



OFFICE OF

SHERIFF

COUNTY OF SAN JOAQUIN

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August 10, 2023

Patrick Withrow
Sheriff
Public Administrator

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

**RE: RESPONSE TO REPORT FROM THE 2022-2023 SAN JOAQUIN
COUNTY GRAND JURY ON GOOD INTENTIONS ARE FAILING SAN
JOAQUIN COUNTY'S AT-RISK CHILDREN**

Dear Judge Coughlan:

Following are the Sheriff's Office responses to findings and recommendations made by the 2022-2023 Grand Jury on Good Intentions Are Failing San Joaquin County's At-Risk Children – Case #0422.

Finding F3.1:

The absence of the Sheriff's Office from participation in the development of the System of Care Memorandum of Understanding was a significant omission by the San Joaquin County Board of Supervisors and the San Joaquin County Human Services Agency, which failed to capitalize on law enforcement experience when developing the MOU.

Response to Finding F3.1:

The Sheriff's Office agrees with the Finding.

The Sheriff's Office provides law enforcement experience and perspective, which are vitally important for developing the System of Care for the At-Risk Youth in the County of San Joaquin. The Sheriff's Office has no record of a request to participate in creating the Memorandum of Understanding referenced in this report. However, the Sheriff's Office looks forward to partnering with county agencies for future developments of the MOU.

Finding F3.2:

Substantial issues in managing the care for At-Risk Youth in the county were due to a lack of meaningful interagency cooperation, which missed an opportunity to leverage and gain sustainable support from other agencies

Response to Finding F3.2:

The Sheriff's Office agrees with the Finding.

The Sheriff's Office will continue communicating with other county departments, ensuring prompt action and collaboration in addressing issues facing the county's At-Risk Youth, including the Mary Graham Children's Shelter. The Sheriff's Office acknowledges and recognizes the importance of meaningful interagency cooperation. To this end, we have had a decades-long practice of having, and will continue to have, a dedicated liaison assigned specifically to the Mary Graham Children's Shelter. Our liaison voices issues, concerns, and/or recommendations to management's attention. The Sheriff's Office can make recommendations; however, it does not possess authority to implement policy & procedures of other departments. Interagency cooperation creates operational consistency and a force multiplier when addressing issues throughout the county, better serving the community through shared visions and common goals.

Finding F3.3:

The Sheriff's Office has failed to meaningfully collaborate with the other agencies charged with the care of At-Risk Youth, leaving those agencies more vulnerable to threats and challenges.

Response to Finding F3.3:

The Sheriff's Office disagrees with the Finding.

Through ongoing efforts, the Sheriff's Office attempted to work collaboratively with other county agencies to address issues within county facilities where At-Risk Youth were susceptible to vulnerability, threats, and challenges. As this report highlights, failures were made on a multitude of levels by the involved agencies as it relates to Mary Graham Children's Shelter (MGCS).

Through the Grand Jury inquiry process, the Sheriff's Office acknowledges room for improvement when responding to calls at MGCS. We have identified occasions where MGCS staff would request to report additional complaints to responding deputies about incidents unrelated to the original call for the service sheriff's deputies were dispatched to. To address the deficiencies, the Sheriff's Office has already ordered and will continue to ensure its staff communicates with MGCS employees effectively and provide adequate service for all reports made by the Shelter members.

In an effort to provide the reader additional context, there have been over 13,000 calls for Sheriff's assistance at MGCS from June 2011 to December 2022 (2022-2023 San Joaquin County Grand Jury, 2023, p. 7). Many of the same deficiencies that the 2012-2013 Grand Jury found in *Case #0412 – Fractured Oversight Fails to Serve At-Risk Youth*, still plague the system (2022-2023 San Joaquin County Grand Jury, 2023, p. 6).

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The Sheriff's Office recognized the ongoing issues and reached out to MGCS numerous times with the intent to voice our observations/concerns in an attempt to collaborate and seek solutions. The MGCS's recommended solution was installing a deputy sheriff in their facility 24 hours a day. The Sheriff's Office is a law enforcement entity not charged with overseeing Wards of the State (W&I 300/600). We disagreed with the MGCS recommendation and urged their administrators to address internal deficiencies. It is the position of the Sheriff's Office that the day-to-operations and management of the MGCS facility are not within our purview.

Simply installing a deputy sheriff at the facility would not have remedied current and ongoing problems MGCS is mandated to address, as cited in the *2012-2013 Grand Jury Case #0412 – Fractured Oversight Fails to Serve At-Risk Youth*, with many of those issues still occurring in 2022, including, *Failure to follow mandatory reporting requirements; Improper incident/injury reporting; Incorrect Staff to Youth ratios; Inadequate implementation of or failure to provide mandatory training.*

As conveyed to this Grand Jury, throughout the years, numerous in-person and virtual meetings with the MGCS administration and the JJC administration were requested by the Sheriff's Office, to which not all requests to meet were honored. Having seen no notable progress in addressing our concerns for the safety and security of the At-risk Youth, we escalated our concerns to the California Health & Human Services Agency Department of Social Services Community Care Licensing Division (CCLD). CCLD investigated concerns regarding the MGCS facility, substantiating several areas (reference Complaint #23-CR-20220902161812). MGCS (*Complaint Determination Notification - Substantiated*, 2022). The CCLD Regional Office notified the Sheriff's Office of substantiated allegations of the MGCS in the following areas:

