

Juvenile Justice System

SUMMARY

The 1996-1997 Civil Grand Jury (CGJ) investigated the administration of juvenile justice in the City and County of San Francisco. The Juvenile Probation Department (JPD) is primarily responsible for the administration of the juvenile justice system under the direction and supervision of the Juvenile Probation Commission (JPC), the Juvenile Justice Commission (JJC), and the Superior Court. The CGJ found:

The JPD and other City agencies and departments with responsibility are not adequately serving the City or our youth, primarily aged 14 to 17, who are involved with the juvenile justice system;

The Youth Guidance Center (YGC) is unsafe;

Educational and other programs for incarcerated youth and young people upon release from the juvenile justice system are insufficient;

The responsible city officials and departments are not fulfilling their own stated goals and missions, and are not providing the housing, education, and rehabilitative programs necessary to assist the youth in overcoming their problems and in regaining the potential to be productive and law-abiding citizens in our community.

There are very serious problems with the City's juvenile justice system, some of which can and must be fixed immediately. They cannot wait while the larger problems facing the system are being addressed and solved. For many years, including as recently as the spring of 1997, the City's juvenile justice system has been the subject of numerous reports and studies by various City agencies, previous grand juries, community-based organizations, and expert consultants. Many factions and constituencies -- both inside City government and in our community -- hold totally divergent views on how the juvenile justice system should treat youthful offenders. The public argument has often been rancorous; the needs of troubled youth have been lost in the debate. The youth -- and all citizens in our community -- have suffered because of an absence of a committed policy and strong leadership on the part of the adults with responsibility for the juvenile justice system.

In conducting its investigation, the CGJ encountered many dedicated and hardworking individuals -- employed by the City and involved in our community -- trying to help children in the juvenile justice system. The CGJ applauds the efforts of all who, in good faith, seek to improve the lot of troubled children when they run afoul of the law. However, while plans are discussed and debated and proposals and counter-proposals are made, generations of young people grow up and become adults without receiving the care and attention needed to rehabilitate them. The CGJ urges all groups in the City to put aside their differences -- or at least the rhetoric and distrust which often accompany those differences -- and work together to solve the problems of the juvenile justice system so that more children are not lost.

The CGJ recognizes that it takes time to make fundamental changes such as those advocated by many in City government and in our community. It will take a number of years to implement the changes contemplated in the grant recently awarded to the Delancey Street Foundation. Three years in the life of the City is a blink of an eye. Three years in the lives of those adult government officials and concerned citizens

involved with the juvenile justice system is not a long time. But three years in the life of a teenager is a very long and formative period which can dictate his or her entire future. The City cannot afford to do nothing in the short run while making and implementing plans for the long run. In this report, the CGJ recommends improvements in the juvenile justice system which can and should be undertaken immediately to try to save some of the youth whose futures will otherwise be lost while long-term plans are being made and put into place.

Procedure

In its investigation, the CGJ toured the Youth Guidance Center facility where the youth are housed, the administrative and court areas of the YGC, the offices of the San Francisco Unified School District at the YGC, Log Cabin Ranch, and Hidden Valley Ranch. The CGJ also interviewed numerous current and former officials, employees, and members of the JPD, JPC, JJC, the Superior Court, the Department of Public Health, the San Francisco Unified School District, representatives of constituencies in our community, incarcerated youth, and others. The CGJ also obtained documents from various sources providing background data and statistics.

Goals and Purpose of the Juvenile Justice System

The JPD is the City department primarily responsible for running the day-to-day functions of the juvenile justice system. The JPD, led by the Chief Probation Officer and guided by the JPC, runs the facilities, employs the probation officers and counselors, coordinates with all other City departments (such as the Department of Public Health and the Unified School District) which provide services for the youth, and interacts with community-based organizations and service providers involved with youth.

The youth involved in the system spend the majority of each day interacting with the JPD. Thus, the JPD must provide through its leadership a vision for the entire juvenile justice system and must implement that vision for our City's youth. The buck stops with the JPD.

The JPD has described its purpose as:

[To] provide for juveniles, accused of conduct subject to the jurisdiction of the court, who require a restricted environment for their own or the community's protection while pending legal action, safe and secure custody, care and discipline as nearly as possible equivalent to that which should have been given by his/her parents. Specifically, [the JPD] shall provide for the juvenile's basic needs, such as shelter, food, clothing, and health care. [The JPD] shall also provide a safe, secure, humane environment where the juvenile's physical, emotional, religious, educational, treatment and social needs are taken care of. [1]

The JPD has stated its philosophy and mission as:

Our management philosophy is based on a belief in positive change. Consequently, our Department promotes the belief that youth should be offered every opportunity for rehabilitation and growth. We endeavor to provide the youth in our charge with the tools to succeed by teaching life skills and providing educational, vocational, and emotional support.

