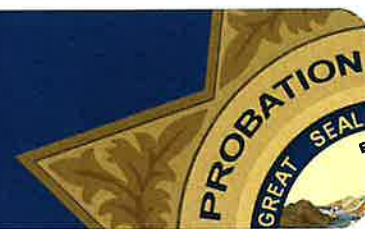




SAN JOAQUIN COUNTY

PROBATION DEPARTMENT

Supporting a Safer, Stronger Community



Steve Jackson CHIEF PROBATION OFFICER

Honorable Michael D. Coughlan, Presiding Judge
San Joaquin County Superior Court
180 E. Weber Ave, Suite 1306J
Stockton, CA 95202

May, 30, 2023

The San Joaquin County Probation Department is committed to maintaining an environment free from sexual abuse and sexual harassment of youthful offenders within our facility. There is **zero** tolerance for anyone engaged in any form of sexual abuse or sexual harassment of youth. Sexual abuse and sexual harassment of youthful offenders is prohibited by U.S. Federal and California State laws.

The San Joaquin County Probation Department requires all Probation staff, contract staff, volunteers, and visitors to document and report any suspected or observed sexual abuse or sexual harassment to the facility's duty officer, supervisor, or the department PREA Coordinator. The department will refer all allegations of sexual abuse to local law enforcement to investigate. Any allegation of sexual harassment involving youth-on-youth will be investigated by the facility in which the incident occurred. Allegations of sexual harassment involving staff will be referred to the Department to conduct an Administrative Investigation.

The prevention of sexual assault in San Joaquin County Probation Department's facilities is a top priority. All Probation employees who may have contact with youth detained in its facilities are trained of their responsibilities under the department's PREA policy on how to prevent, detect, and respond to any knowledge, suspicion, or reported incidents of sexual abuse and/or sexual harassment.

Youthful offenders are also advised of their right to be free from sexual abuse and sexual harassment. Additionally, they are informed of how to report any knowledge or suspicion of sexual abuse and/or sexual harassment in Probation's juvenile facilities by reporting incidents to any staff member they trust, by filing a grievance, contacting the ombudsperson, or by filling out a mental health or medical referral. Additionally, youthful offenders may contact someone outside the facility by writing a letter or calling on the phone.

A parent/legal guardian or third party can call any of the Department's juvenile facilities and report their concerns to the Supervisor on duty at (209) 468-4200.

Local law enforcement is contacted to complete a full investigation into allegations of sexual abuse. The department will also conduct an Administrative Investigation into all PREA allegations made against any staff within the department's juvenile facilities.



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San Joaquin County Probation offers victim support through Prevail (formerly the Women's Center). The contact telephone numbers for Prevail is (209) 465-4997.

In regard to the PREA Compliance Deficiencies cited in the 2022 -2023 San Joaquin County Grand Jury Report, Case #0222:

Finding 2.1

“Every three years PREA Audits by a Department of Justice certified auditor must be completed. The Probation Department for Juvenile Detention has never scheduled nor completed this mandated audit. This failure diminishes transparency, could put juvenile residents at risk, and could erode public trust, exposing the Probation Department and the Juvenile Detention Facility to potential lawsuits and financial liability.

Recommendation: By July 1, 2023, The Probation Department for Juvenile Detention schedule an independent audit by a Department of Justice certified auditor in accordance with 28 CFR 115.401(a) and post the audit report on the agency's website within 30 days of completion.”

Response: Pursuant to Penal Code section 6031.1 and Welfare and Institutions Code sections 209 and 885 the State of California Board of State and Community Corrections (BSCC) is responsible for conducting biennial inspections of local adult and juvenile detention facilities.

The Facilities Standards and Operations Division collaborates with local law enforcement agencies to maintain and enhance the safety and security of juvenile detention facilities. Key responsibilities include:

- Establishing minimum standards for local adult and juvenile detention facilities pursuant to California Code of Regulations, Titles 15 and 24
- Conducting inspections of local adult and juvenile detention facilities
- Monitoring for compliance pursuant to the federal Juvenile Justice and Delinquency Prevention Act (JJDP)
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- Collecting data relative to operations and demographics from local detention facilities



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For the Inspection Cycle 2020 -2022, there were no outstanding items of non-compliance with Title 15 regulations at the San Joaquin County Juvenile Hall or at Camp Peterson. Additionally, no corrective actions were required, this includes any PREA requirements.

