

I realize that Grand Juries are comprised of citizens who are not necessarily familiar with the law and regulations that govern and, in many instances, dictate the manner in which a Juvenile Detention Facility is operated, managed and staffed. The fact that a number of the Grand Jury's comments and recommendations were made without an understanding of, or research about, the Probation Department's operations could seriously damage both the Department and staff.

Grand Jury Comments

Comment #1

The (MR 1997) had the following findings: Employees within a work group related well with their supervisor and co-workers but related poorly outside their immediate subdivision. The SJCCGJ finds this condition continues to be true today.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #1

What the Review actually said was that the fact that a higher number of employees rated morale higher in their Unit than in their Division SUGGESTS that employees within a work group relate well with their supervisor and co-workers, but relate poorly outside their immediate subdivision. This should come as no surprise to anyone who has ever worked in a correctional institution. It is highly stressful at times and can be physically dangerous. Staff must rely on their supervisor and co-workers for their safety. Bonds are strong on a given shift or unit, and the pressures of dealing with delinquent, impulsive, acting-out adolescents on a daily basis makes seeing the larger, Divisional picture difficult. This responder is reminded of the WWII maxim: This is the most important foxhole in the whole !@#%&* war, because I'm in it!

The Probation Department has recognized for some time that morale and communication are both issues that need ongoing attention. In response, the Department has brought in a professional facilitator to organize and consult with a work group made up of Juvenile Hall staff of every level, from part-time help through journeypersons, supervisors and administrators. Those staff that volunteered are now conducting meetings where ideas, issues and concerns are discussed openly under the guidance of the facilitator. This group, the Juvenile Hall Planning Team, has been meeting for almost a year. Interestingly, the Hall's most vocal and critical employees have not participated, despite well-advertised meetings and agendas. (See attachments 1C1 and 1C2.) Staff are paid, including overtime when required, for their participation.

Comment #2

While touring the facility with the department head, it was noted by members of the Grand Jury that few of the employees, and none of the wards, appeared to be familiar with the department head. In other facilities staff members and wards/inmates readily recognized the department head.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #2

I do not understand the relevance of this observation. Approximately 3,300 minors are booked into Juvenile Hall every year. Another 5,000 juvenile offenders are cited to us annually. I would not expect the minors to recognize or know me. In reference to the observation that few of the staff appeared to be familiar with the Department head, I find this surprising inasmuch as I moved my office into the secure setting of Juvenile Hall last August. I walk the same hallways as staff. I am constantly on video monitors as I navigate through the facility. It is physically impossible for me to enter or exit the Hall without being recognized and cleared. Whenever time permits, I visit the units and always attempt to introduce myself to new staff. I attempt to do tours of Juvenile Hall on a weekly basis, as time permits. It is possible that the Grand Jury does not know the scope of my duties or the organizational structure of the Department.

The Chief Probation Officer is ultimately responsible for the operation of Juvenile Hall. Specific and onsite operational control is assigned to the superintendent of Juvenile Hall. The superintendent is a Deputy Chief Probation Officer position. Two Assistant Deputy Chief Probation Officers administratively assist the superintendent.

The scope and nature of the Chief Probation Officer's responsibilities and duties extend far beyond Juvenile Hall. The Probation Department is composed of three operational divisions and one smaller Administrative Division. The Adult Probation Division is responsible for the supervision of approximately 20,000 probationers and provides in excess of 10,000 reports to the Courts yearly. The Juvenile Probation Division is responsible for providing intakes for 8,300 law enforcement arrests, field supervision of approximately 2,500 minors, preparation of approximately 1,800 Dispositional and 200 Stepparent Adoption reports for the Courts, and supervision and care of children in Court ordered out-of-home placements. In addition, the Juvenile Probation Division provides a host of prevention, intervention and suppression programs, including Crossroads, Project 654, Youth Accountability Boards, Juvenile Court Drug and Treatment Program (KADAP), Community Justice Conferencing, Positive Youth Alternatives and a Gang Intervention Unit.

All of the Probation Divisions, including Juvenile Hall, have a responsible administrator on site. These administrators are visible to and are familiar with their staff, but even they do not know each and every probationer or detainee. It would be an impossible task with well over 300 Department employees and almost 23,000 adult and juvenile probationers. This does not include the thousands of fresh referrals that are sent to this agency by law enforcement during the course of a year. Furthermore, a lack of adequate staff in combination with unprecedented growth has created a work environment where new faces are the norm and not the exception.

If the Chief Probation Officer's sole responsibility were to know or be familiar with every client and employee, it would still remain an impossible undertaking in light of the size and placement of Probation staff throughout San Joaquin County. At every opportunity, however, the Chief Probation Officer visits each and every division. Currently, Probation has three major division sites as well as 10 sites at satellite locations, not including Youth Accountability Board service areas scattered throughout the County. (See attachments 2C1 and 2C2.)