The Mission of the San Francisco Juvenile Probation Department is two-fold: To provide for the welfare of youthful offenders and children at risk, and to enhance public safety under the directions of the Juvenile Court and California law. To this end, the Department locates or develops and administers programs for the assessment, education, treatment, appropriate rehabilitation, and effective supervision of youth under the jurisdiction of the Department. [2]

Although the JPC was formed following adoption of Proposition L in 1989, [3] the JPC has informed the CGJ that it has no mission statement or any writing formally setting forth its goals and objectives.

The JJC was created by the Legislature. Its duties are described in part as follows:

It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions not less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission. [4]

Findings and Recommendations

I. Youth Guidance Center Facility

The YGC, located at 375 Woodside Avenue, is the institution which houses up to 132 youths. Some of the youth at the YGC have not been accused of any crime, but are incarcerated at the YGC because their homes are unsafe or because they have no homes or anywhere else to go. Most of the youth housed at the YGC are detained there prior to the time that their cases are adjudicated and before they are found to be wards of the juvenile court as a result of the crimes of which they have been accused. [5] Very few of the youth at the YGC have been adjudicated to have committed a crime. A youth may be held at the YGC for just a few days, for many months, or even longer than a year.

The YGC consists of six units to house the up to 132 youth who may be incarcerated there at any particular time. These units are kept locked by JPD counselors. Each of the units contains several dozen individual cells, each of which houses a single youth.

The counselors are on duty in each of the units to maintain order. There are generally 25 counselors on duty during the day shift, 26 counselors on duty during the night shift, and 12 counselors on duty during the graveyard shift.

The youth spend much of each day in the units and outside their locked individual cells; however, there are times in the day and of course at night when the youth are locked in their individual cells. The doors on each of these individual cells are solid, and each of them is locked from the outside with a key. There is no central locking and unlocking mechanism. There is no sprinkler system. There are no smoke detectors inside the individual cells where the youth sleep and spend part of their day. The smoke detectors are in the hallways, outside the solid doors of each individual cell.

Findings

In its current condition, the YGC serves no constructive purpose other than providing four walls and a roof and counselors, who spend much of their time as guards to maintain order.

The physical facility at the YGC is unfit to house our City's children. This facility would be unacceptable in any jurisdiction, but it is particularly shameful in a community such as San Francisco which prides itself on being progressive and humane.

The YGC does not come close to meeting the JPD's own stated purpose of providing "a safe, secure, humane environment where the juvenile's physical, emotional, religious, educational, treatment and social needs are taken care of."

The CGJ notes that, for many years, various City officials and others have complained about the conditions at County Jail No. 3 in San Bruno, which houses adult prisoners after they are found guilty of crimes and are sentenced by the court. In contrast, the YGC houses minors, some of whom have not been charged with any crimes and almost none of whom have been adjudicated to have committed any criminal activity. There has been and continues to be much outcry that County Jail No. 3 should be replaced with a more modern facility. The physical conditions at the YGC are in many respects worse than those at County Jail No. 3.

The YGC is unsafe:

- There is no central locking and unlocking mechanisms to control the individual cells;
- There is no sprinkler system operative in the individual cells;
- There are not smoke detectors inside the individual cells.

In the event of a fire or major emergency, it is highly likely that some youth could be trapped in their cells, as the counselors may not be able to reach each individual cell to unlock them and let the youth out. In the event of a fire or major emergency, there would be a catastrophic and unnecessary loss of the lives of young people. [6]

The physical plant at the YGC is dark, dreary, and depressing. The atmosphere is so oppressive that it has a negative impact on the emotional state of youth and staff.

Recommendations

1. The City should renovate a City property for use as a youth guidance center, purchase a building for use as a youth guidance center, or build a new youth guidance center.

A new youth guidance center should take priority over acquisition or construction of any other City facility.

2. The Mayor, each member of the Board of Supervisors, and the Judges of the Superior Court should tour the YGC at once to observe the conditions for themselves.

3. The City should invite all interested television stations, radio stations, and print media to tour and film the YGC so that the public can be made aware of the conditions at the YGC.

