

**TO: Chairman and Members**

**DATE: March 14, 2013**

**SUBJECT: Alameda County Juvenile Hall  
Suitability – Corrective Action Plan Update**

**AGENDA ITEM: I**

**ACTION:  
INFORMATION: X**

**RESOURCE PERSON: Toni Gardner**

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**Summary:**

This information item is an update on Alameda County Probation's progress in correcting outstanding areas of noncompliance cited during the 2010-12 biennial inspection by the Board of State and Community Corrections (BSCC). On January 17, 2013, this Board considered the suitability of the Alameda County Juvenile Hall for the confinement of minors, pursuant to Welfare and Institutions (W&I) Code Section 209(d). In determining the facility to be suitable, the Board has required that a representative of the department return to provide progress reports at subsequent BSCC board meetings. BSCC staff revisited the facility on February 19, 2013 and as of that visit, staff has determined that two additional areas of noncompliance had been corrected.

**Background:**

Welfare and Institutions Code Section 209 requires biennial inspections of juvenile halls by the BSCC. The section also outlines steps that the BSCC must take when a county fails to correct all areas of noncompliance within the time frames listed in that section. Twelve areas of noncompliance were identified following BSCC's inspection of the Alameda County Juvenile Hall. Eight issues were still being addressed when the time frames for completing corrective action expired and the matter was placed on the January 17, 2013 BSCC Agenda for a determination of suitability. At that meeting, BSCC staff reported that there were six items remaining and Chief Probation Officer LaDonna Harris updated the Board on her progress in completing the those corrections. After discussion, the facility was found suitable for the confinement of minors, with the requirement that updates be presented until all areas of noncompliance were corrected.

BSCC staff continues to be in contact with facility managers and visited the facility on February 19, 2013 to gauge progress on corrective action. Staff was pleased to note that two areas of noncompliance have been corrected. These, and the four remaining items, are summarized in Attachment A. Three areas require the adoption of revised policy and procedure which are awaiting the meet and confer process. As agreed upon at the January 17, 2013 Board meeting, a letter was sent on behalf of the Board, encouraging county representatives to work expeditiously to approve the proposed revisions.

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**Recommendation/Action Needed:** Information only

**BSCC 2010-12 Biennial Inspection: Corrective Action Status**

<b>Regulation Detail of Noncompliance</b>	<b>9/19/12 BSCC Visit</b>	<b>12/19/12 BSCC Visit</b>	<b>2/19/13 BSCC Visit Updates: 3/12/13</b>
<b>1357 Use of Force</b> Policy revisions needed: 1) requiring staff to report and take steps to stop inappropriate use of force & 2) specific policies regarding pregnant minors. Practice is compliant.	Revised policy meets the regulation. Will be compliant when policy is approved and in effect.	Still awaiting final approval and adoption. <sup>1</sup>	Policy and procedure, covered by the directive, is compliant.
<b>1361 Grievance Procedures</b> Policy restricts what can be grieved and does not include the provision for confidentially filing a grievance. Practice is compliant.	Revised policy meets regulation. Will be compliant when policy is approved and in effect.	Still awaiting final approval and adoption.	Pending approval and adoption of policy or departmental directive.  As of completion of Meet and Confer process on 3/7/13, revised policy is adopted.
<b>1355 Institutional Assessment and Plan</b> 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.	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.	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.	Missing forms located. Reviewed additional assessments and plans for youth selected randomly.

<sup>1</sup> Alameda County Probation Department Memorandum, LaDonna Harris, Chief Probation Officer, January 15, 2013, requiring adherence to revised policies. Each scheduled for meet and confer.

<b>1372</b> <b>Religious Program</b> Youth who choose not to attend religious services must remain in their rooms.	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.	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 not to attend services. Audits to be forwarded to BSCC.	Audits received. Alternate activity offered to those who do not attend Sunday religious program. Alternatives to religious programs on other days of the week must still be assured.
<b>1375</b> <b>Correspondence</b> Policy allows reading of the mail for reasons other than those in regulation. Practice is compliant.	Policy revised. 1 <sup>st</sup> revision still allowed the reading of outgoing mail for “appropriateness”. 2 <sup>nd</sup> 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.	Interviews with detained youth confirm that mail is not read. Awaiting final approval and adoption of revised policy and procedure.	Pending approval and adoption of policy or departmental directive.  As of completion of Meet and Confer process on 3/7/13, revised policy is adopted.
<b>1391</b> <b>Discipline Process</b> Some documentation lacked record of hearing when requested. Instructions allow review of documents to be substituted for youth’s testimony. Practice is compliant.	Form and policy revised. Compliance determination dependent upon approval and implementation. Facility will send copies of completed discipline review forms, names redacted.	Still awaiting final approval and adoption	Pending approval and adoption of policy or departmental directive.  As of completion of Meet and Confer process on 3/7/13, revised policy is adopted.

<b>POLICY IS NONCOMPLIANT</b>
<b>PRACTICE IS NONCOMPLIANT</b>
<b>COMPLIANT</b>