

TO: Chairman and Members

DATE: January 17, 2013

**SUBJECT: Alameda County Juvenile Hall
Determination of Suitability**

AGENDA ITEM: H

**ACTION: X
INFORMATION:**

RESOURCE PERSON: Toni Gardner

Summary:

This action item is the determination of the suitability of Alameda County's Juvenile Hall for the confinement of minors. Welfare and Institutions (W&I) Code Section 209(d) requires that the Board of State and Community Corrections (BSCC) make such a determination when areas of noncompliance reported to the facility administrator are not corrected within a time frame described in that code section. Alameda County was unable to complete their corrections within those limits.

Background:

The BSCC is mandated by Welfare and Institutions (W&I) Code Section 209 to biennially inspect all juvenile halls. In the event that a juvenile hall is found noncompliant with one or more of the minimum standards for juvenile facilities contained within Titles 15 or 24, California Code of Regulations, the probation department is required to file a Corrective Action Plan (CAP) within 60 days of having received notice from the BSCC of noncompliance. Once the CAP is received by the BSCC, the county has 90 days to complete the actions outlined in the plan. Should they fail to do so, the code directs the BSCC to make a determination of the suitability of the facility for the confinement of minors at its next scheduled meeting.

BSCC staff inspected the Alameda County Juvenile Hall and Camp Wilmont Sweeney on March 27 and 28, 2012. The inspection letter, outlining twelve areas of noncompliance, was mailed to the facility administrator, then Acting Chief Probation Officer LaDonna Harris, on May 30, 2012. The CAP was received on July 31, 2012, prompting a 90 day deadline for resolution of November 5, 2012. In the intervening time period, probation facility managers and BSCC staff were in frequent contact regarding the county's efforts toward achieving compliance. Although camps are not subject to the corrective action requirements of W&I Code 209(d), the department included Camp Wilmont Sweeney in their CAP efforts. BSCC staff reviewed and endorsed proposed policy and procedure revisions and visited the facility on September 19, 2012 to assess progress and provide technical assistance. As a result of that site visit, four areas of noncompliance were noted as corrected and removed from suitability tracking.

An update on corrections was received from Deputy Chief Probation Officer Esa Ehmen-Krause on November 5, 2012. Her correspondence included details of the continuing efforts to gain approval of the revised policies and procedures. Pending their approval, directives have been issued which reflect the needed policy language. Implementation continues on practices that have been improved since the inspection. As there were still outstanding areas of noncompliance at the conclusion of the 90 day correction period, the department was informed that pursuant to W&I Code Section 209(d), they would appear before this Board on today's date.

In preparation for today's meeting, BSCC visited the facility again on December 19, 2012 to gauge progress on the CAP. Based on that visit, staff determined that two more areas of noncompliance have been corrected. For several of the six juvenile hall items remaining, practice is compliant with the regulation; however the revised policy has not yet been approved and adopted. Attachment A summarizes the remaining noncompliance following the most recent visit by BSCC staff. Alameda County Chief Probation Officer LaDonna Harris and members of her management team will be present at the Board meeting to update members and answer questions.

Recommendation/Action Needed: Staff recommends that the BSCC determine that Alameda County Juvenile Hall is suitable for the confinement of minors. It is further recommended that the Board require the Chief Probation Officer or her designee to return at each subsequent board meeting to report on progress, until all areas of noncompliance are corrected.

BSCC 2010-12 Biennial Inspection: Outstanding Areas of Noncompliance

Alameda County Juvenile Hall and Camp Sweeney			
Regulation Detail of Noncompliance	9/19/12 BSCC Visit	10/31/12 Probation's Report	12/19/12 BSCC Visit
<p>1357 Use of Force Policy revisions needed: 1) requiring staff to report and take steps to stop inappropriate use of force & 2) specific policies regarding pregnant minors.</p>	<p>Revised policy meets the regulation. Will be compliant when policy is approved and in effect.</p>	<p>Awaiting meet and confer. Interim directive issued to all staff.</p>	<p>Still awaiting final approval and adoption</p>
<p>1361 Grievance Procedures <i>Practice is compliant</i> however policy restricts what can be grieved and does not include the provision for confidentially filing a grievance.</p>	<p>Revised policy meets regulation. Will be compliant when policy is approved and in effect.</p>	<p>Awaiting meet and confer. Interim directive issued to all staff.</p>	<p>Still awaiting final approval and adoption</p>
Alameda County Juvenile Hall			
Regulation Detail of Noncompliance	9/19/12 BSCC Visit	10/31/12 Probation's Report	12/19/12 BSCC Visit
<p>1328 Safety Checks Documentation reflected checks occurring outside of the 15 minute requirement.</p>	<p>Gaps in safety checks continue to be noted, however they are fewer and for shorter periods of time. Department documentation verifies the progressive discipline being pursued when staff neglects safety check responsibilities. Supervisors are presenting training on the revised policy. When policy is approved, training will begin anew. Practice not yet compliant.</p>	<p>Institutional supervisors have been directed to check safety check records daily, on a shift by shift basis. Safety checks have been an agenda item at numerous labor management and administrative meetings. Staff members who have been found to have deficiencies on their shift are consistently held accountable.</p>	<p>COMPLIANT Technical assistance from the company providing safety check equipment and review of unit camera recordings demonstrated that large gaps were as a result of operator error, not a failure to accomplish the safety check. Review of sampling of checks demonstrated compliance.</p>