To ensure compliance with Title 15 Regulations and to ensure procedures and practices are consistent with policies, the inspection process included, but was not limited to, substantial reviews of incident reports, grievances, admissions and classification documents, room confinement procedures, safety check documentation, case plans, and disciplinary reports and their findings.

The department has adopted many standards of PREA; however, this is a federally funded Government Code. The department is not required to adhere to the Code of Federal Regulations.

Further, according to the National PREA Resource Center there have been no PREA Audits done in the State of California for any Juvenile Detention Facilities in the past three years. This further confirms that this is not a requirement as indicated.

The department also contacted several BSCC inspectors after the 2020 – 2022 inspection to obtain any additional information regarding PREA guidelines and requirements. They advised that we currently comply with portions of PREA that have been adopted through Title 15 regulations. They confirmed that if it were a legal requirement, it would be included in our audit.

Finding 2.2

“The Probation Department for Juvenile Detention has failed to conduct an annual review, mandated by 28 CFR 115.401(b), or updates for required procedures since 2019, which is a violation of PREA standards and could result in reduction of funding or other financial liability.

Recommendation: By October 1, 2023, The Probation Department for Juvenile Detention conduct an internal review for PREA compliance and update the Juvenile Detention Procedure Manual within 90 days following the PREA audit mandated by 28 CFR 115.401(b).”

Response: Pursuant to Penal Code section 6031.1 and Welfare and Institutions Code sections 209 and 885 the State of California Board of State and Community Corrections (BSCC) is responsible for conducting biennial inspections of local adult and juvenile detention facilities.



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Finding 2.3

“The Probation Department for Juvenile Detention lacks published material explaining how separation between juveniles and older residents is to be maintained. Failure to maintain



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separation and ensure steps are taken to protect juvenile residents from unsupervised older residents could result in undesirable interactions leading to potential lawsuits and financial liability.

Recommendation: By October 1, 2023, The Probation Department for Juvenile Detention develop, implement, and publish a written explanation and process describing how juvenile residents and older residents housed at Juvenile Detention Facility will maintain resident separation when required.”

Response: Pursuant to SB823, beginning July 1, 2021, a youth shall not be committed to the Department of Corrections and Rehabilitation, DJJ. Youth who would have previously been eligible for DJJ commitments must generally remain under the care and custody of the local probation department, except for a limited population of youth who meet specified criteria. Therefore, increasing protections to prevent youth transfers to the adult criminal system.

SB 823 requires any person whose case originated in juvenile court to remain, if detained, in a county juvenile facility until they turn 25 years of age, except as specified. However, probation departments may petition the juvenile court to transfer a person 19 years or older to an adult facility.

- Local Juv. Court Jurisdiction Extends to Age 23, or 25 (W.I.C. §607)
- Local Juv. Facility Confinement Age Increased to 25 (W.I.C. §208.5)

WIC 607

(a) The court may retain jurisdiction over a person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains 21 years of age, except as provided in subdivisions (b), (c), (d), and (e).

(b) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, until that person attains 23 years of age, subject to the provisions of subdivision (c).

(c) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 until that person attains 25 years of age if the person, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more.



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(d) The court shall not discharge a person from its jurisdiction who has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice while the person remains under the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, including periods of extended control ordered pursuant to Section 1800.

(e) The court may retain jurisdiction over a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, who has been confined in a state hospital or other appropriate public or private mental health facility pursuant to Section 702.3 until that person attains 25 years of age, unless the court that committed the person finds, after notice and hearing, that the person's sanity has been restored.

(f) The court may retain jurisdiction over a person while that person is the subject of a warrant for arrest issued pursuant to Section 663.

(g) Notwithstanding subdivisions (b), (c), and (e), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Justice on or after July 1, 2012, but before July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5. This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2012, pursuant to subdivisions (b), (c), and (e).

(h)(1) Notwithstanding subdivision (g), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, on or after July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (c) of Section 290.008 of the Penal Code or subdivision (b) of Section 707 of this code, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(2) A person who, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more, shall be discharged upon the



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expiration of a two-year period of control, or when the person attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(3) This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2018, as described in subdivision (g).

(i) The amendments to this section made by Chapter 342 of the Statutes of 2012 apply retroactively.

