

**Juvenile Justice Commission
of San Diego County**

Jails and Lockups 2018 Inspection Report

2017 Yearly Statistics (from Log Books)

0 # **Secure** detentions **OVER** 6 hours

2 # **Secure** detentions **UNDER** 6 hours

0 # **Non-secure** detentions **OVER** 6 hours

41 # **Non-secure** detentions **UNDER** 6 hours

Authority: Pursuant to Welfare & Institutions Code Section 209(b), a judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility that contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor.

Facility Name: SDSO – Fallbrook Substation Date of Inspection: 12/31/2018
Address: 388 East Alvarado Street Date of Last Inspection: 12/5/2017
Fallbrook, CA 92028 Phone Number: 760-451-3100

Facility Manager: Lt. Rick Lopez Contact Person: Sgt. Patrick Yates

Presiding Juvenile Court Judge: Hon. Kimberlee A. Lagotta
Commission Chair: Amy Lansing
Phone No.: 858-634-1555

I. GENERAL COMMENTS:

The Fallbrook Substation (“Station”) was in substantial compliance with the state standards for law enforcement facilities in which minors are held in temporary custody. Of the many positive things the Station appears to be doing, three bear brief mention. First, the Station appears committed to processing and releasing minors taken into custody as quickly as possible. According to the Station’s records, no minor was in custody longer than 3 hours, 40 minutes, and very few were in custody longer than 3 hours. Although diligence in the booking process says little about the legitimacy of an underlying arrest, we credit the Station’s apparent commitment to not holding minors longer than necessary.

Second, in the two instances in which a minor was placed in secure custody, the deputies on duty clearly annotated the reasons forming the basis of their “reasonable belief” that the minor presented a serious security risk. See 15 Cal. Code Regs. § 1145. Annotating these reasons is an important, if limited, way to protect against arbitrary secure custody determinations, and we commend the Station for taking seriously the factors outlined in the regulations.

Finally, the Station’s documentation and recordkeeping were well above average. The logbooks are legible and well-organized, which facilitated the review process. Edits and corrections were appropriately annotated. Historical data was readily available (and provided during the inspection). We encourage the Station to continue maintaining high quality books and records.

*Note on arresting offenses: The most common offenses for which SDSO Fallbrook deputies arrested minors in 2017 were: battery (18.6%), burglary (14.0%), probation violations (14.0%), vandalism (11.6%), and possession of a firearm or weapon on school grounds (9.3%).

II. RECOMMENDATIONS (if any):

The Commission offers the following recommendations to the SDSO Fallbrook Substation:

1. BSCC forms and reporting requirements have recently changed. The JJDPa and WIC §206 and §207 prohibit the Secure detention of status offenders (WIC §601) and nonoffenders (WIC §300/WIC §5150). Any violations must be reported to the BSCC on the Monthly Report on the Detention of Minors. For more information, please refer to the section on Youth in Adult Detention Facilities on the BSCC webpage: http://www.bscc.ca.gov/s_fsoservices.php
2. We recommend the Station be consistent in its implementation of Cal. Welf. & Inst. Code § 207.1(d)(1)(C), which requires a law enforcement facility to inform a minor at the time he or she is securely detained “of the purpose of the secure detention, of the length of time the secure detention is expected to last, and of the maximum six-hour period the secure detention is authorized to last.” The current practice at the Station apparently is for deputies to provide this information only when secure custody is expected to last longer than an hour or two. Although we understand secure detentions at this Station are rare and relatively brief, we encourage the Station to formalize the required process. One way to do so would be to add a checklist to the secure custody form itself, which would remind deputies to provide the required notice to the minor. Secure detention is a serious restriction on liberty even when justified, and strict compliance with § 207.1(d)(1)(C) ensures this deprivation is balanced with the appropriate degree of due process.
3. As mentioned in the “General Comments” section, we commend the Station for clearly annotating the reasons forming the basis for a secure custody decision. We encourage the Station to double down on this practice by supplementing the act of “circling” the reasons for a secure custody decision with a one- or two-sentence narrative explaining the circumstances surrounding the decision. Adding a brief narrative not only increases transparency, but also adds legitimacy to the deputy’s “reasonable belief” determination. Law enforcement facilities in San Diego County that have adopted this practice have found it to be a useful way to convey to oversight bodies the serious security risks they confront even in the youth custody context.

