

# County of Santa Clara Probation Department



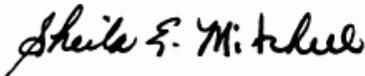
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PRO02 051110

Prepared by: Sheila E. Mitchell  
Chief Probation Officer

DATE: May 11, 2010

TO: Board of Supervisors

FROM:   
Sheila E. Mitchell  
Chief Probation Officer

SUBJECT: Accept Report Back on the detention of minors under the age of 13

## **RECOMMENDED ACTION**

Consider recommendations from the Probation Department relating to the protection of youth.

Possible action:

- a) Adopt Board Policy Resolution No. XX-XX adding Section 3.51 to the Board of Supervisors' Policy Manual, which states that juveniles under the age of 13 should not be placed in Juvenile Hall and that the County shall take every possible effort to find a more suitable placement for the juveniles.
- b) Direct Clerk of the Board to create Section 3.51 and include the Policy to Protect youth in the Board of Supervisors' Policy Manual.
- c) Accept report from the Chief of Probation relating to policy outcomes.

## **FISCAL IMPLICATIONS**

There are no general fund fiscal impacts to adopt this policy. To implement this policy and better serve this young population, the department is in discussions with community-based organizations to develop special rehabilitative programs. There may be costs associated with a new program. If the Department is unable to absorb the costs in next year's budget, it will return with a request for funds and more information.

## **REASONS FOR RECOMMENDATION**

On April 20, 2010, at the Children, Seniors, & Families Committee meeting Supervisor Dave Cortese directed staff to prepare a draft policy that children under the age of 13 should not be detained at Juvenile Hall for any reason, for implementation July 1, 2010.

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At the April 20 meeting, the Committee accepted the report of the Juvenile Justice Commission (JJC) related to the detention of 12 -year-olds or younger at Juvenile Hall. The Commission's report called for 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.
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.

During this meeting Supervisor Cortese also directed staff to provide an off agenda opinion regarding whether the County could decline to fund services at Juvenile Hall for children 12 years of age or younger. County Counsel rendered an opinion. This transmittal puts forth Board Policy and describes actions related to policy outcomes. Items 3 & 5 listed above will be submitted for discussion to the June 1, 2010 Children, Seniors & Families Committee.

The Department continues to work with Juvenile Justice System partners and community based organizations to establish a legal path to allow minors age 12 and under, who have been arrested for a serious crime, to be placed in suitable community based settings.

The Bill Wilson Center is implementing an evidenced based practice called Multidimensional Treatment Foster Care (MTFC). On April 16, 2010 the Department met with the Bill Wilson Executive and her staff to discuss this service offering for minors under the age of 13. MTFC is a proven cost-effective alternative to regular foster care, group or residential treatment, and incarceration for youth who have problems with chronic disruptive behavior. Bill Wilson anticipates that MTFC will be available beginning July 1, 2010. In addition, the Department and Bill Wilson Center are planning a visit to Fresno County who has used MTFC for over four years with a great deal of success.

The Department recently polled surrounding Bay Area Probation Departments to learn what model(s) or policies they have in place relating to the detention of minors in Juvenile Hall under the age of 12. All surrounding Counties, except for two, responded to the poll. The Bay Area Probation Departments currently do not have a stated policy that definitively limits the lower end age limit for detention. Moreover, they do get minors under the age of 13 and do everything within reason to keep them out of Juvenile Hall. Several counties responded to the Department's poll that were interested in discussing a possible Bay Area regional; collaboration which would address alternative placements for minors under the age of 13. The Department is leading the effort and plans are underway for a meeting in early June with the interested counties to strategize on a joint neighboring County placement alternative.

The Department has also developed an internal policy and procedures which provides step-by-step guidance for screening minors who are under age 13 and are brought to Juvenile Hall by Law Enforcement.

## **BACKGROUND**

In June 2008, the Department met with the Silicon Valley Council of Nonprofits Network (SVCN) and formed a special committee with local CBOs to continue to explore the use of additional community-based services to serve some of the identified juvenile justice population currently in detention. This special committee consisted of representatives from SVCN, EMQ, Bill Wilson Center, Unity Care, the Superior Court, the Offices of the District Attorney, Public Defender, and Probation Management. The first meeting, held on July 16, 2008, focused on collaboration, communication, establishing a common understanding of the placement process, identifying services currently available in the community, access to those services and seeking various funding sources. Over several years, the Probation Department has developed an array of programs that are used as dispositional alternatives in our Continuum of Services. The Committee continues to meet on a monthly basis.

At Supervisor Dave Cortese's request, the Board directed Social Services Agency (SSA) and the Probation Department to present information to the Children, Seniors, and Families Committee (CSFC) regarding the need for procedures or protocols among county departments and other agencies responding to situations in which children ten years of age and younger may be facing arrest.

On April 30, 2009, the CSFC 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. The Santa Clara County Police Chiefs Association eventually approved this protocol. 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.

In May, Probation Department and SSA/DFCS administrators met with the current Status Offender Services (SOS) contract service providers, the Bill Wilson Center, Alum Rock Counseling and Community Solutions, along with two community service providers that came forward to express interest in providing placement alternatives, EMQ FamiliesFirst, and Unity Care. The objective is to establish an array of alternatives that will ensure "no

rejection” of any child under the age of 12 from an alternative placement.

At the conclusion of the meeting, there was consensus that the agencies would be able to implement the placement provisions of the proposed Policy/Protocol change to the DFCS/Law Enforcement Joint Response Protocol.

At the June 30, 2009 CSFC meeting, the Probation Department and Social Services Agency, Department of Family and Children’s Services provided an update to the Committee pertaining to the work that had been done to identify placement resources to strengthen interagency and community response to young children in need of alternative placement options other than Juvenile Hall.

During the April 8, 2010 Public Safety & Justice Committee meeting, a report was accepted from the Juvenile Justice Commission regarding the detention of children 12 years old or younger in Juvenile Hall. The Commission’s 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. The Committee referred JJC's recommendation to CSFC relating to Therapeutic Foster Care homes. During this meeting, Chairperson George Shirakawa requested that staff review other counties in terms of what model they are utilizing for addressing this population and referred the recommendation to CSFC relating to the development of Therapeutic Foster Care homes to accommodate on longer-term basis children 12 years old or younger.

### **STEPS FOLLOWING APPROVAL**

Clerk of the Board will add Board Policy Manual Section 3.51 relating to Protecting Youth.

### **ATTACHMENTS**

- Resolution Adding Board Policy Manual Section 3.51