Comment #3

The results of the Management Review in 1997 (MR 1997) suggested that unit supervisors and division staff as well as central administrative staff could benefit from learning improved management techniques, especially those aimed at identifying problems and developing workable and timely solutions or communication skills. We find there to be a lack of communication skills and/or timely solutions to problems, i.e., the incident of the ward giving birth unattended.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #3

It is clear that the July 12, 2000, unassisted birth incident at Juvenile Hall is the catalyst for the Grand Jury's report. The July 12, 2000, incident was horrific and appalling. This situation has deservedly received a high level of media attention and governmental scrutiny.

In the case of the unassisted birth to which the Grand Jury refers, it is clear that policies, procedures, training and common sense were ignored. It is not a case of benign neglect, but rather a situation in which neglect of duty, a lack of human decency and compassion combined to cause a possible life-threatening incident. Policies, procedures, documented rules and regulations were egregiously ignored. At this point in time, the principal responsible in this matter was terminated and is facing a felony-level Court proceeding.

Although the Grand Jury is focusing on management styles and techniques, the issue goes far beyond what has been mentioned. In reality, all the best management skills and techniques can not guarantee the absence of problems caused by rogue behavior or blatant disrespect and non-

adherence to policies and procedures. In a perfect world, there would be no need for discipline policies, job rules and expectations, or Civil Service Commissions. In a perfect world, all employees would strictly adhere to all rules, regulations, guidelines, established procedures and policies. In a perfect world, there would be no suicides or unexplainable deaths, beatings or general mistreatment of detainees in juvenile halls, jails, prisons or mental health facilities.

Since the management review of 1997, numerous actions have been initiated to address identified concerns and improve management techniques, best practice procedures and problem solving. This has been accomplished in a number of ways:

- } We have received additional focused training from the County's Human Resources Department, including training on risk management and labor relations.
 - } At the state level, we petitioned the California State Board of Corrections (BOC) to include the Group Counselor II series in their Institutions Core Training program. The BOC has agreed to provide the special training requested.
 - } At the Department level, various approaches have been used. Staff at all levels are continually invited to participate in Ad Hoc and ongoing work groups to address concerns, developments and issues. This has created a much more inclusive decision, procedure and policy making process. Also, a facilitator has been brought in to create an all-volunteer Juvenile Hall Planning Team for both part-time and full-time staff, regardless of position level. This group has been very successful in identifying and correcting deficiencies and bringing resolution to conflicts and misunderstandings that have resulted from diverse personal opinions and agendas. Among the problems that have been tackled and addressed by this Juvenile Hall Planning Team are the following: 1) improvements in recruitment and retention; 2) early training of new staff; 3) increased emphasis on safety issues and programming; 4) development of guidelines for improved management.
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Comment #4

The (MR 1997) identified the availability of several excellent behavior-based evaluation tools. The Department's response to the problem of poor evaluations illustrates several distinct shortcomings in management's overall approach to problem solving. We find that this observation is still valid.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #4

It appears that the Grand Jury did not review our evaluation process. Their comment does not reflect the steps that have been taken and the involvement of staff in that process. The Probation Department's Employee Performance Evaluation process was completely overhauled in 1998, as a result of the 1997 Management Review. In concert with the general theme of the Management Review, an all-volunteer committee was formed consisting of staff from various divisions and classifications. The purpose of this approach was to develop an inclusive environment in which to develop an outstanding Employee Performance Evaluation process that exceeded County requirements. After many months of hard work under the leadership of our two Deputy Chief Probation Officers, the new process was created. Before training and implementation, the new method was comprehensively reviewed and sanctioned by Human Resources. Once this review was completed, a series of training sessions was held to ensure that staff was familiar and comfortable with the employee performance evaluation process. While no employee performance evaluation system is perfect, I would challenge any County Department to produce a better product or history of timely submissions of Employee Performance Evaluations. (See attachments 4C1 through 4C11.)

Comment #5

The (MR-1997) also recommended developing core-training requirements for various positions, condense procedure manuals and insist that all staff follow them.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #5

Department policy requires full-time line staff to attend Board of Corrections approved Juvenile Institutions Core training within a year of being hired. Lead Counselors (Group Counselors II) are now being sent to Supervisor Core training. All of our Lead Counselors have not yet attended because of scheduling difficulties, but it is our intent, once we train existing staff, to send all new supervisors and lead counselors within the first year of employment. Administrators attend 80 hours of Management Core training within the first year of appointment.

Our Policy and Procedure Manual is a comprehensive document that includes statutory law, regulatory law (e.g. Titles XV and XXIV), probation intake policies as well as departmental policies and procedures. It would be impossible to condense this document without compromising the document's integrity. It is a requirement that all staff operate within the guidelines set down in the manual. Staff at all levels are monitored for compliance. Violators are subject to progressive discipline. As part of the annual Employee

Performance Evaluation process, staff are required, by signature, to acknowledge they have reviewed the Policy and Procedure Manual and are current and personally familiar with its contents. (See attachment 5C1.)