4. The CGJ recognizes that a new youth guidance center cannot be acquired or built immediately. However, since the present situation is unacceptable, the CGJ recommends that the City immediately expedite measures to improve the health, safety,

and welfare of our incarcerated youth at the YGC, particularly in response to fire safety issues. Some possible remedies are:

- a) Purchase and install a central locking/unlocking mechanism for each individual cell.
- b) Install smoke detectors in each cell so that counselors in the central area of each unit will be able to detect a fire breaking out in an individual cell.
- c) Install a sprinkler system in the hallways, common areas, and each individual cell.
- d) Given the fire safety hazard, increase the number of counselors in each locked unit so that the doors on each of the individual cells can remain unlocked at all times for safety purposes.

Each of these remedies comes with a cost, either for equipment or personnel or both. This additional cost is worthwhile when compared to the carnage that would result from a major fire or emergency where the youth could not be evacuated from their cells. The City cannot maintain the status quo while debating whether to acquire or build a new facility or during the construction or acquisition process of a new facility.

5. The interior of the YGC should be painted at once, in appropriate colors, in order to make the facility less dreary.

II. Housing for Girls

Boys at the YGC are housed in five separate units, taking into account their age, the severity of alleged offenses, and other factors to protect the younger and more vulnerable boys. However, there are insufficient facilities to separate the girls, pre-adjudication, in a similar manner. Girls of all ages and regardless of the severity of the alleged crimes are housed together in a single unit. The impact is, for example, that a naive thirteen-year-old girl accused of a minor offense lives with a relatively sophisticated seventeen-year-old girl accused of a much more serious crime.

Currently, most of the girls who are court-ordered to serve time in a facility are sent out of the Bay Area, sometimes as far away as Colorado and Pennsylvania.

Findings

There is insufficient housing for girls at the YGC.

The City owns Hidden Valley Ranch near La Honda in San Mateo County. This facility is currently unused, except for a few minor functions by Log Cabin Ranch, and is well suited to housing girls who currently reside at the YGC. While the facility requires some relatively minor maintenance and updating, it could be made ready to house the girls in short order.

Recommendations

6. The JPD must immediately find a location to properly house the girls involved with the juvenile justice system.
7. The CGJ recommends that Hidden Valley Ranch be made into a facility to house girls in the juvenile justice system.
8. The CGJ recommends that the JPD investigate a possible arrangement with the surrounding counties to house those counties' girls at Hidden Valley Ranch thereby sharing the expense.

9. The CGJ recommends that the JPD investigate the possibility of using Hidden Valley Ranch to house not only those girls held pre-adjudication, but also those girls whose cases have been adjudicated. Housing these girls closer to home would encourage more family involvement, save the expense of housing the girls in distant locations, save travel costs of JPD personnel to travel to these sites, and provide more opportunity for community groups in reintroducing the girls to the community after release.

III. Care of Youth While in Custody of Juvenile Probation Department And After Release

To rehabilitate youth in its custody, the JPD should have sufficient programs to retain the young people's attention all of their waking hours. Such programs as do exist are haphazard and far from comprehensive.

Once youths are released from the juvenile justice system, the Probation Officers maintain some contact with them. There are some procedures in place (for example, a Memorandum of Understanding between the JPD and the Department of Public Health relating to health care needs of youth being released from custody), but there are few comprehensive, coordinated programs to follow youths back into the community and provide them with necessary and basic human services. Frequently, the youth are simply dispatched back into the communities they came from with insufficient guidance in how to further their education, find and keep a job, obtain health care and life skills, and reintegrate into our community.

Findings

There are insufficient programs in place to assist the youth in the custody of the juvenile justice system.

There are insufficient programs in place to follow up with youth once they are released from the juvenile justice system.

Recommendations

10. In accordance with its stated philosophy to "promote[] the belief that youth should be offered every opportunity for rehabilitation and growth... [and] endeavor to provide the youth in our charge with the tools to succeed by teaching life skills and providing educational, vocational and emotional support," the Juvenile Probation Department -- coordinating with other responsible City departments and agencies, with community groups and, wherever possible, with the families of the youth -- should formulate effective programs to care for youth both while in custody and after release.

11. While the youth are incarcerated under the control of the City, programs should be instituted (or, where they currently exist, expanded), to provide them with training and counseling in at least the following areas:

- a. Drug counseling, including peer counseling;
- b. Sex education and family issues;
- c. Practical life skills;
- d. Appropriate educational programs, including vocational training or GED where appropriate;
- e. Skills in how to find and keep a job.

12. An "after-care" program must be adopted for youth when they are released from the juvenile justice system that encompasses at least the following concerns:

- a. Returning to school or entering alternative programs to complete his or her education.
- b. Counseling and job training;
- c. Finding and keeping a job, either after school or full-time;
- d. Emotional health and life skills;
- e. Parenting skills where necessary;
- f. Drug counseling where necessary;
- g. Family and peer interaction.

