

KIDS IN ADULT LOCKUP

BAD BOYS IN A BAD PLACE!

SUMMARY

The *California Penal Code* requires all county Grand Juries to inquire into conditions and management of public prisons within their jurisdiction. California Penal Code §919(a) states: *The Grand Jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.* Additionally, §919(b) states: *The Grand Jury shall inquire into the condition and management of the public prisons within the county.*

Pursuant to this mandate, the 2000–2001 Orange County Grand Jury was escorted through the Orange County Central Jail facility. Subsequently, the Grand Jury inspected the 17–bed juvenile housing area within that location. As a result, a number of issues and questions were developed:

- Why are juveniles housed in the Central Men's Jail?
- What are the standards for their care?
- Do they receive educational opportunities?
- Are state requirements for education being met?
- Do they receive the same opportunities as juveniles at other facilities?
- Are the Sheriff's Deputies specially trained to supervise juveniles?
- Are there alternatives to confinement in the Central Men's Jail?
- Why is the juvenile housing area in poor repair?

The intent of this study was to facilitate the acquisition of an appropriate location that would accommodate all juveniles charged and remanded as adults. The need for a facility that can house juveniles and meet the sight and sound separation requirements in the California Welfare and Institutions Code (WIC) is imperative. The number of juveniles being charged as adults has grown exponentially, but the Sheriff can only provide for the housing of 17 juveniles at the Central Men's Jail.

PURPOSE/INTRODUCTION

The purpose of this study was to review conditions of the juvenile housing area in the Central Men's Jail, as well as exploring alternative locations for confinement of juveniles who have been charged as adults and remanded to the custody of the Sheriff-Coroner under §707 of the WIC.

Since this study ended and the writing of the report began, the situation under review has changed dramatically. As of May 5, 2001, all juveniles have been moved from the Central Men's Jail to other housing. The Grand Jury has confirmed that the 17-bed area is now unoccupied. The area vacated by the juveniles will not be reoccupied by inmates of any age until the hazardous material renovation is completed. This tremendous accomplishment was achieved through the cooperation of the Orange County Probation Department and the Sheriff-Coroner Department.

HISTORY/BACKGROUND

Definitions/Philosophy

Certain juvenile offenders, minors under the age of 18, can be tried as adults if their crime is so serious or heinous, or their record of criminal behavior is so extensive, that they would not benefit from the rehabilitative efforts of the Juvenile Justice system. In most cases, a Juvenile Court Judge must make this determination and, in a separate finding, can order a minor detained in an adult jail facility. Generally, these juveniles are accused murderers or serious offenders whose detention in a juvenile facility would pose security problems and/or could "contaminate" other rehabilitatable young offenders. This process is referred to as a fitness hearing, and can be found in the California Welfare and Institutions Code (WIC), beginning with §707.

Juveniles declared unfit under provisions of §707 WIC, upon conviction, will be sentenced to the California Youth Authority or State Prison. In either case, all of these young people will return to our communities, some in only a few years.

If these juveniles are to have any chance at being successful upon release, there must be some kind of meaningful rehabilitative effort. This must include education services, since virtually all of these juveniles have suffered scholastic failure. While the majority of their education opportunities will be available at State institutions, we must begin a meaningful process locally if we truly believe in rehabilitation and the reduction of recidivism.

Inspections

In August 2000, the Orange County Grand Jury toured the Central Men's Jail in Santa Ana as a part of its mandated responsibilities. The juvenile housing area was visited on several occasions. This area houses up to 17 juveniles who have been charged as adults for their crimes and who have been remanded to the custody of the Sheriff.

Deputies do not receive specialized training in the supervision of juvenile inmates. These deputies are on shift rotation, which is a four-month schedule. Training emphasizes dealing with an adult population, not juveniles. Because of the classification requirements for all inmates, jail administration segregates

ethnic groups and known gang members for the safety of inmates and deputies and ease of supervision. This procedure impacts the population of the juvenile housing area within the Central Men's Jail to a greater degree because only certain juveniles can be safely housed together.