Comment #6

Discrepancies were noted in logbooks kept by the counselors on duty. Some unit logbook entries were postdated. Medication scheduled to be administered to a ward on the following day was already entered in the log as a completed task.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #6

The standard log kept on each unit is the Juvenile Hall Unit Shift Report. A Shift Report is completed on each shift and turned in at the end of the shift. The Shift Report includes a listing of all staff present, an accounting of any minors on isolation, an accounting of unit safety and security equipment, and a chronological listing of Events and Moves. The latter is to be completed during the course of the day as events and movements take place. Assistant Deputy Chief Probation Officers on rounds have, on several occasions, found Shift Reports where staff reported, for example, 6:30 p.m., showers, before the event took place. During their inspection completed June 8, 2000, Board of Corrections inspectors noted the same lapse in procedure. Juvenile Hall administrators are revising Manual sections detailing procedure for the Juvenile Hall Unit Shift Report to correct this problem.

It is difficult to respond to this item, as it pertains to medication, without knowledge of the specific alleged action. However, policy is that Group Counselors are not permitted to administer any medications except Tylenol and prescribed asthma inhalers (801 Procedure Manual). Prescribed medications are administered by Medical Clinic personnel (801 Procedure Manual), who are employees of San Joaquin County Health Services/Correctional Health. Logging of medications is made on Clinic charts by Correctional Health Services staff, not on Juvenile Hall logs. To log prescribed medications on Juvenile Hall (rather than Clinic) records would violate *confidentiality of medical records*. (See attachment 6C1.)

Comment #7

Counselor morale is very low.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #7

This five-word allegation was made without the benefit of causative explanation, example or supporting information. How this perception was arrived at remains a mystery, and substantiation is not offered or even inferred. Every organization, both public and private, is susceptible to morale issues. In some cases, these problems are driven by outside influences, working conditions, salary and benefits issues and, in many instances, the minds of disgruntled employees. I am aware that the salary and benefits issues remain a burning concern for Juvenile Hall staff. In essence, they universally feel under compensated for performing a task that is dangerous, demanding and extremely stressful. There is no such thing as down time in a detention facility. It is a grueling responsibility when performed correctly. According to DMG Maximus, a consultant group that is currently completing a new management review of Juvenile Hall for the Board of Supervisors, staff morale has been recently lifted as a result of providing staff with OC (Pepper) Spray to minimize assaultive behavior in the Hall. This new tool was introduced last December after an exhaustive planning and training process. The OC spray program has been successful to the point where assaults by minors on staff and other minors have been dramatically decreased. Resulting injuries to both staff and minors have also been significantly reduced. This is a positive and real example of the synergistic power of management and staff using a collegial model to address morale issues that relate to working conditions.

Preliminary findings by the DMG Maximus group indicated that employees' attitudes and issues raised appear to vary depending on employee tenure. There is no material available that would support a blanket finding of counselor morale being very low. Issues of compensation are very real for employees and need to be addressed through negotiations between union officials and County labor representatives. (See attachment 7C1.)

Comment #8

The (MR 1997) recommended a full time training officer position be established, and that career advancement should be predicated on attending training and incorporating that knowledge in employee's everyday routine.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #8

Presumably, reference is made to a Training Officer position at Juvenile Hall because the Department has had a full-time Training Officer for many years who is responsible for training department-wide. Additionally, there is a Group Counselor III position designated as Training Coordinator for Juvenile Hall. This person works closely with the Department Training Officer to ensure that state-prescribed Standards and Training for Corrections (STC) training requirements are met. As a point of fact, the 1997 Review did not recommend such a position. What the Review did say was that a full-time Training Officer was frequently mentioned in a staff survey (page 9). Juvenile Hall would welcome a full-time Training Officer. This is a budget item, however, that must be weighed against other needs in the staffing arena.

It should also be noted that full-time Juvenile Hall staff are required to have 24 hours of mandatory annual training. State required training in the areas of First Aid, CPR and Unarmed Defense take up 16 of these 24 hours, not leaving much leeway for elective training. Juvenile Hall management has not been satisfied with simply meeting state requirements. Within the last year, staff has been trained in the use of, and supplied with, O.C. Pepper Spray. Also, in the past year Hall staff received training in HIV/Universal Precautions. Over the past two years, Hall staff also attended Organizational Change and Communications training. Training is scheduled for, and equipment has been acquired for, Room Extraction in response to safety needs of minors and staff. Finally, all Lead Counselors (Group Counselors II) are being sent to Supervisor Core training. Could we use more training? Certainly. However, this is also a budget issue. It is expensive to replace staff during training. Management recognizes the importance of staff training and will continue to search for and provide relevant training.

Comment #9

Policy and procedure manuals exist and are reviewed only when employees are first hired. Thereafter, they are not reviewed; henceforth, the application and use is inconsistent.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to comment #9

It is simply untrue that manuals are not reviewed after initial hire. Section 151 in the Juvenile Hall Procedure Manual states, Each unit has been provided with a procedure manual. Annual review of the manual by employees is mandated and will be documented and placed in the employee's file. Employees receive annual performance evaluations. These evaluations include a signoff by the employee that he/she has reviewed the

manual; another form, the Manual Signoff Sheet, requires that the employee initial for each section of the manual that was reviewed.

The preliminary reports by DMG Maximus indicate that employee evaluations have been completed in a timely fashion, which would confirm that employees have indicated annually that they reviewed the Procedure Manual.

The Juvenile Hall Procedure Manual details expectations for staff and operational procedures for daily activities in Juvenile Hall. It is the duty of institutional and line supervisors to hold staff accountable for consistent application of operating procedures. Staff who violate these procedures are held accountable via progressive discipline. (See attachment 9C1.)