<p>1355 Institutional Assessment and Plan Assessments and plans could not be located on the date of the inspection. Those which were shared with BSCC following the inspection were incomplete and were not reviewed with youth.</p>	<p>Staff has been specifically assigned to meet with youth to complete these plans. The form is under revision and will soon be in use. Practice is still noncompliant.</p>	<p>The form used for the plan is being revised to more appropriately reflect the spirit of the regulation. The individual Assessment and Case Plans have been maintained regularly utilizing the existing form. Staff will transition to the new form once it is complete and approved for use.</p>	<p>Interviewed assigned staff regarding the completion of plans, including use of the improved form. Could not locate plans for randomly selected youth who had been in custody for 40 or more days. Discussed means for assuring needed case planning is tracked.</p>
<p>1371 Recreation and Exercise Less than required number of hours of recreation/exercise daily. Less than 1 hour a day outdoor large muscle exercise daily. Lack of a posted recreation and exercise schedule.</p>	<p>On Max units, those youth who do not receive weekend visits remain in their rooms and do not receive the minimum of 5 hours of recreation and exercise. 1 hour LME more consistently offered. Recreation schedule not posted on 3 of the 4 units visited.</p>	<p>Staffing levels are being addressed with the on-going filling of existing vacancies. Scheduling more weekend programming for the Max units. Staff has been advised to document all LME in the unit logbook. Daily unit recreation schedule reposted on all units, with necessary adjustments made.</p>	<p>COMPLIANT Improved staffing levels confirmed. Logs reflect increased recreation. New recreation equipment purchased. Unit logs reviewed showed documentation of required LME. Additionally, LME is frequently accomplished during PE classes. Schedules posted.</p>
<p>1372 Religious Program Youth who choose not to attend religious services must remain in their rooms.</p>	<p>Policy is clear that youth can participate in normal programming. Re-interviewed youth and staff and found that on 2 units, youth continue to be kept in their rooms if they do not attend services.</p>	<p>Staff have been directed that youth are NOT to be placed in their rooms in lieu of religious programming. Staff has also been advised of the need to document as such in unit logbook.</p>	<p>Noncompliance last noted in 2 units; only 1 still noncompliant. Managers will audit weekly to assure that alternate activities are offered to those who opt</p>

			not to attend services. Audits to be forwarded to BSCC.
1375 Correspondence Policy allows reading of the mail for reasons other than those in regulation.	Policy revised. 1 st revision still allowed the reading of outgoing mail for "appropriateness". 2 nd revision removes that. Staff interviewed on two units stated that they routinely read the mail for reasons other than those in regulation. Practice still noncompliant.	Awaiting meet and confer. Interim directive issued to all staff. All staff members have again been advised of this regulation and have been directed to discontinue the practice of reading resident mail. Upon approval of policy training will begin to further address to ensure compliance.	<i>Practice is Compliant.</i> Interviews with detained youth confirm that mail is not read. Awaiting final approval and adoption of revised policy and procedure.
1391 Discipline Process Some documentation lacked record of hearing when requested. Instructions allow review of documents to be substituted for youth's testimony.	Form and policy revised. Compliance determination dependent upon approval and implementation. Facility will send copies of completed discipline review forms, names redacted.	Awaiting meet and confer. Interim directive issued to all staff.	Still awaiting final approval and adoption
Camp Wilmont Sweeney			
Regulation Detail of Noncompliance	9/19/12 BSCC Visit	10/31/12 Probation's Report	12/19/12 BSCC Visit
1328 Safety Checks <i>Practice is compliant</i> however written policy could not be located. Policy was subsequently written but had not been approved.	Proposed policy meets the regulation. Will be compliant when policy is approved and in effect.	Awaiting meet and confer. Interim directive issued to all staff.	Still awaiting final approval and adoption

STATUS (12/19/12)
COMPLIANCE DEPENDENT ON ADOPTION AND IMPLEMENTATION OF REVISED P&P
PRACTICE IS NONCOMPLIANT

COMPLIANT