

Probation and Education at Juvenile Hall

Juvenile Injustice

1.0 Foreword

Pursuant to Penal Code Section 919(b), the Sacramento County Grand Jury inspected both the Youth Detention Facility (juvenile hall) and the Sacramento County Boys Ranch, met with administrators of the Sacramento County Department of Probation (SCDP) and the Sacramento County Office of Education (SCOE). The following is an overview of juvenile hall³⁴ and its administration, along with a summary of major issues recently brought to light by legal actions.

A lawsuit recently resulted in a Consent Decree with the SCDP and a Settlement Agreement with SCOE. SCDP agreed to pay \$1.8 million and on-going monitoring costs, and to train staff. SCOE agreed to pay \$450,000 and costs in settlement of a related but separate legal action. The departments' failures to follow legal mandates denied the wards of the court appropriate safety standards and an adequate education program.

2.0 Method of investigation

To research allegations related to the Consent Decree and the Settlement Agreement, the grand jury reviewed legal documents and heard testimony from key staff members in both SCDP and SCOE. In addition, the grand jury reviewed probation department publications along with policies and procedures related to mandated reporters from SCOE.

3.0 Background and Facts

The Sacramento County Department of Probation operates juvenile hall. The chief probation officer recently assumed command of a troubled department. Although new to the position, the chief possesses an extensive background in probation and has plans for the implementation of his vision in managing the department and the facilities it oversees. The plans are based on evidence-based management. The goal is to eliminate unsound or excessively risky practices in favor of those that have been researched and are better

³⁴Although the Sacramento County Boys Ranch is also administered by Sacramento County Department of Probation, it is reviewed separately and solely as an informational report to avoid confusing the issues specific to juvenile hall.

documented. As an example, probation staff recommends the placement of almost all low risk offenders at home versus being placed at juvenile hall. Analysis of statistical data suggests that a low risk youth placed in juvenile hall for as little as two days becomes a higher risk and learns many undesirable behaviors.

With the closing of the Warren E. Thornton Youth Center, there is no female juvenile detention facility in Sacramento County. In addition, the Boys Ranch may ultimately close if budget cuts continue, removing the only long-term juvenile facility in the county. The grand jury is concerned about the lack of appropriate options that will be available for the youth in the county. Due to recent budget cuts, 400 staff members have been affected and only mandated services remains intact. Due to staff reductions and changes in department policies, department representatives only supervise a very small fraction of the adults and youth on probation. Continuing budget pressures make this a very serious public safety issue.³⁵

3.A Youth Detention Facility (Juvenile Hall)

The purpose of the Sacramento County Juvenile Hall is to provide a safe and secure detention location for youth who have been arrested and determined to be a risk to the community. Those awaiting court appearances or serving custody terms are held pending placement at the Boys Ranch or other programs. Within 48 hours, a detention hearing is given to each new arrival at juvenile hall and a decision is made regarding his/her placement. If assessed not to be a risk, the youth is released pending a court hearing. Otherwise the youth is held at juvenile hall or placed in another program such as home supervision with electronic monitoring.

The assessment of youth offenders is based on what are referred to as evidence-based practices. The goal is to eliminate unsound or excessively risky practices in favor of those that have been researched and are better documented. As an example, probation staff recommends the placement of almost all low risk offenders at home versus being placed at juvenile hall. Analysis of statistical data suggests that a low risk youth placed in juvenile hall for as little as two days becomes a higher risk and learns many undesirable behaviors. Specific to youth detention, risk assessments are based on several factors including home supervision, parental support, previous offenses, gang involvement, and school reports. According to staff, there are several common characteristics of the youth at this facility. These characteristics typically include inconsistent parental discipline, poor supervision, and

³⁵ To see the distribution of active adult probationers in Sacramento County, use the following link:
www.probation.sacounty.net/Home/uploadedFiles/Juvenile_Probation_Programs/5_Active_Adult_Probationers_2010.pdf

multiple caregivers, along with a high probability of physical and/or sexual abuse, gang membership and experimentation with drugs and/or alcohol. Another common characteristic of youth at this facility is the failure to attend school and/or succeed in school.