Comment #10

The SJCCGJ feels that had the San Joaquin County Probation Department properly implemented the recommendations submitted to them by the Management Review dated 1997, the same problems would not continue within Juvenile Hall today.

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The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to comment #10

The Probation Department implemented and continues to address the recommendations contained in the 1997 Management Review. Implementation of these recommendations was reviewed by the Probation Steering Committee, consisting of Supervisors Cabral and Marengo, Judges Harrington and Teaford, County Administrator Baker, and County Counsel Dermody. Several Probation Steering Committee meetings were held where, among other things, the Chief Probation Officer reported on the development and implementation progress of the 1997 Management Review as it unfolded. During these meetings, input and direction were received from Probation Steering Committee members. After extensive review and evaluation, the Probation Department's Action Plan, which addressed the consultant's recommendations, was finalized. This strategic plan officially memorialized the steps and methods that were taken to place the consultants' recommendations into effect. It is difficult to understand or answer the Grand Jury's Comments on this subject. The words "properly implemented" are used without example or reference. The facts are that the Probation Department implemented all but two of the consultants' recommendations. These two recommendations were beyond the purview of the Department and counterproductive. Furthermore, this was not accomplished in a vacuum. Implementation of the plan was monitored and evaluated by the representatives of the Courts, Board of Supervisors, County Administrator and County Counsel. Whether or not the consultants' recommendations were meritorious or valid remains another question. (See attachment 10C1.)

Comment #11

Emergency Medical Response (ambulance service) in the unattended birth was extremely slow (it took eighteen minutes to arrive at the location).

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #11

The Chief Probation Officer has no control or authority over the 911 Emergency Ambulance systems. ♦ A County Ordinance administered by Emergency Medical Services, a County agency, oversees this matter pursuant to County Ordinance. ♦ The Board of Supervisors adopted the ordinance after a Public Hearing over 20 years ago. ♦ Even though there is no such thing as perfect ♦ Emergency Response Time, ♦ I am certain that all County residents, including the Chief Probation Officer, would applaud the Grand Jury ♦'s advocacy to improve emergency ambulance response time in San Joaquin County. ♦ I would, therefore, encourage the Grand Jury to address this comment to the proper agency for consideration and feedback. ♦ (See attachment 11C1.) ♦

Comment #12

A Registered Nurse has been added to the staff at Peterson Hall since the unattended birth in July 2000, but medical personnel are not available on site twenty-four hours a day. ♦ Other detention facilities visited by the SJCCGJ had medical personnel on duty twenty-four hours a day.

The respondent agrees with the finding with an explanation of the reasons therefore.

Response to Comment #12

Juvenile Detention does not have 24-hour medical coverage. ♦ Present medical coverage for this 194-bed facility is from 7:00 a.m. to midnight on weekdays and from 7:00 a.m. to 9:00 p.m. on weekends.

The Juvenile Hall Procedure Manual and Duty Officer Manual define procedures for response in medical emergencies:

- { Procedure Manual Section 800 Medical Procedures
- { Procedure Manual Section 801 Minor Illness and Injury
- { Procedure Manual Section 1200 Emergency Procedures
- { Duty Officer Manual (Emergency Response)

These procedures have been effective over the years in responding to minors emergency medical needs. In the birth incident of June 2000, existing procedures were not followed. The staff who violated existing procedures were appropriately disciplined.

The Board of Corrections completed its biennial inspection of Juvenile Hall on June 8, 2001. Although the BOC Inspection Report is not yet completed, BOC inspectors verbally recommended San Joaquin County detention facilities move to 24-hour medical coverage. However, they noted this is not a Title 15 requirement. We concur with the recommendation.

Presently, the hours without medical coverage at Juvenile Hall correspond with the sleeping hours for minors. In lieu of 24-hour coverage, current Juvenile Hall procedure mandates consultation with the Emergency Room at San Joaquin General Hospital when after-hours crises arise, as well as transporting minors to the Hospital for emergency care. The hospital is located within several blocks of Juvenile Hall.

If 24-hour medical coverage were implemented, per Grand Jury and BOC recommendations, there would be a more immediate response for those medical crises that do occur during the night. It would need to be determined whether there are sufficient medical crises during minors sleeping hours to justify the added costs of full-time medical coverage. The decision to staff round-the-clock is likely to be as much a budgetary as a medical decision.

The Jail/Honor Farm is a 1200+beds facility with full-time medical coverage and an in-house infirmary.

The medical coverage at San Joaquin County's third detention facility, Mary Graham Children's Shelter, runs from about 7:30 a.m. to 9:00 p.m.

(See attachments 12C1 through 12C3.)

Comment #13

The co-ed unit does not always have a female counselor on duty.

The respondent agrees with the finding with an explanation of the reasons therefore.

Response to Comment #13

The regulations governing staffing requirements at Juvenile Halls in California are found in Title XV of the California Code of Regulations. Section 1321, paragraph I, subparagraph (D) says as follows: At least one male and one female child supervision staff member on duty whenever both male and female minors are housed in the facility. The Juvenile Hall policy and procedure manual, in section 400, paragraph 3, says: Whenever both males and females are detained, at least one female staff member is to be on duty at all times.

