delinquency Prevention Committee.

CPS CHILD PROTECTIVE SERVICES; County agencies which are aligned with the State Department of Social Services.

CSAC CALIFORNIA STATE ASSOCIATION OF COUNTIES; the research, lobbying and advocacy organization for county government whose members include county counsels, district attorneys, members of boards of supervisors, county administrators, etc.

CSJOA CALIFORNIA STATE JUVENILE OFFICERS ASSOCIATION; an organization of law enforcement professionals working in the juvenile field.

Curfew A local ordinance that requires, under specific conditions and exceptions, a group of persons (usually juveniles under a certain age) to refrain from unsupervised activities after a designated hour within the confines of a selected area, city or county.

Custody Being in the care of a criminal justice agency or official. "Being taken into custody" in the juvenile justice system compares to being " arrested" in the criminal justice system.

Custody Hearing A court process to determine who has the rights of legal custody of a minor; custody hearings may involve one parent against the other or the parent(s) verses a social service agency.

CYA CALIFORNIA DEPARTMENT OF THE YOUTH AUTHORITY; The state department which operates 'youth training schools' and other custody facilities and parole for juvenile offenders committed by the juvenile or adult criminal court. [See also Parole and YOPB]

Decriminalize To remove from criminal and/or juvenile codes and local ordinances, i.e., to make certain offenses, usually those which are not injurious to others nor deprive others of property, non-criminal acts. Drunkenness is such an offense; juvenile status offenses were 'decriminalized' by AB 3121. [See AB3121 and Status Offense]

Delinquency Law violations as defined specifically for persons under an established age, 18 in California; delinquency includes offenses that are crimes if committed by adults as well as status offenses; i.e. acts which are offenses only because they are committed by minors. [See also Status Offense]

Delinquency Prevention Programs Programs and service designed to keep children-at-risk from entering the juvenile justice system.

Delinquent A minor who has been adjudicated for an offense described in the state penal code (PC), Welfare and Institutions Code (WIC) or local ordinance codes.

Delinquent Act An act committed by a juvenile that would be a criminal violation if committed by an adult.

Delinquent Juvenile A child who has been found responsible for having committed a delinquent act equivalent of being found guilty of a criminal offense by a juvenile court judge, and adjudicated a delinquent.

Dependent Child A minor whom the Juvenile court, under authority of WIC Section 300, has found to be in need of proper and effective parental control, destitute, physically dangerous to the public due to mental or physical deficiency or physically abused by her/his parent(s).

Detention Held in state custody; secure, non-secure, or home confinement while awaiting and adjudication hearing, disposition, or commitment placement. Detention can also be used as "timeout" in domestic violence cases and for post-adjudicatory punishment. Also in a case of delinquency, the minor may be detained pending a trial if the detention hearing indicates that the minor may be a danger to self or others or may fail to appear for trial if released.

Detention Hearing A judicial hearing generally required to be held within 24 to 72 hours of a juvenile being taken into custody, at which the court determines whether there is probable cause to believe that the child has committed a delinquent act, or whether a court order exists that requires the continued detention of the child, and whether continued detention is required pending an adjudicatory hearing.

Disposition The order of a juvenile or family court issued at a dispositional hearing which determines whether a minor, already found to be a dependent or delinquent child, should continue in or return to the parental home or be placed out of home and in what kind of setting under what kind of supervision. Disposition in a civil or juvenile case parallels sentencing in a criminal case. [See also Adjudication]

Disposition Hearing The hearing in a juvenile case (analogous to a sentencing hearing in criminal court) at which the court receives a predisposition report containing information and recommendations to assist in determining the appropriate sanction, ranging from probation to commitment to the custody of the Department of Juvenile Justice, or for community-based sanctions.

Diversion A process by which a juvenile is channeled from the juvenile justice system to community service. This may occur at the time a juvenile is taken into law enforcement custody or at intake.

DOJ DEPARTMENT OF JUSTICE; The department of federal and state government which oversees legal issues. [See also AG]

DOL DEPARTMENT OF LABOR (Federal)

DP DELINQUENCY PREVENTION

DPC DELINQUENCY PREVENTION COMMISSION; A county commission which coordinates the work of those governmental and non-governmental organizations engaged in activities to prevent juvenile delinquency. A board of supervisors may direct the Juvenile Justice Commission (JJC) to act as the Delinquency Prevention Commission and/or may create a joint Juvenile Justice and Delinquency Prevention (JJ/DP) Commission. [See also JJC and JJ/DPC]

DPO DEPUTY PROBATION OFFICER {See also CPO and Probation]

DPS DIVISION OF PROTECTIVE SERVICES, In the State Department of Social Services

DSS DEPARTMENT OF SOCIAL SERVICES; The state department which is responsible for welfare, licensing of group homes and other social services and which oversees county departments of social services. Sometimes referred to as Department of Human Services (DHS).

Felony A major crime as defined by the California Penal Code. [See also misdemeanor]

Foster Care Placement of a child in a family home other than that of the child's parent(s); foster parents assume the role of caring for the child and are usually paid by an agency for this service.

FP FAMILY PRESERVATION

Group Home Similar to foster care, a number of children are placed in one home or facility, which may be operated by an agency or private individual; the agency may be staffed by counselors rather than foster parents.

Guardian An adult charged lawfully with the responsibility for a child; a guardian may or may not also have custody and therefore actual care and supervision of the child.

Guidelines A guideline has neither the force or effect of a statute or standard and provides guidance to one or more ways in which jurisdictions can meet a standard(s). They may provide a further explanation of the meaning of this standard or identify issues associated with the standard. Guidelines should provide agencies the flexibility to meet a standard which best suits their needs. It is often tempting to over-regulate by placing a guideline in standards. This should be avoided whenever possible.

Guardian ad Litem An adult appointed by the court to represent the child in a judicial proceeding, especially necessary in cases of child abuse pursuant to the Child Abuse Prevention and Treatment Act which requires that a guardian ad litem be appointed to represent the child in such proceedings.

Hearing Officer A judge or other individual who presides at a judicial proceeding; the role of judge is performed in some juvenile court hearings by referees or commissioners whose orders are issued in the name of the supervising judge. [See also Referee]

Homicide The killing of one human being by another.

Informal Supervision Applies to supervision of children who have not had a petition filed on their behalf and who will not be handled judicially in juvenile court; persons under such supervision generally must agree to the process.

Intake The process used for every child referred to juvenile court. Intake involves screening each child to determine the appropriateness for release or referral to a diversionary program or agency for non-official or non-judicial handling, or the presence of medical, psychiatric, psychological, substance abuse, educational problems, or other conditions that may have caused the child to come to the attention of law enforcement or intake. Intake also includes the initial screening of a status offender to determine the recommended action to be taken in the best interests of the child, the family, and the community.

JJC JUVENILE JUSTICE COMMISSION; County advisory committee of not less than seven citizens appointed by the Presiding Judge of the Juvenile Court, established by the Juvenile Court Law, which advises the Juvenile Court and the Probation Department and is authorized to inspect local juvenile facilities and inquire into the administration of juvenile justice in the county. [See also DPC and JJ/DPC]

JJCDPC STATE COMMISSION ON JUVENILE JUSTICE, CRIME AND DELINQUENCY PREVENTION; The state equivalent of counties' JJ/DP Commissions, the JJCDPC inspects CYA facilities and advises the Director of the Youth Authority on delinquency prevention issues.

JJDPA JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974; The federal legislation which established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide funds and direction for the control and prevention of juvenile crime and delinquency. [See also OJJDP]

JJ/DPC JUVENILE JUSTICE/DELINQUENCY PREVENTION COMMISSION; county commissions which inspect local juvenile facilities and deal with other issues relating to youth in the justice system. [See also JJC and DPC]

JTPA JOB TRAINING PARTNERSHIP ACT; Federal legislation, through the Department of Labor (DOL) to help find employment and provide job readiness training

Judge Pro Tem A person, usually a lawyer, who is appointed to serve temporarily as a judge. [See also Hearing Officer and Referee]

Jurisdiction The limits of authority of a criminal justice agency, the legal boundaries of operation, the span of control; for the juvenile court, for example, jurisdiction rests with offenses committed by children under a specific age and in a political boundary, usually a county.

Juvenile Court Law Those sections of the California Welfare and Institutions code (WIC) which relate to juveniles, juvenile crime and delinquency and the operation of juvenile courts, aka the Arnold Kennick Juvenile court Law.

Juvenile Delinquency Program Any program or activity related to juvenile delinquency prevention, control, diversion, intervention, treatment, rehabilitation, planning, education, training and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity to help prevent juvenile delinquency.

Juvenile Detention The temporary care of children in physically restricted facilities, usually referred to as detention centers, pending court disposition or transfer to another jurisdiction or agency.

Juvenile Hall A secure juvenile detention facility, operated by a county probation department, generally for the short term detention of juveniles awaiting trial or adjudicated to require local custody.

Juvenile Institution The generic term for detention and/or custody facilities for juvenile offenders, aka training schools, juvenile halls, boot camps, probation camps, etc.

Law Enforcement Includes police, sheriffs, constables, marshals, state police and other peace officers mandated to protect public safety and maintain law and order.

LOC LEAGUE OF CALIFORNIA CITIES; The lobbying and advocacy organization for city government.

Lockup Generally a facility for temporary detention pending court disposition or transfer to another jurisdiction or agency.

LPS LANTERMAN-PETRIS SHORT ACT; California legislation to oversee the procedures, services and rights for involuntary commitment of mentally disordered persons, et al.

Mediation A process by which a neutral third person, called a mediator, encourages and facilitates the resolution of a dispute between two or more parties. It is an informal process aimed at helping the disputing parties reach a mutually acceptable and voluntary agreement. Decision making authority rests with the parties. The role of mediator includes but is not limited to assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

Mentoring There many different ways to mentor, but usually it is when someone provides support and guidance to, and spends time on a regular basis with, a child going sports, playing games, shopping, taking hikes, helping with homework, doing chores.

Misdemeanor A minor offense as defined by state law and municipal ordinances, generally punishable by fine or county jail sentence of one year or less. [See also Felony]

MOU MEMORANDUM OF UNDERSTANDING; Interagency agreements which detail responsibilities and lines of authority.

NCCAN NATIONAL COUNCIL ON CHILD ABUSE AND NEGLECT

NCCD NATIONAL COUNCIL ON CRIME AND DELINQUENCY

NIC NATIONAL INSTITUTE OF CORRECTIONS; A resource in the Federal Department of Justice on adult and juvenile correctional issues.

NIC/NIC NATIONAL INSTITUTE OF CORRECTIONS NATIONAL INFORMATION CENTER

NISA NATIONAL INSTITUTE OF SENTENCING ALTERNATIVES

NNRYS NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES

NOVA NATIONAL ORGANIZATION FOR VICTIMS' ASSISTANCE

NRCYS NATIONAL RESOURCE CENTER FOR YOUTH SERVICES

OCAP OFFICE OF CHILD ABUSE PREVENTION (California)

OCJP GOVERNOR'S OFFICE OF CRIMINAL JUSTICE PLANNING (California)

OJJDP OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (Federal) [See also JJDPA]

Parole The period of post release supervision for offenders completing sentences of custody in state institutions; both the California Department of Corrections (CDC), through its Parole and Community Services Division (P&CSD), and the California Department of the Youth Authority (CYA), through its Parole and Community Corrections Branch (P&CC), provide parole supervision and services. Many counties operate what they call 'county parole' or 'sheriff's parole' as a form of early release from jail; however parole is ordinarily a state function while release from local custody is generally referred to as probation. [See also CDC, CYA and Probation]

Paroling Authority The body authorized by statute to grant or revoke parole; because of California's determinate sentencing structure, the adult paroling authority is able to determine eligibility for parole only for those prisoners with indeterminate sentences. For juveniles the paroling authority actually does complete pre-parole investigations and determine eligibility for parole and rule on revocations of parole. For adults the paroling authority is the Board of Prison Terms and for juveniles, the Youthful Offender Parole Board. [See also BPT and YOPB]

PC PENAL CODE; California's criminal law.

Petition The legal document used by juvenile courts to specify the details of an alleged delinquent act; petitions are said to be filed on behalf of a child.

PIC PRIVATE INDUSTRY COUNCIL; The local entity which operationalizes the JTPA

PJ PRESIDING JUDGE

POST PEACE OFFICERS STANDARDS AND TRAINING COMMISSION; sets standards for and provides technical assistance in the training of non-correctional peace officers. [See BOC and STC for training of correctional peace officers]

Probation Probation is a punishment ordered by a court whereby the convicted adult or adjudicated juvenile is permitted to remain in the community subject to conditions specified by the court which usually include a requirement that the person report to a probation officer, stay drug and alcohol free, not associate with other convicted persons, etc. Probation supervision may also include drug testing and/or treatment, electronic monitoring, a period of confinement in a jail or juvenile facility, restitution, community service and/or assignment to other programs or punishment options as determined necessary by the probation officer or sentencing judge.

Probation Department The county department which conducts pre-hearing or pre-sentence investigations, supervises probationers, operates juvenile halls and camps for adjudicated juvenile offenders and makes recommendations regarding modifications of probation conditions, revocations and discharge. Each California county has a probation department which supervises adults and juveniles, with the exception of San Francisco, which has separate adult and juvenile probation departments. [See also CPO, DPO and Parole]

Protective Custody Emergency measure taken to detain a child, until a written detention request can be filed, generally to separate the child from a harmful or dangerous family or other situation. Protective custody is also sometimes known as emergency custody. [See also Custody and Detention]

Protective Factors Research tells us that there are three categories of protective factors that help to reduce the impact of risk factors in a young person's life. These are personal characteristics, positive adult relationships, and healthy beliefs or clear standards of conduct.

Public Offense An offense described in the Penal Code, Welfare and Institutions Code or in local ordinances. [See also Felony and Misdemeanor]

RCAC REGIONAL CITIZENS ADVISORY COMMITTEES. Headquartered in California Youth Authority (CYA) regional offices, they advise the Youth Authority on all juvenile justice issues in their region

Recidivism This is the justice system's term for failing to be 'corrected' by the correctional system; committing another offense and returning to the juvenile or criminal justice system after completing a sentence or correctional intervention.

Recidivist A repeat offender; a child's second referral to a juvenile court makes him/her a recidivist; an adult's second arrest makes him/her a recidivist.

Referee A court officer whose principal functions are to act as a hearing officer, to reduce testimony to findings of fact and to make recommendations as to the disposition of

cases. A referee's recommendation may be modified, and approved or disapproved by the judge, but when approved or modified it becomes the order of the court.

Region IX The one of the 20 federal planning regions for OJJDP and DOJ grants in which California is included, along with Arizona, Nevada, Hawaii and the Outer Pacific.

Regulations Regulations are administratively established and may or may not be mandatory. They implement the statutes that authorize their existence and specify the general parameters that must/should be met but, in the Board's philosophy, should not dictate to those regulated how to meet them. In the case of jail regulations they have been generally determined to be advisory thus do not technically have the force of law. An exception would be for food, bedding, and clothing as set forth in Penal Code Section 4015. Standards that affect juvenile facilities are also advisory except for the provisions of Section 885 of the Welfare and Institutions Code which affect juvenile homes, ranches, camps or forestry camps. A third exception to the advisory nature of regulations occurs when state funding is available for construction of facilities. Statutes require that facilities constructed utilizing state funds meet all physical plant requirements.

There are two basic types of standards that are placed in regulations:

* Prescriptive Standards: There are standards that specify what is required and provide the sole means of compliance by stating the measures or actions by which they will be met.

* Performance Standards: These describe the objective and provide criteria for achieving the objective. They indicate what is required without directing the jurisdiction on how they will be implemented, thus allowing for greater flexibility in addressing the objective.

Remand The act of waiving or transferring a juvenile to adult court, generally per WIC Section 707(b), (d) or (e). [See also Transfer or Waiver]

Residential Treatment Center Generally a small, non-custody oriented institution or facility which provides treatment and/or programs for special groups of offenders.

Restitution Usually an order of the court requiring a defendant to pay into the State Victim Restitution Fund and/or pay back or repair damages to the property of a victim or victims or to perform services to the community. [See also Community Service]

RFP Request for proposal, as for grants or contracts for service

RHYA RUNAWAY AND HOMELESS YOUTH ACT (Federal)

Risk Factors Research tells us that certain problem behaviors present risk factors, for example availability of drugs and firearms in the community, family conflict, friends who engage in problem behaviors, in a young person's life that may contribute to later delinquency. These risk factors fall within four categories: community, family, school, and individual/peer.

ROR RELEASE ON OWN RECOGNIZANCE, aka OR (own recognizance release), by which a defendant is screened to determine if he/she can be released from jail pending trial without putting up bail.

SAG STATE ADVISORY GROUP ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION; The body which reviews proposals and awards grants of monies per the JJDPA. [See also CCCJ, JJDPA and OCJP]

SARB SCHOOL ATTENDANCE REVIEW BOARD; disciplinary panels constituted to meet with and impose sanctions on students who are truant and their parents.

SB Senate Bill

Short Doyle Act California legislation to fund and operationalize locally administered mental health programs for mentally disordered individuals.

Status Offense A non-criminal violation which is peculiar to children/minors, i.e., an offense which would not be a crime except for the status (age) of the offender, such as truancy, being beyond control of parental authority, being a runaway, etc. [See also WIC Section 601 and Delinquency]

Statutes As used in our definition, a statute is a law passed by a legislative body and set forth in a formal document. In our reference the juvenile laws are generally contained in the Welfare and Institutions Code and jail laws are found generally in the Penal Code. Statutes set forth requirements that must be met by those they impact and have the force of law.

An example of such a statute is Section 6030 of the Penal Code which requires the Board of Corrections to establish standards for local detention facilities. It specifies the minimum areas the Board must consider when establishing these regulations and what agencies must be consulted.

STC STANDARDS AND TRAINING FOR CORRECTIONS PROGRAM operated by the California Board of Corrections for local correctional peace officers such as probation officer, juvenile hall counselors, jail deputies and correctional officers. [See also BOC and POST]

TANF TEMPORARY ASSISTANCE TO NEEDY FAMILIES; A time limited public welfare payment program established by the State/Federal block grant to help children who are in need because of the death, continued absence from home, or incapacity of unemployment of their parents.

TITLE XX A title of the Social Security Act providing assistance to states.-- federal

TITLE IVB Child Welfare Services Amendment to Social Security Act.-- federal

TITLE IVE Adoption Assistance and Child Welfare Act of 1980 -- federal

Transfer to Adult Court A decision, either forced by the WIC or Penal Code or determined by the juvenile court judge after a hearing, to relinquish jurisdiction and permit a juvenile to be tried as an adult in a criminal court. [See also Remand and Waiver]

Treatment Rehabilitative approaches used to effect a change from unacceptable to acceptable behaviors.

Truant A young person who is absent from school without permission or authorization.

Victimization The result of a planned or accidental act that causes physical or psychological harm.

Violent Crime rimes of violence include rape, robbery, assault, or murder.

Waiver Another word for Transfer to Adult Court, aka Remand

Ward A juvenile under the jurisdiction of the Juvenile Court pursuant to a finding of delinquency, aka ward of the court; juveniles in county juvenile halls, camps or ranches or CYA facilities are referred to as wards rather than prisoners.

WCA WESTERN CORRECTIONAL ASSOCIATION

WIC WELFARE AND INSTITUTIONS CODE; California laws which include, among other things, the Juvenile Court Law, aka the Arnold Kennick Juvenile Court Law, which provides for the protection and safety of the public and each minor under the jurisdiction of the juvenile court.

WSYSN WESTERN STATES YOUTH SERVICES NETWORK

YACA YOUTH AND ADULT CORRECTIONAL AGENCY; the Cabinet level agency in California which oversees the Department of Corrections, Department of the Youth Authority, Board of Prison Terms, Youthful Offender Parole Board, Board of Corrections and Prison Industry Authority.

YDB YOUTH DEVELOPMENT BUREAU --federal, part of ACYF

YOPB YOUTHFUL OFFENDER PAROLE BOARD; determines program and parole status for wards in the California Department of the Youth Authority (CYA). [See also CYA and Parole]

YSB Youth Service Bureau

KEY WELFARE AND INSTITUTIONS CODE SECTIONS

WIC 206	Separate segregated facilities for habitual delinquents or truants; secure and nonsecure facilities
WIC 207	Place of detention
WIC 207.1	Detention of minor in jail or lockup
WIC 208	Detention or sentence to adult facilities contact with adults
WIC 209	Inspection of juvenile detention facilities for suitability
WIC 225	Juvenile Justice Commission membership
WIC 229	Duty of Commission
WIC 229.5	Juvenile Justice commissions; inquiries into group homes
WIC 230	Recommendations; publications
WIC 233	Delinquency Prevention Commission
WIC 233.5	Indent or pornographic materials; assistance and advice
WIC 270	County officers; nominations and appointment; deputies and assistants
WIC 271	County charter provisions
WIC 601	Statutes relating to status offenders
WIC 602	Statutes relating to delinquent children
WIC 851	Nature and Environment of Juvenile Hall
WIC 880	Purposes of establishment
WIC 883	Work, studies and activities of committed wards
WIC 885	Standards; adoption
WIC 886	Maximum number of children
WIC 886.5	Expanded capacity
WIC 888	Agreements with other counties
WIC 889	Administration and operation of public schools
WIC 893	Counties of over 5,00,000; contracts with private organizations

LEGISLATIVE WEB ADDRESSES

* www.bdcorr.ca.gov
* www.cppca.com
* www.csac.counties.org
* www.csjoa.org
* www.fontana.k12.ca.us/burton
* www.leginfo.ca.gov

206 - Separate segregated facilities for habitual delinquents or truants; secure and non-secure facilities: Persons taken into custody and persons alleged to be within the description of Section 300, or persons adjudged to be such and made dependent children of the court pursuant to this chapter solely upon that ground, shall be provided by the board of supervisors with separate facilities segregated from persons either alleged or adjudged to come within the description of Section 601 or 602 except as provided in Section 16514. Separate segregated facilities may be provided in the juvenile hall or elsewhere.

The facilities required by this section shall, with regard to minors alleged or adjudged to come within Section 300, be nonsecure.

For the purposes of this section, the term "secure facility" means a facility which is designed and operated so as to insure that all entrances to, and exits from, the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences, or physical restraints in order to control behavior of its residents. The term "nonsecure facility" means a facility that is not characterized by the use of physically restricting construction, hardware, and procedures and which provides its residents access to the surrounding community with minimal supervision. A facility shall not be deemed secure due solely to any of the following conditions:

(1) the existence within the facility of a small room for the protection of individual residents from themselves or others;

(2) the adoption of regulations establishing reasonable hours for residents to come and go from the facility based upon a sensible and fair balance between allowing residents free access to the community and providing the staff with sufficient authority to maintain order, limit unreasonable actions by residents, and to ensure that minors placed in their care do not come and go at all hours of the day and night or absent themselves at will for days at a time; and

(3) staff control over ingress and egress no greater than that exercised by a prudent parent. The State Department of Social Services may adopt regulations governing the use of small rooms pursuant to this section.

No minor described in this section may be held in temporary custody in any building that contains a jail or lockup for the confinement of adults, unless, while in the building, the minor is under continuous supervision and is not permitted to come into or remain in contact with adults in custody in the building. In addition, no minor who is alleged to be within the description of Section 300 may be held in temporary custody in a building that contains a jail or lockup for the confinement of adults, unless the minor is under the direct and continuous supervision of a peace officer or other child protective agency worker, as specified in Section 11165.9 of the Penal Code, until temporary custody and detention of the minor is assumed pursuant to Section 309. However, if a child protective agency worker is not available to supervise the minor as certified by the law enforcement agency which has custody of the minor, a trained volunteer may be directed to supervise the minor. The volunteer shall be trained and function under the auspices of the agency which utilizes the volunteer. The minor may not remain under the supervision of the volunteer for more than three hours. A county which elects to utilize trained volunteers for the temporary supervision of minors shall adopt guidelines for the training of the volunteers which guidelines shall be approved by the State Department of Social Services. Each county which elects to utilize trained volunteers for the temporary supervision of minors shall report annually to the department on the number of volunteers utilized, the number of minors under their supervision, and the circumstances under which volunteers were utilized. No record of the detention of such a person shall be made or kept by any law enforcement agency or the Department of Justice as a record of arrest.

207 - Place of detention: (a) No minor shall be detained in any jail, lockup, juvenile hall, or other secure facility who is taken into custody solely upon the ground that he or she is a person described by Section 601 or adjudged to be such or made a ward of the juvenile court solely upon that ground, except as provided in subdivision (b). If any such minor, other than a minor described in subdivision (b), is detained, he or she shall be detained in a sheltered-care facility or crisis resolution home as provided for in Section 654, or in a nonsecure facility provided for in subdivision (a), (b), (c), or (d) of Section 727.

(b) A minor taken into custody upon the ground that he or she is a person described in Section 601, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure facility, other than a facility in which adults are held in secure custody, in any of the following circumstances:

(1) For up to 12 hours after having been taken into custody for the purpose of determining if there are any outstanding wants, warrants, or holds against the minor in cases where the arresting officer or probation officer has cause to believe that the wants, warrants, or holds exist.

(2) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian.

(3) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian, whose parent or guardian is a resident outside of the state wherein the minor was taken into custody, except that the period may be extended to no more than 72 hours when the return of the minor cannot reasonably be accomplished within 24 hours due to the distance of the parents or guardian from the county of custody, difficulty in locating the parents or guardian, or difficulty in locating resources necessary to provide for the return of the minor.

(c) Any minor detained in juvenile hall pursuant to subdivision (b) may not be permitted to come or remain in contact with any person detained on the basis that he or she has been taken into custody upon the ground that he or she is a person described in Section 602 or adjudged to be such or made a ward of the juvenile court upon that ground.

(d) Minors detained in juvenile hall pursuant to Sections 601 and 602 may be held in the same facility provided they are not permitted to come or remain in contact within that facility.

(e) Every county shall keep a record of each minor detained under subdivision (b), the place and length of time of the detention, and the reasons why the detention was necessary. Every county shall report this information to the Board of Corrections on a monthly basis, on forms to be provided by that agency.

The board shall not disclose the name of the detainee, or any personally identifying information contained in reports sent to the Youth Authority under this subdivision.

207.1 - Detention of minor in jail or lockup: (a) No court, judge, referee, peace officer, or employee of a detention facility shall knowingly detain any minor in a jail or lockup, except as provided in subdivision (b) or (d).

(b) Any minor who is alleged to have committed an offense described in subdivision (b), paragraph (2) of subdivision (d), or subdivision (e) of Section 707 whose case is transferred to a court of criminal jurisdiction pursuant to Section 707.1 after a finding is made that he or she is not a fit and proper subject to be dealt with under the juvenile court law, or any minor who has been charged directly in or transferred to a court of criminal jurisdiction pursuant to Section 707.01, may be detained in a jail or other secure facility for the confinement of adults if all of the following conditions are met:

(1) The juvenile court or the court of criminal jurisdiction makes a finding that the minor's further detention in the juvenile hall would endanger the safety of the public or would be detrimental to the other minors in the juvenile hall.

(2) Contact between the minor and adults in the facility is restricted in accordance with Section 208.

(3) The minor is adequately supervised.

(c) A minor who is either found not to be a fit and proper subject to be dealt with under the juvenile court law or who will be transferred to a court of criminal jurisdiction pursuant to Section 707.01, at the time of transfer to a court of criminal jurisdiction or at the conclusion of the fitness hearing, as the case may be, shall be entitled to be released on bail or on his or her own recognizance upon the same circumstances, terms, and conditions as an adult who is alleged to have committed the same offense.

(d) (1) A minor 14 years of age or older who is taken into temporary custody by a peace officer on the basis of being a person described by Section 602, and who, in the reasonable belief of the peace officer, presents a serious security risk of harm to self or others, may be securely detained in a law enforcement facility that contains a lockup for adults, if all of the following conditions are met:

(A) The minor is held in temporary custody for the purpose of investigating the case, facilitating release of the minor to a parent or guardian, or arranging transfer of the minor to an appropriate juvenile facility.

(B) The minor is detained in the law enforcement facility for a period that does not exceed six hours except as provided in subdivision (f).

(C) The minor is informed at the time he or she is securely detained of the purpose of the secure detention, of the length of time the secure detention is expected to last, and of the maximum six-hour period the secure detention is authorized to last. In the event an extension is granted pursuant to subdivision (f), the minor shall be informed of the length of time the extension is expected to last.

(D) Contact between the minor and adults confined in the facility is restricted in accordance with Section 208.