State Codes

§208(a) of the WIC states: *When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with such adults.*

This requirement to isolate juveniles from sight and sound exposure to adults is nearly impossible to achieve within the Central Men's Jail facility. Unlike most adult inmates, juvenile inmates are required to eat in their cells. When they go to the roof recreation area, they must be constantly monitored to keep them separated from adult inmates. The juveniles must be escorted wherever they go and if it is necessary for them to visit the medical facility, all adult inmates in the area must be removed.

§48645.3 of the California Education Code states in part: The minimum school day for juvenile court schools, including schools in detention, shall be 240 minutes.

The Central Men's Jail classroom for juveniles, a converted storeroom, is inadequate for education requirements. The Sheriff-Coroner has allotted the space to the court school and there is no other place within the facility to accommodate the juvenile population. The normal minimum school day requires 240 minutes of attendance. This is impossible at the Central Men's Jail. There is neither suitable classroom space nor time to accommodate this requirement. The time difficulty results from the need to keep the juveniles separated from each other because of safety considerations. As a result, much of the schoolwork is homework— work to be completed by the juvenile student in his cell without direct supervision by the teacher. Based on this information, the Grand Jury determined that these juveniles often receive only one hour of classroom education daily which is woefully inadequate.

Conditions

The Central Jail facility was built in 1968. The 17 beds dedicated to juveniles were considered more than adequate because at that time only one juvenile was charged as an adult and remanded to the custody of the Sheriff. Information obtained from jail administrators reveals that during the time period of July through December 2000, a total of 28 juveniles were charged as adults and held at Central Men's Jail by the Sheriff. Currently, there are 30 juveniles or more charged as adults at any one time and the Sheriff cannot accommodate all those remanded to his custody. The Orange County Probation Department retains custody of 707 WIC juveniles while awaiting bed space at Central Jail. Because of the mandatory restrictions as to sight and sound separation for juveniles in the

Central Men's Jail, the area used to detain the juveniles has not been renovated in some time and is in dire need of paint and maintenance. In past years, the overcrowded conditions within the jail system did not allow for relocation of the juveniles for renovation. There are lead-based paint surfaces. It will require hazardous material (HazMat) removal before an overhaul of the area can be completed. These 'HazMat' conditions exist throughout the jail, not just the juvenile housing area. The whole Central Jail renovation is on hold for a lead-based paint removal project.

Health inspection reports of the Central Men's Jail were reviewed by the Grand Jury. An annual health inspection is required for all jails by the California Department of Corrections. When the juvenile section was brought to the attention of the Orange County Health Care Agency, Regulatory Health Services Division, Environmental Health Services, the current inspectors realized that they had never seen the juvenile housing area of the Central Men's Jail.

Options

There are a number of facilities currently available or being used satisfactorily for housing serious juvenile offenders. The Orange County Probation Department has a contract with the Santa Ana City Jail to house juveniles and young adults, 18-19 years old, and uses the Juvenile Hall Annex for the same purpose. Both facilities are able to accommodate education requirements and sight and sound restrictions—no adult inmates. The personnel that supervise these facilities are specially trained to oversee juveniles. These two facilities have more modern housing and education tools. In addition, the Theo Lacy jail facility has available modules that could accommodate the juvenile inmates in large numbers, providing both security and facilities that satisfy State requirements.

METHOD OF STUDY

The Grand Jury made multiple visits to the Central Jail, Juvenile Hall Annex, the Youth Guidance Center, the Theo Lacy and James A. Musick facilities, Joplin Youth Center, Los Piños Conservation Camp, and Juvenile Hall. The California Youth Authority (CYA) facilities in Whittier and Camarillo were also visited to review youth programs. Additionally, interviews with management of the Probation Department, the Sheriff-Coroner Department and the Juvenile Court were conducted. Juvenile Justice Commission meetings were attended as well. Relevant sections of California's Welfare and Institutions Code, Education Code and Penal Code were reviewed.