It is the policy and intent of Juvenile Hall management to be in compliance with staffing regulations. There are, however, times when this cannot be accomplished. For example: a scheduled female staff calls in sick at the last minute, and there simply may not be another female employee available to cover that particular shift. In the last few months, several new female staff have been hired. As soon as they complete training and reach Group Counselor I status, this issue should be greatly alleviated on both co-ed units.

Comment #14

On one evening visit, custodial personnel facilitated Grand Jury members entry into Peterson Hall without having proper identification presented. While immediate access to the interior of the facility was not available, the entry of any person without proper identification is a dangerous practice.

The respondent disagrees with the finding with an explanation of the reasons therefore.

Response to Comment #14

The Grand Jury was not granted entry into Peterson Hall (Juvenile Detention Facility) without proper identification. Rather, they were allowed into the public lobby of the Juvenile Justice Center. The Juvenile Justice Center facility includes offices for the District Attorney, Public Defender, Juvenile Court Clerks Office and two public lobbies. Attorneys, Juvenile Court staff and the families and guardians who are either taking custody after arrests or having other pressing business issues with probation staff access the public lobby after business hours. Although the two lobbies can be accessed, all office and Court space is locked and secured by staff from the respective County agencies housed in the facility. Access into the secure area of Juvenile Hall is strictly controlled by staff 24 hours a day.

Admission into Juvenile Hall for other than law enforcement and Juvenile Justice Center employees requires that the visit be for official business purposes and only after the visitor

establishes proof of his or her right to visit and the need to visit.❖ The procedure to insure compliance with this mandate requires visitors to press an intercom button in the public lobby to announce their service request.❖ A duty officer exits the secure facility through a set of sally port doors and meets with the party expressing a need for service in the public lobby.❖ If all the criteria are met, the person(s) is escorted into the facility to conduct their business.❖ It should be noted that the Juvenile Justice Center janitor(s) are not Probation Department employees.❖ They work under contract to the County Facilities Division.❖ Further, they are not charged with any janitorial duties within the secure area of Juvenile Hall.❖ When representatives from the Grand Jury visited Juvenile Hall on the evening of January 10, 2001, Juvenile Hall policy and procedure were correctly followed.❖ (See attachments 14C1 and 14C2.)

Grand Jury Recommendations

Recommendation #1

Comprehensive training for counselors should be given on an on-going, regular scheduled basis.

The recommendation has been previously implemented.

Response to Recommendation #1

Response to Comment #8 outlines the training program offered to Juvenile Hall staff.❖ This was implemented over the course of the last three years and is progressively improved upon as funding and staffing resources will allow.❖ The perceptions of the Grand Jury on this subject were not supported.❖ What the Grand Jury is recommending is already in place.

Recommendation #2 ❖

Hiring policies for management should receive serious review.

The recommendation has been previously implemented.

Response to Recommendation #2

Hiring practices for managers are in accordance with County policy.❖ The Human Resources Department dictates that for every full-time staff vacancy, five candidates from the appropriate Civil Service sanctioned eligibility list, developed by Human Resources, be referred to the County Department for hiring or promotional interviews.❖ Unfortunately, only one of the five candidates is usually satisfied with the results, as only one candidate can be hired or promoted

from the list. In some instances, however, animosity and resentment develops, laying a foundation for disgruntlement which undermines employees' attitudes and performance. In an effort to respond to this phenomenon, a volunteer work group was created to develop a promotional development guide for those employees interested in becoming managers. This blueprint for qualifying and preparing for promotion has been finalized and published in the Department Administrative Manual. It is attached for the reader's review. (See attachment 2R1 and 2R2.)

In its recently completed review, the DMG Maximus consulting group found no discrepancies or problems in Probation's hiring and promotional processes. (See attachment 7C1.)

Recommendation #3

Administrators should have significant practical experience in the supervision of wards.

The recommendation will not be implemented.

Response to Recommendation #3

With the understanding that the Chief Probation Officer is responsible for the overall operation of the Probation Department, including Juvenile Hall, the Hall administration is composed of a Deputy Chief Probation Officer who acts in the role of superintendent and two Assistant Deputy Chief Probation Officers who function as deputy superintendents. Emphasis is placed on overall experience as a corrections professional and manager. The three officers now managing Juvenile Hall have a combined 80 years of probation experience. All three have worked their way up, starting as either Group Counselor Assistant or Deputy Probation Officer I. They have all managed caseloads in either the Adult or Juvenile Division. In order to promote, they have had to demonstrate professional, supervision and management skills at a high level. One of the most important of these skills is the ability to work with people -- peers, adult probationers, juvenile wards, parents, other community agencies and the community at large. This quality, along with correctional management experience, is the surest indicator of success in this difficult environment.

This is not to say that practical experience in the supervision of wards is not a desirable thing for a juvenile detention manager to have. It is desirable. By the same token, it does not necessarily follow that the skills needed to supervise minors in custody translate to managing the detention facility itself. (See attachments 3R1 and 3R2.)