1. *Facility maintains an insufficient quantity of staff to meet the needs of the clients in care.*
2. *Staff failed to provide supervision to clients involved in the distribution, possession, and/or use of marijuana.*
3. *Staff failed to provide supervision to clients involved in sexual touching and/or assaulting other clients.*
4. *Staff failed to provide supervision to clients involved in clients threatening other clients with violence.*

The findings from CCLD Complaint #23-CR-20220902161812 reaffirmed the Sheriff's Office's concerns previously relayed and clarified changes needed within MGCS rather than installing a deputy sheriff in the facility. Having a deputy sheriff on site 24 hours a day would take a minimum of six (6) deputies and remove them from their general patrol duties. In addition, a joint meeting with the Sheriff's Office, HSA, MGCS, CCLD and U.S. Attorney's Office was called by the Sheriff's Office. During the meeting, the U.S. Attorney's Office representative and the CCLD concurred with our position and concerns.

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The Sheriff's Office is sympathetic to recent legislative changes stemming from Senate Bill 439, Senate Bill 823, and Senate Bill 92. These bills changed the dynamic of how the Court, Juvenile Justice Center ("Juvenile Hall"), Probation Department, MGCS, and general law enforcement interact with wards of the state. It is important for the reader to understand the distinction between "Juvenile Delinquency" (W&I 600 series) and "Juvenile Dependency" (W&I 300) and the issues housing them together creates. Delinquents have been and/or are currently criminally involved (robbery/theft/controlled substances/battery/etc.), while dependents are under protective care due to abuse, abandonment, and/or neglect. Many previously housed at Juvenile Hall are now housed at MGCS with dependents in what is known as "dual housing" or "dual status." This creates an environment where the delinquents often prey upon the younger and less sophisticated dependents, which often leads to dependents turning into delinquents themselves. There is no more "At-Risk Youth" than dependents.

The Sheriff's Office believes that delinquents and dependents should be housed separately to minimize exposure to established criminal activity and/or being re-victimized. Further, the monitoring of delinquents should be done by those with the proper training and experience. Simply reclassing W&I600s to W&I300s does not change the dynamic of how they interact. SB823 allows for creation of a Secure Youth Treatment Facility (SYTF) (SB92). The California Board of State and Community Corrections (BSCC) website does not indicate that San Joaquin County has explored or requested to establish such a facility. However, the Sheriff's Office remains committed to providing quality law enforcement service to all departments and working with them to address issues facing the county and its citizens.

Recommendation R3.1:

By December 31, 2023, San Joaquin County Human Services Agency prepare an addendum to the System of Care MOU that includes the participation of the Sheriff's Office.

Response to Recommendation R3.1:

The Sheriff's Office Agrees with the Recommendation.

The Sheriff's Office is looking forward to collaborating with Human Services Agency on preparing an addendum to the System of Care MOU that is currently in place.

Recommendation R3.2:

By December 31, 2023, San Joaquin County Human Services Agency establish and utilize a multiagency task force to focus on managing the care for At-Risk Youth in the County.

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Response to Recommendation R3.2:

The Sheriff's Office agrees with the Recommendation.

The Sheriff's Office has a longstanding history of having a liaison assigned to Mary Graham Hall. This liaison can be embedded into the task force that Human Services Agency establishes and will provide input from a law enforcement perspective.

Recommendation R3.3:

By October 1, 2023, the Sheriff's Office designate a permanent liaison to collaborate with the other agencies charged with the care of At-Risk Youth.

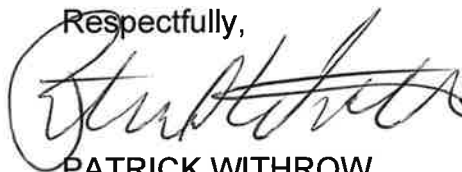
Response to Recommendation R3.3:

The Sheriff's Office agrees with the Recommendation.

The Sheriff's Office has assigned liaison duties to a Lieutenant in Operations with management authority. The lieutenant collaborates with other agencies charged with the care of At-Risk Youth. The practice has been in place for decades.

Should anyone need additional information regarding our responses to the Grand Jury's Findings and Recommendations, please do not hesitate to contact me.

Respectfully,



PATRICK WITHROW
Sheriff – Public Administrator

c: Irving Jimenez, Judicial Staff Secretary to the Grand Jury
Mo Hatef, Senior Deputy County Administrator
San Joaquin County Board of Supervisors
Jerome Wilverding, County Administrator
Edward Kiernan, County Counsel

Attachment: (1) References

References

BSCC (2021). *California Board of State and Community Corrections - Secure Youth Treatment Facility (SYTF) - Forms & Links*. (https://www.bscc.ca.gov/s_djirealignment/)

CCLD (2022). *Complaint Determination Notification - Substantiated* (Complaint #23-CR-20220902161812). Tamara Jensen-Hill, Licensing Program Analyst.

SB439 (2018). *SB-439 Jurisdiction of the juvenile court*. (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB439)

SB823 (2020). *SB-823 Juvenile justice realignment: Office of Youth and Community Restoration*. (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB823)

SB92 (2021). *SB-92 Juvenile Justice*. (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB92)

2012-2013 San Joaquin County Grand Jury (2013). *Fractured Oversight Fails to Serve At-Risk Youth 2012-2013 Case No. 0412* (<https://www.sjcourts.org/divisions/civil-grand-jury/api/grabReport.php?id=151>)