

**THE SANTA CLARA COUNTY
JUVENILE JUSTICE COMMISSION**

DATE: April 8, 2010

TO: Supervisor George Shirakawa, Chairperson
Supervisor Donald F. Gage, Vice Chair
Public Safety & Justice Committee

FROM: Pamela Serrano, Chairperson
Ray Blockie, Vice Chair, Penelope Blake, Secretary, Nora Manchester, Dana
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Santa Clara County Juvenile Justice Commission

SUBJECT: Report from the Juvenile Justice Commission regarding the detention of children
12 years old or younger in Juvenile Hall

In April 2009, the Children, Seniors & Families Committee of the Board of Supervisors accepted a report on a proposed change to the Joint Response section of the Child Abuse Protocol for Santa Clara County Law Enforcement. This protocol was eventually approved by the Santa Clara County Police Chiefs Association. The protocol outlines the procedures and steps that should be taken in determining the best placement for a child 12 years of age and under. Included in the list of placement options for children 12 and under set forth in the protocol is placement in Juvenile Hall.

Even prior to the adoption of this protocol, the Santa Clara County Juvenile Justice Commission (JJC) had begun investigating the detention of children 12 and under in Juvenile Hall, and on January 5, 2010, the JJC released a nine-page report addressing this issue. The report was based on a review of juvenile court files for 30 children, 12 years old and younger, who were petitioned and detained in Juvenile Hall between January 1, 2007 and March 31, 2009.¹ The JJC's review of these files showed that only a small percentage of children 12 and under, who were arrested and petitioned, were actually detained at Juvenile Hall. However, of those who were detained and petitioned, 90% had a history of trauma/child abuse, a diagnosed mental illness and/or an absent parent (i.e., a parent who had disappeared or was incarcerated).

Based on a review of the research, literature and Best Practices in the field, the JJC determined that Juvenile Hall is not an appropriate place to detain children 12 and under. Specifically, the JJC made the following recommendations:

1. Santa Clara County's Juvenile Hall detention policy should be that children 12 years old and younger not be detained in Juvenile Hall when arrested.

¹ The Commission was not able to review files for children 12 years old and younger who were arrested, detained at Juvenile Hall, but not petitioned.

2. Local alternatives should be developed for safe, emergency placement of children 12 and under who commit a serious crime.
3. The CITA Court protocols (Court for Individualized Treatment of Adolescents) should be applied to children 12 years and younger even if there is not a responsible adult available.
4. Therapeutic Foster Care homes should be developed to accommodate, on a longer term basis, children 12 years old and younger.
5. The County should explore working with neighboring counties to develop a continuum of shared placements appropriate for children 12 years old and younger who commit a serious crime.

The JJC voted to support these recommendations because:

1. National experts with whom we spoke stated that detaining children aged 12 and under in a congregate care setting such as Juvenile Hall is not good practice.
2. We were concerned about further traumatizing a child who has already experienced significant trauma, loss or has a mental illness.
3. We could find no research demonstrating that placing a child this young in Juvenile Hall helped the child or made the community safer.
4. We believed it was important to take a public stance on this issue in order to create the political will necessary to (a) stop this practice and (b) develop the array of services necessary to truly help children and keep the community safe.

Following the presentation of the report at the March 2, 2010 Juvenile Justice Commission meeting, the presiding judge of Juvenile Justice Court asked the JJC to continue its work on this issue by investigating whether the County has the appropriate array of services necessary to serve this population.

In response to this request, the JJC will soon begin to review the case files of children 12 and under who were detained in Juvenile Hall from July 1, 2009 to the present. Through this review, the JJC will seek answers to the following questions:

1. Were the children who were detained in Juvenile Hall considered for placement in one of the community-based organizations that have been identified as potentially appropriate placements?
2. Do existing community-based organizations offer the appropriate array of services necessary to house and support the positive development of these children while keeping the community safe?

For this review, we will:

1. Conduct a case analysis for children under age 13 who were detained in Juvenile Hall between July 1, 2009 and March 30, 2010.
2. Develop a profile for each child detained during this time period and determine whether community based organizations have the correct array of services to meet the needs of these children.

Following completion of this review, the JJC will issue a report detailing its findings and making appropriate recommendations regarding the existence or development of placements appropriate to meet the needs of these children while keeping the community safe.