(E) The minor is adequately supervised.

(F) A log or other written record is maintained by the law enforcement agency showing the offense that is the basis for the secure detention of the minor in the facility, the reasons and circumstances forming the basis for the decision to place the minor in secure detention, and the length of time the minor was securely detained.

(2) Any other minor, other than a minor to which paragraph (1) applies, who is taken into temporary custody by a peace officer on the basis that the minor is a person described by Section 602 may be taken to a law enforcement facility that contains a lockup for adults and may be held in temporary custody in the facility for the purposes of investigating the case, facilitating the release of the minor to a parent or guardian, or arranging for the transfer of the minor to an appropriate juvenile facility. While in the law enforcement facility, the minor may not be securely detained and shall be supervised in a manner so as to ensure that there will be no contact with adults in custody in the facility. If the minor is held in temporary, nonsecure custody within the facility, the peace officer shall exercise one of the dispositional options authorized by Sections 626 and 626.5 without unnecessary delay and, in every case, within six hours.

(3) "Law enforcement facility," as used in this subdivision, includes a police station or a sheriff's station, but does not include a jail, as defined in subdivision (i).

(e) The Board of Corrections shall assist law enforcement agencies, probation departments, and courts with the implementation of this section by doing all of the following:

(1) The board shall advise each law enforcement agency, probation department, and court affected by this section as to its existence and effect.

(2) The board shall make available and, upon request, shall provide, technical assistance to each governmental agency that reported the confinement of a minor in a jail or lockup in calendar year 1984 or 1985. The purpose of this technical assistance is to develop alternatives to the use of jails or lockups for the confinement of minors. These alternatives may include secure or nonsecure facilities located apart from an existing jail or lockup, improved transportation or access to juvenile halls or other juvenile facilities, and other programmatic alternatives recommended by the board. The technical assistance shall take any form the board deems appropriate for effective compliance with this section.

(f) (1) (A) Under the limited conditions of inclement weather, acts of God, or natural disasters that result in the temporary unavailability of transportation, an extension of the six-hour maximum period of detention set forth in paragraph (2) of subdivision (d) may be granted to a county by the Board of Corrections. The extension may be granted only by the board, on an individual, case-by-case basis. If the extension is granted, the detention of minors under those conditions shall not exceed the duration of the special conditions, plus a period reasonably necessary to accomplish transportation of the minor to a suitable juvenile facility, not to exceed six hours after the restoration of available transportation.

(B) A county that receives an extension under this paragraph shall comply with the requirements set forth in subdivision (d). The county also shall provide a written report to the board that specifies when the inclement weather, act of God, or natural disaster ceased to exist, when transportation availability was restored, and when the minor was delivered to a suitable juvenile facility. If the minor was detained in excess of 24 hours, the board shall verify the information contained in the report.

(2) Under the limited condition of temporary unavailability of transportation, an extension of the six-hour maximum period of detention set forth in paragraph (2) of subdivision (d) may be granted by the board to an offshore law enforcement facility. The extension may be granted only by the board, on an individual, case-by-case basis. If the extension is granted, the detention of minors under those conditions shall extend only until the next available mode of transportation can be arranged. An offshore law enforcement facility that receives an extension under this paragraph shall comply with the requirements set forth in subdivision (d). The facility also shall provide a written report to the board that specifies when the next mode of transportation became available, and when the minor was delivered to a suitable juvenile facility. If the minor was detained in excess of 24 hours, the board shall verify the information contained in the report.

(3) At least annually, the board shall review and report on extensions sought and granted under this subdivision. If, upon that review, the board determines that a county has sought one or more extensions resulting in the excessive confinement of minors in adult facilities, or that a county is engaged in a pattern and practice of seeking extensions, it shall require the county to submit a detailed explanation of the reasons for the extensions sought and an assessment of the need for a conveniently located and suitable juvenile facility. Upon receiving this information, the board shall make available, and the county shall accept, technical assistance for the purpose of developing suitable alternatives to the confinement of minors in adult lockups.

(g) Any county that did not have a juvenile hall on January 1, 1987, may establish a special purpose juvenile hall, as defined by the Board of Corrections, for the detention of minors for a period not to exceed 96 hours. Any county that had a juvenile hall on January 1, 1987, also may establish, in addition to the juvenile hall, a special purpose juvenile hall. The board shall prescribe minimum standards for that type of facility.

(h) No part of a building or a building complex that contains a jail may be converted or utilized as a secure juvenile facility unless all of the following criteria are met:

(1) The juvenile facility is physically, or architecturally, separate and apart from the jail or lockup such that there could be no contact between juveniles and incarcerated adults.

(2) Sharing of nonresidential program areas only occurs where there are written policies and procedures that assure that there is time-phased use of those areas that prevents contact between juveniles and incarcerated adults.

(3) The juvenile facility has a dedicated and separate staff from the jail or lockup, including management, security, and direct care staff. Staff who provide specialized services such as food, laundry, maintenance, engineering, or medical services, who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, may serve both populations.

(4) The juvenile facility complies with all applicable state and local statutory, licensing, and regulatory requirements for juvenile facilities of its type.

(i) (1) "Jail," as used in this chapter, means a locked facility

administered by a law enforcement or governmental agency, the purpose of which is to detain adults who have been charged with violations of criminal law and are pending trial, or to hold convicted adult criminal offenders sentenced for less than one year.

(2) "Lockup," as used in this chapter, means any locked room or secure enclosure under the control of a sheriff or other peace officer that is primarily for the temporary confinement of adults upon arrest.

(3) "Offshore law enforcement facility," as used in this section, means a sheriff's station containing a lockup for adults that is located on an island located at least 22 miles from the California coastline.

(j) Nothing in this section shall be deemed to prevent a peace officer or employee of an adult detention facility or jail from escorting a minor into the detention facility or jail for the purpose of administering an evaluation, test, or chemical test pursuant to Section 23157 of the Vehicle Code, if all of the following conditions are met:

(1) The minor is taken into custody by a peace officer on the basis of being a person described by Section 602 and there is no equipment for the administration of the evaluation, test, or chemical test located at a juvenile facility within a reasonable distance of the point where the minor was taken into custody.

(2) The minor is not locked in a cell or room within the adult detention facility or jail, is under the continuous, personal supervision of a peace officer or employee of the detention facility or jail, and is not permitted to come in contact or remain in contact with in-custody adults.

(3) The evaluation, test, or chemical test administered pursuant to Section 23157 of the Vehicle Code is performed as expeditiously as possible, so that the minor is not delayed unnecessarily within the adult detention facility or jail. Upon completion of the evaluation, test, or chemical test, the minor shall be removed from the detention facility or jail as soon as reasonably possible. No minor shall be held in custody in an adult detention facility or jail under the authority of this paragraph in excess of two hours.

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208 - Detention or sentence to adult facilities contact with adults: (a) When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with such adults.

(b) No person who is a ward or dependent child of the juvenile court who is detained in or committed to any state hospital or other state facility shall be permitted to come or remain in contact with any adult person who has been committed to any state hospital or other state facility as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6, or with any adult person who has been charged in an accusatory

pleading with the commission of any sex offense for which registration of the convicted offender is required under Section 290 of the Penal Code and who has been committed to any state hospital or other state facility pursuant to Section 1026 or 1370 of the Penal Code.

(c) As used in this section, "contact" does not include participation in supervised group therapy or other supervised treatment activities, participation in work furlough programs, or participation in hospital recreational activities which are directly supervised by employees of the hospital, so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized associations.

(d) This section shall be operative January 1, 1998.

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209 - Inspection of juvenile detention facilities for suitability: (a) The judge of the juvenile court of a county, or, if there is more than one judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor.

The judge shall promptly notify the operator of the jail, juvenile hall, or special purpose juvenile hall of any observed noncompliance with minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210. Based on the facility's subsequent compliance with the provisions of subdivisions (d) and (e), the judge shall thereafter make a finding whether the facility is a suitable place for the confinement of minors and shall note the finding in the minutes of the court.

The Board of Corrections shall conduct a biennial inspection of each jail, juvenile hall, lockup, or special purpose juvenile hall situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. The board shall promptly notify the operator of any jail, juvenile hall, lockup, or special purpose juvenile hall of any noncompliance found, upon inspection, with any of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210 or 210.2.

If either a judge of the juvenile court or the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for the confinement of minors, the juvenile court or the board shall give notice of its finding to all persons having authority to confine minors pursuant to this chapter and commencing 60 days thereafter the facility shall not be used for confinement of minors until the time the judge or board, as the case may be, finds, after re-inspection of the facility that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors.

The custodian of each jail, juvenile hall, special purpose juvenile hall, and lockup shall make any reports as may be requested by the board or the juvenile court to effectuate the purposes of this section.

(b) The Board of Corrections may inspect any law enforcement facility that contains a lockup for adults and that it has reason to believe may not be in compliance with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2. A judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility that contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor. If the law enforcement facility is observed, upon inspection, to be out of compliance with the requirements of subdivision (d) of Section 207.1, or with any standard adopted under Section 210.2, the board or the judge shall promptly notify the operator of the law enforcement facility of the specific points of noncompliance.

If either the judge or the board finds after inspection that the facility is not being operated and maintained in conformity with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2, the juvenile court or the board shall give notice of its finding to all persons having authority to securely detain minors in the facility, and, commencing 60 days thereafter, the facility shall not be used for the secure detention of a minor until the time the judge or the board, as the case may be, finds, after re-inspection, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for the confinement of minors in conformity with all requirements of law.

The custodian of each law enforcement facility that contains a lockup for adults shall make any report as may be requested by the board or by the juvenile court to effectuate the purposes of this subdivision.

(c) The board shall collect biennial data on the number, place, and duration of confinements of minors in jails and lockups, as defined in subdivision (i) of Section 207.1, and shall publish biennially this information in the form as it deems appropriate for the purpose of providing public information on continuing compliance with the requirements of Section 207.1.

(d) Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210 or 210.2, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

(e) Where a juvenile hall is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210, and where the noncompliance arises from sustained occupancy levels that are above the population capacity permitted by applicable minimum standards, the juvenile hall shall be unsuitable for the confinement of minors if the board or the judge of the juvenile court determines that conditions in the facility pose a serious risk to the health, safety, or welfare of minors confined in the facility. In making its determination of suitability, the board or the judge of the juvenile court shall consider, in addition to the noncompliance with minimum standards, the totality of conditions in the juvenile hall, including the extent and duration of overpopulation as well as staffing, program, physical plant, and medical and mental health care conditions in the facility. The Board of Corrections may develop guidelines and procedures for its determination of suitability in accordance with this subdivision and to assist counties in bringing their juvenile halls into full compliance with applicable minimum standards. This subdivision shall not be interpreted to exempt a juvenile hall from having to correct, in accordance with the provisions of subdivision (d), any minimum standard violations that are not directly related to overpopulation of the facility.

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225 - Juvenile Justice Commission membership: In each county there shall be a juvenile justice commission consisting of not less than 7 and no more than 15 citizens. Two or more of the members shall be persons who are between 14 and 21 years of age, provided there are available persons between 14 and 21 years of age who are able to carry out the duties of a commission member in a

manner satisfactory to the appointing authority. Each person serving as a member of a probation committee immediately prior to September 15, 1961, shall be a member of the juvenile justice commission and shall continue to serve as such until such time as his or her term of appointment as a member of the probation committee would have expired under any prior provision of law. Upon a vacancy occurring in the membership of the commission and upon the expiration of the term of office of any member, a successor shall be appointed by the presiding judge of the superior court with the concurrence of the judge of the juvenile court or, in a county having more than one judge of the juvenile court, with the concurrence of the presiding judge of the juvenile court for a term of four years. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his or her predecessor.

Appointments may be made by the presiding judge of the superior court, in the same manner designated in this section for the filling of vacancies, to increase the membership of a commission to the maximum of 15 in any county which has a commission with a membership of less than 15 members.

In any county in which the membership of the commission, on the effective date of amendments to this section enacted at the 1971 Regular Session of the Legislature, exceeds the maximum number permitted by this section, no additional appointments shall be made until the number of commissioners is less than the maximum number permitted by this section. In any case, such county's commission membership shall, on or after January 1, 1974, be no greater than the maximum permitted by this section.

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229 - Duty of Commission: It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement for more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Board of Corrections.

229.5 - Juvenile Justice commissions; inquiries into group homes: (a) Notwithstanding any other provision of law, a juvenile justice commission may inquire into the operation of any group home that serves wards or dependent children of the juvenile court and is located in the county or region the commission serves. The commission may review the safety and well-being of wards or dependent children placed in the group home and the program and services provided in relation to the home's published program statement.

(b) In conducting its review, the commission shall respect the confidentiality of minors' records and other information protected under other provisions of law. It may not review confidential records, such as court or case records of a child, personnel records of employees, or financial or donor records of the group home.

(c) The commission shall give the group home manager at least 24 hours' advance notice of a visit to a group home. If the commission believes that there is a serious violation of applicable licensing laws or regulations or that residents of a group home are in danger of physical or mental abuse, abandonment or other substantial threat to their health and safety, the commission shall notify

the Community Care Licensing Division of the State Department of Social Services for appropriate action, shall consult with the presiding judge of the juvenile court and chief probation officer as to whether or not a visit is appropriate, and shall notify other juvenile justice commissions of its actions, as appropriate.

(d) Upon the completion of a visit, if the commission finds any condition in the group home that poses a danger to its residents or otherwise violates any applicable law, ordinance, or regulation, the commission shall verbally advise the group home manager of its findings, unless it determines that the advisement could be detrimental to the children placed there, and shall send written confirmation of its findings to the group home manager within 14 days. The commission may also report its findings to the presiding judge of the juvenile court, chief probation officer, State Department of Social Services, or other juvenile justice commissions as appropriate. A group home manager may meet with the juvenile justice commission, chief probation officer, county welfare director, juvenile court, or the State Department of Social Services to resolve any problem or to submit a plan of correction.

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230 - Recommendations; publication: A juvenile justice commission may recommend to any person charged with the administration of any of the provisions of this chapter such changes as it has concluded, after investigation, will be beneficial. A commission may publicize its recommendations

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233 - Delinquency Prevention Commission; The board of supervisors may by ordinance provide for the establishment, support, and maintenance of a delinquency prevention commission, composed of not fewer than seven citizens, to coordinate on a countywide basis the work of those governmental and non-governmental organizations engaged in activities designed to prevent juvenile delinquency. If the board so elects, it may designate the juvenile justice commission, or any other committee or council appointed pursuant to Section 232 or 235, to serve in such capacity. The commission may receive funds from governmental and non-governmental sources to hire an executive secretary and necessary staff and to defray needed administrative expenses. The board of supervisors may direct any county department to provide necessary staff service to the commission. The commission may expend its funds on specific projects designed to accomplish its objectives. Members of the delinquency prevention commission shall be appointed by the board of supervisors to serve a term of four years, and they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Upon a vacancy occurring in the membership in the commission and upon the expiration in the term of office of any member, a successor shall be appointed by the board of supervisors. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his or her predecessor. The board of supervisors may appoint initial members to any delinquency prevention commission created after the effective date of the amendment made to this section at the 1973-74 Regular Session of the Legislature to hold office for the following terms: one-half of the membership of an even-numbered commission for a term of two years and one-half plus one of the membership of an odd-numbered commission for a term of two years. The remaining initial members and the term of office of each successor appointed to fill a vacancy occurring on the expiration of a term thereafter shall be four years. For a delinquency prevention commission existing on the effective date of the amendment made to this section at the 1973-74 Regular Session of the Legislature the board of supervisors may at any time upon the expiration of all the members' terms of office appoint members to hold office for the following terms: one-half of the membership of an even-numbered commission for a term of two years and one-half plus one of the membership of an odd-numbered commission for a term of two years. The remaining members and the term of office

of each successor appointed to fill a vacancy occurring on the expiration of a term thereafter shall be four years. Notwithstanding the preceding provisions of this section, the board of supervisors shall appoint two or more persons who are between 14 and 21 years of age to membership on a delinquency prevention commission, provided there are available persons between 14 and 21 years of age who are able to carry out the duties of a commission member in a manner satisfactory to the appointing authority.

233.5 – Indent or pornographic materials; assistance and advice: In a county having a population of over 6,000,000, the board of supervisors may assign the responsibility for assisting and advising the board and other county officers concerning the publication and distribution of allegedly indecent or pornographic materials and such other related duties as the board may determine proper to the delinquency prevention commission established pursuant to Section 233.

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270 – County officers; nomination and appointment: Except as provided in Section 69906 of the Government Code, there shall be in each county the offices of probation officer, assistant probation officer, and deputy probation officer. A probation officer shall be appointed in every county. Probation officers in any county shall be nominated by the juvenile justice commission or regional juvenile justice commission of such county in such manner as the judge of the juvenile court in that county shall direct, and shall then be appointed by such judge.

The probation officer may appoint as many deputies or assistant probation officers as he desires; but such deputies or assistant probation officers shall not have authority to act until their appointments have been approved by a majority vote of the members of the juvenile justice commission, and by the judge of the juvenile court. The term of office of each such deputy or assistant probation officer shall expire with the term of the probation officer who appointed him, but the probation officer, with the written approval of the majority of the members of the juvenile justice commission and of the judge of the juvenile court, may, in his discretion, revoke and terminate any such appointment at any time.

Probation officers may at any time be removed by the judge of the juvenile court for good cause shown; and the judge of the juvenile court may in his discretion at any time remove any such probation officer with the written approval of a majority of the members of the juvenile justice commission.

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271 – County charter provisions: In counties having charters which provide a method of appointment and tenure of office for probation officers, assistant probation officers, deputy probation officers, and the superintendent, matron, and other employees of the juvenile hall, such charter provisions shall control as to such matters, and in counties which have established or hereafter establish merit or civil service systems governing the methods of, appointment and the tenure of office of, probation officers, assistant probation officers, deputy probation officers, and of the superintendents, matrons and other employees of the juvenile hall, the provisions of such merit or civil service systems shall control as to such matters; but in all other counties, such matters shall be controlled exclusively by the provisions of this code.

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601 - Statutes relating to status offenders: (a) Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian, or custodian, or who is beyond the control of that person, or who is under the age

of 18 years when he or she violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court.

(b) If a minor has four or more truancies within one school year as defined in Section 48260 of the Education Code or a school attendance review board or probation officer determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or to correct the minor's persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities, or if the minor fails to respond to directives of a school attendance review board or probation officer or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. However, it is the intent of the Legislature that no minor who is adjudged a ward of the court pursuant solely to this subdivision shall be removed from the custody of the parent or guardian except during school hours.

(c) To the extent practically feasible, a minor who is adjudged a ward of the court pursuant to this section shall not be permitted to come into or remain in contact with any minor ordered to participate in a truancy program, or the equivalent thereof, pursuant to Section 602.

(d) Any peace officer or school administrator may issue a notice to appear to a minor who is within the jurisdiction of the juvenile court pursuant to this section.

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602 - Statutes relating to delinquent children: (a) Except as provided in subdivision (b), any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

(b) Any person who is alleged, when he or she was 14 years of age or older, to have committed one of the following offenses shall be prosecuted under the general law in a court of criminal jurisdiction:

(1) Murder, as described in Section 187 of the Penal Code, if one of the circumstances enumerated in subdivision (a) of Section 190.2 of the Penal Code is alleged by the prosecutor, and the prosecutor alleges that the minor personally killed the victim.

(2) The following sex offenses, if the prosecutor alleges that the minor personally committed the offense, and if the prosecutor alleges one of the circumstances enumerated in the One Strike law, subdivisions (d) or (e) of Section 667.61 of the Penal Code, applies:

(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal Code.

(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal Code.

(C) Forcible sex offenses in concert with another, as described in Section 264.1 of the Penal Code.

(D) Forcible lewd and lascivious acts on a child under the age of 14 years, as described in subdivision (b) of Section 288 of the Penal Code.

(E) Forcible penetration by foreign object, as described in subdivision (a) of Section 289 of the Penal Code.

(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(G) Lewd and lascivious acts on a child under the age of 14 years, as defined in subdivision (a) of Section 288, unless the defendant qualifies for probation under subdivision (c) of Section 1203.066 of the Penal Code.

851 - Nature and Environment of Juvenile Hall: Except as provided in Section 207.1, the juvenile hall shall not be in, or connected with, any jail or prison, and shall not be deemed to be, nor be treated as, a penal institution. It shall be a safe and supportive homelike environment

880 - Purposes of establishment: In order to provide appropriate facilities for the housing of wards of the juvenile court in the counties of their residence or in adjacent counties so that those wards may be kept under direct supervision of the court, and in order to more advantageously apply the salutary effect of a safe and supportive home and family environment upon them, and also in order to secure a better classification and segregation of those wards according to their capacities, interests, and responsiveness to control and responsibility, and to give better opportunity for reform and encouragement of self-discipline in those wards, juvenile ranches or camps may be established, as provided in this article

883 - Work, studies and activities of committed wards: The wards committed to ranches, camps, or forestry camps may be required to labor on the buildings and grounds thereof, on the making of forest roads for fire prevention or firefighting, on forestation or reforestation of public lands, or on the making of firetrails or firebreaks, or to perform any other work or engage in any studies or activities on or off of the grounds of those ranches, camps, or forestry camps prescribed by the probation department, subject to such approval as the county board of supervisors by ordinance requires.

Wards may not be required to labor in fire suppression when under the age of 16 years.

Wards between the ages of 16 years and 18 years may be required to labor in fire suppression if all of the following conditions are met:

(a) The parent or guardian of the ward has given permission for that labor by the ward.

(b) The ward has completed 80 hours of training in forest firefighting and fire safety, including, but not limited to, the handling of equipment and chemicals, survival techniques, and first aid.

Whenever any ward committed to a camp is engaged in fire prevention work or the suppression of existing fires, he or she shall be subject to worker's compensation benefits to the same extent as a county employee, and the board of supervisors shall provide and cover any ward committed to a camp while performing that service, with accident, death and compensation insurance as is otherwise regularly provided for employees of the county.

885 - Standards; adoption: (a) The Board of Corrections shall adopt and prescribe the minimum standards of construction, operation, programs of education and training, and qualifications of personnel for juvenile ranches, camps, or forestry camps established under Section 881.

(b) The Board of Corrections shall conduct a biennial inspection of each juvenile ranch, camp, or forestry camp situated in this state that, during the preceding calendar year, was used for confinement of any minor for more than 24 hours.

(c) The custodian of each juvenile ranch, camp, or forestry camp shall make any reports that may be required by the board to effectuate the purposes of this section.

886 - Maximum number of children: Except as provided in Section 886.5, no juvenile home, ranch, camp, or forestry camp established pursuant to the provisions of this article shall receive or contain more than 100 children at any one time.

886.5 - Expanded capacity" (a) A juvenile home, ranch, camp, or forestry camp may receive or contain a maximum of 125 children at any one time if the county has determined that there is a consistent need for juvenile home, ranch, camp, or forestry camp placements which exceeds the beds available in the county. Any county desiring to expand the capacity of a juvenile home, ranch, camp, or forestry camp pursuant to this section shall certify to the Board of Corrections that the facility to be expanded will continue to meet the minimum standards adopted and prescribed pursuant to Section 885 during the period of expanded capacity.

(b) (1) The Legislature reaffirms its belief that juvenile ranches, camps, forestry camps, and other residential treatment facilities should be small enough to provide individualized guidance and treatment for juvenile offenders which enables them to return to their families and communities as productive and law abiding citizens. Consistent with this principle and upon demonstration of exceptional need, a juvenile ranch, camp, or forestry camp may receive or contain a maximum population in excess of 125 children at any one time if the Board of Corrections has approved that expanded capacity pursuant to the following procedure:

(A) The county shall submit an application to the Board of Corrections, endorsed by the board of supervisors, identifying the capacity requested and the reasons why the additional capacity is needed. The application shall include the county's plan to ensure that the facility will, with the additional capacity, comply with applicable minimum standards and maintain adequate levels of onsite staffing, program, and other services for children in the facility.

(B) The Board of Corrections shall review any application received under this subdivision and shall approve or deny the application based on a determination whether the county has demonstrated its ability to comply with minimum standards and maintain adequate staffing, program, and service levels for children in the expanded facility. In its review, the board shall consider any public comment that may be submitted while the application is pending. The board may approve an application with conditions, including a capacity below the requested number, remodeling or expansion of units or living quarters, staffing ratios in excess of those required by minimum standards, or other adjustments of program or procedure deemed appropriate by the board for a facility operating with a capacity in excess of 125 children. The board shall ensure that the staffing, program, and service levels are increased commensurate with the increased risks to residents and the staff that are a result of the expanded capacity.

(2) Notwithstanding the inspection schedule set forth in Section 885, the board shall conduct an annual inspection of any facility whose application for expanded capacity under this subdivision is approved. The approval to operate at a capacity above 125 children shall terminate, and the facility shall not thereafter receive or contain more than 125 children, if the board determines after any annual inspection that the facility is not in compliance with minimum standards, that program, staffing, or service levels for children in the expanded facility have not been maintained, or that the county has failed substantially to comply with a condition that was attached to the board's approval of the expanded capacity.

(c) The board may provide forms and instructions to local jurisdictions to facilitate compliance with this section.

888 - Agreements with other counties: Any county establishing a juvenile ranch or camp under the provisions of this article may, by mutual agreement, accept children committed to that ranch or camp by the juvenile court of another county in the state. Two or more counties may, by mutual agreement, establish juvenile ranches or camps, and the rights granted and duties imposed by this article shall devolve upon those counties acting jointly. The provisions of this article shall not apply to any juvenile hall.

889 - Administration and operation of public schools: The board of education shall provide for the administration and operation of public schools in any juvenile hall, day center, ranch, camp, regional youth educational facility, or Orange County youth correctional center in existence and providing services prior to the effective date of the amendments to this section made by the Statutes of 1989, established pursuant to Article 2.5 (commencing with Section 48645) of Chapter 4 of Part 27 of the Education Code, or Article 9 (commencing with Section 1850) of Chapter 1 of Division 2.5 of the Welfare and Institutions Code.

893 - Counties of over 5,00,000; contracts with private organizations: (a) The board of supervisors of any county with a population of five million or more may provide and maintain a school or schools at a juvenile ranch or camp or residential or nonresidential boot camp under the control of the probation officer for the purpose of meeting the special educational needs of wards and dependent children of the juvenile court. The school or schools shall be conducted in a manner and under conditions that will minister to the specific individualized educational and training needs of each ward and dependent child in furtherance of the objective of assisting each of them, as much as possible, to fulfill his or her potential to be a contributing, law-abiding member of society. If the board of supervisors determines that this objective may be promoted as well as or better by provision of educational and training services by a qualified private organization, the board of supervisors on behalf of the county may enter into annual contracts, with or without options to renew, for the provision of those services by that organization.

(b) The Legislature hereby finds and determines that there are persons whose educational and vocational backgrounds and personal leadership qualities peculiarly fit them to instruct and train wards of the court in promotion of the aforesaid objective, but who lack certification qualifications. Accordingly, the probation officer is hereby authorized to certify to the county board of education and the Superintendent of Public Instruction that a person employed or to be employed by the probation officer or by an organization retained by contract to provide vocational training or vocational training courses at or in connection with the school or schools is peculiarly fit to provide wards of the court that vocational training in promotion of the aforesaid objective.

The certification shall specify the type or types of service the person is qualified to provide. Upon filing of that certification, the person shall be deemed to be a certificated employee for purposes of authorizing him or her to provide the services described in the certificate and for apportionment purposes.

(c) The individual school or schools shall have a maximum enrollment of 100 students.

(d) The county superintendent of schools shall report on behalf of the county the average daily attendance for the schools and classes maintained by the county in the school or schools in the manner provided in Sections 41601 and 84701 of the Education Code and other provisions of law.

(e) The Superintendent of Public Instruction shall compute the amount of allowance to be made to the county by reasons of the average daily attendance at the school or schools by multiplying the average daily attendance by the foundation program amount for a high school district that has an average daily attendance of 301 or more during the fiscal year, and shall make allowances based thereon and shall apportion to the county, the allowances so computed in the same manner and at the same times as would be done with respect to allowances and apportionments to the county school service fund.

FREQUENTLY ASKED QUESTIONS
JUVENILES IN THE CUSTODY OF LAW ENFORCEMENT

1. What is the difference between a "jail" and a "lockup"?

Welfare and Institutions Code (WIC) Section 207.1(i)(1) defines a "jail" as "…any building that contains a locked facility administered by a law enforcement or government agency" which holds both pretrial and "…convicted adult criminal offenders…"

WIC Section 207.1(i)(2) defines a "lockup" as "…any locked room or secure enclosure under the control of a sheriff or other peace officer which is primarily for the temporary confinement of adults upon arrest."