Recommendation #4

The counselors' career ladder should be extended to enable promotion to managerial level.

The recommendation has been previously implemented.

Response to Recommendation #4

The newly created Juvenile Hall Labor-Management Committee is in the process of tackling this subject. The Committee has been meeting for several months. It is composed of representatives from Juvenile Hall line and management staff, the employee union (SEIU), and the County's Labor Relations Department. Union director Steve Wilensky, County Labor Relations director Judy Guerrero and the Chief Probation Officer are committee members. The group has identified several staff concerns that relate to salary, benefits and incentives. Contrary to the Grand Jury assertions, Juvenile Hall staff can promote to managerial positions if they meet the minimum qualifications, including graduation from an accredited four-year college curriculum with a minimum of 24 units in the behavioral sciences. Many Juvenile Hall employees have been promoted to probation officer positions after qualification and successful testing. Group Counselor III staff are not excluded from competing for second line probation officer positions (Assistant Deputy Chief Probation Officer), but, once again, they must meet minimum qualifications. The committee has recognized that the opportunity for promotion is limited for those staff who do not meet the minimum educational requirements or those Group Counselors who are satisfied in their positions and wish to remain juvenile detention staff. The value of dedicated and competent detention staff cannot be over emphasized. Consequently, the labor-management committee is attempting to develop an incentive program for this segment of employees. Ideas being considered are educational, certification, experience and performance incentives.

Recommendation #5

Prior to completing a probationary period, all supervisors should complete a significant training curriculum in evaluation preparation and discipline.

The recommendation has been previously implemented.

Response to Recommendation #5

Whenever Juvenile Hall staff are promoted to first line supervisory status, they are required to take a two-week (80 hours) Supervisor Core course sponsored and mandated by the California

State Board of Corrections. The current Probation Administration feels that although the program is valuable, it is too broad based on the subjects of discipline and employee evaluation. This is an especially critical concern because the San Joaquin County Probation Department employee evaluation process exceeds County standards. Also, the discipline policy taught at Core training is not specific to San Joaquin County's discipline policy. Consequently, this Department has gone beyond mandated training and has established a set of in service training standards for all supervisors and management staff. All new unit supervisors are enrolled in the County's Tool For Successful Managers class that is offered throughout the year. Furthermore, the Probation Administration holds strategic management meetings throughout the year where outside experts are invited to present training on subjects such as discipline, labor relations, risk management and personnel matters. Managers have found these specific presentations very useful and have requested more detailed training on these subjects. In response, the Human Resources Department has agreed to provide such a curriculum as time permits. Because the Department's employee performance evaluation process is more comprehensive than the standard County process, new supervisors are mentored in this process by their immediate supervisors. In fact, the need for employee evaluation training receives ongoing monitoring.

Recommendation #6

Annual evaluations should be completed and reviewed for adherence to sound evaluation principal (sic). The permanent advancement to any supervisory position should be predicated on an evaluation of actual performance in the completion of good employee evaluations. The recommendation has been previously implemented.

Response to Recommendation #6

There has been much discussion addressed to the San Joaquin County Probation Department's employee performance process. A product and process has been created that exceeds County standards. The bigger challenge is to insure the consistent and ongoing implementation of the process developed. There remains some resistance on the part of staff and supervisors to embrace it. In our experience, many employees will challenge any evaluation that contains constructive criticism or that suggests specific training for individual career development or work improvement. Over time, these new employee evaluation review enhancements will become institutionalized and accepted. What has been put in place is a review to assist employees in becoming better public service providers and to offer important measurements of their professional development. A part of every promotional panel's responsibility is to access, review and evaluate the contents of the personnel file of each candidate vying for promotion. This has been standard practice for three years. (See attachments 4C1 through 4C11.)

Recommendation #7

Supervisors and unit managers need to target discipline, evaluation techniques and problem-solving strategies. As part of each supervisor's development program, they and their Manager should identify key areas of training and expectations for improvement. We reinforce this specific recommendation of the Management Review.

The recommendation has been previously implemented.

Response to Recommendation #7

This recommendation holds much merit and has been an area of ongoing attention and work. We have previously addressed this recommendation by the Grand Jury in this document. A number of previously mentioned strategies have been implemented to address the issues of problem solving, evaluation techniques and training. What has not been mentioned is the Department's response to the Grand Jury's concern in relation to expectations. This was one of the first issues addressed by Probation management and supervisors after the 1997 Management Review. Managers and supervisors were charged with the responsibility of developing a critical tasks list that reflected the duties of staff in their particular work unit. These expectations were the subject of ongoing review and evaluation until all parties were comfortable that the critical tasks list in question was accurate and complete. These critical tasks are part of the basis for the employee evaluation process. Whenever a Juvenile Hall employee is promoted, the critical tasks list for their new job is presented, reviewed and discussed in detail with them. This responsibility is usually assigned to the next level manager. A five-day departmental orientation program is given to all new employees before they are sent to training at the state level.

Recommendation #8

Since The Action Plan shows that all but two recommendations have been implemented, yet many of the same problems still exist at Juvenile Hall, the SJCCGJ asks that the recommendations from the Management Review be re-evaluated for correct implementation. A new study underway at this time will have no greater impact than the last if it is not monitored for implementation and expectations put on those in charge for immediate performance improvement.