The following questions are used to assess compliance with the state standards governing law enforcement facilities in which minors are held in temporary custody. See Article 9, *Minors in Temporary Custody in a Law Enforcement Facility*, Title 15 of the California Code of Regulations (15 Cal. Code Regs. §§ 1140–1151).

III. CONDITIONS OF DETENTION:

- | | | |
|--|---|-----------------------------|
| A. Are minors provided with orientation? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| B. Are they informed of the purpose of detention? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| C. Are they told the length of time detention is expected to last? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| D. Are they informed of the six-hour maximum time limit? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

The Station is somewhat inconsistent in implementing III.C and III.D (which apply in situations of secure custody, see Cal. Welf. & Inst. Code § 207.1(d)(1)(C)). The Station generally informs minors of the expected time in secure custody and six-hour maximum time limit only when the deputy or supervisor expects the secure custody to last longer than an hour or two.

IV. CONDITIONS OF SECURE DETENTION (e.g. cell/locked room):

- A. What is the proximity of minors to adult inmates?
Minors and adults are held in secure custody in separate areas of the Station.
- B. What is the ability and frequency of staff to supervise minor?
Staff have constant auditory access and provide direct visual observation of minors held in secure custody.
- C. Is there constant auditory access to staff? Yes No
- D. Are minors provided with a snack if requested? Yes No
- E. Do minors have access to toilets and washing facilities? Yes No
- F. Do minors have access to a drinking fountain or water? Yes No
- G. Are there provisions to provide clothing or blankets to assure comfort? Yes No

V. CONDITIONS OF SECURE DETENTION OUTSIDE A LOCKED ENCLOSURE:

(this includes minors who are handcuffed to a fixed object such as a rail, bench, chair or table):

- A. Are minors assured no "contact" with adult inmates? Yes No
- B. Is there constant supervision? Yes No
- C. Is there a 30-minute limit and Watch Commander approval every 30 minutes thereafter? Yes No
- D. Are minors placed in cell when one becomes available? Yes No
- E. Do minors have access to toilet and washing facilities? Yes No
- F. Is there access to a drinking fountain? Yes No

VI. CONDITIONS OF NON-SECURE DETENTION:

- A. Is there direct and constant supervision by staff during the entire custody period? Yes No
- B. Are males and females put in same room? Yes No

VII. INTOXICATED MINORS:

- A. Does the facility have written procedures for the handling of minors under the influence of any intoxicating substances? Yes No

Although the Station does not have "written" procedures (which are not explicitly required by the regulations), it does have standard operating procedures and is well versed in the requirements of 15 Cal. Code Regs. § 1151.

- B. Did the facility detain any minors, either secure or non-secure, determined to be under the influence of an intoxicating substance? Yes No

If yes: N/A

1. Was medical clearance obtained? Yes No
2. Were these detentions documented? Yes No
3. If the detention was secure, were there documented safety checks no less than once every 15 minutes? Yes No
4. If the detention was non-secure, was the minor in the constant presence of staff? Yes No
5. Who provides medical clearance for these minors?

VIII. DOCUMENTATION:

- A. Are all mandated visual checks documented? Yes No
- B. Are secure/non-secure detention logs used? Yes No
- C. Do the detention logs list the offense and reason which formed the decision to place the minor in secure detention, as well as the length of time the minor was securely detained? Yes No
- D. Does the facility have signage posted explaining the procedures for the handling of secure / non-secure detention of minors? Yes No

IX. ARE THERE INSTANCES IN WHICH A MINOR(S) WAS HELD FOR MORE THAN SIX HOURS? IF YES, LIST THE DATES, STARTING AND ENDING TIME AND CIRCUMSTANCES FOR EACH INSTANCE.

There were no instances in which a minor was held in custody for more than six hours.

X. Minors Interviewed (Comments):

No minors were interviewed during this inspection.