Generally speaking, a jail is a Type II, III or IV Facility while a lockup is a Temporary Holding or a Type I Facility as defined in Title 15, Section 1006, California Code of Regulations. The key to the difference is whether the facility is holding sentenced adult inmates other than inmate workers.

2. Can minors be temporarily detained in a law enforcement facility that has a jail attached to it?

Generally, under current law, minors may not be temporarily detained for any period of time in a law enforcement facility that contains a jail. The exception to this rule is when the law enforcement agency needs to administer an evaluation, test or chemical test pursuant to Vehicle Code Section 23157. When this occurs, there must not be equipment to complete such a test at a juvenile detention facility within a reasonable distance, the minor may not be locked in any cell or room within the law enforcement facility or jail, and the minor must be continuously supervised to ensure that no contact occurs with adult inmates.

3. Are there any other occasions when a minor may be detained (housed) in a jail?

Minors may be detained in jails only after they have been transferred to the jurisdiction of an adult court as a result of allegedly committing an offense enumerated in 707.01 WIC. In addition, the juvenile court judge must issue a finding that the minor’s continued detention in juvenile hall would endanger the safety of the public or other minors at the juvenile hall. Also, once detained at the jail, the minor must be adequately supervised and may not come into contact with adult inmates.

4. Can a minor ever be housed in the same cell as an adult?

Yes. Minors may only be housed in a jail under two circumstances. First, under 207.1(b) WIC, as described in question #3, minors 14 years of age or older may be housed in a jail. Second, under 208.1 WIC, 16- and 17-year old minors may be housed in a jail. The difference between these two enabling sections is that under 207.1 WIC, the minor shall not have "contact" with adult inmates.

Under 208.1 WIC, the minor may have contact only while continuously supervised and under limited circumstances. This contact may include being housed in the same cell as an adult. Jail managers should be cautious when employing this exception and only use it under extreme circumstances. We encourage the jail manager to first contact your assigned Board of Corrections field representative when contemplating this action.

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5. Can I detain a minor arrested for a criminal offense under 602 WIC in a law enforcement facility that contains a "lockup"?

Yes. 207.1 allows minors who are detained for criminal offenses (602 WIC) to be in temporary custody in law enforcement facilities that contain lockups for up to 6 hours. This time is allowed to enable the law enforcement agency to investigate the case, facilitate the release of the minor to a parent or guardian or arrange transfer to an appropriate juvenile facility. While in the adult "lockup" the minors may not come into, or remain in "contact" with adult inmates (refer to questions 14 and 15 for additional information).

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6. Can I ever exceed the 6-hour limit?

Generally, no. The only exceptions to the "6-hour rule" are under the limited conditions of inclement weather, acts of God, or natural disasters which result in the temporary unavailability of transportation, extensions may be granted by the Board of Corrections on a case-by-case basis. An exception may also be granted to an "off shore law enforcement facility" (Catalina Island) if transportation is unavailable.

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7. What would happen if I detain a minor for more than 6 hours under circumstances not included in question # 6?

Although you and your agency would be in violation of 207.1 WIC, there are no formal sanctions. You would need to report this violation in the agency's monthly report to the Youth Authority, and your agency would be contacted by a BOC staff to examine the circumstances of this violation and, if appropriate, to provide technical assistance. Additionally, this is a violation of the federal Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) and must be reported in the state's annual audit. Ultimately, if the number of violations of the 6-hour rule exceed the state's de minims allowance, federal funding under the JJDPA to the state (approximately $8 million annually) would be in jeopardy.

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8. When does the clock start and stop for the 6-hour rule?

The 6-hour limit begins when a minor enters a law enforcement facility that contains a lockup and ends when the minor leaves the facility.

9. What does "secure detention" mean?

A minor is in "secure detention" whenever they are detained in a locked room, cell or enclosure, or secured to a fixed object (e.g. a handcuffing rail.) This condition would also exist if a minor is detained in a building, or portion of a building, in which all doors are locked to the inside.

10. When can I place a minor in "secure detention"?

A minor 14 years of age or older may be placed in secure detention only when a law enforcement officer has a reasonable belief that the minor poses a serious security risk of harm to self or others. In addition, the following conditions must be met:

- the minor must be informed at the time they are securely detained:
  - the purpose of the secure detention;
  - the length of time the secure detention is expected to last; and
  - of the six-hour maximum time limit.

- contact between minors and adult inmates is prohibited per 208 WIC;

- the minor is adequately supervised; and

- a log or written record is maintained by the law enforcement agency which:
  - shows the offense which is the basis for the minor's detention;
  - the reason(s) and circumstance(s) which formed the basis for the minor being placed into secure detention;
  - the length of time the minor was in secure detention; and
  - the times the minor received security checks (at least one every half hour) and the identification of the person completing the checks.

11. What guidelines should be used to determine what a "serious security risk of harm to self or others" is?

In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors:

- age, maturity and delinquent history of the minor;
- severity of the offense(s) for which the minor was taken into custody;
- minor's behavior, including the degree to which the minor appears cooperative or non-cooperative;
- the availability of staff to provide adequate supervision or protection of the minor; and
- the age, type, and number of other individuals who are detained in the facility.

12. Is it considered "secure detention" when I leave minors handcuffed to themselves, and not secured to a fixed object or locked in a room, cell or enclosure?

No. Minors may be handcuffed to themselves at all times during non-secure custody.

13. Can I ever secure a minor to a chair or table?

If a minor is secured to a table, bench or chair, it is considered "secure detention" and all of the criteria for placing a minor in this position would apply. In addition, the minor must be continuously supervised by facility staff to ensure the minor's safety. Securing a minor to a fixed object must be approved by a watch commander after 30 minutes and every 30 minutes thereafter. This approval shall be documented stating the reasons for continuing secure detention. This would normally occur when secure detention is appropriate and a locked enclosure is unavailable. The minor must be moved to a locked enclosure as soon as one becomes available.

14. What does "sight and sound" separation mean?

"Sight and sound" separation means that a minor may not come into contact with adult inmates or arrestees in a law enforcement facilities that contain jails or lockups. California statutes and regulations do not specifically use the term "sight and sound." Instead, Welfare and Institutions Code Section 208 provides that it is "unlawful" to permit minors to come or remain in contact with adult inmates. "Contact" is defined as communications, whether visual or verbal or immediate physical presence.

15. Are there any times that a minor may be in the same area as adult inmates?

Yes. Title 15 regulations specify that when an adult inmate, including an inmate worker, is in the same room or area, staff of the law enforcement facility must maintain constant side-by-side presence with either the inmate or the minor to ensure that no communications occur. Situations where this "incidental presence" may occur are:

- booking;
- medical screening;
- where an inmate worker is performing work necessary for the operation of the law enforcement facility, such as meal service and janitorial duties; and
- during movement of persons in custody within the facility.

16. How often do I have to check on a minor in non-secure custody?

You are required to provide a constant personal visual supervision for any minor in non-secure detention. You may not use any audio, video or other electronic device to replace the personal visual supervision.

17. How about for minors in secure detention?

Minors in secure detention inside a locked enclosure must receive constant audio access to facility staff. This requirement may be met through the use of an audio monitoring system. In addition, staff must provide documented, unscheduled and personal visual safety checks at least once every half hour. Minors who are securely detained outside a locked enclosure (e.g. a handcuffing rail) must receive constant personal visual supervision.

18. What do I need to provide a minor who is in temporary custody in a law enforcement facility?

All minors in temporary custody (secure detention and non-secure custody) must receive:

- access to toilets and washing facilities;
- one snack upon request during the term of temporary custody if the minor hasn't eaten in the past four hours or is otherwise in need of nourishment;
- access to drinking water; and
- privacy during visits with family, guardian and/or lawyer.

In addition, minors in secure detention inside locked enclosures shall be:

- provided blankets and clothing as necessary to provide for the comfort of the minor; and
- permitted to retain and wear their personal clothing unless the clothing is inadequate, presents health or safety problems, or is required to be utilized as evidence of an offense.

19. Who do I call if I have more questions about minors in my facility?

Please contact your assigned field representative at the Board of Corrections or the duty officer; the phone number is 916-445-5073.

WHAT COMMISSIONS CAN DO / HAVE DONE

- **Acted as** a catalyst for community development
- **Acted as** a sounding board for the community
- **Attended county** budget meetings / **Attended Juvenile** court hearings
- **Collaborated with** local university to present workshops on community building, delinquency prevention, self esteem, and Native American concerns
- **Conducted special** JJDPC forum to identify needs and concerns specific to Native American youth and families
- **Conducted two-year** study to develop a Community Switchboard for county, handed off to private non-profit for development
- **Co-sponsored** Bonding and Attachment Workshop for countywide providers
- **Co-sponsored** Prevention Celebration annually
- **Developed a** community empowerment approach to long range comprehensive delinquency prevention planning which was handed off to the Community Congress
- **Developed a** gang task force / **Developed a** mock trial process for youth
- **Developed a** recognition program for children and adults who have contributed to the community / **Developed** a regular liaison; member for the Commissions from the Board of Supervisors / **Developed a** resource manual for children / **Developed a** Youth Service Bureau and gave ongoing support / **Developed and** supported mentorship programs
- **Developed emergency** booklet for youth / **Developed good** balance on Commission
- **Developed increased** teamwork within Commission / **Developed Juvenile** Assigned Work Service supported by local foundation grant / **Developed local** Connections Project after state training / **Developed mentorship** programs to assure ongoing youth participation / **Developed ongoing** involvement with Crystal Creek Boys Ranch / **Developed regional** meetings to support Commission development and the development of a Regional Facility to serve hard to place minors / **Developed Saturday** night basketball for delinquency prevention / **Developed strong** working relationships with agencies / **Developed work** program / **Developed Youth** and the Law pamphlet
- **Expanded and** intensified involvement of youth on the commissions
- **Held a** social at Juvenile Hall
- **Held legislative** study session

- **Held meeting** in different parts of the county
- **Held meetings** with agencies who are working with children
- **Held providers** meeting to identify community needs of at risk youth
- **Helped families**
- **Helped to** design state workshop on interagency coordination
- **Improved communication** between schools
- **Increased activity** and focus of Commission
- **Increased Commission** knowledge to increase advocacy
- **Increased meetings** and worked on development of credibility with Board of Supervisors
- **Invited public** to JJDPC meetings
- **Made budget** recommendations to the Board of Supervisors
- **Made recommendations** to Boards of Supervisors regarding policies affection children youth and families
- **Made recommendations** to the Governor and legislators regarding delinquency prevention policies
- **Met kids** in placement and inspected facilities
- **Moved all** babies out of shelter into foster care
- **Networked throughout** the county
- **Obtained cameras** on school grounds - increased security
- **Originated studies** of Indian child Welfare Act as it related to services in local county
- **Participated in** development of Interagency Committee under the leadership of the Juvenile Court
- **Participated in** the statewide JJDPC training
- **Participated with** California Youth Authority meetings on Public Safety and Community resource Development
- **Participated with** the Board of Corrections in Capacity Building activities
- **Participation in** training by seven members and judge
- **Presented annual** reports to the Boards of Supervisors
- **Presented Community** Development/Collaboration Training for county
- **Presented workshop** "Detecting Learning Disabilities in Pre-School Children"
- **Presented workshop** "Parenting Adolescents"
- **Provided a** county wide television forum on gang prevention, followed by training for facilitators to work in communities dealing with gang problems

- **Provided Christmas** Pizza feed
- **Provided community** forums
- **Provided computers** for Wilderness Recovery program
- **Provided conference** on parenting and outreach
- **Published JJDPC** monthly newsletter which highlights positive programs and activities for children, families and youth in the County
- **Published Youth** Service Directory and handed off future updates to local community college
- **Recommended changes** in policy, legislative advocacy, and program support the Board of Supervisors
- **Reduced number** of kids detained
- **Requested Study** Sessions with Board of Supervisors regarding legislation
- **Spoke to** service clubs, PTA's, and community organizations about delinquency prevention
- **Supported attempts** to prevent removal of minors from their home
- **Supported** Chief Probation Officer and Probation Department
- **Supported child** abuse prevention council
- **Supported development** of local diversion programs
- **Supported development** of Special Purpose Juvenile Hall
- **Supported multi**-agency collaboration
- **Supported program** development
- **Supported receipt** of $2.1 million grant
- **Supported the** development and building of juvenile facility - each child staffed by multi-organization group
- **Supported the** development of drug court
- **Supported the** development of teen court
- **Through Family** Resources Committee developed Children of Divorce
- **Toured/inspected** group homes
- **Trained JJDP** Commissioners
- **Visited community** agencies and programs
- **Worked directly** with youth in the community supporting their efforts
- **Worked to** eliminate graffiti
- **Wrote and** distributed Juvenile law booklets
- **Wrote letters** of support for local collaborative grant applications

COUNTY-OPERATED JUVENILE INSTITUTIONS
INSPECTION SITE ADDRESSES

.

Camp Barrett (CB)
21077 Lyons Valley Road
Alpine, 91901
(619) 401-4900

James Seal, Prob. Director
(619) 401-4918

Girls' Rehabilitation Facility (GRF)
2861 Meadow Lark Dr.
(sits behind Juvenile Court)
San Diego, 92123
(858) 694-4510

Craig Stover, Prob. Director
(858) 694-4501
Leann Kowalski, Supv. Probation Officer
(858) 694-4511

East Mesa Juvenile Detention Facility (EMJDF)
446 Alta Road, Ste 1600
San Diego, 92154
(619) 671-4400

Dan DeLeon, Probation Director
(619) 671-4418

Juvenile Ranch Facilities (JRF)
957 Forrest Gate Road
Campo, 91906
(619) 401-3500

James Seal, Probation Director
(619) 401-3580
Has two dorms:
Rancho del Campo (RDC) and
Rancho del Rayo (RDR)

Kearny Mesa Juvenile Detention Facility (KMJDF)
2801 Meadow Lark Dr.
San Diego, 92123
(858) 694-4500

Craig Stover, Prob. Director
(858) 694-4501

Polinsky Children's Center (PCC)
9400 Ruffin Court
San Diego, 92123
(858) 514-4600

Cathi Palatella, Facility Director
(858) 514-4601

Additional facility information, including demographics and programs, is available online at:
http://www.sdcounty.ca.gov/probation/juvenile_information_detained.html

JUVENILE JUSTICE/DELINQUENCY PREVENTION COMMISSION

INSPECTION HANDBOOK FOR JUVENILE HALLS AND CAMPS

BOARD OF CORRECTIONS
FACILITIES STANDARDS AND OPERATIONS DIVISION
July 2004

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INTRODUCTION

Juvenile Justice/Delinquency Prevention Commission

Inspection Handbook

MINORS IN JUVENILE HALLS AND CAMPS

ARTICLES 3-11

This Juvenile Justice/Delinquency Prevention (JJ/DP) Commission inspection handbook has been designed by Board of Corrections staff with assistance from the Juvenile Justice/Delinquency Prevention (JJ/DP) Commission Planning Committee and is for use by JJ/DP Commissions during the juvenile facility inspection process. The inspection handbook addresses the **Minimum Standards for Juvenile Facilities [Title 15, California Code of Regulations (CCR)],** that relate to programs, procedures, health care, nutrition and sanitation issues in locally operated juvenile facilities.

This inspection handbook describes only the standards that relate to those facility program issues, which have been identified by JJ/DP Commissioners as needing additional discussion or clarification. It is recommended that you read all the standards and their accompanying guidelines prior to conducting your inspection to put each section in context within the overall operation of a juvenile facility.

This inspection handbook is intended to explain the regulations, identify issues and propose options to consider when completing a facility inspection. The handbook does not cover every possible contingency; it is intended to assist commissioners in understanding the regulations and applying them to their inspections.

As commissioners you are the ears and eyes of your community. Safety and security are vital elements in operating a facility. You will want to look at these issues as well as at facility programs in your effort to ensure that the minors in the facility are treated in a safe and humane manner.

FACILITY INSPECTION RESPONSIBILITY

Section 229 of the Welfare and Institutions Code (WIC) states that it shall be the duty of a juvenile justice commission to inquire into the administration of juvenile court law in the county or region in which the commission serves. The commission shall inspect all publicly administered institutions no less frequently than once a year. This chapter of the WIC refers to juvenile halls and camps.

It further instructs the juvenile justice commission to annually inspect any jail or lockup within the county which, in the preceding calendar year, was used for the confinement of any minor for more than 24 hours.

Section 209 of the WIC states that the judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility which contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor.

Section 229 WIC does not include group homes. Group homes are privately owned and are regulated by the Department of Social Services, Community Care Licensing Division (CCL). Please refer to Section 229.5 WIC for further information. If your commission plans to inspect group homes it is recommended that you contact CCL in your community for further information regarding regulations and procedures.

PREPARING FOR THE INSPECTION

It is important to prepare carefully for a facility inspection. Advance notice should be given to the facility administrator so you can schedule a mutually convenient date for the inspection. The facility administrator is the chief probation officer, the sheriff or the chief of police, depending on the facility you plan to inspect.

The facility administrator may not be available to meet with you during the inspection and may assign the task to the facility manager or supervisory staff who will be your contact person. Keep the name, title and phone number of your contact person in your inspection file. Facility managers have different titles, but will usually be the assistant chief probation officer, deputy chief probation officer, or facility superintendent.

Follow up with a letter verifying the inspection date and provide the names of commissioners who will be participating in the inspection. Request any written material that you would like to have made available on the day of the inspection and specific staff you would like to interview such as medical and mental health staff, the school principal or teachers.

It would be disruptive to the facility operation to have the entire commission participate in the inspection. It is suggested that you explore the development of an inspection team comprised of no more than 5 commissioners.

It is important to remember that the Welfare and Institutions Code provides you with a great deal of leeway in terms of your inspection. You are not required to inspect

every aspect of the facility each time you conduct an inspection. You may decide to focus on one or two areas such as education and medical issues. It is a good idea to discuss these matters with your judge prior to the inspections to determine if the court has specific needs regarding the inspection.

Let your contact know if you are planning to have a meal at the facility. Call two to three days prior to the inspection to confirm your appointment.

Be on time for your appointment and have proper identification. Facility security is an important issue and you would not want to be turned away because you lack proper identification. It is important to be professional and courteous. Wear comfortable shoes for walking. Take only what you need into the facility, purses and briefcases should not be brought into the facility.

THE INSPECTION PROCESS

INSPECTION DOCUMENTS

It is a good idea to review local inspection reports and specific facility documents before touring the facility. You can review available documents before arriving at the facility and can examine the rest once you arrive. Review of the documents listed below will provide you with information about the facility operation and areas of concern and areas of non-compliance. These documents will also highlight areas where the facility has developed innovative programs and streamlined procedures. Note any non-compliance issues and check these areas during your inspection. You should plan to review the documents listed below.

- *Previous JJ/DP Commission Inspection Reports – What concerns were identified? Have problem areas been corrected?*

- *Latest Board of Corrections Inspection Report*

- *Local Inspection Reports including:*
  Building and grounds
  Fire authority
  Health administrator
  School report
  Court inspection report

- *Policy and Procedure Manual – Review those policies that you intend to focus on. This will assist you in determining if there is a discrepancy between policy, procedure and practice.*

- *Grievances – Ask to review a sampling of grievances filed by minors. This will give you an idea of concerns expressed by detainees.*

- *Serious Incident Reports (SIR) – Ask to review a sampling of serious incident reports. These will alert you to incidents involving injuries, restraints, emergencies, escapes and other serious or critical events*.

- *Assessment and Plan – Assessments and plans will usually be kept in minors' folders and describe the treatment plan for minors while they are in the facility.*

- *Unit logs can be reviewed as you tour the facility. These logs are a written document of activity on the unit. The log will include but is not limited to movement of minors entering and exiting the unit, medical visits, staff on duty, recreation activities, concerns about specific minors, discipline and room checks.*

FACILITY TOUR

It is suggested that you begin the facility tour at the booking/receiving area. This will provide you with an opportunity to become acquainted with booking, the intake process, intake health screening and any other steps a minor goes through when entering the facility.

Ask questions and observe security as you proceed through the facility. Be sure to tour the following areas: booking, intake/holding, medical, housing units, dining hall, classrooms, visiting area, personal and institutional storage areas, kitchen, safety room (if present), court holding areas located in the facility and exercise areas.

Note the following items as you tour the facility:

- *condition of the exterior and interior of the building noting graffiti, peeling paint, unpleasant odors, or other signs of deterioration;*
- *condition of the grounds, exercise areas, playing fields, and exercise equipment;*
- *general cleanliness of facility including windows, lighting, lockers, desks, conditions of the mattresses, bedding and pillows;*
- *condition of sleeping room door panels;*
- *temperature of living units and classrooms;*
- *safety and security issues including fencing, outdoor lighting, location of the weapons locker; and*
- *if court holding area is present in juvenile hall ensure access to toilet and drinking water.*

INTERVIEWS

<u>Entry Interview</u>

Upon arrival at the facility, meet with your contact person. This is a good time to ask if there are specific areas of concern or areas that need particular observation. As commissioners you can be extremely helpful in looking at problematic issues and providing feedback and suggestions. Let your contact know how long you plan to be at the facility and your general plan of action. Arrange a time for the exit interview.

Interviews with minors and staff are a vital part of the inspection process that will provide you with data about the day to day operation of the facility. Interviews should be conducted with privacy in mind. You can conduct interviews in the unit day room, exercise area, dining hall or wherever you can find a fairly secluded spot. It is not necessary to have staff and minors brought to an interview room.

Interviews with Staff

Attempt to interview both supervisory and child supervision staff. Supervisors can answer questions regarding staff training, number of personnel, staff experience and turnover, use of overtime and "as needed" or part time staff. Supervisory staff can give you their opinion on whether there are a sufficient number of supervisors and line staff and they can provide you with an overall view of how the living units operate.

Child supervision staff (group counselors) can provide you with information about their years of experience and training, their work assignment, what works well, what needs to change, how the unit runs, programs for minors, and issues that come up during meals, school, and visiting.

For a more complete understanding of the facility operation it is recommended that you also conduct interviews with, medical and mental health personnel, the school principal and teachers and the cook and kitchen staff.

The commission can make recommendations in their findings that advocate for staff.

Interviews with Minors

It is usually best to have a one-on-one interview. Minors can become intimidated if two adults are present during the interview. On the other hand, two or more minors together can spend much of the interview trying to impress one another and you may not receive accurate responses. It is a good idea to ask open-ended questions. We have included some sample questions below.

- *What do you like best about this facility?*
- *What is your daily schedule?*
- *How do you arrange to see the nurse?*
- *What is the grievance process?*
- *What have you been doing in school?*
- *How did you learn about the rules?*
- *What would you like to see changed in this facility?*
- *How do you get along with staff?*

It is not appropriate to discuss the minor's offense, case or other personal matters. Your interview should focus on the experience of the minor in the facility. If the minor attempts to engage you in a discussion of his/her case you need to make it clear that you cannot discuss these matters.

It is important that you do not share your impressions of the facility with minors or staff. Your observations can be shared with your contact person at the time of the exit interview.

Exit Interview

The exit interview is a critical part of the inspection where you can ask for clarification of issues and share your observations and recommendations. Be sure to share positive observations as well as your concerns. If there are non-compliance issues, determine a mutually agreeable date that you can expect to have these issues addressed. Tell your contact when he/she can expect your written follow-up.

Prompt Written follow-up

It is courteous and professional to follow the inspection with a prompt written follow-up. A thirty-day period should be ample time to put your thoughts and observations into written form. If you wait several weeks or months the information becomes less meaningful and may no longer be accurate.

It is important to remember that the Board of Corrections (BOC) does not determine the content or format of juvenile justice commission reports. The BOC has the responsibility to conduct inspections against the standards found in the California Code of Regulations, Titles 15 and 24, Standards for Juvenile Facilities and Title 15, Standards for Local Detention Facilities. BOC Inspections are conducted on a two-year cycle. The annual inspection reports from juvenile justice commissions are an important part of the BOC file.

The BOC conducts a technical inspection by staff who are familiar with the administration and management of facilities, and does not expect juvenile justice commissions to complete the same type of inspection. The BOC would prefer commissions to conduct an inspection that focuses on program issues within the facility.

You have a wealth of expertise and experience and are in an excellent position to observe and comment on the level of care given to youth confined in facilities. The BOC would like you to consider the following kinds of questions when inspecting a facility. Are facility conditions safe, humane and secure? Are minors, staff and the public protected? Are the casework, educational, and religious needs of the child being met? Are the recreation and exercise programs adequate? What do the staff and minors have to say about the conditions in the facility?

In response to commission requests, the BOC has developed a suggested inspection report form for use by juvenile justice commissions. Separate forms were developed for juvenile halls and camps, jails, and lockups. The forms were reviewed by the BOC JJ/DP Planning Committee, and a group of commissioners and probation staff. Many of their suggestions were incorporated into the forms.

The inspection form uses a narrative format, rather than a check list. This format provides you with an opportunity to record observations and recommendations. Rather, we suggest you use whatever format best fits the needs of your community.

Be sure to follow your commission protocols regarding the signing and distribution of the report. Remember that the inspection report is submitted by the commission, not by an individual member of the commission. Send a copy of your inspection report to your Presiding Juvenile Court Judge and the Board of Corrections. We recommend that copies also be sent to the facility administrator (chief probation officer) and the facility manager (superintendent or director).

Article 3. Training, Personnel, and Management

Section 1321. Staffing

Discussion: This section requires there to be an adequate number of personnel to carry out the program and a sufficient number of supervisory staff to ensure supervision of all staff. Remember that different staff ratios are required in juvenile halls and camps.

BOC staff will determine if there is sufficient staff to meet the requirements of the standard and will conduct a staffing survey when necessary. The JJ/DP Commission can be helpful in determining how staff is used during the day to day operation of the facility. During the inspection observe whether staff are present with groups of minors on the units, in the dining hall, during showers and during exercise and recreation. Observe if staff is interacting with minors. It may be appropriate for one staff to remain at the desk, but others should be actively supervising minors.

Many juvenile halls are crowded and operate above the Board Rated Capacity (BRC). This condition can put stress on staff who may have to work overtime, double shifts or without vacations. When a facility is crowded, management may have to rely heavily on "as needed" or part time staff who have not been fully trained. This practice can create security and safety issues.

You will want to determine whether the facility is operating with experienced staff and whether all positions are filled. If positions are unfilled, discuss this issue with the facility manager and determine what steps have been taken to fill positions. Positions may remain unfilled due to inability to recruit applicants, applicants failing the background check, non-competitive salaries or lack of funding.

Section 1322. Child Supervision Staff Training.

Discussion: Orientation, training, and personnel related regulations are based on the premise that a facility cannot operate without a properly trained staff. Usually on call and part time staff have not received Core Counselor training. It is important that experienced staff work shifts with the on-call staff.

- *During interviews with staff ask them to describe the training they have received. Was it useful?*
- *Was training adequate for the expectations of their assignment?*
- *Has staff had restraint training? Have they ever had to restrain a minor? Did it proceed as expected?*
- *Has staff had first aid and CPR training? Have they used these skills on the job?*
- *Have staff completed Core Counselor Training? How long have they been on the job? Did they complete the training within one year of being hired?*
- *What additional training does staff feel they need?*
- *Share the above information with the facility manager during the exit interview.*

Section 1324. Policy and Procedures Manual.

Discussion: A policy and procedures manual expresses the management philosophy of a facility as well as the approved steps in facility practices. Not only does the manual say what gets done and how it gets done, it explains why. It is the statement of practice and accountability because it describes the basic elements of each step in operating the facility.

The manual must accurately reflect what happens in the facility. Policies which are not implemented, procedures which are not followed and manuals which are not available to staff nor referred to periodically will be of no value in managing the facility, training personnel, or defending against litigation. Inaccurate manuals can put a facility at a disadvantage; they can be used to prove that a facility is being improperly operated.
It is recommended that commissions obtain a copy of the facility's policy and procedure manual prior to the inspection in order to review and become familiar with pertinent policies and procedures. As you conduct your inspection take note of areas where it appears that policy and practice differ. These issues should be discussed during the exit interview.

The manual is primarily for instructions to staff.

- *Has staff reviewed the manual?*
- *Is the manual easily located?*
- *Do they find it easy to understand?*
- *Does the manual clearly describe both policy and practice?*

Article 4. Records and Public Information

Section 1343. Juvenile Facility Capacity.