The average stay of offenders is 21 days and currently there are seven units for boys and two units for girls. Youth at this facility are provided three meals a day, daily schooling, physical education, along with medical and mental health services. Visitations for reunification are also available. Under consideration is an evidence-based educational program that includes anger and gang suppression issues. There were no funds committed for this program.

When the grand jury toured the facility, the typical housing pods contained cells for one or two youth. Most cells consisted of two elevated concrete bed platforms with mats and bedding along with a small stainless steel toilet and sink. One book was observed in one cell but no personal items or educational materials were seen in any other cell.

Concerns from staff include: cuts in staffing, closure of the Warren E. Thornton Youth Center that included the only girls' detention unit, cut-backs on contracted and community-based referral services, staffing for the recently completed facility addition, and potential closure of the Boys Ranch facility.

3.A.1 SCDP Issues Relating to Juvenile hall

A Consent Decree was filed in Sacramento Superior Court in December 2009, against the SCDP arising out of a 2006 lawsuit alleged failures in the operation of juvenile hall. The suit alleged overcrowding and the use of excessive force. The probation department agreed to pay \$1.8 million and consent to three years of monitoring and enforcing compliance. The department must employ at least one full time youth advocate, employ a staff trainer on the use of force, and employ an outside expert to assist in reviewing policies and procedures.

Senior management acknowledged the allegations in the lawsuit and admitted that they lost their way. They understand the specific items listed in the Consent Decree and how compliance with each item would be performed and monitored. The candor and obvious desire of the probation department managers to improve performance and to demonstrate accountability were refreshing. The grand jury is hopeful effective changes will be made.

3.A.2 SCOE Issues Relating to Juvenile hall

SCOE is required by law to provide education for youth detained at juvenile hall. The lawsuit, which was a byproduct of a lawsuit against SCPD, questioned whether SCOE was performing its duties. While the allegations against SCOE were not as serious as those against the probation department, the grand jury thought it was important to investigate them.

SCOE had concluded the litigation against it by entering into a Settlement Agreement in January 2010. Under the terms of the Settlement Agreement, SCOE agreed to pay \$450,000, plus costs. SCOE does not have any monitoring of its future performance. However, it agreed to make changes in its programs and supervision. The Settlement Agreement includes all juvenile court schools operated by SCOE.

The legal action regarding the education of youth in juvenile hall was based mainly on two practices: no educational services for juveniles on room confinement in the facility, and suspension of juveniles from the classrooms without parental notification.

In reviewing the allegations made in the lawsuit brought against SCOE, the grand jury had questions regarding the actual educational services provided to youth in the juvenile justice system (specifically juvenile hall) versus educational programs specified by statute. A further question was raised concerning the understanding of teachers in their role as mandated reporters.

The suit alleged that youth in the juvenile hall were being sent back to their housing units from school on “overflow” status, when classrooms were too full. Therefore, they did not receive the required education on those days. This problem has been resolved. Juvenile hall has been rebuilt and with the new classroom configuration, there is little possibility of “overflow.”

The suit further alleged that in two housing units, Room Confinement and Administrative Room Confinement, youth received less than the mandated four hours of school per day as the typical day included one hour of school and one hour of outside recreation. In addition, youth in these two units received no homework and were allowed no pens or pencils in their rooms. Students are now allowed to have rubber pencils. Youth in room confinement ranging from three days to thirty days or longer had no school at all. Under the settlement terms SCOE must develop an adequate preliminary educational plan for all youth detained in juvenile hall within five days of the student’s arrival to the facility. The minimum amount of school time must comply with the school day requirements of the Education Code.