(j) This section does not change the period of juvenile court jurisdiction for a person committed to the Division of Juvenile Justice prior to July 1, 2018.

(k) This section shall become operative July 1, 2021.

WIC 208.5

- (a) Notwithstanding any other law, any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age, except as provided in subdivisions (b) and (c) of this section and Section 731. A person whose case originated in juvenile court but who was sentenced in criminal court shall not serve their sentence in a juvenile facility, but if not otherwise excluded, may remain in the juvenile facility until transferred to serve their sentence in an adult facility. This section is not intended to authorize confinement in a juvenile facility where authority would not otherwise exist.
- (b) The probation department may petition the court to house a person who is 19 years of age or older in an adult facility, including a jail or other facility established for the purpose of confinement of adults.
- (c) Upon receipt of a petition to house a person who is 19 years of age or older in an adult facility, the court shall hold a hearing. There shall be a rebuttable presumption that the person will be retained in a juvenile facility. At the hearing, the court shall determine whether the person will be moved to an adult facility, and make written findings of its decision based on the totality of the following criteria:
 - (1) The impact of being held in an adult facility on the physical and mental health and well-being of the person.



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- (2) The benefits of continued programming at the juvenile facility and whether required education and other services called for in any juvenile court disposition or otherwise required by law or court order can be provided in the adult facility.
- (3) The capacity of the adult facility to separate younger and older people as needed and to provide them with safe and age-appropriate housing and program opportunities.
- (4) The capacity of the juvenile facility to provide needed separation of older from younger people given the youth currently housed in the facility.
- (5) Evidence demonstrating that the juvenile facility is unable to currently manage the person's needs without posing a significant danger to staff or other youth in the facility.
- (d) If a person who is 19 to 24 years of age, inclusive, is removed from a juvenile facility pursuant to this section, upon the motion of any party and a showing of changed circumstances, the court shall consider the criteria in subdivision (c) and determine whether the person should be housed at a juvenile facility.
- (e) A person who is 19 years of age or older and who has been committed to a county juvenile facility or a facility of a contracted entity shall remain in the facility and shall not be subject to a petition for transfer to an adult facility. This section is not intended to authorize or extend confinement in a juvenile facility where authority would not otherwise exist.

Title 15 Section 1352 (c) states that the facility shall classify youthful offenders for the purpose of determining housing placement in the facility. Such classification factors shall include, but not be limited to: age, maturity, sophistication, emotional stability, program needs, legal status, public safety considerations, medical/mental health considerations, gender and gender identity of the youth. Further, at no time are any youthful offenders left unsupervised. Title 15 Section 1321 (h)(1) states that youth supervision staff will provide continuous wide-awake supervision of youth.

Finding 2.4

“The Probation Department for Juvenile Detention has failed to provide a written policy or procedure to ensure a sexual assault or harassment victim’s report to the Women’s Center Sexual Assault Crisis Line will remain confidential.

Recommendation: By October 1, 2023, the Probation Department for Juvenile Detention develop and publish written policies and procedures for maintaining resident confidentiality



and privacy between the Juvenile Detention Facility and the Women’s Center Sexual Assault Crisis Line.”

Response: A copy of the 2022/2023 Scope of Work for emotional support services related to sexual abuse & victim advocate services by Prevail, formerly known as the Women’s Center, was provided via email in January 2023.

The contract states, “WCYFS will provide follow-up services to victim, if requested and approved by SJC Probation, including emotional support, advocacy, and resources through in-person services or confidential written response.”

Pursuant to Detention Policy D-665att, a report can be made anonymously to the Prevail Crisis line at (209) 465-4997. This policy is accessible on the Probation Department’s website.

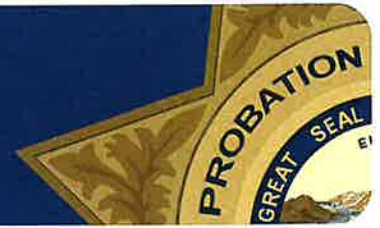
Further, to support this recommendation, in addition to the existing PREA policy D-665, the Probation Department will add specific wording that all communication between detention facility residents and the Prevail Crisis Line will remain confidential and private.