The recommendation has been previously implemented.

Response to Recommendation #8

The Management Review recommendations were followed. An action plan was developed to carry out the strategy. There was ongoing review of the development and implementation process by the Courts, Board of Supervisors, County Administrator and County Counsel. The term correctly is used by the Grand Jury without reference or example.

My response to this recommendation is based on the fact that another, more in-depth review is now nearing completion. The recently completed management review by DMG Maximus provides clear evidence of the improvements made in the management and operation of Juvenile Hall since 1997. The Grand Jury prematurely, and without explanation, anticipates that the new DMG Maximus review will have no greater impact than the last if it is not monitored for implementation and expectations put on those in charge for immediate performance improvement. The Grand Jury is reminded that the implementation of the 1997 review received monitoring from the highest levels of the three branches of local government. Expectations were placed on those assigned to carry out this mission, and the recommendations were successfully carried out and implemented. Significant improvements have been made over the past three years in the management and operation of Juvenile Hall. Whether the original consultant's findings and recommendations were relevant, accurate and meritorious is another question. The Grand Jury has not unearthed evidence to substantiate this recommendation. (See attachment 7C1.)

Recommendation #9

Medical personnel should be on duty twenty-four hours a day.

The recommendation will be implemented. This item is subject to approval of funding by the Board of Supervisors. The Probation Department will bring this matter to the attention of the County Administrator for consultation and planning.

Response to Recommendation #9

See response to Comment #12.

Recommendation #10

Medical Emergency Response time should be reviewed.

The recommendation will not be addressed by the Probation Department.

Response to Recommendation #10

As mentioned in my response to the Grand Jury's Comment #11, this is a matter in which the Probation Department has no authority or control. It is, however, worthy of referral to the proper agency for consideration and possible action. Ambulance response time is a concern of not only the Probation Department, but the entire community as well. (See attachment 11C1.)

Recommendation #11

There should be at least one female counselor on duty on the co-ed unit twenty-four hours a day.

The recommendation will be implemented whenever staffing levels allow.

Response to Recommendation #11

My response to this item is fully explained in the response to the Grand Jury's Comment #13. Although this challenge has been progressively mitigated over the last year, it will not be entirely resolved until all Juvenile Hall positions are filled. This is a difficult problem as there is a shortage of qualified law enforcement and corrections personnel on a nation-wide level. This critical problem is the result of a strong economy that offers many job opportunities with higher pay and benefits. Growing public attention and increased governmental funding for juvenile justice system expansion and improvement has resulted in many more job opportunities that cannot be filled in a timely fashion. In the event of an economic slowdown, more job seekers may find law enforcement and corrections careers more desirable.

Recommendation #12

No one should be allowed to enter a secure section of the building without following proper procedure and having proper identification at any time.

The recommendation has been previously implemented.

Response to Recommendation #12

As alluded to in my response to the Grand Jury's Comment # 14, the Grand Jury failed to differentiate between the Criminal Justice Center's Public lobby and the secure perimeter of Juvenile Hall. Consequently, this recommendation is invalid. Juvenile Hall has clear policy requirements in relation to visitor admittance into the secure perimeter of Juvenile Hall. During the night of the Grand Jury's visit, Juvenile Hall staff precisely followed policy prerequisites. Only those who have a right and need to enter Juvenile Hall are allowed admittance, and this is only accomplished pursuant to existing screening procedures.

Recommendation #13

The 2000-2001 SJCCGJ strongly suggests that the operation of Peterson Hall facility would be better served under the jurisdiction of the San Joaquin County Sheriff's Department in conjunction with the counseling staff of the Probation Department. We recommend the SJC Board of Supervisors do everything in their power to bring this about. This would provide a safer, more secure environment at economic savings for the wards at the facility and the citizens of San Joaquin County.

The recommendation will not be implemented.

Response to Recommendation #13

It is clear that the Grand Jury has made this recommendation without the study and review of existing law, juvenile facility operational mandates or the philosophy that requires a distinctly separate approach to the housing of juveniles as opposed to that of adult law violators. In addition, the Grand Jury's recommendation does not take into account the interrelationship between Juvenile Hall and Juvenile Probation staff to meet the regulations and requirements of successfully and legally operating a Juvenile Detention facility in the State of California.

The most significant obstacle to implementing this recommendation is that it is illegal. Section 852 of the Welfare and Institutions Code (W&I) states, "The Juvenile Hall shall be under the management and control of the Probation Officer." Conversely, W&I Section 850 requires that the County Board of Supervisors "shall provide and maintain, at the expense of the County, in a location approved by the Juvenile Court Judge, a Juvenile Hall for the detention of juvenile law violators." Furthermore, W&I Section 851 dictates the philosophy of Juvenile Hall operations in California. It requires that Juvenile Halls "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. California State Law (W&I Section 854) also demands that the appointment of the superintendent and other employees of Juvenile Hall be made by the Chief Probation Officer. Under existing State Law, it is clear the Grand Jury's recommendation cannot be implemented.