13. The JPD must diligently and regularly monitor all of these activities and programs -- both while the youth are in custody and after release -- and develop objective criteria to determine whether the programs are succeeding and, if not, to replace them with better programs.

IV. Grant Money

Funds are available through state and federal grants, grants from public and private foundations and trusts, and other sources for various programs designed to help youth at risk who become involved in the juvenile justice system.

Finding

The City has no regular mechanism or system for applying for state and federal grants, grants from public and private foundations or trusts, and other sources for programs designed to help youth at risk or who may be involved in the juvenile justice system.

Recommendation

14. The CGJ recommends that the JPD hire or retain, on a full-time basis, an individual with background and training in development and fund raising, and particularly with skills in the search and application for grants.

V. Grievance Procedure

If a youth incarcerated at the YGC or Log Cabin Ranch has a complaint or grievance, he or she turns in a complaint form which is reviewed by the supervising counselors who may be the very persons about whom the youth may have a complaint or grievance.

Findings

There is no procedure by which an independent person reviews the complaints and grievances.

The grievance procedure for the youth incarcerated within the juvenile justice system is such that the youth express concern over possible retaliation. The CGJ uncovered no evidence that any child was subject to retaliation for making a grievance. However, that potential may be sufficient to prevent a youth from filing a grievance, even though he or she may have a legitimate complaint.

Recommendation

15. The CGJ recommends the appointment of an ombudsperson to whom youth can turn with confidence to express grievances. We do not view this individual as an advocate for the youth, but rather a neutral party who can report the grievance to the appropriate party and then follow up to ensure it is resolved.

VI. Coordination of Activities Among Responsible Departments, Commissions, and Agencies

The City's juvenile justice system is governed by two bodies. The JJC, whose members are appointed by the Superior Court, is mandated by Welfare and Institutions Code § 229 "to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings." The JPC is a creature of the City Charter whose members are appointed by the Mayor. Although, as indicated above, it has no mission statement, the CGJ presumes that the JPC sees its roles as similar to that of the JJC.

There are numerous City departments, commissions, and agencies which have obligations to youth involved in the criminal justice system, including the JPD, the JPC, the JJC, the Superior Court, the San Francisco Unified School District, the Department of Public Health, the Police Department, the District Attorney, and the Public Defender. Some of the departments are run by commissions. Others report directly to the Mayor. Still others are run by elected public officials. The JPC is appointed by the Mayor, whereas the JJC is appointed by the Superior Court. Each of these departments, commissions, and agencies has its own vertical management hierarchy.

Findings

The CGJ found that the JJC and the JPC have little, if any, contact with one another.

While various departments sometimes cooperate in providing services for youth in the juvenile justice system, there is no formal horizontal communication between these departments, commissions, and the courts to ensure the protection of the interests of the youth.

Recommendations

16. The CGJ urges the JJC and the JPC to coordinate their activities, to pool their collective talents, and to work together toward the common goal of assisting youth at risk in our City.

17. The CGJ recommends that, since the JPD, under the guidance of the Chief Probation Officer, has the overall responsibility for the operation of the juvenile justice system, it must provide strong leadership, vision, and professionalism. The CGJ recommends that the JPD exercise its responsibilities with greater strength and vigor, using the "bully pulpit" when necessary to coordinate the services provided by various City departments and community-based organizations for the benefit of the City's youth.

18. The CGJ recommends that the JPD fulfill its mission statement and coordinate the activities of all of the departments that have any responsibility for youth involved in the juvenile justice system. There must be a strong leader appointed with authority to

coordinate the activities of all departments having obligations to provide services for our City's youth.

VII. Education of Youth In The Juvenile Justice System

The San Francisco Unified School District is responsible for educating juveniles in the custody of the JPD.

Finding

The San Francisco Unified School District does an inadequate job of educating youth incarcerated at the YGC and Log Cabin Ranch. The School District does not sufficiently assess the academic status of the youth who enter the juvenile justice system. The School District does not adequately consider the educational needs of the students involved with the juvenile justice system. There is inadequate transition out of the system. The JPD does not coordinate the education of the youth in its charge with other programs impacting the young people during their incarceration. While young people have a great deal of free time at the YGC and at Log Cabin Ranch, they are not assigned much, if any, homework and their access to reading materials is limited.