Discussion: The problems facing the juvenile hall manager are complex and frustrating, even when the facility is not crowded. With crowding, everyday problems can become crises. Counties administering crowded juvenile halls are vulnerable to lawsuits that may prove costly and result in unwanted court mandated remedies.

Although the Board of Corrections has a mandate to monitor and respond to the overcrowding, the problem is potentially a legal problem, always a management problem, and in the end, a systems and community problem.

Crowding impacts operations and programs in the facility. It is imperative that minors not sleep on the floor. When crowding occurs, single rooms may be used for double occupancy and double rooms may have triple occupancy. The BOC, however, recommends against sleeping three minors to a room, as there is a potential for two minors to gang up on the third minor.

When crowded, a facility may choose to move bunks into the day room and hire additional staff to monitor minors whenever they are sleeping.

If the facility is crowded, you will want to determine if there are sufficient beds for minors. Many facilities use preformed plastic stack-a-beds for overflow. The standard requires that beds be 30 inches wide and 76 inches long and be of the pan bottom type or constructed of concrete. While stack-a-beds do not meet the standard, they are preferable to sleeping on the floor. It becomes a safety and security issue if beds or mattresses block the door and prevent entry into the room.

When a facility is crowded, it is important to ascertain that all minors are attending school, having recreation and exercise, and have access to medical treatment. Minors cannot be denied programming due to crowding. Additional staff and teachers may be required during periods of crowding.

Article 5. Classification and Segregation

Section 1352. Classification.

Discussion: The purpose of classification is to ensure the appropriate housing and programming of minors for their safety and that of the staff and the facility. When properly designed, violence, confrontations and subsequent litigation are reduced.

Classification is not a tool for punishment or discipline. A preliminary classification should be done at the time of admittance. The focus of the initial classification is the health and safety of the minor, the safety of staff and other minors, and the security of the facility.

The classification system separates the sophisticated from the naive, the violent from the nonviolent, and the passive from the aggressive. The classification system should assist in identifying security risks, the physically and mentally ill, those requiring protective custody, those who may become victims to assertive and assaultive minors and those eligible for and suited to facility programs.

Staff training in the implementation of the classification plan is essential. Staff should be aware of the criteria for classifying a minor. Some plans might include methods for separating rival gang members, protective custody for minors who might be victimized and housing aggressive minors in single rooms. During the inspection ask staff to explain the classification criteria.

The classification criteria should be in written form in either the policy and procedures manual or as a separate document. Discuss the criteria with staff.

Each minor's written classification should be readily available in the minor's file. Subsequent review and modifications should also be included in the file. Commissioners can ask to review a sampling of classification plans. The standard requires periodic classification review including provisions that consider the minor's behavior while in custody. As an example, a minor who has a violent outburst may need to be confined to his/her room. As the minor's behavior and mood improve, he/she should be reclassified and mainstreamed into the general population.

- *Does staff understand and use the criteria?*
- *Are periodic reviews being completed?*
- *Does the system appear to be effective?*

Section 1353. Orientation.

Discussion: Minors newly received in the facility are often in crisis. They may be under the influence of drugs or alcohol, frightened, depressed, or disoriented. Minors will be concerned about personal, institution, and family problems, but may be unable to express their concerns. The risk for suicide is very high during the first few hours of detention.

Orientation provides minors with information about facility procedures, services and activities with which they must be familiar to function successfully. Minors will want the answers to the following questions. When is visiting? How do I get to see a doctor? When do I go to court? Orientation is intended to reduce rule violations and decrease staff time spent answering basic questions.

Some facilities use slide or videotape presentations to orient minors while they are in the receiving area. These kinds of orientations can be available in the language or languages most commonly used by minors in the specific facility. A well done written video or slide orientation presentation has the advantages of: (1) freeing staff from having to repeat the same information over and over; (2) being consistent and uniform so everyone gets same the necessary information; and (3) having built-in documentation that the orientation was delivered and what was covered.

Handbooks or handouts are useful for orientation, but written material needs to be supplemented by discussion of the material by staff. Simply giving the minor a written document does not guarantee that he/she will read or understand the information. The goal is to familiarize minors with the operation of the facility. Verbal and visual explanation of the handbook is necessary. The minor must be encouraged to read the material. If a minor is unable to read or is unable to read English, then the information must be presented verbally or written in a language that the minor is able to understand.

During the inspection ask to see copies of the orientation materials. Discuss the orientation materials with minors. Are they familiar with the content? Sometimes minors have not received written material and have had to learn the rules from other minors. This practice is not acceptable. Facilities cannot use minors to orient other minors.

In most of our BOC inspections we have found that minors generally feel the rules are fair and find that the most difficult rule to follow is “no talking.”

- *Are minors aware of the rules and consequences for minor and major rule violations?*
- *Are the written policies practiced and implemented uniformly?*
- *What are the policies and procedures for orienting non-English speaking minors, minors who* are *unable to read, and minors who are hearing impaired?*
- *Are rules posted in the living units?*
- *Can minors explain the rules?*

Section 1354. Segregation.

Discussion: Segregation is an option afforded facility administrators for the maintenance of order, safety and security. The status of minors in segregation should be reviewed regularly by the administrator and/or classification committee to confirm whether the segregation continues to be necessary and appropriate.

Segregation may include restricting privileges. These restrictions should correspond to the need for segregation, the limitations of the facility and the reasons for placement in administrative segregation. Minors who are segregated should not be denied normal privileges available at the facility, except when necessary to accomplish the objectives of segregation. For example if a minor has been segregated because of fighting, he/she might still be permitted to eat meals in the dining hall, but be excluded from recreation with other minors on the unit.

Some minors might request segregation, generally for their own protection. Segregation is often used to accomplish protective custody, either when the minor requests it or when there is reason to believe such custody is warranted. In these instances, as in any other, it is important to document the reasons for placement in segregation. If a request for placement in protective custody/segregation is denied, it is equally important to document the reasons for that decision.

Discuss segregation policies and procedures with staff and determine the frequency of use.

- *Are trends evident?*
- *Who is being segregated and for what purpose?*

Section 1355. Assessment and Plan.

Discussion: This standard applies to all minors in the juvenile halls and camps for 30 days or more. A complete assessment and plan must be prepared for any minor held in a facility for a period of thirty days or more. Frequently minors must wait 30-45 days in juvenile hall more before being transported to placement or camp. One intent of the standard is to assess minors and have a plan developed for them while they are in juvenile hall. This applies to minors who are serving their time in the hall or awaiting transport to camp, placement or Department of the Youth Authority. Once the minor arrives at the placement or camp the plan will be reviewed and modified as needed.

The assessment and plan should include specific programs that would benefit the minor. Examples would include education, family reunification, substance abuse, or anger management. There must be a periodic review and documentation of progress toward meeting the plan's objectives as well as planning for transition to aftercare status upon release.

Section 1356. Counseling and Casework Services.

Discussion: Minors received in juvenile facilities generally bring many personal issues and problems with them. This standard is intended to provide access to

resources for overcoming such issues and problems. As you interview minors ask them who they can talk to when they have a personal problem.

- *Are minors able to discuss problems with staff?*
- *How do minors access mental health services?*

Frequently minors talk with the facility nurse when they have problems adjusting to the facility or have concerns about family and court issues so you may want to ask the facility medical team about the informal counseling they do with minors.

Familiarize yourself with the services offered to minors in the facility. Services should be appropriate to the population housed in the facility and may include substance abuse, family crisis, reunification, counseling, public health and mental health services. As an example, a facility may have a large number of minors detained for violent acts or minors may have difficulty controlling their anger inside the facility. Minors participating on BOC youth panels have been particularly responsive to programs dealing with anger management. Talk with minors and staff about programs offered in the facility.

- *Are programs well attended and well received?*
- *Do staff and minors feel the programs are effective?*
- *Would they like to have additional programs offered?*

Section 1357. Use of Force.

Discussion: The use of force may occasionally be necessary for the safety of staff and minors in custody. It often brings with it the hazard of injury to staff and minors, as well as the potential for abuse and litigation.

Policies and procedures need to identify what is considered "use of force" and the continuum of escalation that should be followed as closely as possible. Facilities may vary on the definition of force and when different levels are appropriate. Strong verbal intervention may be considered a type of force or be considered a prelude to the use of force. Chemical preparations such as pepper spray may be used in a facility.

Documentation of incidents involving the use of force is critical and should be completed prior to the end of shift and not later than 24 hours after the incident has occurred. Usually these incidents will be recorded on a Serious Incident Report form (SIR). Ask to review a sampling of these reports. This will help you get a clear picture of the type and frequency of incidents occurring in the facility.

Juvenile Justice Commissioners may evaluate incident reports and trends related to the use of force. It is important to note if the use of force is on the increase. If so, discuss this issue with staff and administrators to learn the causes for the increase.

Section 1358. Use of Physical Restraints.

Discussion: There is a distinction between the "use of force" and the use of restraints. "Use of force" is an immediate means of overcoming resistance to control the threat of imminent harm to self or others. The use of restraints is a more

sustained prolonged intervention. Application of restraints require greater emphasis on medical concerns and involvement of medical staff, because restraints are used for longer periods of time.

Physical restraints are devices that immobilize a minor's extremities or limit physical mobility. Examples include soft ties, padded belts and cuffs, metal hand and ankle cuffs and restraining chairs or boards. Restraints should not be confused with postural supports which may be required for medical reasons and neither should this standard be interpreted to impose a restriction on the use of handcuffs, shackles or other devices to restrain minors for security or transportation purposes.

The use of restraints is a complex issue, fraught with the possibility of liability and the potential for injury to minors. Restraints should be applied only on those minors who display behavior that results in the destruction of property or reveals intent to cause physical harm to self or others. Restraints are not for use as punishment and are applied only when less restrictive ways of controlling a minor's dangerous behavior have failed or appear likely to fail.

Included in this standard is the need to protect restrained minors from abuse by other minors. Under no circumstances should restrained minors be housed with minors who are not in restraints.

Commissioners should become familiar with the types of restraints used in the facility.

- *Are all instances of use of force documented?*
- *What are the trends?*
- *Many facilities are seeing an increase in the number of minors with mental health issues and emotional problems. These minors present special problems in detention; how are they managed in the facility?*

Section 1359. Safety Room Procedures.

Discussion: There is no requirement that facilities have a safety room and in practice, few facilities have one. Where they do exist BOC staff inspects safety rooms and reviews the policies and procedures related to their use.

Facilities lacking a safety room must have clear policies and procedures for managing minors who are a danger to themselves or others. While it is preferable to transfer these minors to another facility, many mental health units are not equipped to handle people whose criminal behavior makes them a security concern. In these instances, the juvenile facility is often the last resort.

Section 1360. Searches.

Searches are conducted to ensure the safety and security of the facility, and to provide for the safety and security of the public, visitors, minors, and staff. Searches may be conducted as deemed necessary by the facility manager on a routine or random basis. Searches shall not be conducted for harassment or as a form of discipline or punishment. Medical personnel must conduct body cavity searches. It is suggested that the inspection team familiarize themselves with the Title 15

Standard on searches and the facility policy and procedures regarding intake searches, pat-downs, metal detector and clothing searches. Detainees should be made aware of search procedures during orientation.

To prevent and control contraband being introduced into the facility; visitors may be asked to enter the facility through a metal detector. It is good practice to have visitors leave purses and briefcases in their cars or in lockers provided at the facility. There should be a clear set of rules for visitors that specify those items that can be brought into the facility.

Section 1361. Grievance Procedure.

Discussion: A good grievance procedure is straightforward and easy for staff and minors to use. A good grievance procedure also means facility personnel listen to a minor's concerns and remedy what needs correcting, thereby preventing small problems from becoming big problems and big problems from becoming lawsuits. It is appropriate that the facility manager or a designee monitor the grievance process to assure that it is operating as intended. Modifications should be made when necessary.

An important point of the grievance mechanism is that it be used and that grievances be resolved at the earliest possible time at the lowest staff level. The grievance mechanisms can diffuse potential problems. Concerns expressed in writing often can be more readily resolved and often with better results than personal confrontations.

At each step of the process, a minor should receive written reasons for both the action taken, approvals as well as denials. The grievance should continue to a resolution even though the minor has been released during the process. Minors deserve a response to their grievance. If this is not happening, the commission should bring this to the attention of the facility administrator and may make recommendations on how to improve the grievance procedure.

The grievance procedure is very useful in alerting management to concerns of minors. The process is also useful in teaching minors a legitimate way to express their concern and frustrations rather than acting out. The grievance process is a good lesson in civics; it teaches minors an appropriate method for venting concerns and resolving disputes that provides them a formal response.

As an example, a minor filed a grievance because he felt a staff member was rude and disrespectful to him. The result of the grievance was an apology from the staff person. Another grievance was filed by a group of minors who were cold. They asked for thermal undershirts and administration agreed to provide them. Morale was improved in both instances and the minors felt very successful. Often minors consider a favorable response as "winning". For many minors this is the first time they have had a successful outcome with authority and they feel more empowered.

Ask a minor to show you the rules pertaining to grievances and the location of the forms. The forms should be available and minors should be able to turn them in to any child supervision staff. Some facilities permit minors to grieve anything. Others have restrictions on which issues can be grieved. Find out the policy in your facility.

When reviewing the grievance forms pay particular attention to the frequency and resolution of grievances.

- *Was the grievance resolved at the lowest level possible?*
- *Were any findings made in the minor's favor?*
- *Were minors given a written response in a timely manner? It is very frustrating to a minor when he/she does not receive a timely response.*
- *Ask minors how the grievance process works. Are the forms available? Have they filed a grievance? What was the outcome?*
- *Does the facility receive a number of repetitive grievances related to food, clothing, blankets or bathroom calls? If so, the commission can make recommendations on how to improve in those areas.*

Section 1362. Reporting of Incidents.

Discussion: It is important for facilities to prepare an incident report when a serious event occurs. Incidents which result in physical harm or serious threat of physical harm to staff, minors or others require particular attention for the safety of both staff and minors. The court and next of kin are to be notified in the event of serious illness, injury or death of a minor. This notification should be documented and may be kept on an incident report form or in a memorandum. Ask how this is done in your facility. Determine whether the JJ/DP Commission is notified of these events. Some jurisdictions notify the commission when a serious event occurs, others do not. Facilities routinely prepare an incident report when minors are restrained. Check to see if minors were referred for medical evaluation following restraint. Review of serious incident reports (SIR) is another good method for determining the frequency and type of incidents that occur in the facility. The commission may be able to assist the facility administrator by monitoring incident reports.

Article 6. Programs and Activities

Section 1370. School Program.

Discussion: Detained minors often have had negative educational experiences. Many are academically deficient, below grade level, seriously truant, school dropouts, or are participating in special education programs in the community. The core school program must be flexible to address the negative educational experiences of the detained minors and sensitive to their different learning needs and abilities. The school operation must also be congruent with the facility's need to provide a safe and secure environment for detained minors and staff.

It is the responsibility of the county superintendent of schools to provide an annual evaluation of the facility's court school program. The report should include the courses of study offered, application of policies on school discipline, the number of minors participating in special education programs, screening and admission, court school capacity, average daily attendance and certification that the school program meets the Title 15 Standard and the California Education Code requirements.

Educational instruction shall be provided to minors restricted to high security or other special units. Non-English speaking minors shall be afforded an educational program that is appropriate and relevant to their academic growth.

The County Board of Education provides for the administration and operation of juvenile court schools in conjunction with the chief probation officer or designee. It is suggested that you arrange to meet with the school principal and one or more teachers

As a commissioner, you are not expected to be an expert on the Education Code. You should look at the school program from a community perspective. If you have educators on your commission make use of their experience and expertise. As you tour the school program ask questions and become familiar with the program. Learn about the difficulties of providing education services in a detention facility. Many minors have not been in school for months and the classroom has students at various educational levels who have multiple needs.

Commissioners will find it useful to look at the education program and the class schedule.

- *How does the school program accommodate minors when the facility is crowded?*
- *Do all minors attend school for 240 minutes every day?*
- *Are all minors enrolled in school within three (3) days of admission into the facility?*
- *Has a preliminary education plan been developed for each minor within five school days?*
- *Have transcripts from prior schools been requested?*
- *Are there difficulties obtaining transcripts?*
- *Upon receipt of the transcripts has the minor's educational plan been reviewed and modified as needed?*
- *What concerns do the principal and teachers have about the education program in the facility?*

Ask to sit in the classrooms and observe what is going on.

- *Are minors engaged and participating in the lesson?*
- *Is the atmosphere conducive to learning?*
- *Are books and supplies available?*
- *What services are provided to non-English speaking students?*
- *Is there bi-lingual staff available?*
- *During interviews with minors ask them about the school program. What are they studying? How does the court school curriculum compare with the curriculum in the community?*

Section 1371. Recreation and Exercise.

Discussion: Juvenile facilities shall provide the opportunity for recreation and exercise a minimum of three hours a day during the week and five hours a day each Saturday, Sunday or other non-school day.

Review the required daily schedule for the recreation/exercise program. The standard requires one hour of large muscle exercise daily. Facilities can meet this requirement with the physical education program provided by the school department.

There is also a requirement for one hour of outdoor physical activity each day, weather permitting. In areas where the summers are very hot, outdoor physical activity often occurs early in the morning before school.

The recreation program must include access to approved reading material and other programs such as television, radio, stereo, video and games. Activities shall be supervised and include orientation and coaching of minors.

Many minors enjoy organized sports and activities. Often they have not been exposed to organized activities and are pleased to gain new skills. Minors cannot be forced to participate in exercise programs. However, in facilities where there is a varied and organized program, minors are more apt to participate. If minors are simply asked, "Who wants to go outside?" many minors may elect to remain in the day room watching television. As you look at the program make sure that female minors have the same opportunity as males to use the gym, weight room and swimming pool.

Remember that minors who are being disciplined must still be afforded the opportunity for one hour of large muscle exercise. This can take place while the general population is at school or after the regular recreation program has concluded. The one-hour of exercise may be suspended only upon a written finding by the administrator/manager that the minor represents a threat to the safety and security of the facility.

- *Does the facility provide the minimum number of hours for recreation and exercise each day?*
- *Is one hour of large muscle exercise provided to each minor on a daily basis?*
- *Are there organized sports activities?*
- *Is there adequate sports equipment? Are equipment and athletic shoes in good repair?*

Section 1372. Religious Program.

Discussion: The facility administrator shall provide access to religious services and/or religious counseling at least once each week. Attendance shall be voluntary. A minor shall be allowed to participate in normal program activities if he/she elects not to participate in religious programs. Minors cannot be locked in their sleeping rooms if they choose not to participate; they must be provided other recreation activities such as letter writing or reading in the dayroom or other available space.

Experience has shown that there is a great deal of volunteer support for religious programming in juvenile facilities. Some departments have chaplains who can be valuable resources in developing the facility's religious programming. Minors on disciplinary status should not be denied religious participation although special arrangements may be required.

While ministers need not be provided for every faith, services or religious counseling must be available for all faiths and religions. The time and frequency may be regulated, and the size of the groups at religious services may be restricted.

- *Commissioners can inquire into the number of minors attending services.*

- *Does the facility have a chaplain?*
- *How do minors request religious counseling?*

Section 1373. Work Program.

Discussion: A work program should be a positive experience. Work assigned to a minor shall be meaningful, constructive and related to vocational training or increasing a minor's sense of responsibility. These programs are often offered at camps and may include auto-shop, carpentry, gardening and horticulture, and forest fire abatement. Discuss these programs with staff and minors.

This does not preclude tasks that are normal housekeeping in nature. Such functions are necessary in maintaining a clean and orderly facility. A minor shall not be required to perform degrading or unnecessary tasks.

Section 1374. Visiting.

Discussion: Minors shall be allowed to receive visits by parents, guardians or persons standing in loco parentis, at reasonable times, subject only to the limitations necessary to maintain order and security. Opportunity for visitation shall be a minimum of one visit totaling one-hour per week. Visits may be supervised, but conversations shall not be monitored unless there is a security or safety need.

The benefits of an appropriate visiting policy include reduced tension, a healthy emotional climate, improved minor and staff morale, a more effective use of staff as well as less crowding, confusion and aggravation during visiting times.

Visitation should be encouraged since strong family and community ties increase the probability of success for a minor after release. There should be a balance between the needs of the minor and the security of the institution.

The location for visiting within the facility should be consistent with overall security requirements. The use of devices that prevent physical contact should be avoided, except in instances of security risk.

Section 1375. Correspondence.

Discussion: Every facility must have written policy and procedures for processing mail, including a description of the method for informing minors that they should have no expectation of privacy for other than confidential correspondence. Incoming and outgoing mail may be read only when there is reasonable cause to believe that the safety and security of the facility, the public, or the minor is jeopardized; e.g. if there were reason to believe an escape is planned.

The ban against reading a minor’s mail does not preclude staff from opening and inspecting mail to search for contraband, cash, checks or money orders. Where there is a confidentiality privilege, as with members of the State Bar, judges, holders of public office or the Board of Corrections, the opening of mail must take place in the minor's presence.

A facility's policies and procedures for mail and correspondence should be part of the minor's orientation. Correspondence can be a big issue to minors. During the inspection commissioners can discuss the issues of incoming and outgoing mail with staff and minors.

- *Are the policies and procedures related to correspondence practiced*?

Section 1376. Telephone Access.

Discussion: The telephone is an effective tool for reducing tension and anxiety in a detention facility. An adequate number of phones and a general use of open phone policy allow minors to maintain contact with family and the community, thereby reducing many incarceration and reentry problems.

This requirement for telephone access is in addition to **Welfare and Institution Code Section 627** which requires minors be allowed two free telephone calls within one hour of being placed in custody.

- *What is the phone policy in the facility?*
- *Do minors sign up for phone calls? Are calls time limited?*

Section 1377. Access to Legal Services.

Discussion: When minors meet with their attorneys the visits must be confidential and may be a contact visit. The needs of attorneys vary from a short contact at the visiting window to space needed for paperwork in preparation for a hearing or trial. Generally, contact includes the ability to have a conversation without a microphone and the ability to pass documents. Client interviews for minors at a facility should not take place during meals or other key activities. Locate interview rooms and determine the policy and procedures for attorneys to see their clients.

Article 7. Discipline

Section 1390. Discipline.

Discussion: Discipline shall be imposed at the least restrictive level, which still promotes the desired behavior. Discipline shall not include corporal punishment, physical or psychological degradation or deprivation of the following:

(a) bed and bedding
(b) daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing
(c) full nutrition
(d) contact with parent or attorney
(e) exercise
(f) medical services and counseling
(g) religious services
(h) clean and sanitary living conditions
(i) the right to send and receive mail
(j) education

Rules and penalties for both major and minor violations shall be stated simply and affirmatively and be made available to all minors. Provision shall be made to provide the information to minors who are hearing impaired, illiterate or do not speak English.

It is important that there be standards of behavior, which guide the safe, orderly, and efficient operation of a juvenile facility. There is a need to protect both staff and minors. There must be a clear and consistent disciplinary process ready to be initiated when a rule is violated. Prevention of rule violation is preferable to correcting misbehavior.

A facility's rules and disciplinary penalties must be clear, consistent and uniformly applied. They must be written and available to minors, both as a fair warning of the consequences of inappropriate behavior and in order to ensure due process and equal protection as guaranteed by the United States and California State Constitutions.

It is advisable to keep the number of rules to a minimum. Too many rules can cause disciplinary problems, waste staff time and create an overly repressive atmosphere. Too many rules also weaken the effectiveness of the important rules that are necessary for the facility to operate efficiently and effectively. Ask to review a copy of the rules; during interviews make sure minors understand them.

Section 1391. Discipline Process.

Discussion: Maintaining discipline within a local detention facility is critical to safety, security, and efficient facility operations. Counseling is among the first actions to be taken in response to lesser rule violations.

Major violations are those which affect the safety, security, efficiency or operation of the facility and its personnel, staff, and/or minors. Major violations require a timely hearing where the minor is allowed to appear on his/her own behalf, have access to staff assistance and may even result in charges being filed with the district attorney.

To ensure the safety and security of the facility, an administrative decision may be made to remove a minor from general housing pending the outcome of either the disciplinary process or prosecution. This typically occurs when the offense is aggravated, may recur or incite other misconduct if the minor remains in the housing area. It removes the minor from the environment where the incident occurred, preventing a continuation of the behavior and discourages others to follow. Isolation or the loss of any facility privilege requires the transmittal of a written report from the staff member observing the act to the disciplinary officer as well as formal notice to the minor. When a minor is placed in lock-down status pending a hearing, completion of the hearing within the required time constraints assumes greater significance. On the date of inspection, if there are minors on disciplinary status, inquire into the rule violation and obtain additional information to familiarize yourself with how the process is working within each individual facility.

In order for discipline to be effective, there must be a correlation between the severity of an infraction and the severity of the punishment. Consistency is important and can become problematic when the decision or punishment rests with various staff located

at one or more facilities. To establish both fairness and consistency, facility managers frequently develop a policy, which includes specific penalties or a range of penalties for various rule violations.

A standardized form for rule violations will facilitate investigations and provide necessary documentation of violations. The form should include all essential information relating to the incident; such as, the people involved, times and places, witnesses and injuries or damage to property. The standard requires that the minor receive written notice of the violation(s). The notice need only include the rule(s) violated.

Article 8. Health Services

Sections 1411. - 1450. General Discussion.

Discussion: The Health and Safety Code (Section 101045) requires local health departments to inspect the facility on an annual basis. Juvenile justice commissions are not expected to complete a detailed inspection of health care services, however, it will be very beneficial to tour the medical area and meet with medical and mental health staff. Inquire about the general health of minors. Many juveniles in the facilities will not have received regular medical and dental care, or mental health services. They may have chronic medical problems such as asthma and there may be a high incidence of sexually transmitted diseases (STD). Many minors may not have received such basic things as dental care and immunizations.

The following questions are suggested to give you an idea of the medical services available to minors in the facility.

- *What are the most common medical complaints of the minors?*
- *How are pregnant minors handled in the facility?*
- *How do minors get to see the nurse or request medical treatment?*
- *Are the procedures for requesting health services described in each minor's orientation to the facility?*
- *How do minors go to appointments in the community? Are there problems with scheduling? Transportation?*
- *How many hours is a doctor on site?*
- *How are medical emergencies handled?*
- *How does the facility respond to parents that request their child be treated by the family physician in the community?*
- *What mental health services are available? How does the minor access these services?*
- *What dental services are available? Do minors need to leave the facility to see a dentist?*
- *Is staff able to routinely obtain signed parental consent for treatment?*

<u>Intake</u>
Initial intake health screening occurs prior to acceptance of the minor for booking and is conducted at the time of booking. It may be performed by either health care personnel or trained child supervision staff. Who does the screening in the facility? The screening should ideally be accomplished before the arresting officer leaves the

facility. It is a good idea to look at the intake screening form and to be aware of who does the screening in the facility.

Directions to staff should include the following.

A minor who is unconscious will not be accepted into a facility. Minors who are known to have ingested or appear to be under the influence of intoxicating substances that could lead to a medical emergency are required to be medically cleared prior to admission to the facility. Most often they will be taken to a hospital and kept there until they are medically cleared for transport to the juvenile hall; however, regulations allow facility medical staff to provide this medical clearance. This is more likely to be an option in larger systems than smaller ones. Talk with staff and determine if this operation runs smoothly in the facility. If not, ask why. Sometimes a member of the commission may know someone who could help pave the way for a smooth process.

Juveniles who are arrested while intoxicated or under the influence of drugs are at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine use, or markedly disordered behavior related to amphetamines or hallucinogenic drugs. At the time of arrest a juvenile could have sequestered a balloon containing drugs in a body cavity, or ingested large quantities of drugs/alcohol immediately prior to arrest in order to eliminate evidence. These minors may initially appear normal, but their condition can rapidly deteriorate. They should be observed frequently to assure that they remain conscious. It may be necessary to awaken them regularly to determine that they are not unconscious. Minors may be put on 5, 10, or 15-minute watches or assigned a counselor for one-on-one observation. Ask how the facility manages such youth. If the answer does not include frequent checks for level of consciousness, ask why. If there appears to be a lack of understanding by the staff, suggest consultation with the responsible physician or health authority.

Health Appraisal and Access to Care

A routine health appraisal/medical evaluation of minors is to be conducted within 96 hours of admission to the facility. Ask the staff about their ability to access minors within this time frame.

In the case of special purpose juvenile halls, the standards apply only in part and pertain to juveniles who are committed to serve repeated successive periods of time, each of which totals less than 96 hours.