Finding 2.5

“The Probation Department for Juvenile Detention’s website and other public media fail to explain or reference how a third party can make a confidential report on behalf of a juvenile resident, which creates a lack of transparency and fails to provide required confidential accessibility options to file a report.

Recommendation 2.5: By October 1, 2023, the Probation Department for Juvenile Detention develop and publish on their website and other public media a clear explanation and process for how a third party can make a confidential report on behalf of a juvenile resident.”

Response: To support this recommendation, in addition to the existing policy in regard to PREA D-665, the Probation Department will add specific wording that all third party reporting on behalf of a Youthful Offender can be made through Prevail, formerly the Women’s Center. The contact telephone number for Prevail is (209) 465-4997. The numbers for the Department’s identified PREA coordinator and Prevail are currently available at all times to youthful offenders via the Youth Handbook and posters in all common areas throughout the institution.



Finding 2.6

“The Probation Department for Juvenile Detention staff members demonstrated a lack of understanding that all federally mandated PREA standards apply to San Joaquin County’s Juvenile Detention Facility. A lack of comprehensive understanding of all PREA standards that apply could result in a failure to adequately protect juvenile residents, contractors, and employees.”

***Please note that Recommendation 2.6 addressed the Finding 2.7; therefore there was no recommendation for 2.6**

Response: The department has adopted many standards of PREA; however, this is a federally funded Government Code. The department is not required to adhere to the Code of Federal Regulations.

Further, according to the National PREA Resource Center there have been no PREA Audits done in the State of California for any Juvenile Detention Facilities in the past three years. This further confirms that this is not a requirement as indicated.

Pursuant to Penal Code section 6031.1 and Welfare and Institutions Code sections 209 and 885 the State of California Board of State and Community Corrections (BSCC) is responsible for conducting biennial inspections of local adult and juvenile detention facilities.

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The department has adopted many standards of PREA; however, this is a federally funded Government Code. The department is not required to adhere to the Code of Federal Regulations.

Further, according to the National PREA Resource Center there have been no PREA Audits done in the State of California for any Juvenile Detention Facilities in the past three years. This further confirms that this is not a requirement as indicated.

The department also contacted several BSCC inspectors after the 2020 – 2022 inspection to obtain any additional information regarding PREA guidelines and requirements. They advised that we currently comply with parts of PREA that have been adopted through Title 15 regulations. They confirmed that if it were a legal requirement, it would be included in our audit.

Finding 2.7

“The Probation Department for Juvenile Detention does not consistently provide training for educators, third party contractors, and volunteers with refresher training every two years, which is a violation of PREA Standards 28 CFR 115.331 and 28 CFR 115.332 and could compromise the safety of staff, volunteers, and juvenile residents.

Recommendation 2.7 By October 1, 2023, the Probation Department for Juvenile Detention develop and publish a policy to provide PREA training for all staff members, third party contractors, and volunteers and receive refresher training every two years.”

Response: To support this recommendation, in addition to the exiting PREA policy D-665, the Probation Department will add specific wording stating that all staff, third party contractors, and volunteers will receive a refresher training every two years.

Currently, all third party contractors, and volunteers who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.



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The training provided to volunteers review the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and are informed how to report such incidents. The agency maintains documentation confirming that volunteers and contractors understand the training they have received.

All Juvenile Detention Officers attend PREA training within a week of their initial employment start date. Any Probation Officer assigned to work in the detention facility are PREA trained upon assignment. Effective July 1, 2023, all Probation Officers, regardless of assignment location, will be PREA trained. PREA update training is scheduled for all staff annually.

Our PREA course is certified by the California Board of State and Community Corrections (BSCC) and training classes are offered monthly. We are in compliance with STC training audits and staff attendance per PREA standards. At the conclusion of the training the trainees should be able to:

- Diagram the history and purpose of the Prison Rape Elimination Act of 2003.
- Understand the department's PREA policy (D-665)
- State the department's Zero Tolerance for Sexual Misconduct and Harassment.
- Identify the dynamics of Sexual Misconduct in confinement and the imbalance of power and its effect on consent.
- Examine strategies for detecting and avoiding inappropriate conduct by staff and youth.
- Define mandatory reporters of sexual misconduct and the procedure to report.
- Identify the steps in initiating an investigation of sexual misconduct.

A handwritten signature in blue ink, appearing to read "Steve C. Jackson".

Steve C. Jackson
Chief Probation Officer