Students having court hearings or medical appointments continue to forgo educational programs. SCOE holds the probation department accountable for this problem. SCOE’s possible proposed solution to this common occurrence is to have evening educational programs for these students. However, this idea is still not developed, still needs to be negotiated with the teachers’ union, and will need support from juvenile hall probation officers to bring students from their rooms and provide supervision in dining areas while instruction is given.

The Settlement Agreement also states SCOE must follow the Education Code when suspending students and provide adequate documentation that its suspension policies and practices comply with applicable law. It is unclear what SCOE is doing to resolve the second issue of the lawsuit, the suspension of juveniles without parental notification. An effort is made to call parents; if unavailable, a letter is sent.

When students are unable to attend school because they have been placed in Room Confinement or Administrative Room Confinement, they receive education only if probation staff escorts them to a designated day room. SCOE is then to provide the students with class assignments and individual instruction for no less than 20 minutes per half of a school day during the regular school hours. This settlement item is conditioned on SCOE not being obligated to provide this instruction if a student is a danger to himself or others.

SCOE did not appear to understand or acknowledge its responsibilities as mandated reporters. SCOE was vague when questioned regarding knowledge of this subject, let alone the policies and procedures of mandated reporting.

The senior administrators of SCOE toured juvenile hall in 2004 and expressed disappointment in the quality of the education program. Yet, no changes were made. Students in juvenile hall have diverse and often intense educational and behavioral needs.

The original lawsuit brought against SCOE included issues with both general education and special education students. SCOE was able to have the special education component dismissed, as it had no named plaintiff. This grand jury has no information on the quality of the special education programs being given to youth with special needs at the county's juvenile facilities.

4.0 Conclusions

It is critical that SCDP and SCOE refocus and collaborate on their common goals for meeting educational and rehabilitation needs of youth in their care. No matter what plans are adopted by SCDP and SCOE, a professional and cooperative relationship is a necessity. The plans of both agencies must ensure that the true beneficiaries are the youth. Not to do so will make these youths victims of failed systems.

5.0 Findings and Recommendations

Finding 1.0 SCOE entered into a Settlement Agreement in which it agreed to remediate alleged failings and implement changes.

Recommendation 1.1 SCOE needs to immediately complete, implement, and monitor a detailed comprehensive corrective educational action plan to include all SCDP students. The

plan is to be based on state standards, the Education Code (including E.C. 48645, et. seq.), and federal law. The results of this corrective action plan should be published yearly.

Recommendation 1.2 SCOE should contract with an outside agency to audit and publicly report SCOE's progress/performance towards complying with the Settlement Agreement.

Recommendation 1.3 SCOE should conduct comprehensive annual evaluations for its entire staff at juvenile hall based on job descriptions, state standards, and Settlement Agreement mandates.

Finding 2.0 Students have missed classes because of court dates and medical appointments.

Recommendation 2.1 The proposed idea of SCOE senior management to implement an evening educational program needs to be immediately negotiated with SCOE staff, labor union, and the probation department. If this plan is unworkable, another plan should be developed and negotiated immediately to ensure that all students at juvenile hall have appropriate educational services.

Finding 3.0 Staff at SCPD and SCOE are mandated reporters and are required by law to report abuse or suspected abuse.

Recommendation 3.1 Annual training on mandated reporting for all SCPD and SCOE personnel employed at juvenile hall needs to occur.

Recommendation 3.2 To resolve confusion as to who should be reporting when multiple mandated reporters are aware of, or suspect abuse, a policy should be created and implemented for both the SCPD and SCOE employees at juvenile hall.

Required Responses

Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento County Superior Court by October 1, 2010, from:

- Sacramento County Board of Supervisors
- Superintendent, Sacramento County Office of Education
- Chief Probation Officer, Sacramento County Probation Department

Mail or hand-deliver a hard copy of the response to:

Hon. Steve White, Presiding judge
Sacramento County Superior Court
720 9th St., Dept 47
Sacramento, CA. 95814

In addition, e-mail the response to Becky Castaneda, Grand Jury Coordinator, at castanb@saccourt.com