It is essential that all minors in the facility have unimpeded access to health care. This includes minors in lockdown and those with behavior problems, as well as to those in general housing. It is critical that neither staff nor other minors prevent individuals from requesting and receiving this care. Minors must be advised of health care options and be able to express concerns about the health care system. Orientation to health care services and procedures for accessing care should be provided by designated staff at the time of the minor's orientation to the facility programs and procedures (Section 1353, Orientation). The ability for minors to register grievances about the health care system is incorporated into Section 1361, Grievance Procedures. Only a physician should be the ones to determine if a minor is "malingering" if such a concept is used to limit care. Although child supervision staff may have to determine when a request constitutes an "emergency," they should

not be "screening" requests or otherwise discouraging minors from asking for health care.

An observation regarding the health of each minor is required on a daily basis. Opportunity must be provided both for the minor to request clinic visits and for supervision staff to request health services on behalf of the minor, based on their observation that it is needed. The guiding principle should be that any minor requesting or needing medical attention shall receive such attention as soon as is reasonable and possible.

Delivery of medication can be done by probation staff when there is a properly labeled prescription container that has been filled by someone authorized by law (i.e., a dated container which includes the name of the individual for whom the drug is prescribed, the name of the medication, dose and instructions for taking the medication, the name of the prescribing physician and expiration dates). Under these circumstances, a single dose at a time can be delivered to the minor according to the written instructions by child supervision staff. A nurse can administer medications from a general stock of medication and the specific name of each minor is not necessary on each medication container. In some cases the nurse will go into the living units to deliver medication or minors may go to the medical unit to receive medication.

Facilities report that an increased number of minors with serious emotional and mental health issues are coming into the facilities. These minors are difficult to deal with and often present behavior problems or need to be protected from other minors. Ask about how many minors need such medication and whether there is enough mental health staff to provide care. Is the number going up or down dramatically? Explore the reasons for any changes.

Suicide Prevention

Suicide prevention is critical in every facility. The suicide prevention program addresses the identification of minors at risk, monitoring and treatment, as well as staff training. You might want to ask about the content of the suicide prevention program.

- *Have there been any suicide attempts or suicides in the facility since your last inspection?*
- *Is your commission routinely notified of these critical incidents?*

Minors are at especially high risk for suicide in the first hours after they are admitted into the facility. They may be depressed and afraid and may feel isolated and hopeless. Minors who are housed in adult jails and lockup facilities are at unusually high risk of suicide. Juveniles who have just had severe sentences imposed may also be at risk.

- *Are minors are referred for mental health services if they are depressed or suicidal?*
- *Assess the level of isolation that may occur for minors in the facility. Does it appear to be excessive? Are there other alternatives?*

Health Education

Regardless of the method of delivery of health education, it is recommended that each facility maintain a record of classes, including the overall plan for what will be offered. You can request to look at the record of classes and the plan.

Article 9. Food

Sections 1460. - 1467. General Discussion.

Discussion: Many professionals believe the food service program to be a key element in managing minors. Food is a morale issue in facilities, often a high point for the minors in detention. Presentation as well as the content and flavor of the meals themselves can impact food's acceptance. Related issues such as greasy trays can have an adverse effect on acceptance. It is important to pay attention to food-related grievances as well as the amount of food being discarded.

The county health department conducts an annual inspection of the facility and will address each of the standards in this section. Commissioners are not expected to have detailed knowledge about menus and nutrition. It is not necessary for you to inspect for the minimum diet and other technical standards.

It is suggested that you arrange to eat a meal with minors during your inspection. This should be arranged prior to the date of the inspection. Minors will be more likely to converse if there is only one commissioner at each table. Mealtime promotes a non-threatening setting for you to talk with minors.

There are a variety of things to pay attention to when eating a meal in a juvenile hall or camp.

- *Is there a posted menu and are you eating what is on the menu?*
- *How does the food look and taste?*
- *What do the minors say about the meal and food in general? Of course minors may complain about the food, as it may not be what they are used to eating. Many minors are used to fast food that is high in fat.*
- *Do the minors eat the vegetables and fruit?*
- *Are weaker minors protected from having food taken from them? In order to prevent intimidation many facilities have a rule that minors cannot share food with one another.*

Many food service managers are creative and solicit ideas from the minors for meals, cook ethnic dishes on special holidays and substitute tortillas for white bread when the facility population is more used to tortillas.

Fights between minors can erupt in the dining hall. Notice how staff is deployed. Some facilities have staff standing and supervising minors during meals; other facilities have staff seated at tables with the minors.

- *Are minors allowed to talk during meals?*
- *Is the kitchen and dining area clean?*

If more than 14 hours elapses between meals, there is a requirement that supplemental food be provided. Some facilities serve an evening snack even though

14 hours do not elapse before breakfast. If you are inspecting a facility where minors eat in shifts and one group eats dinner at 5 p.m. verify that these same minors eat breakfast by 7 a.m.

This regulation states that a sandwich and beverage must be provided to minors who miss regularly scheduled meals. Examples of minors covered by this provision are those on work assignments, out to court, transferring from one facility to another or at a medical appointment. A nutritious snack must be offered to a minor who comes into initial intake.

Minors must be provided a minimum of 20 minutes to consume each meal. The minimum time can be extended for any meal at the discretion of the facility manager.

Some juvenile facilities have contracted to have meals prepared by the jail. In these cases it is important to ask if the menus have been supplemented to add the additional calories and foods required for minors.

Article 10. Clothing and Personal Hygiene

Sections 1480. - 1487. General Discussion.

Discussion: Clothing should be clean, reasonably fitted, durable, easily laundered, and in good repair. Clothing may be made of inexpensive but serviceable material, easily washed and dried, and adequate for seasonal comfort, health and protection. Check to see that there is a sufficient amount of clothing in appropriate sizes and good repair so those minors can change pants and shirts at least once per week and undergarments and socks daily. More frequent changes may be necessary depending on work, climate, or illness. Also check that shoes are available in all sizes and are in good repair and that clothing is in reasonable condition for court appearances.

Minors who work at specialized jobs in or outside the facility should wear shoes or boots appropriate to the work and climate at the work place.

At the discretion of the facility administrator, minors may be allowed to wear their own clothing as long as such clothes are clean and appropriate. Whether clothing is the minor's own or standard issue, it should be easily recognizable so that minors can be distinguished from staff and visitors and should not be demeaning or overly revealing. Similarly, clothing must be neutral in terms of gang identification.

It is essential that minors be allowed to shower daily. Personal care items should be provided to the population including hygiene items needed for female minors.

Article 11. Bedding and Linens

Sections 1500. - 1502. General Discussion.

Ask to see the storage area for linen and clothing.

- *Is there an adequate supply of clothing, bedding, and linen available for actual and replacement needs of the facility population?*

- *Minors frequently complain of being cold during the night. Are there sufficient blankets? Is there a method for minors to request an additional blanket?*

Each minor needs to be provided with a bed. Beds must be twelve (12) inches off the floor. A 12" stack of mattresses is not acceptable. Due to crowding many facilities double bunk minors in single rooms. Some use plastic stack-a-bunks. These bunks do not comply with the standard, but are preferable to sleeping minors on the floor. If the facility is crowded during the inspection, determine that minors are not sleeping on the floor and that mattresses or bunks are not blocking doorways. The latter situation is unsafe in the event of an emergency.

FREQUENTLY ASKED QUESTIONS

Minors In Juvenile Facilities

BACKGROUND

Since the Board of Corrections (BOC) was designated responsible for setting standards and inspecting juvenile facilities by the state legislature in 1995, many questions have been raised. These questions have come from the Chief Probation Officers of California Association (CPOC), the California Association of Probation Institutions Administrators (CAPIA), individual chief probation officers, juvenile facility managers, and other interested parties.

This document summarizes frequently asked questions and our policy responses. We will periodically update this information as newly asked questions occur and have placed this information on our web site @ www.bdcorr.ca.gov. With the adoption of the revised Title 15, California Code of Regulations (CCR), Minimum Standards for Juvenile Facilities, in April 1997, the BOC published applicable guidelines in May 1997. The guidelines discuss these regulations and other issues in greater detail. Additionally, the BOC field representatives are available to respond to questions.

The BOC is most interested in its partnership with probation departments and maintaining a high level of communication. Unless otherwise stated, all sections cited are in reference to Title 15, CCR, Minimum Standards for Juvenile Facilities; Section 1300, et seq., and Title 24, Uniform Building Code, Section 12-101, et. seq., and Section 460A.2 et seq.

QUESTIONS

1. **When a facility exceeds its rated capacity, may an emergency suspension of standards be invoked?**
2. **How are personnel employment qualifications determined during the inspection process?**
3. **Are psychological examinations (Section 1320{b}{4}) necessary for part-time/extra help staff?**
4. **May a supervisor be included in the calculation of staff-child ratio during a shift?**
5. **How are the requirements for part time/extra-help staff training met for the purpose of the inspection?**
6. **By whom and how often, should a juvenile facility have fire/life safety inspection?**
7. **Who should be trained in fire and life safety?**
8. **Is there a requirement to have a self-contained breathing apparatus?**
9. **What should be considered in our fire safety plan?**
10. **How does the BOC determine an existing juvenile facility's rated capacity?**
11. **How does BOC staff view the purpose of classification of minors?**
12. **Is it necessary to develop an assessment and plan for minors who are committed to the juvenile hall but are serving their commitments on weekends?**
13. **May a minor be committed to serve weekends at a special purpose juvenile hall ?**
14. **What is the BOC staff position on visiting in facilities?**
15. **What is the position of BOC staff on "floor sleepers"?**
16. **May an 18 year old minor be detained at a juvenile hall?**
17. **Can I rely on the inspection checklists provided by BOC to be a description of Title 15 and 24 standards?**
18. **How are the requirements for recreation and exercise met for the purpose of the inspection?**

19. **Is it necessary to let female minors shave daily?**
20. **Should there be a death of a minor while detained in a juvenile facility, what action will BOC staff take?**

QUESTIONS AND RESPONSES

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1. When a facility exceeds its rated capacity, may an emergency suspension of standards be invoked?

A facility exceeding its rated capacity does not constitute an emergency within the provisions of Section 1311. Compliance with all standards is necessary whenever a facility exceeds its rated capacity.

There are circumstances when a facility manager may suspend standards in response to an emergency that disrupts the facility's operation. Some examples are: a major behavior incident, such as a riot, caused by minors; an outbreak of a contagious disease in the facility; a natural disaster such as fire or an earthquake; or an immediate need to correct or repair a major facility system such as locking mechanisms or the kitchen. A facility manager must address any emergency suspension of the standards within the parameters of Section 1311.

The standard permits the facility manager to **suspend only these regulations that are effected by the emergency for up to three days without notification.** If the emergency continues beyond three days, then it is necessary for the facility manager to notify the assigned field representative. Should it appear that the emergency will require the suspension of the regulations for more than 15 days, the facility manager, working with BOC staff, must obtain approval of the BOC Chairperson.

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2. How are personnel employment qualifications determined during the inspection process?

Compliance with Section 1320, Qualifications, can may be met by the chief probation officer's letter of certification. A sample letter is available from the BOC field representatives and will typically be provided by the assigned field representative about 30 days prior to the onsite inspection.

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3. Are psychological examinations (Section 1320{b}{4}) necessary for part-time/extra help staff?

Section 1031, requires background and psychological examinations for "…public officers or employees declared by law to be peace officers… ." whether full time, part-time or extra help. Part time/extra help juvenile facility staff who are neither public nor peace officers are not required to have psychological examinations.

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4. May a supervisor be included in the calculation of staff-child ratio during a shift?

There are times when a supervisor may be included in the staff-child ratio. A situation such as this occurs sometimes in a small juvenile facility where more than 51 per cent of shift supervisor's duties are devoted to child supervision. During such occasions, it's imperative that the supervisor's primary duty is that of child supervision.

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5. How are the requirements for part time/extra-help staff training met for the purpose of the inspection?

We rely on the on the chief probation officer's certification letter for assuring compliance with Section 1322. STC staff audit actual training records on an annual basis.

All part time/extra help staff who have sole responsibility for supervising minors **and are working one-half time or more** are required to complete the core training (Section 6035, Penal Code and Title 15, Sections 102{i}{1}, 102{l}, and 176). These are personnel who assume sole responsibility for supervising minors and are working one-half time or more. The training must be completed within one year from the date of hire. Section 830 et. seq., Penal Code, requires additional training in order to exercise peace officer powers. In addition to these training requirements, all staff-child supervision personnel must have at least eight hours of orientation training prior to being assigned to the supervision of minors and an additional 32 hours of on-the-job training before assuming sole responsibility for the supervision of minors. It is important that the training be documented.

While we recommend that all staff be fully trained, personnel working less than one-half time, including part-time/extra help, are not required to complete a core course. However, they must work under the supervision of fully trained staff and do not exercise the same level of independent judgment or the duties of full time staff. Duty limitations should be detailed in the policy and procedures manuals and communicated to staff. Department training records should support the certification letter.

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6. By whom and how often, should a juvenile facility have fire/life safety inspection?

The State Fire Marshal is required to conduct the annual fire/life safety inspection be pursuant to Section 13146.1, California Health and Safety Code. The State Fire Marshal typically defers to the local fire department as they are responsible for responding to a fire at the juvenile facility. However, if the local fire department chooses not to do the annual inspection, then the State Fire Marshal is required to do it. Please contact your assigned field representative if you experience any difficulty with having fire/life safety inspections being completed.

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7. Who should be trained in fire and life safety?

Section 1323 requires that "… there shall be at be least one person on duty at all times who meets the training standards…for general fire and life safety… ." We recommend that a sufficient number of staff be trained for vacation coverage, unforeseen staff absences and emergencies that might require more than one staff to handle. The STC core course provides fire and life safety training.

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8. Is there a requirement to have a self-contained breathing apparatus?

Although regulations do not require a self-contained breathing apparatus, if it is required by the local fire authority, training should include the use of this equipment. This training must be done with the frequency required by local authorities; however, quarterly training of staff and maintenance of equipment is advisable. We suggest that you get the assistance of the local fire authority in developing the required training or contact the State Fire Marshal who will help on request. The State Fire Marshal and the BOC have developed a manual which was distributed in May 1997. This manual is helpful in developing the training.

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9. What should be considered in our fire safety plan?

We suggest that you initiate contact with your local fire department for their help in the development of your fire suppression plan (Section 1325). At that time, you may want to arrange the fire inspection schedule.

A fire suppression **pre-plan** is the fire department's plan for combating a fire in the facility. The plan will typically include the location of hydrants, access doors and a map of the facility. The fire safety plan must include consideration for evacuation and **where minors will be housed in the event that the juvenile facility is rendered unusable and may require coordination with local law enforcement agencies.**

The policy and procedures manual should clearly state what steps are to be taken during and after a fire, with particular emphasis on emergency housing. The emergency plan should include a statement about when and how exit keys are checked, where minors are to be housed, where to locate necessary security equipment and where and how emergency transportation is to be provided.

Documentation is an extremely important aspect for fire safety inspections, inspection of internal fire alarms, smoke detectors and other fire and life safety equipment. There should be frequent and documented fire drills.

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10. How does the BOC determine an existing juvenile facility's rated capacity?

The BOC authorized the Board's staff to utilize a 1980 Youth Authority inspection of all juvenile halls as the baseline data for those juvenile hall rated capacities. Experience with the 12 pilot inspections and several subsequent biennial inspections has provided new information. As a result, BOC staff recommended and the Board, at its May 15, 1997 meeting, approved the Youth Authority's 1991-1992 inspections (the last year Y.A. completed inspections) be used as the baseline data for rated capacity of juvenile halls. If housing units have been added, modified or deleted since the 1992 Y.A. inspection date, the field representative will review the changes during the onsite inspection. BOC staff was advised by the BOC and CPOC to use the draft standards.

Existing juvenile facility rated capacities are governed by standards in place at the time of the construction. The Title 24, Part 2, Division VII, regulations governing physical plant will become

effective in January 1998. These regulations will apply to all new construction or remodeling of facilities from that point forward.

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11. How does BOC staff view the purpose of classification of minors?

The purpose of classification (Section 1352) is to ensure the appropriate housing and programming of minors while providing for the safety of the staff and minors in the facility. It is not a tool for punishment or discipline.

A preliminary screening and housing decision must be done at the time the minor is admitted to the facility. The initial focus is on the health and safety of the minor, the safety of staff and the security of the facility. A more comprehensive classification should be completed as soon as possible. The classification should take into account information obtained at the admission screening, and information from other sources such as the minor, existing records, parents, victims, police and community agencies.

Each facility has unique resources and physical plant considerations. A facility's classification system should consider: the physical design of the facility; security levels available for separation; available programs; the criteria used for classification (as outlined in Section 1352{c}) and the minor's legal status. A classification system should provide for an appeal process for both minors and staff; time intervals for periodic review; and establish who makes the classification decisions and the line of communication for classification information.

The written classification plan should be readily available in the minor's record at the living unit so as to be accessible to staff. Written records of subsequent reviews or modifications should be maintained in the minor's record.

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12. Is it necessary to develop an assessment and plan for minors who are committed to the juvenile hall but are serving their commitments on weekends?

Any minor committed to a juvenile facility for more than 30 days must have an written assessment and plan developed within 30 days of admittance (Section 1355). This requirement applies whether the minor is serving consecutive days or on weekends. The requirement does not apply to minors awaiting a hearing or those awaiting placement. For Example, Ricardo M. dispositions of more than 30 days are considered as commitments, the language of the court order not withstanding.

There must be a periodic review of progress toward meeting the plan's objectives as well as planning for transition to an aftercare status upon release.

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13. May a minor be committed to serve weekends at a special purpose juvenile hall ?

Minors may be committed to a special purpose juvenile hall on weekends as long as the appropriate standards are met.

We recommend that if you are considering weekend commitments to a special purpose juvenile hall, you confer with your assigned field representative for clarification on which standards are applicable.

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14. What is the BOC staff position on visiting in facilities?

Outside visits help to reduce facility tensions, contribute to a healthy emotional climate, and improve the morale of minors and staff (Section 1374). Visitation should be encouraged since strong family and community ties increase the probability of a minor's success after release.

The location for visiting within the facility should be consistent with the classification of the minor and the overall security of the facility. The use of devices that prevent physical contact should be avoided, except in instances of security risk. Safeguards should be established for preventing the introduction of contraband into the facility.

While the standard is silent on the issue as to where visits may occur, we have observed that many facilities permit visitors to enter the security perimeter and visit in housing units. BOC staff has taken no position on this practice, but notes that this practice is in conflict with accepted security principles. Facility security plans should also deal with security issues they relate to visiting.

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15. What is the position of BOC staff on "Floor Sleepers" ?

The courts have carefully scrutinized California adult detention facilities for the past 15 to 20 years. The issue that has initiated most major litigation has involved crowding and placing of mattresses on detention room floors. The courts view this as a serious health issue and have consistently ruled against using floor mattresses as an answer to the problem of crowding.

The courts have allowed crowding when bunks or beds are provided to all occupants and the all other conditions within the facility were seen as adequate. Some examples of adequate conditions are: the crowding does not have an adverse impact on health, sanitation, exercise, school, visiting and other program elements. BOC staff will not accept, regardless of thickness, mattresses on the floor as an appropriate practice.

Some facilities have used pre-formed plastic bunks as a temporary operational solution in less than maximum security units when confronted with crowding. The bunks do not meet the definition of a permanent bed as described in Title 24, Section 460A.3.5, CCR The standard requires beds to be 30 inches wide and 76 inches long and of a pan bottom type or made of concrete. Beds are to be at least 12 inches off the floor and no less than 36 inches apart. **BOC staff will work with individual facilities on a case-by-case basis to determine the feasibility of using the polyurethane bunks as a temporary solution to minors sleeping on mattresses on the floor in crowded situations. The beds will not result in an increase to the facility's rated capacity .** If you are using these type bunks or are considering their use, please contact your assigned field representative.

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16. May an 18 year old minor be detained at a juvenile hall?

http://www.cdcr.ca.gov/CSA/FSO/Minors_In_The_Custody_Of_Law_Enforcement_FAQs.html

Pursuant to Section 208.5 W. I. C., a minor, under the jurisdiction of the juvenile court, who "…attains the age of 18 prior to or during the period of detention or confinement …may be allowed to come or remain in contact with juveniles until age 19…" At age 19 the minor may transferred to the custody of the sheriff "…unless the juvenile court orders continued detention in a juvenile facility."

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17. Can I rely on the inspection checklists provided by BOC to be a description of Title 15 and 24 standards?

It would be misleading to rely solely on the checklists. The checklists are a "distilled" version of the standards. The checklists must be used in concert with the standards and the guidelines.

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18. How are the requirements for recreation and exercise met for the purpose of the inspection?

Section 1371 requires a recreation/exercise program that includes a written daily schedule; access to approved reading material, other programs such as television, radio, stereo, video and games. Activities shall be supervised and include orientation. Oftentimes, these activities provide an opportunity for counseling and positive encouragement to the minors.

"Juvenile facilities shall provide the opportunity for recreation and exercise a minimum of three hours a day during the week and five hours a day each Saturday, Sunday or other non-school days… . (There) shall be an opportunity for at least one hour of outdoor physical activity each day, weather permitting."

BOC staff recommend the development of a structured, organized and supervised daily recreation and exercise program that incorporates outdoor activities and large muscle activity. Large muscle activity is essential for minors who are growing. It is important for development and provides an appropriate means of releasing energy. Minors who have an opportunity to expend their energy are more easily managed in the facility.

In addition to a written schedule, documentation in the log that the activities have occurred is very important.

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19. Is it necessary to let female minors shave daily?

Section 1487, states that "Minors, except those who may not shave for reasons of identification in court, shall be allowed to shave daily." It is essential that both female and male minors have equal daily opportunities to shave.

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20. Should there be a death of a minor while detained in a juvenile facility, what action will BOC staff take?

http://www.cdcr.ca.gov/CSA/FSO/Minors_In_The_Custody_Of_Law_Enforcement_FAQs.html

Please review Section 1341 of Title 15. A copy of the notice of the death report to the Attorney General, under Government Code Section 12525, is to be sent by the county the assigned BOC field representative within 10 calendar days of the incident. Upon receipt and review of the report, BOC staff may, within 30 calendar days, inspect and evaluate the facility. Staff policy is that if an inspection report has been completed within the last 12 calendar months and there were no major noncompliance issues, an inspection is discretionary or could focus on specific "targeted" areas for inspection. However, if the date of the last inspection exceeded 12 months, a comprehensive inspection (i.e., all shifts reviewed) will be scheduled. The focus of the inspection will be on the facility's operation at the time of the inspection. The inspection is not an investigation of the death. The local sheriff's department or other appropriate law enforcement is charged with the responsibility of investigating death.

JUVENILE JUSTICE/DELINQUENCY PREVENTION COMMISSION

INSPECTION HANDBOOK FOR MINORS DETAINED IN ADULT FACILITIES

- **MINORS DETAINED IN JAIL**
- **MINORS IN TEMPORARY CUSTODY IN LAW ENFORCEMENT FACILITIES**
- **MINORS IN COURT HOLDING FACILITIES**

BOARD OF CORRECTIONS
FACILITIES STANDARDS AND OPERATIONS DIVISION
MAY 2000

JUVENILE JUSTICE/DELINQUENCY PREVENTION COMMISSION INSPECTION HANDBOOK

MINORS DETAINED IN ADULT FACILITIES JAILS, LAW ENFORCEMENT FACILITIES And COURT HOLDING FACILITIES

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INTRODUCTION

The "Juvenile Justice/Delinquency Prevention Commission Inspection Handbook for Minors Detained in Adult Facilities" has been designed by Board of Corrections (BOC) staff with assistance from the Juvenile Justice/Delinquency Prevention (JJ/DP) Commission Planning Committee and is for use by JJ/DP commissions during the juvenile facility inspection process. The inspection handbook addresses the **Minimum Standards for Juvenile Facilities [Title 15, California Code of Regulations (CCR)],** that relate to standards and procedures affecting minors who are detained in adult facilities.

This inspection handbook describes only the standards that relate to those facility program issues identified by JJ/DP Commissioners as needing additional discussion or clarification. It is recommended that you review all the standards and their accompanying guidelines prior to conducting your inspection to have each section in context within the overall operation of the facility.

This inspection handbook is intended to explain the regulations, identify issues and propose options to consider when completing a facility inspection. The handbook does not cover every possible contingency; it is intended to assist commissioners in understanding the regulations and applying them to their inspections.

As commissioners you are the ears and eyes of your community. Safety and security are vital elements in operating a facility. You will want to look at these issues as well as at facility programs in your effort to ensure that the minors in the facility are treated in a safe and humane manner.

FACILITY INSPECTION RESPONSIBILITY

Section 229 of the Welfare and Institutions Code (WIC) instructs the juvenile justice commission to annually inspect any jail or lockup within the county which, in the preceding calendar year, was used for the confinement of any minor for more than 24 hours.

Section 209 of the WIC states that the judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility which contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor. You will need to check with your juvenile court judge to determine if this inspection responsibility has been delegated to the commission.

Each year the Board of Corrections sends both the judge and the JJ/DP commission chair a list of the adult facilities that reported the secure detention of juveniles. These facilities require an inspection. It is recommended that you review the video "Temporary Detention of Juveniles in Law Enforcement Facilities" prior to the inspection. This will clarify issues related to secure detention and non-secure custody.

PREPARING FOR THE INSPECTION

It is important to prepare carefully for a facility inspection. Advance notice should be given to the facility administrator so you can schedule a mutually convenient date for the inspection. The facility administrator is the chief probation officer, sheriff or the chief of police, depending on the facility you plan to inspect.

The facility administrator may not be available to meet with you during the inspection and may assign the task to the facility manager or supervisory staff who will be your contact person. Keep the name, title and phone number of your contact person in your inspection file.

Follow up with a letter verifying the inspection date and provide the names of commissioners who will be participating in the inspection. Request any written material that you would like to have made available on the day of the inspection and specific staff you would like to interview. In a jail you would probably want to meet with medical and mental health staff and the school staff.

It would be disruptive to the facility operation to have the entire commission participate in the inspection. It is suggested that you explore the development of an inspection team comprised of no more than five commissioners.

It is important to remember that the WIC provides you with a great deal of leeway in terms of your inspection. You are not required to inspect every aspect of the facility each time you conduct an inspection. It is a good idea to discuss these matters with your judge prior to the inspections to determine if the court has specific needs regarding the inspection.

Call two to three days prior to the inspection to confirm your appointment. Let your contact know if you are planning to have a meal at the facility.

Be on time for your appointment and have proper identification. Facility security is an important issue; you would not want to be turned away because you lack proper identification. It is important to be professional and courteous. Wear comfortable shoes for walking. Take only what you need into the facility. Purses and briefcases should not be brought into the facility.

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THE INSPECTION PROCESS

INSPECTION DOCUMENTS

It is a good idea to review local inspection reports and specific facility documents before touring the facility. You can request and review available documents before arriving at the facility and can examine the rest once you arrive. Review of the documents listed below will provide you with information about the facility operation and areas of concern and areas of non-compliance. These documents will also highlight areas where the facility has developed

innovative programs and streamlined procedures. Note any non-compliance issues and check these areas during your inspection. You should plan to review the following documents:

- *Previous JJ/DP Commission Inspection Reports – What concerns were identified? Have problem areas been corrected?*
- *Latest BOC inspection report - What concerns were identified? Have problem areas been corrected?*
- *Local Inspection Reports including:*
  1. *Fire authority*
  2. *Health administrator*
  3. *Court inspection report*
- *Policy and Procedure Manual – Review the policies and procedures that are the focus of your inspection. This will assist you in determining if there is a discrepancy between policy, procedure and practice.*

When inspecting a jail you will want to review the following:

- *Grievances – Ask to review a sampling of grievances filed by minors. This will give you an idea of concerns expressed by detainees.*
- *Serious Incident Reports – Ask to review a sampling of serious incident reports. These will alert you to incidents involving injuries, restraints, emergencies, escapes and other serious or critical incidents.*

INTERVIEWS

Entry Interview

Upon arrival at the facility, meet with your contact person. Let your contact know how long you plan to be at the facility and your general plan of action. Arrange a time for the exit interview.

This is a good time to ask if there are specific areas of concern or areas that need particular observation. As commissioners you can be extremely helpful in looking at problematic issues as well as providing feedback and suggestions.