The Grand Jury could certainly choose to pursue this recommendation. To do so, however, would require changes in State Law as well as in the philosophy guiding juvenile corrections law. Other issues and concerns were driving forces that led the legislature to formulate the statutes that have been mentioned. California Juvenile Court Law was created as a result of community outrage that youthful offenders were being treated and housed in the same manner as adult offenders in jails and prisons. A separate Juvenile Justice System was created for dependent, incorrigible and delinquent youth. This was the result of a progressive reform movement to create and maintain a higher standard for the care, treatment and handling of children who fell within the provisions of the new law. Words such as correctional facility, punishment, criminal, conviction, inmate, jail and prison became unacceptable in dealing with these minors. The system that was eventually adopted and placed into practice in all California counties became known as the California Juvenile Court Law. Because of this new approach, many of the system's operational requirements were assigned to Chief Probation Officers to oversee and administer. A process for moving juvenile law violators through the system was developed that integrated Juvenile Hall and Juvenile Probation Services. The process that was put in place finely intertwined and identified probation's role in the system. As a result, existing law directs that probation be involved in every part of this process. The processes include: all referrals of booking and citation from law enforcement, intake control and screening, detention and transportation, presence at Court proceedings, investigative reports, recommendations to the Court, caseload management of wards, out-of-home placement oversight and all other forms of aftercare, excluding those minors committed and delivered to the California Youth Authority.

It is obvious that the system of integrated care and services for delinquent law violators would be compromised if the Grand Jury's recommendation could be legally implemented. Furthermore, it would be contrary to the spirit and intent of California Juvenile Court Law. The Grand Jury suggests that their recommendation would result in financial savings to the County, but based upon County salary schedules, this certainly could not be true. There is, also, no evidence to support their recommendation that this change in Juvenile Hall administration would provide a safer, more secure environment for staff and minors at Juvenile Hall. No Juvenile Hall in California is under the control or management of a Sheriff's Department. (*See attachment 13R1.*)

SUMMARY

The finding of the Grand Jury that the management of San Joaquin Juvenile Hall is below the standards of other detention facilities in San Joaquin County is erroneous. Their position has been set forth without supporting data or research and review of existing laws and regulations.

that govern the operations of Juvenile Halls in California. It is important to note that Juvenile Hall operations are inspected biannually by the California State Board of Corrections, annually by the Juvenile Justice Delinquency Prevention Commission, annually by the Community Development Department (fire and safety issues), annually by the County Office of Schools and annually by Public Health. It is these agencies that determine if the Juvenile Hall is operated according to standards. None of the inspections conducted by these agencies have resulted in findings that Juvenile Hall is below standard in any of the categories measured. In fact, from reviewing these inspection reports, which are attached, the reader will find that the institution is in compliance with all laws, regulations and practices that relate to Juvenile Hall operations in the state.

The general comments and recommendations of the Grand Jury appear to be related to the unassisted birth of a child while the mother was being held at Juvenile Hall. There is no question that the birth incident of July 12, 2000, was alarming and abhorrent to the Department and the community. However, rogue behavior can undo the best set of procedures, rules, contingencies, and training. In the case in question, an individual callously chose to ignore the policies and procedures in place to protect human life at Juvenile Hall. The behavior was so grievous that the Grand Jury and the District Attorney's Office have chosen to treat it as a felony level crime. The County Board of Supervisors has adopted a Discipline Policy that includes addressing such serious violations as the unassisted birth at Juvenile Hall.

Staff and administrators at Juvenile Hall have also been tremendously shocked by the incident. To believe that this incident is indicative of the values, beliefs and judgments of Juvenile Hall staff and administrators is simply unfounded. The vast majority of our employees are dedicated and committed professionals.

Juvenile Hall is an institution in transition. This transition was not precipitated by, or a knee jerk reaction to, the unassisted birth incident. For the past three years, Juvenile Hall staff and administrators have worked in partnership to advance the quality of services, communication, safety and security at the facility. It has not been an easy or simple task. Nonetheless, a great deal of progress has been made. As we move to a higher level of professionalism, the jailer mentality is no longer acceptable. Juvenile Hall staff are adopting an institutional philosophy that promotes the values of dignity and respect in relation to peers as well as minors. Those employees who have chosen to hold onto past negative beliefs, values and practices are finding themselves progressively more marginalized by staff who are committed to a more progressive approach to their duties and responsibilities.

It is easy to judge an agency or institution by the actions or omissions of a few bad employees. Blaming, without the foundation of supporting data, is exploitive and, if not addressed, destructive to the mission of the organization in question. It also creates an atmosphere of despair among employees who are dedicated and committed to embracing progressive changes and to providing positive and humane public safety services. I encourage the new Grand Jury to take a fresh and comprehensive look at Juvenile Hall, its staff and managers, programs, policies and procedures, and the legal and regulatory requirements that must be followed in a modern and progressive juvenile detention environment. Recently, DMG

Maximus conducted an operational review of San Joaquin County Juvenile Hall. An executive summary of the consultant's findings is attached. The in-depth, fact-based report reflects a much different perspective of Juvenile Hall management, staff and operations than that of the Grand Jury. (See attachments S1 through S6.)