



# San Diego County Probation Department

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*Adolfo Gonzales, Chief Probation Officer*

October 12, 2016

Kimberly D. Allan  
Juvenile Justice Commission Chair  
2901 Meadow Lark Drive  
San Diego, CA 92123

## **Response to 2016 JJC Juvenile Facility Inspection – Kearny Mesa Juvenile Detention Facility**

Ms. Allan,

The Probation Department/Kearny Mesa Juvenile Detention Facility is in receipt of the 2016 Inspection Report by the Juvenile Justice Commission. The Juvenile Justice Commission noted the follow-up recommendations as follows:

1. **RECOMMENDATION:** The Juvenile Justice Commission is urging that the Probation Department reconsider its policy regarding the use of oleoresin capsicum (OC) or pepper spray at Kearny Mesa Juvenile Detention Facility. We recommend the following steps: 1) that pepper spray be utilized only in the small MK4 rather than the MK9 canisters; 2) that pepper spray use be limited to multi-youth incidents (i.e. group fights); and 3) that the use of "spit socks" be discontinued. The Juvenile Justice Commission also recommends that Probation evaluate whether it would be feasible to reduce the number of staff (possibly by 50%) who actually carry pepper spray canisters. Note: The Probation Department has recognized that some youth are particularly sensitive to pepper spray, and they identify these youth with yellow wrist bands.

**RESPONSE:** Probation continues to evaluate the use of O.C. OC spray is used in accordance with the department's current Use of Force Continuum and is only utilized when necessary and other measures have not been successful; or when there is a perceived threat of physical harm. OC spray often mitigates injury to staff and youth. Probation only utilizes the spit socks when youth are spitting on staff to prevent further attacks. Probation has been investigating a variety of techniques to decrease the use of OC. The Department is piloting the implementation of whistles to gain compliance prior to the use of OC. The Department is also looking to implement the Missouri Model in our facilities to increase engagement and reduce violence and the use of OC.

2. **RECOMMENDATION:** The Juvenile Justice Commission believes that food and nutrition are vital components of a rehabilitative environment. The Commission recommends a re-evaluation of the reliance on the Sheriff's Department for food services. Menus are available but not actually posted in many places. It appears that the boys and girls don't participate at all in the serving or cleanup.

We recommend that Probation consider having the youth serve the meals in a cafeteria line (while not taking time out from other programs) and consider instituting a culinary program similar to Camp Barrett's. Staff should still do all clean up.

**RESPONSE:** Probation will evaluate the possibility of preparing food at each facility versus hot trays prepared centrally. The menus are posted in each unit. Probation will continue to work with SDCOE for Career Technical Education options at KM. The Department is working closely with Children's Initiative and a community work group will be formed to enhance food and nutrition in the facilities.

3. **RECOMMENDATION:** During the inspection on July 11, 2016, the Juvenile Justice Commission was aware of a shift change and a consequent "lockdown" (room confinement) at 2:00 p.m. at the end of classroom instruction. The boys and girls are confined to their rooms for approximately one hour without access to school supplies or books. Therefore, the Juvenile Justice Commission recommends an alteration by the Probation Department in its shift change procedures so that there is no youth confinement right after school ends at 2:00 p.m. Note: This may be the best time for outdoor recreation.

**RESPONSE:** Probation will evaluate; however, an orderly shift change including accurate transmission of information from one shift to another is necessary to account for the whereabouts of all youth, prevent errors in the count and decrease the risk of escapes. All youth are provided with paper, pencils and books to write letters or read during shift change.

4. **RECOMMENDATION:** The Youthful Offender Unit (Y.O.U.) program for girls is based at the Kearny Mesa Juvenile Detention Facility. The Y.O.U. program for boys (except for one boy at Kearny Mesa on the day of inspection) is based at East Mesa. The Y.O.U. program for both girls and boys is designed for the most serious offenders. The Juvenile Justice Commission reviewed the program and asked about its successful completion and believes that the five (5) Y.O.U. girls in Unit 70 at Kearny Mesa have a lot of requirements in the mandated program. As detailed in the materials provided by the Probation Department, the Y.O.U. program at Kearny Mesa includes (but is not limited to) the following: 1) Motivation - one hour per session for five sessions; 2) Treatment Readiness - one hour per session for eight sessions; 3) Life Skills - one hour per topic for 16 weeks; 4) Moral Recognition Therapy - 12 Steps - one hour ongoing; 5) Seeking Safety - 25 topics focusing on coping skills - one hour per topic, open-ended; and 6) Literacy Program - if a girl fails a literacy test, she must work with a reading specialist one hour per week. We believe that as constituted the Y.O.U. program for girls at Kearny Mesa should be limited (probably to items 1, 2 and 3 herein) to set parameters to achieve success in the program.

**RESPONSE:** The YOU programming is provided by counselors from Second Chance. Probation will discuss with Second Chance and evaluate the possibility of having the same YOU programs for boys and girls regardless where the youth are detained.