Recommendations

19. The CGJ recommends that the San Francisco Unified School District, in coordination with the JPD, adopt an educational program such as that recommended by Jefferson Associates and Community Research Associates in March 1987 entitled "Creating a New Agenda for the Care and Treatment of San Francisco's Youthful Offenders: A Model Program." This education program would contain the following components:

- a. Functional assessment;
- b. Functional curriculum;
- c. Vocational education;
- d. Transition;
- e. Comprehensive systems;
- f. Training of correctional educators. [7]

20. The CGJ recommends that the San Francisco Unified School District and the JPD make a commitment to use the time during which youthful offenders are incarcerated for an appropriate educational program to improve their chances in life after release.

VII. Contracts With Outside Service Providers

The JPD has entered into contracts with outside service providers and community-based organizations which provide, for a fee, services which would otherwise be provided by the JPD. The City spent \$1,219,035 in fiscal year 1996-1997 in payments to these service providers and community-based organizations; the budget in fiscal year 1997-98 is \$1,279,990. The City has been paying a number of these groups for six years or longer.

Findings

Despite the millions of dollars paid to service providers and community-based organizations, the JPD is unable to determine whether the youth who receive these services have benefitted significantly.

The JPD makes an insufficient effort to evaluate these service providers or to compare the services provided by the service providers with one another or by similar services provided by the JPD itself. The JPD does not regularly monitor these services to ensure that the contracted services are actually being provided, that the quality is as warranted, and that contractual obligations to the JPD and the youth are fulfilled.

Recommendations

21. The JPD should comprehensively evaluate and monitor each service provider and community-based organization before issuing a new Request for Proposal.

22. The JPD should develop objective criteria for monitoring and evaluating the services of these providers.

23. The JPD should appoint a person as a contract administrator who shall regularly monitor and evaluate the programs provided by service providers and community-based organizations to ensure that the services are actually being provided, that the quality is as contracted, and that their obligations to the JPD and the youth are fulfilled. This person should provide a written report on a pre-assigned periodic basis to the Chief Probation Officer regarding these services as well as their effectiveness in accomplishing their goals. This report should be a public record protected by the City's Sunshine Ordinance.

IX. Additional Training For Counselors

The job description for the counselors at the YGC is as follows:

The Counselor, Juvenile Hall is responsible for the care, custody, safety and welfare of juveniles detained at Juvenile Hall. The counselor observes behavior and conduct of residents in an assigned living unit; prepares and maintains records and reports such as incident reports, behavior reports and individual case reports; conducts on-going individual and group counseling sessions with juveniles; plans, directs and supervises leisure time activities; supervises residents en route to, from and at various locations; confers with departmental personnel and representatives of outside agencies..... [8]

The CGJ asked repeatedly to see the manual or set of guidelines used by the JPD to train the counselors and outline their responsibilities and the JPD's expectations for their services. No such material was ever forthcoming, causing the CGJ to conclude that the JPD does not have an adequate manual or set of guidelines describing counselors' duties.

Findings

The youth at the YGC and Log Cabin Ranch spend more time with the counselors than with any other adults. Thus, the role of the counselor is critical.

While the counselors receive the minimal training required by state law, they do not receive adequate training in guiding troubled adolescents, the very persons with whom they work.

Recommendations

24. The JPD should institute an ongoing formal training program for counselors beyond that required by state law, with a written manual or set of guidelines outlining their responsibilities and the expectations of the JPD for services provided by the counselors.

REQUESTED RESPONSES

Mayor

Board of Supervisors

Juvenile Probation Department

Juvenile Probation Commission

Juvenile Justice Commission

San Francisco Unified School District

Superior Court

Department of Public Health

Police Department

REQUESTED RESPONSES (CONTINUED)

District Attorney

Public Defender

Footnotes

1. Memorandum of Understanding between San Francisco Department of Public Health/Special Programs for Youth and San Francisco Juvenile Probation Department, September 1996.

2. Juvenile Probation Department, 1995 Annual Report.

3. San Francisco Charter, sec. 7.102.

4. Welfare and Institutions Code § 229.

5. Youth under the age of 18 are not found guilty of crimes. "Any person who is under the age of 18 years when he violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than ordinances establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be ward of the court." Welfare and Institutions Code § 602.

6. The YGC does not meet current fire safety codes and could not be built today without much improved life safety systems. (Uniform Building Code, as amended by the State of California and the City and County of San Francisco, Uniform Fire Code, as amended by the State of California and the City and County of San Francisco.) The fact that the YGC has been granted "grandfather" status so that it need not meet current codes should not prevent the City from adopting the Grand Jury's Recommendations set forth in this report.

7. Appendix A of Jefferson Report.

8. Employment Opportunity Description for Counselor, Juvenile Hall (Classification 8320).