At the time of your inspection there may not be minors in the facility. If there are minors present be sure to complete an interview with a sampling of youth. Interviews with minors and staff are a vital part of the inspection process and will provide you with data about the day to day operation of the facility. Interviews should be conducted with privacy in mind. You can conduct interviews in the unit day room, exercise area, dining hall or wherever you can find a fairly secluded spot. It is not necessary to have staff and minors brought to an interview room.

It is important that you do not share your impressions of the facility with minors or staff. Your observations can be shared with your contact person at the time of the exit interview.

Exit Interview

The exit interview is a critical part of the inspection. During this meeting you can ask for clarification of issues and share your observations. Be sure to share positive observations as

well as your concerns. If there are non-compliance issues, determine a mutually agreeable date that you can expect to have these issues addressed and corrected. Tell your contact when he/she can expect your written follow-up.

Prompt Written Follow-up

It is courteous and professional to follow the inspection with a prompt written follow-up. A thirty-day period should be ample time to put your thoughts and observations into written form. If you wait several weeks or months the information becomes less meaningful and may no longer be accurate.

Be sure to follow your commission protocols regarding the signing and distribution of the report. Remember that the inspection report is submitted by the commission, not by an individual member of the commission. Send a copy of your inspection report to your presiding juvenile court judge and the Board of Corrections. We recommend that copies also be sent to the facility administrator (sheriff or chief of police) and the facility manager.

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JAILS, LOCKUPS, AND COURT HOLDING FACILITIES

These sections are intended to provide JJ/DP Commissioners with information that will assist them in completing inspections of jails, lockups, and court holding facilities. While the federal Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) and associated regulations provide the basis for California's laws governing the detention of minors in adult facilities, this document contains only California statutes and regulations. Because California statutes meet or exceed the requirements provided in the JJDPA, an agency in compliance with them also will comply with federal statute and regulations.

This section is subdivided into three sections to address the three types of adult detention facilities where minors may be detained. For the purposes of these juvenile statutes, regulations and guidelines:

- **"Jail"** is defined as a locked adult detention facility which holds both non-sentenced and "convicted adult criminal offenders",
- **"Lockup"** is any locked room or secure enclosure under the control of the sheriff or police chief or other peace officer which is primarily for the temporary confinement of adults upon arrest. Inmate workers may also be held, and
- **"Court holding facility"** is a secure detention facility located within a court building, used for the confinement of persons solely for the purpose of a court appearance for a period not exceeding 12 hours.

Articles 13 - 15, Title 15, California Code of Regulations, Minimum Standards for Juvenile Facilities, and other applicable Sections, relate to minors held in adult jails, lockups and court holding facilities. The three different regulation areas relate to three distinctly different facility types and circumstances of detention. Four **statutes** found in the WIC, Sections 207.1, 208, 209, and 210.2 provide the basis from which the regulations were

developed.

The following discussion sections, one set for each facility type, are intended to explain the regulations and identify issues that should be considered when conducting an inspection. They are neither mandatory, nor limiting, nor do they cover every possible contingency.

Readers should be cautioned to confine their examination of these discussion sections to the facility type for which they are intended. For example, the circumstances where a minor may be legally detained in a jail are entirely different from those of minors temporarily detained in a law enforcement facility that contains a lockup. Consequently, the regulations governing these two circumstances are also very different.

ARTICLE 13 AND OTHER APPLICABLE SECTIONS

MINORS IN JAILS

Article 13. Minors in Jails

FACILITY TOUR

It is suggested that you begin the facility tour at the booking/receiving unit. This will provide you with an opportunity to become acquainted with the booking and intake process.

Ask questions and observe security as you proceed through the facility. Be sure to tour the following areas: holding, medical unit, housing unit for juveniles, dining hall, classrooms (if present), visiting area, kitchen, and exercise areas.

As you tour the facility it is suggested that you consider the questions and topics listed below.

- *Are the exterior and interior of the building in good condition? Is there graffiti, peeling paint, unpleasant odors, or other signs of deterioration?*

- *Are the grounds, exercise areas, and playing fields in good condition? Is there adequate exercise equipment? Is the equipment in good condition?*

- *Is the facility clean? Observe the windows, lighting, lockers, desks, conditions of the mattresses, bedding and pillows, etc.*

- *Are the door panels on cells in good condition?*

- *Is the temperature of cells and dayrooms appropriate to the climate?*

- *If minors are in the facility, note their appearance. Does clothing fit properly? Is clothing appropriate to the climate? Are there sufficient blankets?*

- *Observe safety and security issues including fencing, outdoor lighting, and location of the weapons locker.*

- *Are minors allowed postage-free mail? Is incoming and outgoing mail read? Are there provisions for confidential correspondence?*

- *Are minors able to attend religious services? How do minors access religious counseling?*

- *How do minors access medical and mental health services?*

- *For a more complete understanding of a jail operation it is recommended that you also conduct interviews with the cook and kitchen staff, medical personnel, and school staff.*

- *Is there adequate space and convenient times for visiting? Does staff supervise visits? Have all minors had visits? If not, why not?*

Interviews with Minors

If minors are present in the facility it is best to have a one-on-one interview. Minors can become intimidated if two adults are present during the interview. On the other hand, two or more minors together can spend much of the interview trying to impress one another and you may not receive accurate responses. It is a good idea to ask open-ended questions. We have included some sample questions below.

- *What do you like best about this facility?*
- *What is your daily schedule?*
- *How do you arrange to see the nurse?*
- *What is the grievance process?*
- *What have you been doing in school?*
- *How did you learn about the rules?*
- *What would you like to see changed in this facility?*
- *How do you get along with staff?*

It is not appropriate to discuss the minor's offense, case or other personal matters. Your interview should focus on the experience of the minor in the facility. If the minor attempts to engage you in a discussion of his/her case you need to make it clear that you cannot discuss these matters.

ARTICLE 13 AND OTHER APPLICABLE SECTIONS

Section 1520. Purpose.

Discussion: Under California statute a minor is defined as a person under 18 years of age. **Section 207.1 (b) WIC** provides for the confinement of minors in adult jails under specified conditions. In order to be admitted to and lawfully detained in an adult jail a minor must have been determined by the juvenile court to be unfit for juvenile court proceedings and ordered transferred to a court of criminal jurisdiction for prosecution under the General Law. The minor may be remanded to the custody of the sheriff and be housed in a facility that meets statutory requirements for separation from adults. Housing juveniles in jails creates concern for facility administrators. Jails were not designed to house minors; issues of separation, safety, education, recreation, and diet must be addressed.

For the purpose of **Federal Law**, a person under the age of 18 years detained in an adult jail pursuant to Section 207.1 WIC is considered an adult.

The California Constitution and related statute requires that education be provided to persons under 18 years of age unless they have graduated from high school or achieved an equivalency, such as the GED, voluntarily withdraw or are excluded in accordance with California Education Code provisions. The County Superintendent of Schools is the appropriate authority to determine access to specific education programs for a minor and determines, in cooperation with the facility administrator, how best to provide education services as specified in the Education Code. This decision is to be consistent with the resources and limitations of the facility. Familiarize yourself with the educational

opportunities offered to minors.

- *How many minors are attending school?*
- *How many minors are on independent study?*
- *How many teachers are on staff?*
- *How frequently are substitute teachers used?*

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Section 1521. Restrictions on Contact with Adult Prisoners.

Discussion: The basis of the prohibition on contact between adults and minors is described in **Section 208(a) Welfare and Institutions Code (WIC)**. This Section makes it unlawful to allow any person under 18 years of age to come or remain in contact with adults in any institution where adults are confined.

"Contact" is defined as "communication, whether visual or verbal or immediate physical presence." Consequently, communication must be between the minor and an adult inmate either verbally or through body gestures. Gang hand signs are the most common communication. Additionally, placing a minor in the same cell with an adult is not allowed, even if there is no communication. Conversely, a minor overhearing an adult speaking, such as when an adult inmate calls for a correctional staff is not prohibited. Overhearing "ambient noise" is not considered communication.

This section specifies those limited occasions where a minor who is lawfully detained in a **jail** may be in the “incidental” physical presence of an adult prisoner, and still be in compliance with statutes and these regulations. In all occasions where this incidental presence is allowed, facility staff, trained in the supervision of inmates shall maintain constant side by side presence with either the minor or the adult to prevent communications between either person.

Finally, **208(c) WIC** allows minors in the presence of adults while participating in supervised programs to include: group therapy, supervised treatment activities, work furlough programs, and hospital recreation activities. In all cases the minor's living arrangements must be strictly segregated and all precautions must be made to prevent unauthorized association.

During the inspection you will want to determine how minors are separated from adults in the facility.

- *Where are the cells for minors located?*
- *What is the condition of the cells?*
- *Is use of the exercise yards and other areas on a schedule to permit use by juveniles?*

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Section 1522. Classification.

Discussion: The purpose of classification is to ensure the appropriate housing and programming of minors for their safety, the safety of staff, and that of the facility. The classification plan must be written. It is to be based on objective criteria that are defensible in cases of litigation as well as uniformly understood and applied. When properly designed, violence, confrontations and subsequent litigation are reduced.

The classification system must separate minors from adults as required by law and also separate the sophisticated from the naive, the violent from the nonviolent, and the passive from the aggressive. The classification system should assist in identifying security risks, the physically and mentally ill, those requiring protective custody, those who may become victims of assertive and assaultive inmates and those eligible for and suited to facility programs.

All medical, mental health, dental and related services provided to adult inmates in accordance with the adult standards are also available to minors. This provides a full range of health care services to detained minors, and would generally cover any medical or related health care needs. Necessary health services for minors, especially those 14 and 15 years of age, may differ somewhat from those for adults. If a minor appears to be in need of any health care services, or complains of not feeling well, or specifically requests such services, the facility must have the ability and resources to respond in a timely manner.

Minors tend to be more prone to suicide than adults. Suicide is the second leading cause of death among youths. It is generally held that such acts occur out of feelings of isolation, humiliation, parental deprivation, depression and lack of self worth. These feelings are much more likely to be prevalent among youth held in detention facilities and may accompany or be masked by negative or hostile attitudes and behavior, sometimes of violent proportion. Suicide usually occurs when the minor is alone either early in the detention experience or after some significant event such as sentencing or a visit from family. It tends to happen at night or at other times when supervision is minimal, and it is more likely to occur in a detention as opposed to a treatment facility.

- *Does the classification plan separate minors from adults?*
- *Are security risks identified?*
- *How are minors in need of protective custody separated?*
- *How do minors access health care?*
- *Is the suicide prevention plan comprehensive?*
- *Have there been suicides or suicide attempts by minors since your last inspection?*

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Section 1524. Supervision of Minors.

Discussion: This standard is an enhancement of the adult regulations, and recognizes the need to provide closer supervision of minors in this environment. Minors incarcerated in jails usually pose an increased possibility of self-destructive behavior. Recognizing this more

frequent "safety checks" than those afforded the adult general population is prudent as is increased diligence on the part of jail staff.

This section calls for these safety checks on minors to be no less than every 30 minutes. Checks should be made on an irregular basis to decrease the likelihood that the minors will anticipate the exact time of the checks. The more frequently staff observes minors, the more opportunity there is to supervise and intervene if necessary.

Safety checks may be counted anytime jail staff observe the minor. For example, a safety check occurs when staff is distributing meals, clothing, bedding or mail, as they are in the position to assess the well being of the minor. When non-custody staff perform safety checks, for example medical staff who are distributing medications, those observations must be documented to count as a safety check. All safety checks need to be through the eyes of staff and not through the lens of a camera or audio device. It is necessary to observe "skin" and see the minor breathing to have accomplished the safety check appropriately. It is not sufficient to observe a minor who is covered by a blanket.

Safety checks must be documented; the use of a bound logbook with all entries in ink would suffice. Computerized systems, which may be found in jails, also provide credibility. During the inspection you should ask to review the documentation of safety checks. The BOC recommends that facilities not use logs with pre-printed times.

BOC will determine if there is sufficient staff to meet the requirements of the standard. The JJ/DP commission can be helpful in determining how staff is used during the day to day operation of the facility. Observe interactions between minors and staff.

- *How does staff feel about supervising minors?*
- *What are their concerns?*

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Section 1525. Recreation Programs.

Discussion: Recreation and exercise for minors take on added importance primarily because of the continuing developmental needs of adolescents. Recent legislation signed into law provides that minors as young as 14 years of age can be subject to criminal court prosecution. When a determination is made by a juvenile court that a minor is unfit for juvenile court proceedings, the court has the discretion to remand such person to the custody of the sheriff. In most cases a minor would remain in juvenile hall, at least until age 16, but he or she could be placed in a jail if behavior is such that the minor cannot be controlled and he or she is a major disruption in the juvenile hall. The jail must have the capability to comply with separation (from adults) statutes and regulations pertaining to the confinement of minors.

When a minor under 16 years of age is detained in an adult jail, provision must be made for exercise and recreation on a scheduled basis at least one hour each day. Such activity shall consist of the opportunity for large muscle exercise in an area specifically designed for such purpose. An exercise area usually available to adults may be used, as long as such use is at a

time when no adult inmates are present. Daily exercise is not only important for the development of youth, but also assists in maintaining a positive environment in the custody setting. Detained minors are often immature, unstable and volatile especially those transferred to adult jails. The opportunity for release of energy and hostility provided by exercise and the time outside the room or cell is likely to have a positive and calming effect on minors.

Minors who are over 16 years of age must be provided at least the same opportunity for exercise and recreation as adult inmates in the facility. These minors tend to be much more physically mature than 14 and 15 year olds and exercise and recreation needs relate more closely to those of adults than children. Try to time your inspection so that you can observe the recreation activities provided for minors.

- *How much time is allowed for recreation and exercise during a week?*
- *What types of exercise and recreation are provided?*
- *Are minors involved in the activity?*
- *Is there adequate recreation and sports equipment?*

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Section 1527. Disciplinary Procedures.

Discussion: This standard assures that a minor will be knowledgeable of the facility's rules and expectations and includes the concept of the least severe action commensurate with the behavior of the minor, and the safety and security of the facility. Due process and a grievance procedure are in place to protect the minor.

Minors under disciplinary confinement status cannot be placed in administrative segregation units in which adults are confined. Minors who are confined to a room or cell, as a disciplinary measure must be detained in the area set-aside for minors. The increased potential for suicide in isolation is a factor; the mental state of the minor must be considered. Frequent safety checks at irregular intervals must be made and documented. Counseling should be provided and the minor should return to regular program status at the earliest possible time.

The only other form of discipline permitted for minors in jail is loss of privileges. Privileges include commissary, personal correspondence, television viewing, and services and activities which exceed those, required by minimum standards

During your inspection you should discuss the frequency and types of discipline related to juveniles in the facility and review a sampling of grievances.

- *How are minors oriented upon admission to the facility? What if the minor is non-English speaking or cannot read?*
- *Are rules posted?*
- *Are grievance forms available?*
- *Do minors understand the grievance procedure?*

Section 1415. Health Education.

Discussion: Facilities can be creative in finding effective and cost-efficient methods for delivering health education services. Health education can be incorporated into the regular school curriculum, offered in the form of audio or video materials, or provided by some other means that meets the needs of the confined population. For example, some facilities have utilized food services personnel to address the subjects of nutrition and obesity.

Regardless of the method of delivery of health education, it is recommended that each facility maintain a record of classes, including the overall plan for what will be offered. You can ask to see these records and can discuss the curriculum with staff and minors.

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Section 1432. Health Appraisals/Medical Examinations.

Discussion: This standard applies to all juvenile facilities as well as to jails that hold minors. Lockup and court holding facilities are excluded, as they do not detain minors long enough for the requirements to apply.

The health appraisal/medical examination is a systematic approach to evaluate the health care needs of minors, regardless of whether they have requested attention. The standard calls for completion of the evaluation within 96 hours of arrival at the facility. The time frame is <u>not</u> modified due to weekends, holidays, or other factors. Determine how this procedure works in the facility.

- *Are minors receiving their exams within 96 hours?*

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Meals and Nutrition

Discussion: The county health department conducts an annual inspection of the facility and will address each of the standards related to diet and nutrition. Commissioners are not expected to have detailed knowledge about menus and nutrition.

Meals and nutrition are important for minors. If possible eat a meal at the facility.

- *Are staff present and supervising minors?*
- *Are minors required to eat alone in their cells?*
- *Are servings ample, nutritious and appetizing?*
- *Are weaker youth protected from having food taken from them? In order to prevent intimidation many facilities have a rule that food cannot be shared among detainees.*

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ARTICLE 14

MINORS IN TEMPORARY CUSTODY IN A LOCKUP/LAW ENFORCEMENT FACILITY

Article 14. Minors in Temporary Custody in a Law Enforcement Facility

Section 1540. Purpose.

Discussion: This article refers to minors who are accused of violating a law defined as a crime for persons over 18 years of age and who have been taken into temporary custody by law enforcement officers pursuant to **Section 602, Welfare and Institutions Code (WIC)**. Although statutes generally prohibit **any** minor from being detained in a jail or lockup, an exception permits minors to be securely detained, or in non-secure custody, in a law enforcement facility that contains a lockup (e.g. a Type I or Temporary Holding Facility) for no more than six hours. This six-hour exemption is provided for the law enforcement agency to complete an investigation of the case, facilitate release to a parent or guardian, or to arrange transfer to a juvenile facility.

- *Are minors provided with orientation including the purpose of detention, length of stay and the six-hour time limit?*

Recognizing that minors should be afforded many of the same protections afforded to adults while in adult facilities, and that lockups were designed primarily to hold adults, the adult "minimum jail standards" contained in Sections 1000 et seq. Title 15, California Code of Regulations (CCR) shall equally apply to minors. However, in recognition that temporary custody of minors in adult facilities presents several unique issues that are subject to both federal and California statute, the regulations in this article also apply to minors.

The BOC has provided agencies with suggested log forms for documenting secure detention and non-secure custody. A facility may choose to use their own format, but must include all of the information contained on the BOC form. Samples of the log forms are included in Appendix 8 and 9. **A major part of the JJ/DP Commission inspection responsibility will be to review the facility logs for compliance with the standards discussed in this section**.

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Section 1541. Minors Arrested for Law Violations.

Any minor taken into temporary custody by a peace officer, on the basis that they are a person described by Section 602 of the Welfare and Institutions Code, may be held in secure detention or non-secure custody within a law enforcement facility that contains a lockup for adults provided that the standards set forth in these regulations are met.

Appropriate discipline for minors and adult inmates who fail to follow facility rules is accepted practice in long term facilities; however it is <u>entirely inappropriate</u> for minors who are in temporary custody for six hours or less.

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Section 1543. Care of Minors in Temporary Custody.

Discussion: There are access issues that apply equally to both adults and minors detained in law enforcement facilities. These include access to toilet and washing facilities, access to drinking water, adequate clothing, blankets to insure comfort, and privacy during attorney consultations. Minors require additional attention simply by virtue of their age.

Young people burn vast quantities of calories, in part to provide for growth. Recognizing this, and attempting to provide a practical and realistic approach to deal with these increased nutritional needs, this standard provides for a snack to be provided to the minor. This snack need only be provided if the minor requests it and only once during the term of the temporary custody. The snack should be nutritious, but otherwise the standard does not mandate a specific food type. Many agencies elect to exceed this **minimum** standard by providing a snack to every minor who comes into custody for more than four hours; a practice the BOC endorses.

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Section 1544. Contact Between Minors and Adult Prisoners.

Discussion: Contact between adult inmates (prisoners) and minors is declared by **Section 208 WIC** as "unlawful." Contact is described as communication whether verbal or visual, or immediate physical presence. This said, it is also recognized that by the very nature of the operations of a law enforcement facility, there will be the "incidental presence" between minors and adult inmates in law enforcement facilities. This Section recognizes this and provides for the method where this presence will be controlled and managed by the law enforcement agency through the exception later discussed in regulations **(Section 1546)**.

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Section 1545. Decision on Secure Detention.

Discussion: Section 207.1 (d) WIC specifies that, in order for a minor to be placed in secure detention (i.e. a locked room/cell or handcuffed to a fixed object) the minor must be at least 14 years of age and the peace officer must have a reasonable belief that the minor presents a serious security risk of harm to self or others.

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Section 1546. Conditions of Secure Detention and Non-Secure Custody.

Discussion: This section provides the peace officer who has a minor in temporary custody, with a set of criteria that specifically defines the term "secure detention". Minors who are held in a locked room, cell or other enclosure are securely detained. Additionally, minors

who are handcuffed to a fixed object such as a bench, chair or table are likewise "securely detained". Minors who are held in an unlocked room, yet are handcuffed to themselves, are not securely detained.

A law enforcement facility usually contains adult inmates (prisoners) who are in custody for committing crimes and must be processed (booked) into the lockup. Minors who are likewise accused of committing crime(s) are also processed at these facilities prior to being released to a parent or guardian, or transported to a juvenile facility. It is cost prohibitive and illogical to expect law enforcement facilities to be constructed in such a way that a minor would never see or hear an adult inmate. At the same time, peace officers must ensure that there is no **contact** between minors and adult prisoners. Therefore this section addresses those circumstances where minors and adult inmates may come into the "incidental presence" of each other and the safeguards that law enforcement must take when this occurs.

Any minor, whether in secure detention or non-secure custody, may be processed (fingerprinted, photographed) in a lockup. If an adult inmate is present, staff (either the peace officer or correctional staff) must maintain constant, side-by-side presence with either the minor or adult. Staff must have prior training in the supervision of inmates, and must ensure that **contact** does not occur between the minor and the adult inmate. This same level of supervision would also extend to circumstances where a minor is being medically screened, while an inmate worker is present and during the movement of persons in custody through the law enforcement facility.

ΓΓΓΓΓΓΓΓΓΓΓ

Section 1547. Supervision of Minors Held Inside a Locked Enclosure.

Discussion: This section applies to securely detained minors who are held in a locked cell, room or other enclosure and describes the measures that law enforcement staff must take to ensure the safety of that minor.

Minors who are taken into custody by law enforcement pose a risk of self-destructive behavior. Recognizing this, constant auditory access to staff by the minor must be maintained. This access may be either by direct face-to-face contact or through the use of a monitor or voice actuated "audio monitoring" device. This may also include a camera, but <u>the "soundless" camera may never replace the auditory requirement</u>. The bottom line is that the minor must be able to immediately contact staff at any time while in secure detention. Determine if staff is available to supervise minors.

This auditory access to staff must be supplemented by direct and personal visual supervision of the minor by staff <u>no less than every 30 minutes</u>. This means that staff shall not rely on any artificial means such as a video and/or audio devices to make this check. These devices may supplement but shall never replace direct checks.

Whenever a minor is placed into "Secure Detention", Section 207.1 (d)(1)(C) WIC requires that the officer shall inform the minor of (1) the purpose of the secure detention, (2) the length of time the secure detention is expected to last and (3) the fact that the minor will not be held

in secure detention longer than six hours. Additionally, the agency may consider using a standardized form, which includes the required language and documents the advisement.

Like most everything else in the custody environment, a good rule of thumb is "what is not documented, never happened." This is especially true in documenting compliance with the need to provide direct visual supervision of minors. This documentation must be credible. To ensure its credibility, the document should reflect the exact time the check was made. It should be made with an ink pen and the watch commander or other supervisor (who should add their initials, serial number, or name to the document) should periodically inspect it. Finally, the document should be maintained like every other important record by the law enforcement agency.

Male and female minors may not be locked in the same holding cell, room or other enclosure unless staff provides constant direct visual supervision.

In addition to the provisions for documentation discussed in this Section, Section 207.1 (d)(1)(F) WIC requires that a log, or written record, be maintained showing the offense and reasons which formed the decision to place the minor in secure detention, as well as the length of time the minor was securely detained. <u>During the inspection, review logs to determine compliance with this section.</u>

- *Are logs current, complete and legible?*
- *Are reasons for secure detention noted?*
- *Is the offense noted?*
- *Are there instances in which the minor was held for more than 6 hours? If yes, why?*

ΓΓΓΓΓΓΓΓΓΓΓ

Section 1548. Supervision of Minors in Secure Detention Outside of a Locked Enclosure.

Discussion: This section refers to minors who are held in secure detention by means of being handcuffed to a fixed object such as a bench, chair or table.

Minors who fit the criteria of those who require secure detention should be placed in a locked enclosure. When this is not possible due to physical plant constraints they may be secured to a fixed object. During the entire time they are so detained, there must be staff present to ensure the minor's safety and to ensure that there is no contact with adult inmates. Generally, this type of detention should not last beyond 30 minutes, but when it does, there must be a second level of review every 30 minutes that the minor is so detained. This review shall involve the approval of the watch commander (every 30 minutes) together with the reason(s) that the minor needs continued secure detention outside of a locked enclosure. The watch commander should also certify that a locked enclosure is not available or practical, and why. Similar to the documentation for the checks made while a minor is in a locked enclosure, this record needs to be credible. <u>Review logs to determine compliance with this section.</u>

- *If a minor is in secure detention outside of a locked enclosure are the above requirements*

noted on the log?

- *Was there been a 30 minute review and approval by the watch commander?*
- *Are logs current, complete and legible?*

ΓΓΓΓΓΓΓΓΓΓΓ

Section 1549. Criteria for Non-Secure Custody.

Discussion: This section addresses those minors who are held in temporary custody by a law enforcement agency for committing a crime (602 WIC) who do not fit the criteria for secure detention. The brief time period referred to in this standard is no more than six hours except under extremely limited circumstances such as inclement weather, natural disasters, or other "acts of God" which result in the unavailability of transportation. Another limited exception to the "six hour rule" is for minors taken into custody on Catalina Island. This six hours is mandated in federal statute. Entry and release times for minors in nonsecure detention must be documented and available for review. Review logs paying particular attention to this documentation.

Are logs current, complete and legible?
Do logs reflect entry and exit times?
Were there exceptions to the 6 hour limit? If yes, why?

ΓΓΓΓΓΓΓΓΓΓΓ

Section 1550. Supervision of Minors in Non-Secure Custody.

Discussion: This section refers to how minors in non-secure custody will be supervised while in the law enforcement facility. While it is preferable to supervise the minor in the same room, there is a limited amount of latitude allowed with this standard. For example, law enforcement staff seated outside an interview room who still have direct personal visual access to the minor seated inside the room is allowed. The key here is that the minor must be **directly and constantly** observed by staff during the entire custody period

ΓΓΓΓΓΓΓΓΓΓΓ

Section 1431. Intoxicated and Substance Abusing Minors.

Discussion: Juveniles who are arrested while intoxicated from alcohol or other substances are at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, or markedly disordered behavior related to amphetamines, hallucinogens or other drugs. This standard requires that a medical clearance be obtained prior to acceptance of minors into juvenile facilities whenever the minor displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. Important examples of the latter include a minor who has concealed a balloon containing drugs in a body cavity, or juveniles who may

have ingested large quantities of drugs immediately prior to arrest in order to eliminate evidence. These minors may initially appear normal, but their condition can rapidly deteriorate.

Once accepted into the facility, a safe setting for the minor to recover under observation must be determined. Facilities will vary with respect to use of regular housing rooms versus specially designed "safe" rooms that provide varying types of safeguards and ease of observation. Documented personal observation by staff must be conducted at least every fifteen (15) minutes. Many facilities opt for more frequent observation, especially during the first few hours. When it is clear that recovery is progressing, the intensity of observation may relax slightly, but should
remain at fifteen-minute intervals until the minor is determined to no longer be intoxicated.

- *Review procedures with staff.*
- *How frequently are intoxicated minors brought into the facility?*
- *Where are they detained?*
- *Review the safety check log for compliance with the standard.*

ARTICLE 15

MINORS IN COURT HOLDING FACILITIES

Article 15. Minors in Court Holding Facilities

Discussion: In 1997 the BOC developed standards for minors held in adult court holding facilities. Prior to that, while there were standards for adults in these facilities, there were no regulations that related specifically to juveniles. The BOC has authority and responsibility for biennially inspecting only those court holding facilities built after 1978. When resources allow, BOC staff provides technical assistance to court holding facilities constructed prior to 1978 and inspects a sample of those facilities.

Although court holding facilities are not specifically described in Section 229 WIC, it is strongly suggested that JJ/DP commissions inspect all facilities in which minors are securely detained. This would include court holding facilities. The BOC does not maintain a list of all court holding facilities in the state, only those constructed after 1978, as discussed above. Your commission will have to develop a complete list of facilities in your county. Contact your Sheriff and Chief Probation Officer to obtain the locations of court holding facilities holding both adults and juveniles.

Some county probation departments have a court holding area connected to juvenile hall and do not detain adult inmates in these facilities. The standards discussed below do not pertain to these facilities.

Section 1560. Purpose.