As part of the 2016 Juvenile Justice Commission Report, the Commission made the following recommendations for Probation Department, Behavioral Health Services, and Office of Education. Below are the recommendations and responses from the Probation Department.

For Probation Department and Behavioral Health Services:

1. **RECOMMENDATION:** The Juvenile Justice Commission was able to briefly observe the Trauma Responsive Unit (TRU) which began operating during 2015. To the extent that this approach successfully addresses mental health and prior youth abuse issues, it should be expanded to more than a handful of boys and girls that we observed. In the absence of 24-hour staffing, we recommend more, and better, camera monitoring and more analysis of individual mental health to qualify more youth for TRU.

**RESPONSE:** The Trauma Responsive Unit started on 2/29/16 and is a boys unit housed in unit 100. Probation will evaluate the possibility of expanding the same model to other units in the future. Kearny Mesa Juvenile Detention Facility has just added additional CCTV cameras throughout the facility.

2. **RECOMMENDATION:** Since Behavioral Health Services for the boys and girls at Kearny Mesa Juvenile Detention Facility is crucial and accurate evaluations for treatment are necessary, the Juvenile Justice Commission recommends that a designated Behavioral Health Services representative (probably a STAT team member) be permitted to review the Critical Incident Reports prepared by the Probation Department and, if necessary, have access to the names of the youth mentioned in the reports so that appropriate mental health decisions can be made for each youth.

**RESPONSE:** Probation will evaluate the possibility of the above by working with the STAT team.

3. **RECOMMENDATION:** With societal norms evolving, the Juvenile Justice Commission is attuned to disabled LGBTQ youth in the facility. Except for one deaf youth mentioned in one of the Critical Incident Reports, no handicapped youth were identified during the inspection of July 11, 2016. Although no inquiry was made of LGBTQ awareness or about coping with bullying, we recommend that such material be incorporated into the mental health programs and the suicide prevention plan. Note: The Probation Department has adopted the Columbia Suicide Prevention Rating Scale (C-SSRS) as of March 2016.

**RESPONSE:** Probation provides information during our PREA training. Department staff receives training in LGBTQI which incorporates awareness and bullying. The Department will evaluate the possibility of adding additional awareness. The Department's suicide prevention plan was recently updated and is based on nationally recognized best practices.

For Office of Education:

1. **RECOMMENDATION:** With a decreasing population for both boys and girls, there should be no non-credentialed or partially credentialed substitute teachers at the Kearny Mesa Juvenile Detention Facility. The Juvenile Justice Commission recommends that the San Diego County Office of Education eliminate its summer, spring and winter "intersession" program, or at a minimum, staff it with regular full-time teachers or substitutes. During the inspection on July 11,

2016 at Kearny Mesa, there was a substitute teacher present who said she was "working on her credential". We believe that "year-round education" should be the norm with full-time teachers and credentialed substitutes (as necessary).

**RESPONSE:** All SDCOE Momentum Learning teachers and substitute teachers hold necessary credentials for the positions in which they are working. The vast majority of students enrolled in the SOAR Academies are credit deficient upon enrollment. Intersessions are offered to provide students with additional opportunities to earn credits toward high school graduation. Intersessions are operated with a mixture of full-time SDCOE teachers and visiting teachers. Priority placement is given to our full-time teachers who are interested and willing to work intersession.

2. **RECOMMENDATION:** Kearny Mesa should have Special Education teachers on staff dedicated to its facility and its youth, and should not have its staff shared with the Girls Rehabilitation Facility. Service logs should be created or updated keeping track of all services provided to youth with Individual Education Plans (IEPs).

**RESPONSE:** The educational programs at Kearny Mesa and GRF are part of the educational community collectively known and operated as Kearny Mesa SOAR. As such, all educational supports and services are provided by the administration, teachers, and support staff of Kearny Mesa SOAR. Special Education Services are delivered in accordance with state and federal requirements based on the Individuals with Disabilities in Education Act (IDEA). Information regarding special education services provided is recorded by Designated Instruction Services (DIS) providers with three components: Date Time Service, Special Education Teachers record of providing services include their assignment and master schedule, and, each teacher has a student file in which they record case management activities.

3. **RECOMMENDATION:** As in past JJC recommendations for Kearny Mesa, the JJC would emphasize that all teachers be trained on the law regarding "child find" and be instructed on identifying youth with disabilities or other educational needs.

**RESPONSE:** All teachers receive annual training regarding special education protocols. SDCOE Special Education Coordinator and Senior Director for Special Education facilitate the training.

A handwritten signature in blue ink, appearing to read 'Adolfo Gonzales', with the word 'for' written below it.

ADOLFO GONZALES  
CHIEF PROBATION OFFICER

cc: Cesar Escuro, Exec. Deputy Chief Probation Officer  
Dan H. DeLeon, Deputy Chief Probation Officer