Discussion: The purpose of this article is to establish standards for court holding facilities in which minors are held pending an appearance in juvenile or criminal court. Such detention would likely span a period from less than an hour to all day, but would never exceed 12 hours or be overnight. These standards apply to any holding facility in a court building in which minors are detained. Such a facility may be adjacent to a juvenile hall or adult jail or in a freestanding structure that serves all or in part as a courthouse.

Section 208 of the Welfare and Institutions Code (WIC) makes it unlawful to allow a minor to come or remain in contact with adults in any facility where adults are confined. Such restrictions would apply to a court holding facility administered by a sheriff's or probation department, marshal's office or other public or private agency having responsibility for such facilities.

"Contact" is defined elsewhere in these regulations as "communications, whether visual or verbal, or immediate physical presence." Consequently, communications must be between the minor and adult inmate, either verbally or through bodily gestures. Gang hand signs are the most common communication. Additionally, placing a minor directly next to an adult is not allowed, even if there were no communication. Conversely, a minor overhearing an adult speaking, such as when an inmate calls for a correctional staff, is not prohibited. Overhearing "ambient noise" is not considered communications.

ΓΓΓΓΓΓΓΓΓΓΓ

Section 1561. Conditions of Detention.

Court holding facilities shall be designed to provide the following:

(a) Separation of minors from adults in accordance with Section 208 of the Welfare and Institutions Code.
(b) Segregation of minors in accordance with an established classification plan.
(c) Secure non-public access, movement within, and egress. If both minors and adults use the same entrance/exit, movements shall be scheduled in such a manner that there is no opportunity for contact/communication.

An existing court holding facility built in accordance with construction standards at the time of construction shall be considered as being in compliance with this article unless the condition of the structure is determined by the appropriate authority to be dangerous to life, health, or welfare of minors. Check with your BOC Field Representative if you have questions about compliance.

- *How do minors enter the court holding facility?*
- *Where are they held while awaiting a court appearance?*
- *What methods are used to separate juveniles from adults?*

ΓΓΓΓΓΓΓΓΓΓΓ

Section 1563. Supervision of Minors.

Discussion: There is no established formula for the number of staff or ratio of staff to minors, which must be maintained in a court holding facility. At a minimum, however, at least one staff must be on duty when a detained minor is present and both male and female staff whenever both male and female minors are detained

This regulation calls for the direct visual observation of minors by custody staff. Staff must be constantly in the presence of the minor. Audio and visual surveillance may and often should be utilized to supplement such observation as an added safety measure and precaution, but cannot replace direct visual observation by custody staff. Staff must actually see each minor detained to the extent that a judgment can be made as to the minors' general condition, welfare, behavior and demeanor. Staff must be able to respond to any situation warranting an intervention and take appropriate action. It is not good practice to rely on staff with multiple responsibilities, such as dispatch, for the supervision of minors in court holding facilities, since supervision requires safety checks and response to emergency situations.

- A written plan, which includes documentation of safety checks, is essential. This regulation requires that safety checks of minors occur at least **twice every 30 minutes.** It is suggested that checks occur at irregular intervals so minors do not anticipate when checks will occur. This is more frequent than the adult requirement for hourly checks and is based on the enhanced propensity of minors for immature and volatile behavior and greater potential for suicide.

- *Are safety checks occurring twice every 30 minutes?*
- *Part of your inspection will be to review the safety check log to assure that staff is distinguishing between adults and juveniles when determining the frequency of their checks. Are logs being maintained? Is the information complete, current, and legible?*

ΓΓΓΓΓΓΓΓΓΓ

Section 1564. Classification.

Discussion: The purpose of classification in a court holding facility is to ensure that important information about minors accompanies those minors so that court holding facilities can receive, detain and return minors safely. Court holding facilities do not require a comprehensive classification system. A plan for transmitting information to a place where classification, segregation and special care or supervision will occur is sufficient. Determine how is this accomplished in the facility you are inspecting.

If a minor is being held in protective custody, for example, or if minors from rival gangs are being taken to court at the same time, the court holding facility personnel must have this information in order to avoid transporting or holding these minors inappropriately. Minors who pose a danger to staff or other minors must be handled accordingly.

- *Is classification information received in a timely manner? If you determine that there are problems, the JJ/DP commission can make suggestions for improving communication and can monitor progress.*

ΓΓΓΓΓΓΓΓΓΓ

Section 1565. Incident Reports.

Discussion: Incidents which result in physical harm or serious threat of physical harm to staff, minors, other inmates or persons in a court holding facility require immediate attention from the authority in charge. Ask to review incident reports in which minors are involved.

- *What are the types and frequency of incidents involving minors?*

ΓΓΓΓΓΓΓΓΓΓ

Section 1567. Suicide Prevention Program.

Discussion: Suicide prevention is crucial to the safety of minors and operation of the facility. A written suicide prevention plan is required. The plan in a court holding facility should be designed to identify, monitor and intervene as necessary for those minors who present a suicide risk. During your inspection you can review the plan and discuss the issues of suicide

prevention with staff.

As mentioned previously in these guidelines, minors tend to be more prone to suicide than adults. Some of the dynamics, which put minors at greatest risk, can occur in the context of a court appearance. Feelings of isolation, lack of self worth, parental and family disinterest or alienation can be reinforced, and the shock of a conviction or severe sentence might exacerbate suicidal ideation and/or behavior.

- *Have there been suicides or suicide attempts by minors in the court holding facility?*

Section 1377. Access to Legal Services.

Discussion: Minors have a constitutional right to unimpeded access to attorneys and legal representation. Facilities must have space designated for the confidential interviewing of clients by their counsel (see **Title 24, Section 460A.2.24**) and, upon request, staff must make minors available to their attorneys at reasonable times.

The needs of attorneys vary from a short contact at the visiting window to space needed for paperwork in preparation for a hearing or trial. The visit must be confidential and may be a contact visit. Generally, contact includes the ability to have a conversation without a microphone and the ability to pass documents. Not every attorney will need or want a contact visit, and the facility manager can require special security arrangements and procedures based on valid interests.

Court holding facilities and jails deal with the issue of attorney visits as a routine. There will be a need for standard procedures to process attorney visits and the flexibility to handle visits with special requirements. Client interviews for minors at a facility should not take place during meals or other key activities. Extenuating circumstances may occur and conflicts of schedules may occur.

- *How and where are attorney visits for minors are accomplished in the facility?*

APPENDIX

APPENDIX 1

206 WELFARE AND INSTITUTIONS CODE

206. Persons taken into custody and persons alleged to be within the description of Section 300, or persons adjudged to be such and made dependent children of the court pursuant to this chapter solely upon that ground, shall be provided by the board of supervisors with separate facilities segregated from persons either alleged or adjudged to come within the description of Section 601 or 602 except as provided in Section 16514. Separate segregated facilities may be provided in the juvenile hall or elsewhere.

The facilities required by this section shall, with regard to minors alleged or adjudged to come within Section 300, be nonsecure.

For the purposes of this section, the term "secure facility" means a facility which is designed and operated so as to insure that all entrances to, and exits from, the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences, or physical restraints in order to control behavior of its residents. The term "nonsecure facility" means a facility that is not characterized by the use of physically restricting construction, hardware, and procedures and which provides its residents access to the surrounding community with minimal supervision. A facility shall not be deemed secure due solely to any of the following conditions:

(1) the existence within the facility of a small room for the protection of individual residents from themselves or others; (2) the adoption of regulations establishing reasonable hours for residents to come and go from the facility based upon a sensible and fair balance between allowing residents free access to the community and providing the staff with sufficient authority to maintain order, limit unreasonable actions by residents, and to ensure that minors placed in their care do not come and go at all hours of the day and night or absent themselves at will for days at a time; and (3) staff control over ingress and egress no greater than that exercised by a prudent parent. The State Department of Social Services may adopt regulations governing the use of small rooms pursuant to this section.

No minor described in this section may be held in temporary custody in any building that contains a jail or lockup for the confinement of adults, unless, while in the building, the minor is under continuous supervision and is not permitted to come into or remain in contact with adults in custody in the building. In addition, no minor who is alleged to be within the description of Section 300 may be held in temporary custody in a building that contains a jail or lockup for the confinement of adults, unless the minor is under the direct and continuous supervision of a peace officer or other child protective agency worker, as specified in Section 11165.9 of the Penal Code, until temporary custody and detention of the minor is assumed pursuant to Section 309. However, if a child protective agency worker is not available to supervise the minor as certified by the law enforcement agency, which has custody of the minor, a trained volunteer, may be directed to supervise the minor. The volunteer shall be trained and function under the auspices of the agency which utilizes the volunteer. The minor may not remain under the supervision of the volunteer for more than three hours. A county, which elects to utilize trained volunteers for the temporary supervision of minors, shall adopt

guidelines for the training of the volunteers which guidelines shall be approved by the State Department of Social Services. Each county which elects to utilize trained volunteers for the temporary supervision of minors shall report annually to the department on the number of volunteers utilized, the number of minors under their supervision, and the circumstances under which volunteers were utilized.

No record of the detention of such a person shall be made or kept by any law enforcement agency or the Department of Justice as a record of arrest.

APPENDIX 2

207 WELFARE AND INSTITUTIONS CODE

207. (a) No minor shall be detained in any jail, lockup, juvenile hall, or other secure facility who is taken into custody solely upon the ground that he or she is a person described by Section 601 or adjudged to be such or made a ward of the juvenile court solely upon that ground, except as provided in subdivision (b). If any such minor, other than a minor described in subdivision (b), is detained, he or she shall be detained in a sheltered-care facility or crisis resolution home as provided for in Section 654, or in a non-secure facility provided for in subdivision (a), (b), (c), or (d) of Section 727.

(b) A minor taken into custody upon the ground that he or she is a person described in Section 601, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure facility, other than a facility in which adults are held in secure custody, in any of the following circumstances:

(1) For up to 12 hours after having been taken into custody for the purpose of determining if there are any outstanding wants, warrants, or holds against the minor in cases where the arresting officer or probation officer has cause to believe that the wants, warrants, or holds exist.

(2) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian.

(3) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian, whose parent or guardian is a resident outside of the state wherein the minor was taken into custody, except that the period may be extended to no more than 72 hours when the return of the minor cannot reasonably be accomplished within 24 hours due to the distance of the parents or guardian from the county of custody, difficulty in locating the parents or guardian, or difficulty in locating resources necessary to provide for the return of the minor.

(c) Any minor detained in juvenile hall pursuant to subdivision (b) may not be permitted to come or remain in contact with any person detained on the basis that he or she has been taken into custody upon the ground that he or she is a person described in Section 602 or adjudged to be such or made a ward of the juvenile court upon that ground.

(d) Minors detained in juvenile hall pursuant to Sections 601 and 602 may be held in the same facility provided they are not permitted to come or remain in contact within that facility.

(e) Every county shall keep a record of each minor detained under subdivision (b), the place and length of time of the detention, and the reasons why the detention was necessary. Every county shall report this information to the Board of Corrections on a monthly basis, on forms to be provided by that agency.

The board shall not disclose the name of the detainee, or any personally identifying information contained in reports sent to the Youth Authority under this subdivision.

APPENDIX 3

207.1 WELFARE AND INSTITUTIONS CODE

207. 1 (a) No court, judge, referee, peace officer, or employee of a detention facility shall knowingly detain any minor in a jail or lockup, except as provided in subdivision (b) or (d).

(b) Any minor who is alleged to have committed an offense described in subdivision (b), paragraph (2) of subdivision (d), or subdivision (e) of Section 707 whose case is transferred to a court of criminal jurisdiction pursuant to Section 707. 1 after a finding is made that he or she is not a fit and proper subject to be dealt with under the juvenile court law, or any minor who has been charged directly in or transferred to a court of criminal jurisdiction pursuant to Section 707.01, may be detained in a jail or other secure facility for the confinement of adults, if all of the following conditions are met:

(1) The juvenile court or the court of criminal jurisdiction makes a finding that the minor's further detention in the juvenile hall would endanger the safety of the public or would be detrimental to the other minors in the juvenile hall.

(2) Contact between the minor and adults in the facility is restricted in accordance with Section 208.

(3) The minor is adequately supervised.

(c) A minor who is either found not to be a fit and proper subject to be dealt with under the juvenile court law or who will be transferred to a court of criminal jurisdiction pursuant to Section 707.01, at the time of transfer to a court of criminal jurisdiction or at the conclusion of the fitness hearing, as the case may be, shall be entitled to be released on bail or on his or her own recognizance upon the same circumstances, terms, and conditions as an adult who is alleged to have committed the same offense.

(d) (1) A minor 14 years of age or older who is taken into temporary custody by a peace officer on the basis of being a person described by Section 602, and who, in the reasonable belief of the peace officer, presents a serious security risk of harm to self or others, may be securely detained in a law enforcement facility that contains a lockup for adults, if all of the following conditions are met:

(A) The minor is held in temporary custody for the purpose of investigating the case, facilitating release of the minor to a parent or guardian, or arranging transfer of the minor to an appropriate juvenile facility.

(B) The minor is detained in the law enforcement facility for a period that does not exceed six hours except as provided in subdivision (f).

(C) The minor is informed at the time he or she is securely detained of the purpose of the secure detention, of the length of time the secure detention is expected to last, and of the maximum six-hour period the secure detention is authorized to last. In the event an extension is granted pursuant to subdivision (f), the minor shall be informed of the length of time the extension is expected to last.

(D) Contact between the minor and adults confined in the facility is restricted in accordance with Section 208.

(E) The minor is adequately supervised.

(F) A log or other written record is maintained by the law enforcement agency showing the offense that is the basis for the secure detention of the minor in the facility, the reasons and circumstances forming the basis for the decision to place the minor in secure detention, and the length of time the minor was securely detained.

(2) Any other minor, other than a minor to which paragraph (1) applies, who is taken

into temporary custody by a peace officer on the basis that the minor is a person described by Section 602, may be taken to a law enforcement facility that contains a lockup for adults and may be held in temporary custody in the facility for the purposes of investigating the case, facilitating the release of the minor to a parent or guardian, or arranging for the transfer of the minor to an appropriate juvenile facility. While in the law enforcement facility, the minor may not be securely detained and shall be supervised in a manner so as to ensure that there will be no contact with adults in custody in the facility. If the minor is held in temporary, non-secure custody within the facility, the peace officer shall exercise one of the dispositional options authorized by Sections 626 and 626.5 without unnecessary delay and, in every case, within six hours.

(3) "Law enforcement facility," as used in this subdivision, includes a police station or a sheriff's station, but does not include a jail, as defined in subdivision (i).

(e) The Board of Corrections shall assist law enforcement agencies, probation departments, and courts with the implementation of this section by doing all of the following:

(1) The board shall advise each law enforcement agency, probation department, and court affected by this section as to its existence and effect.

(2) The board shall make available and, upon request, shall provide technical assistance to each governmental agency that reported the confinement of a minor in a jail or lockup in calendar year 1984 or 1985. The purpose of this technical assistance is to develop alternatives to the use of jails or lockups for the confinement of minors. These alternatives may include secure or nonsecure facilities located apart from an existing jail or lockup; improved transportation or access to juvenile halls or other juvenile facilities; and other programmatic alternatives recommended by the board. The technical assistance shall take any form the board deems appropriate for effective compliance with this section.

(f) (1) (A) Under the limited conditions of inclement weather, acts of God, or natural disasters that result in the temporary unavailability of transportation, an extension of the six-hour maximum period of detention set forth in paragraph (2) of subdivision (d) may be granted to a county by the Board of Corrections. The extensions may only be granted by the board on an individual, case-by-case basis. If the extension is granted, the detention of minors under those conditions shall not exceed the duration of the special conditions, plus a period reasonably necessary to accomplish transportation of the minor to a suitable juvenile facility, not to exceed six hours after the restoration of available transportation.

(B) A county that receives an extension under this paragraph shall comply with the requirements set forth in subdivision (d). The county also shall provide a written report to the board that specifies when the inclement weather, act of God, or natural disaster ceased to exist, when transportation availability was restored, and when the minor was delivered to a suitable juvenile facility. If the minor was detained in excess of 24 hours, the board shall verify the information contained in the report.

(2) Under the limited condition of temporary unavailability of transportation, an extension of the six-hour maximum period of detention set forth in paragraph (2) of subdivision (d) may be granted by the board to an offshore law enforcement facility. The extension may be granted only by the board on an individual, case-by-case basis. If the extension is granted, the detention of minors under those conditions shall extend only until the next available mode of transportation can be arranged. An offshore law enforcement facility that receives an extension under this paragraph shall comply with the requirements set forth in subdivision (d). The facility also shall provide a written report to the board that specifies when the next mode of transportation became available, and when the minor was delivered to

a suitable juvenile facility. If the minor was detained in excess of 24hours, the board shall verify the information contained in the report.

(3) At last annually, the board shall review and report on extensions sought and granted under this subdivision. If, upon that review, the board determines that a county has sought one or more extensions resulting in the excessive confinement of minors in adult facilities, or that a county is engaged in a pattern and practice of seeking extensions, it shall require the county to submit a detailed explanation of the reasons for the extensions sought and an assessment of the need for a conveniently located and suitable juvenile facility. Upon receiving this information, the board shall make available, and the county shall accept, technical assistance for the purpose of developing suitable alternatives to the confinement of minors in adult lockups.

(g) Any county that did not have a juvenile hall on January 1, 1987, may establish a special purpose juvenile hall, as defined by the Board of Corrections, for the detention of minors for a period not to exceed 96 hours. Any county that had a juvenile hall on January 1, 1987, also may establish, in addition to the juvenile hall, a special purpose juvenile hall. The board shall prescribe minimum standards for any such facility.

(h) No part of a building or a building complex that contains a jail may be converted or utilized as a secure juvenile facility unless all of the following criteria are met:

(1) The juvenile facility is physically, or architecturally, separate and apart from the jail or lockup such that there could be no contact between juveniles and incarcerated adults.

(2) Sharing of nonresidential program areas only occurs where there are written policies and procedures that assure that there is a time-phased use of those areas that prevents contact between juveniles and incarcerated adults.

(3) The juvenile facility has a dedicated and separate staff from the jail or lockup, including management, security, and direct care staff. Staff who provide specialized services such as food, laundry, maintenance, engineering, or medical services, who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, may serve both populations.

(4) The juvenile facility complies with all applicable state and local statutory, licensing, and regulatory requirements for juvenile facilities of its type.

(i)(1) "Jail," as used in this chapter, means a locked facility administered by a law enforcement or governmental agency, the purpose of which is to detain adults who have been charged with violations of criminal law and are pending trial, or to hold convicted adult criminal offenders sentenced for less than one year.

(2) "Lockup," as used in this chapter, means any locked room or secure enclosure under the control of a sheriff or other peace officer that is primarily for the temporary confinement of adults upon arrest.

(3) "Offshore law enforcement facility," as used in this section, means a sheriff's station containing a lockup for adults that is located on an island located at least 22 miles from the California coastline.

(j) Nothing in this section shall be deemed to prevent a peace officer or employee of an adult detention facility or jail from escorting a minor into the detention facility or jail for the purpose of administering an evaluation, test, or chemical test pursuant to Section 23157 of the Vehicle Code, if all of the following conditions are met:

(1) The minor is taken into custody by a peace officer on the basis of being a person described by Section 602 and there is no equipment for the administration of the evaluation, test, or chemical test located at a juvenile facility within a reasonable distance of the point where the minor was taken into custody.

(2) The minor is not locked in a cell or room within the adult detention facility or jail, is under the continuous, personal supervision of a peace officer or employee of the detention facility or jail, and is not permitted to come in contact or remain in contact with in-custody adults.

(3) The evaluation, test, or chemical test administered pursuant to Section 23157 of the Vehicle Code is performed as expeditiously as possible, so that the minor is not delayed unnecessarily within the adult detention facility or jail. Upon completion of the evaluation, test, or chemical test, the minor shall be removed from the detention facility or jail as soon as reasonably possible. No minor shall be held in custody in an adult detention facility or jail under the authority of this paragraph in excess of two hours.

APPENDIX 4

208 WELFARE AND INSTITUTIONS CODE

208. (a) When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with those adults.

(b) No person who is a ward or dependent child of the juvenile court who is detained in or committed to any state hospital or other state facility shall be permitted to come or remain in contact with any adult person who has been committed to any state hospital or other state facility as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6, or with any adult person who has been charged in an accusatory pleading with the commission of any sex offense for which registration of the convicted offender is required under Section 290 of the Penal Code and who has been committed to any state hospital or other state facility pursuant to Section 1026 or 1370 of the Penal Code.

(c) As used in this section, "contact" does not include participation in supervised group therapy or other supervised treatment activities, participation in work furlough programs, or participation in hospital recreational activities which are directly supervised by employees of the hospital, so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized associations.

(d) This section shall be operative January 1, 1998.

APPENDIX 5

209 WELFARE AND INSTITUTIONS CODE

209. (a) The judge of the juvenile court of a county, or, if there is more than one judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor.

The judge shall promptly notify the operator of the jail, juvenile hall, or special purpose juvenile hall of any observed noncompliance with minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210. Based on the facility's subsequent compliance with the provisions of subdivisions (d) and (e), the judge shall thereafter make a finding whether the facility is a suitable place for the confinement of minors and shall note the finding in the minutes of the court.

The Board of Corrections shall conduct a biennial inspection of each jail, juvenile hall, lockup, or special purpose juvenile hall situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. The board shall promptly notify the operator of any jail, juvenile hall, lockup, or special purpose juvenile hall of any noncompliance found, upon inspection, with any of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210 or 210.2.

If either a judge of the juvenile court or the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for the confinement of minors, the juvenile court or the board shall give notice of its finding to all persons having authority to confine minors pursuant to this chapter and commencing 60 days thereafter the facility shall not be used for confinement of minors until the time the judge or the board, as the case may be, finds, after reinspection of the facility that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors.

The custodian of each jail, juvenile hall, special purpose juvenile hall, and lockup shall make any reports as may be requested by the board or the juvenile court to effectuate the purposes of this section.

(b) The Board of Corrections may inspect any law enforcement facility that contains a lockup for adults and that it has reason to believe may not be in compliance with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2. A judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility that contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor. If the law enforcement facility is observed, upon inspection, to be out of compliance with the requirements of subdivison (d) of Section 207.1, or with any standard adopted under Section 210.2, the board or the judge shall promptly notify the operator of the law enforcement facility of the specific points of noncompliance.

If either the judge or the board finds after inspection that the facility is not being operated and maintained in conformity with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2, the juvenile court or the board shall give notice of its finding to all persons having authority to securely detain minors in the facility, and, commencing 60 days thereafter, the facility shall not be used for the secure detention of a minor until the time the judge or the board, as the

case may be, finds, after reinspection, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for the confinement of minors in conformity with all requirements of law.

The custodian of each law enforcement facility that contains a lockup for adults shall make any reports as may be requested by the board or by the juvenile court to effectuate the purposes of this subdivision.

(c) The board shall collect biennial data on the number, place, and duration of confinements of minors in jails and lockups, as defined in subdivision (i) of Section 207.1, and shall publish biennially this information in the form as it deems appropriate for the purpose of providing public information on continuing compliance with the requirements of Section 207.1.

(d) Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210 or 210.2, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

(e) Where a juvenile hall is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210, and where the noncompliance arises from sustained occupancy levels that are above the population capacity permitted by applicable minimum standards, the juvenile hall shall be unsuitable for the confinement of minors if the board or the judge of the juvenile court determines that conditions in the facility pose a serious risk to the health, safety, or welfare of minors confined in the facility. In making its determination of suitability, the board or the judge of the juvenile court shall consider, in addition to the noncompliance with minimum standards, the totality of conditions in the juvenile hall, including the extent and duration of overpopulation as well as staffing, program, physical plant, and medical and mental health care conditions in the facility. The Board of Corrections may develop guidelines and procedures for its determination of suitability in accordance with this subdivision and to assist counties in bringing their juvenile halls into full compliance with applicable minimum standards. This subdivision shall not be interpreted to exempt a juvenile hall from having to correct, in accordance with the provisions of subdivision (d), any minimum standard violations that are not directly related to overpopulation of the facility.

APPENDIX 6

210.2 WELFARE AND INSTITUTIONS CODE

210.2 (a) The Board of Corrections shall adopt regulations establishing standards for law enforcement facilities which contain lockups for adults and which are used for the temporary, secure detention of minors upon arrest under subdivision (d) of Section 207.1. The standards shall identify appropriate conditions of confinement for minors in law enforcement facilities, including standards for places within a police station or sheriff's station where minors may be securely detained; standards regulating contact between minors and adults in custody in lockup, booking, or common areas; standards for the supervision of minors securely detained in these facilities; and any other related standard as the board deems appropriate to effectuate compliance with subdivision (d) of Section 207.1.

(b) Every person in charge of a law enforcement facility which contains a lockup for adults and which is used in any calendar year for the secure detention of any minor shall certify annually that the facility is in conformity with the regulations adopted by the board under subdivision (a). The certification shall be endorsed by the sheriff or chief of police of the jurisdiction in which the facility is located and shall be forwarded to and maintained by the board. The board may provide forms and instructions to local jurisdictions to facilitate compliance with this requirement.

APPENDIX 7

229 WELFARE AND INSTITUTIONS CODE

229. It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement for more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Board of Corrections.

APPENDIX 8

SECURE DETENTION LOG

SECURE DETENTION OF JUVENILES LOG

Agency:_____

Month/Year: _____

Record ONLY those juveniles held in secure detention and document 30 minute checks.

Conditions for Secure Detention (WIC 207.1(d)1 / Title 15, Article 9):

(secure = secure perimeter, cell, a locked room, or secured to a stationary object)

1. Juveniles must be 14 years of age or older and detained under WIC 602.
2. Juveniles may not be held longer than 6 hours for processing purposes.
3. The detaining officer must have reason to believe that the juvenile presents a serious risk of harm to self or others. **This risk must be documented.**
4. Juveniles must be sight and sound separated from adult prisoners at all times (WIC 208).

***Status Offenders and Nonoffenders must not be held in secure detention.**

Status Offenses include: runaway, underage drinking, possession of alcohol/tobacco, curfew violations, truancy (WIC 601).

A Nonoffender is a dependent/neglected juvenile or a juvenile in need of mental health services with no delinquent charges (WIC 300).

*** Release Codes and definitions are listed on back of log.**

A. Complete this section for each juvenile placed in secure detention.

B. Complete this section when juvenile is released or transferred.

Juvenile / Officer / Approved By / Location	Sex	Age	Reason Detained	Entered Facility		WIC 207.1 Advisements		30 Minute observations or 15 minute observations if intoxicated				Released From Facility		Total Time in Facility	Type of Release Code*	Release Information
			Charge(s)	Date	Time	Juvenile advised of	by: Initials	Time	Emp. Initials	Time	Emp. Initials	Date	Time	Hrs/Mins		
Juvenile's Name:						Purpose of secure detention										Released To:
Arresting Officer:						Expected duration of detention										Released By:
Detention Approved By:						6 hour detention limit										
Location of Secure Detention:	Juvenile Secured to a Stationary Object? (circle one): Yes No					**Reason(s) for Secure Detention (circle all that apply):** age; maturity; delinquent history; severity of offense; behavior; availability of staff to provide adequate supervision or protection; type and number of other individuals detained.										Other:
Juvenile's Name:						Purpose of secure detention										Released To:
Arresting Officer:						Expected duration of detention										Released By:
Detention Approved By:						6 hour detention limit										
Location of Secure Detention:	Juvenile Secured to a Stationary Object? (circle one): Yes No					**Reason(s) for Secure Detention (circle all that apply):** age; maturity; delinquent history; severity of offense; behavior; availability of staff to provide adequate supervision or protection; type and number of other individuals detained.										Other:
Juvenile's Name:						Purpose of secure detention										Released To:
Arresting Officer:						Expected duration of detention										Released By:
Detention Approved By:						6 hour detention limit										
Location of Secure Detention:	Juvenile Secured to a Stationary Object? (circle one): Yes No					**Reason(s) for Secure Detention (circle all that apply):** age; maturity; delinquent history; severity of offense; behavior; availability of staff to provide adequate supervision or protection; type and number of other individuals detained.										Other:

Supervisor Approving: _____

Date Approved: _____

This document is an EXAMPLE of a secure detention of juveniles log; although this information must be documented, there is no prescribed format.

Secure Detention of Juveniles Log

Instructions: This log shall be kept pursuant to Welfare and Institutions Code (WIC) Section 207.1 (d)(1)(F). At the end of each month, the entries on the log of juveniles held in secure detention shall be tallied and entered on the Corrections Standards Authority form titled Monthly Report On The Detention Of Minors. Ensure that each juvenile is counted only once. Detention begins when the juvenile enters the law enforcement facility and ends when the juvenile leaves the facility.

Section A.

Detentions:

Information shall be entered for each juvenile placed in secure detention, regardless of the length of time. The "Charge(s)" for which the juvenile is detained must include a criminal offense rather than a status offense (see definition of status offense below).

Section B

Type of Release Codes:

Code #	Description
1.	Juvenile released to parent or guardian.
2.	Transfer to detention facility.
3.	Other type of release.

Definitions

Status Offense:	A status offense is: runaway, underage drinking, possession of alcohol/tobacco, curfew violation, truancy. A juvenile detained on a warrant where the original offense is a status offense remains a status offender.
Stationary Objects:	Stationary objects include cuffing rails, rings, desks, tables, or other immovable objects.

APPENDIX 9

NON-SECURE CUSTODY LOG

NON SECURE DETENTION OF JUVENILES LOG

Conditions for Non Secure Detention (WIC 207.1(d)2): Agency:_____ Month/Year:_____

1. Juveniles described by WIC Section 602 who are under 14 years of age must be kept in non secure detention.
2. Juveniles who do not present a serious risk of harm to self or others must be held in non secure detention.
3. Juveniles may be held for no more than 6 hours to investigate the case, facilitate release to parent or guardian, or arrange for the transfer to an appropriate facility.
4. Non securely detained juveniles shall not be detained in a jail, lockup, or held in a locked room or area (holding tank or other locked enclosures).
5. Non secure detention allows the handcuffing of a juvenile, but not to a cuffing rail or other stationary object.
6. Juveniles must be kept sight and sound separate from adult prisoners (WIC 208).

*** Release Codes are listed on back of log.**

A. Complete this section for each juvenile placed in non secure detention. **B.** Complete this section when juvenile is released or transferred.

Juvenile / Officer / Approved By / Location	Sex	Age	Reason Detained Charge(s)	Entered Facility Date	Entered Facility Time	Released from Facility Date	Released from Facility Time	Total Time in Facility Hrs/Mins	Type of Release Code*	Release Information
Juvenile's Name: Arresting Officer: Detention Approved By: Location of Detention:										Released To: Released By:
Juvenile's Name: Arresting Officer: Detention Approved By: Location of Detention:										Released To: Released By:
Juvenile's Name: Arresting Officer: Detention Approved By: Location of Detention:										Released To: Released By:
Juvenile's Name: Arresting Officer: Detention Approved By: Location of Detention:										Released To: Released By:

Supervisor Approving: _____ Date Approved: _____

This document is an EXAMPLE of a non secure detention of juveniles log; although this information must be documented, there is no prescribed format.

Non Secure Detention of Juveniles Log

Instructions: Section 1150, Title 15, California Code of Regulations requires that entry and release times of juveniles held in non secure detention must be documented. At the end of each month, the number of juveniles held in non secure detention and the duration of each detention must be tallied and submitted to the Corrections Standards Authority via the Monthly Report On The Detention Of Minors. Ensure that each juvenile is counted only once. Detention begins when the juvenile enters the law enforcement facility and ends when the juvenile leaves the facility.

Section A.

Detentions:

Information shall be entered for each juvenile placed in non-secure detention, regardless of the length of time. "Reason Detained" shall be the appropriate charge(s) (e.g., 211 PC, 459 PC, 11350 H&S).

Section B.

Type of Release Codes:

Code #	Description
1.	Juvenile released to parents.
2.	Transfer to detention facility.
3.	Other type of release.

APPLICABLE REQUIREMENTS FOR ADULT FACILITIES THAT HOLD MINORS IN DETENTION

The Juvenile Justice and Delinquency Prevention Act of 2002 (JJDPA)
Pub. L. No. 93-415 (1974), 42 U.S.C. 5601

Facilities that hold minors in **secure detention in a lockup or to a cuffing fixture** are required to comply with the following core protections of the JJDPA:

1. **Deinstitutionalization of Status Offenders** (Section 223 (a) [11])
   Minors who are charged with only a status offense (WIC § 601) or who are nonoffenders (WIC § 300) ***must not be held in secure detention***.
2. **Separation** (Section 223 (a) [12])
   Minors held in secure detention ***must not come into sight or sound contact with adult offenders.***
3. **Jail Removal** (Section 223 (a) [13])
   Delinquent minors (WIC § 602) ***must not be held in secure detention for more than six (6) hours*** pending investigation, processing and release.

For more information on the JJDPA and compliance monitoring, please visit:
http://www.ojjdp.ncjrs.gov/compliance/index.html

Welfare and Institutions Code Section 207.1 (d) (1)

In addition to the requirements of the JJDPA, facilities that hold minors in **secure detention in a facility that contains a lockup** shall meet the conditions of WIC 207.1 (d) (1):

(d) (1) A minor 14 years of age or older who is taken into temporary custody by a peace officer on the basis of being a person described by Section 602, and who, in the reasonable belief of the peace officer, presents a serious security risk of harm to self or others, may be securely detained in a law enforcement facility that contains a lockup for adults, if all of the following conditions are met:

(A) The minor is held in temporary custody for the purpose of investigating the case, facilitating release of the minor to a parent or guardian, or arranging transfer of the minor to an appropriate juvenile facility.

(B) The minor is detained in the law enforcement facility for a period that does not exceed six hours except as provided in subdivision (f).

(C) The minor is informed at the time he or she is securely detained of the purpose of the secure detention, of the length of time the secure detention is expected to last, and of the maximum six-hour period the secure detention is authorized to last. In the event an extension is granted pursuant to subdivision (f), the minor shall be informed of the length of time the extension is expected to last.

(D) Contact between the minor and adults confined in the facility is restricted in accordance with Section 208.

(E) The minor is adequately supervised.

(F) A log or other written record is maintained by the law enforcement agency showing the offense that is the basis for the secure detention of the minor in the facility, the reasons and circumstances forming the basis for the decision to place the minor in secure detention, and the length of time the minor was securely detained.

Welfare and Institutions Code Section 207.1 (d) (2)

Facilities that hold minors in **nonsecure detention in a facility that contains a lockup** shall meet the conditions WIC 207.1 (d) (2):

(2) Any other minor, other than a minor to which paragraph (1) applies, who is taken into temporary custody by a peace officer on the basis that the minor is a person described by Section 602 may be taken to a law enforcement facility that contains a lockup for adults and may be held in temporary custody in the facility for the purposes of investigating the case, facilitating the release of the minor to a parent or guardian, or arranging for the transfer of the minor to an appropriate juvenile facility. While in the law enforcement facility, the minor may not be securely detained and shall be supervised in a manner so as to ensure that there will be no contact with adults in custody in the facility. If the minor is held in temporary, nonsecure custody within the facility, the peace officer shall exercise one of the dispositional options authorized by Sections 626 and 626.5 without unnecessary delay and, in every case, within six hours.

California Code of Regulations, Title 15, Minimum Standards for Local Detention Facilities

Facilities that hold minors in **secure and/or nonsecure detention in a facility that contains a lockup** shall also comply with various sections of Title 15, including Article 9, Minors in Custody in Law Enforcement Facilities. For a link to applicable regulations, please visit:

http://www.cdcr.ca.gov/CSA/FSO/Docs/3_2008_Adult_T_15_FINAL_REGULATION_TEXT_MIL_Excerpt.pdf

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Past Chair
J.StCLAIR

County of San Diego
JUVENILE JUSTICE COMMISSION
P.O. Box 23596 ♦ San Diego, CA, 92193 ♦ (858) 694-4422

October 27, 2010

To: Mack Jenkins, Chief Probation Officer
From: Kathleen Edwards, Chair, Juvenile Justice Commission
Re: Critical Incident Reporting Criteria

Background

The County of San Diego – Juvenile Justice Commission (JJC) is mandated by the California Welfare and Institutions Code to inquire into the administration of juvenile court law. The JJC requests that the Probation Department provide written critical incident reports (CIRs) on an ongoing basis to support the JJC's fulfillment of this statutory mandate. The JJC currently receives similar CIRs from Child Welfare Services.

The JJC has worked closely with the Probation Department to develop a set of criteria that will result in the JJC's timely and consistent receipt of CIRs.

Purpose

The JJC's timely receipt of CIRs will support three objectives: (1) the ability of the JJC to remain attentive to significant concerns between annual inspections, (2) the ability of the JJC to ensure that annual inspections will focus acutely on the needs of each facility, and (3) the ability of the JJC to monitor and respond appropriately to trends and patterns related to youth under the care or supervision of the Probation Department.

Confidentiality

The JJC recognizes the Probation Department's interest in keeping records confidential. The authors of CIRs may redact confidential or personally identifying information of employees, contractors, youth, or other individuals.

Critical Incident Reporting Criteria

1. Fatalities
   The JJC wishes to be informed of any fatality of a youth under the care or supervision of the Probation Department, regardless of the manner of death (i.e., suicide, homicide, accident, natural cause, undeterminable).

2. Near fatalities, serious bodily harm, and suicide attempts
   The JJC wishes to be informed of any near fatality or the serious bodily harm of a youth under the care or supervision of the Probation Department. These include all attempted suicides with overt gestures, all attempted homicides, and any accident, injury, or illness that requires admission to a hospital or psychiatric facility. The JJC wishes to be informed of the instance or injury regardless of the cause, including injuries caused by other youth or employees or contractors acting within the scope of their assigned duties.

3. Criminal conduct of employees or contractors that relates to a youth under the care or supervision of the Probation Department.

The JJC wishes to be informed of allegations of misconduct resulting in a reportable crime or alleged criminal conduct of employees or contractors that relates to youth under the care or supervision of the Probation Department. These include all instances where the employee's or contractor's alleged criminal act would have jeopardized the safety of a youth (for example, if a Probation Department employee is accused of transporting a youth in a motor vehicle while the employee is intoxicated). The JJC wishes to be informed of all instances of child abuse or neglect or alleged child abuse or neglect, including all instances where the employee's or contractor's alleged behavior would require an individual who is designated a "mandated reporter" under the Child Abuse and Neglect Reporting Act, Cal. Penal Code §§ 11164, et seq., to make a report. Probation will provide a synopsis of events without identifying names.

4. Serious acts of violence between youth
The JJC wishes to be informed of all serious acts of violence between youth in juvenile institutions operated by the Probation Department. These include serious physical assaults; all instances of sexual contact, aggression, or violence; any act of physical aggression that involves three or more youth; or any circumstance that required riot protocols to be implemented. Serious is defined as a reportable crime resulting in injury requiring medical attention. Probation will provide statistics quarterly.

5. Serious injuries to employees or contractors
The JJC wishes to be informed of all serious injuries to employees or contractors that were caused by youth and all serious injuries to employees or contractors that were the result of the intentional or negligent actions of other employees or contractors or a failure to follow written policies and procedures. Serious is defined as incidents resulting in injury requiring medical attention. Probation will provide statistics quarterly.

6. Incidents that require intervention with a weapon or chemical agent
The JJC wishes to be informed of all instances where a weapon or chemical agent, such as oleoresin capsicum (OC/pepper) spray, is used to gain control over a youth or other individual. Probation will provide statistics quarterly.

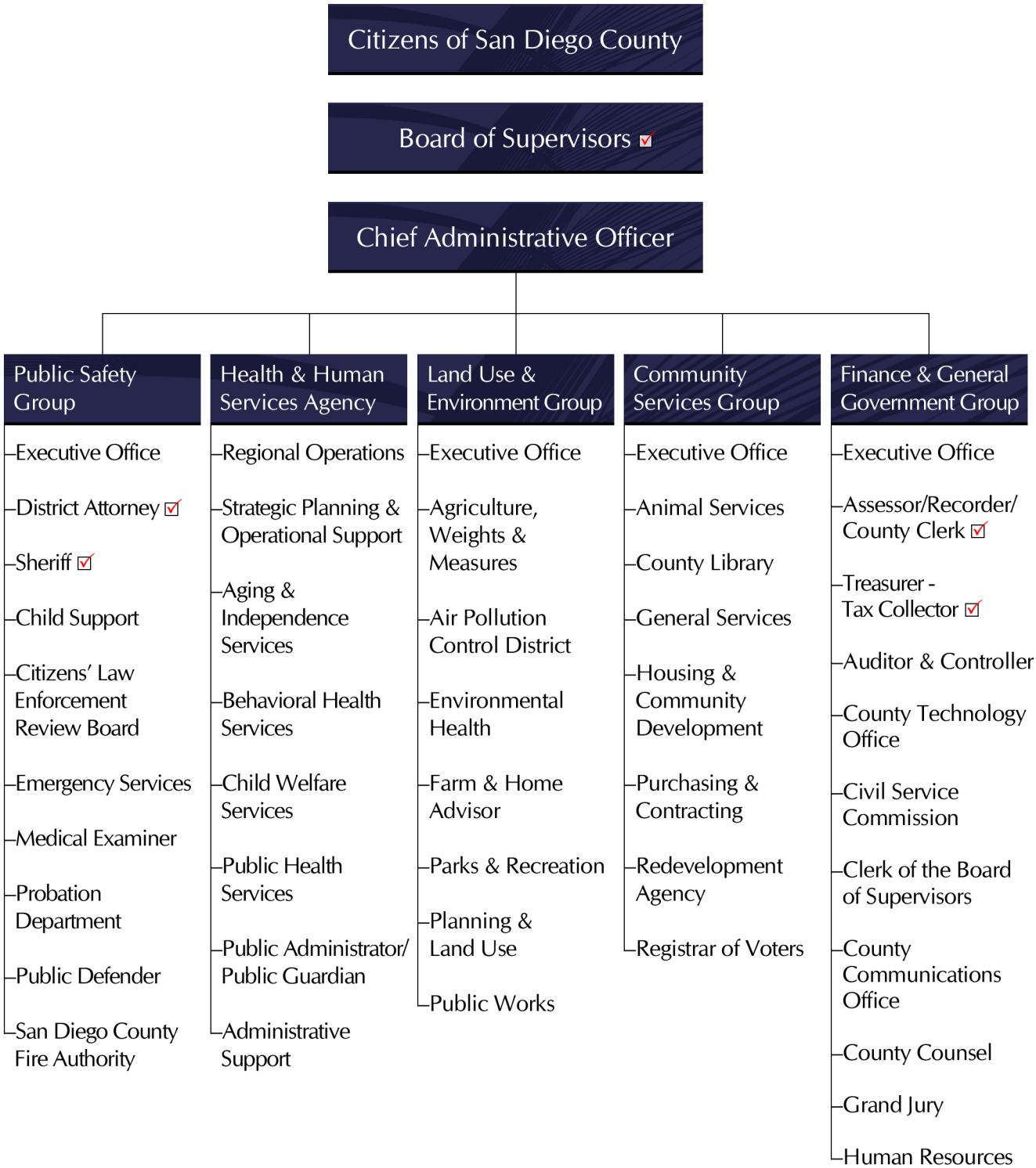
7. Public health risks
The JJC wishes to be informed of all serious public health risks within a juvenile institution. These include instances where a youth tests positive for tuberculosis or other highly communicable diseases.

8. High profile incidents
The JJC wishes to be informed of all high profile incidents related to a youth under the care or supervision of the Probation Department. High profile incidents include incidents that generate media attention or can be reasonably expected to generate media attention, incidents that are referred to high-level County officials (i.e., the Board of Supervisors or the Chief Administrative Officer), or incidents which are likely to precipitate a lawsuit.

The JJC requests to be informed of any incident, report, or finding that may generate media interest prior to the release of information to the media or prior to media publication whenever possible. Probation will provide a synopsis of events without identifying names.

11/22/10 1-5-11

Mack Jenkins, Chief Probation Officer Date Kathleen Edwards, JJC Chair Date

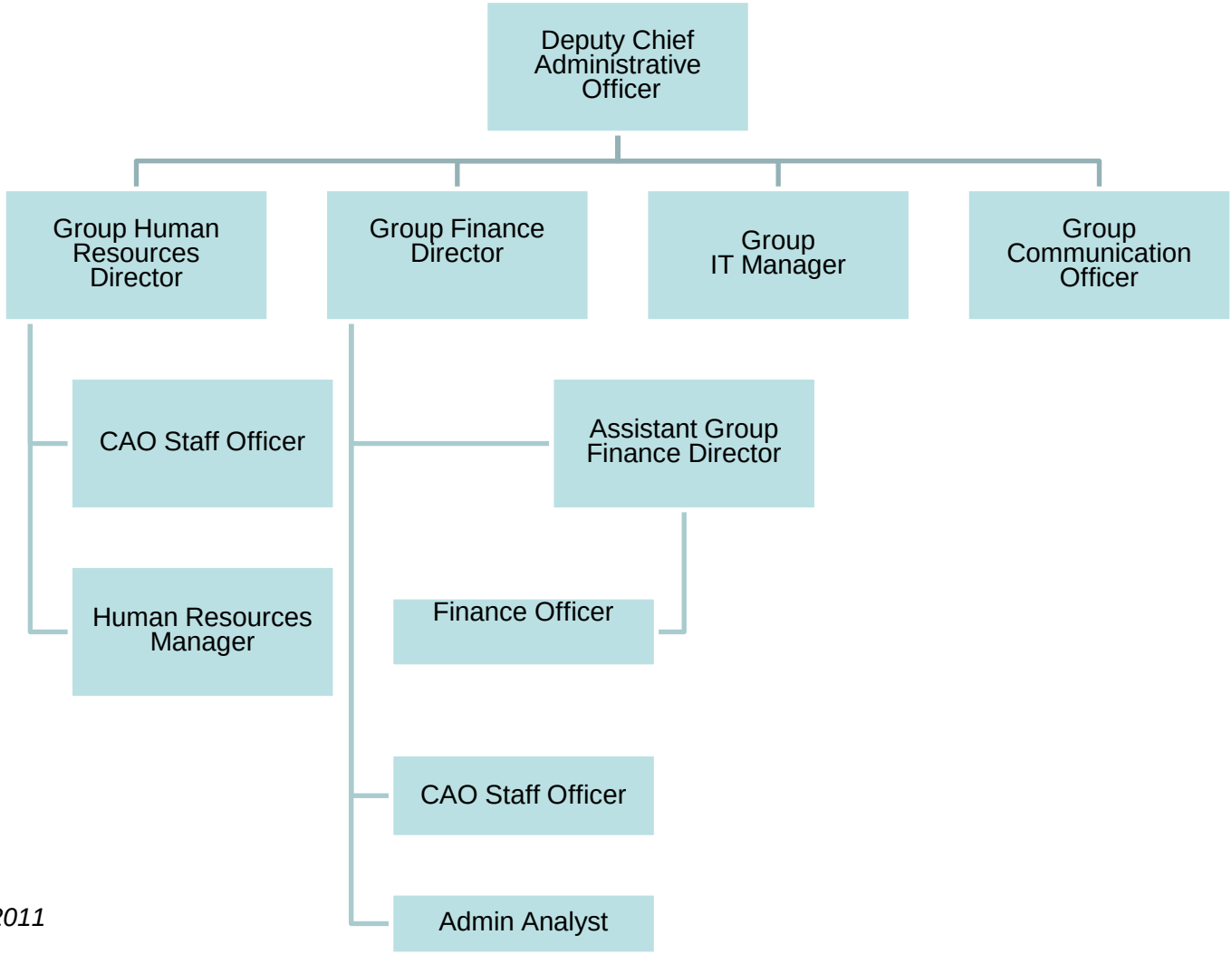


☑ Elected Official

Rev. 4/11

PUBLIC SAFETY GROUP

Public Safety Group Executive Office Org Chart



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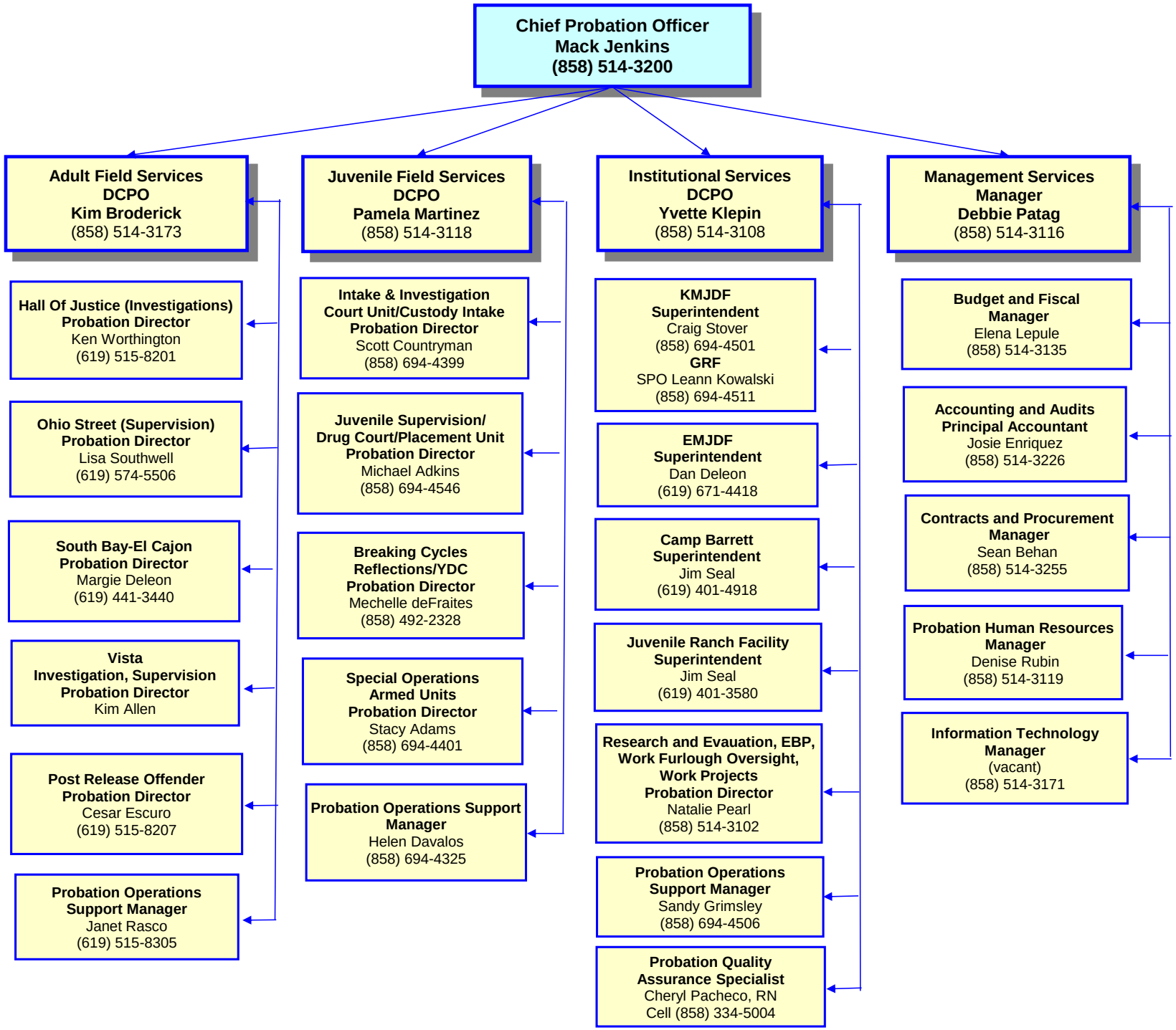
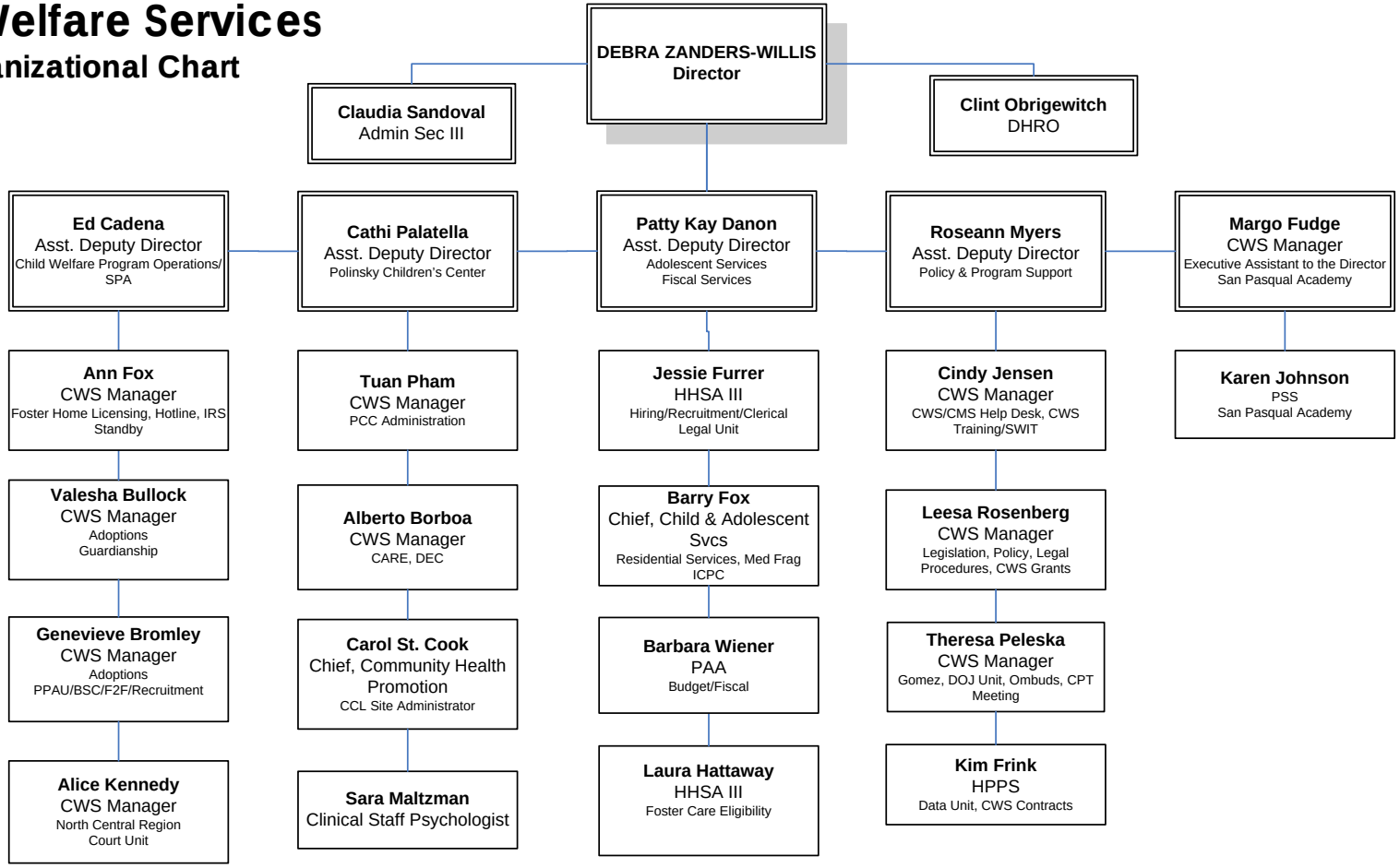


February 8, 2012

Child Welfare Services

Organizational Chart



ONLINE RESOURCES:

- **Juvenile Justice Commission Resources** (CSA): http://www.cdcr.ca.gov/CSA/FSO/Juv_Justice_Commission_Resources.html

- **Inspection Handbook for Minors Detained in Adult Facilities** (CSA): http://www.cdcr.ca.gov/CSA/FSO/Docs/JJDP_Inspect_Hndbk_for_Minors_in_Jail.pdf

- **Inspection Handbook for Juvenile Halls and Camps** (CSA): http://www.cdcr.ca.gov/CSA/FSO/Docs/JJC_Inspection_Handbook_for_JH_and_Camps.pdf

- **Adult Detention Facilities (Minimum Standards for Local Detention Facilities) – Title 15 and Title 24 Regulations:** http://www.cdcr.ca.gov/CSA/FSO/Regulations.html

- **Juvenile Detention Resources & Issues**: http://www.cdcr.ca.gov/CSA/FSO/Juv_Detention_Resources.html

- **Minors in the Custody of Law Enforcement – FAQs** http://www.cdcr.ca.gov/CSA/FSO/Minors_In_The_Custody_Of_Law_Enforcement_FAQs.html

- **Minors in Detention in Adult Facilities**: http://www.cdcr.ca.gov/CSA/FSO/Minors_Lockups.html

- **Training Video – Minors in Detention:** http://www.youtube.com/watch?v=SIEltMeGKZQ