FINDINGS

In accordance with *California Penal Code*, §933 and §933.05, responses are required to all findings. The 2000–2001 Orange County Grand Jury has arrived at the following 12 findings:

1. The 17–bed juvenile housing area was established when the Central Men’s Jail in Santa Ana was built in 1968 with an expectation that it would be adequate for the life of the jail.
2. The 17–bed juvenile housing area at Central Men’s Jail has not been routinely inspected by the Orange County Health Care Agency, Regulatory Health Services Division, Environmental Health Services.
3. Juveniles that are charged as adults and remanded to the Sheriff-Coroner's custody have previously been held in the Central Men's Jail.
4. The allocated juvenile housing area at Central Men's Jail is inadequate to meet the needs of the current number of juveniles charged as adults and remanded to the custody of the Sheriff-Coroner. The number of juveniles charged as adults in Orange County has increased over time.
5. Sheriff-Coroner's deputies at Men's Central Jail do not receive specialized training in juvenile supervision neither prior to nor during their shift rotation to juvenile housing area supervision.
6. The juvenile housing area in the Central Men's Jail has not been refurbished for many years and is in dire need of complete renovation.
7. Like the rest of the Central Men's Jail, lead-based paint has been found in the juvenile housing area, which makes it expensive to renovate.
8. An inordinate effort is necessary on the part of jail personnel to maintain the §208 WIC site and sound separation requirements within the Central Men's Jail.
9. The opportunity for rehabilitation and education of juveniles is extremely difficult because there is neither adequate classroom space nor opportunity for minimum classroom time at the Central Men's Jail.
10. Virtually all of the §707 WIC juveniles will return to society at some future time. Without guidance and an appropriate education, a large percentage of juvenile offenders become repeat offenders as adults and may return to the Sheriff-Coroner's custody.
11. There is alternative housing within Orange County that would be more suitable for §707 WIC juveniles remanded to the custody of the Sheriff-Coroner than the Central Men's Jail.
12. As of May 2001, all the §707 WIC juveniles have been relocated from the Central Men's Jail to alternative housing.

A response to Findings 2, 6 and 7 are requested from the Orange County Health Care Agency.

Responses to all Findings in this report are required from the Orange County Sheriff-Coroner and are requested from the Orange County Probation Department.

RECOMMENDATIONS

In accordance with California Penal Code §933 and §933.05, each recommendation requires a response from the government entity to which it is addressed. These responses are submitted to the Presiding Judge of the Superior Court. Based upon the findings, the 2000–2001 Orange County Grand Jury recommends that:

1. The Central Men's Jail should not be used to detain juveniles. A permanent suitable location should be identified that can provide appropriate housing for all juveniles remanded to the Sheriff-Coroner's custody. (Findings 1–3, 5-8, 11, 12)
2. Specially trained personnel should manage supervision of all juveniles in the custody of the Sheriff-Coroner. (Finding 5)
3. Adherence to §208 WIC sight and sound requirements for juveniles remanded to the Sheriff-Coroner's custody should be strictly maintained. (Finding 8)
4. The state-mandated education requirement of 240 minutes per day should be closely monitored for compliance in facilities where juveniles remanded to the Sheriff-Coroner's custody are detained. (Findings 9, 10)
5. The Orange County Health Care Agency, Regulatory Health Services Division, Environmental Health Services, should conduct at least annual health inspections of any facilities used to detain juveniles remanded to the Sheriff-Coroner's custody. (Findings 2, 6)

Responses to Recommendations 1–4 are requested from the Orange County Probation Department.

A Response to Recommendation 5 is requested from the Orange County Health Care Agency.

Responses to all Recommendations are required from the Orange County Sheriff-Coroner and the Orange County Board of Supervisors.

COMMENDATIONS

The 2000–2001 Orange County Grand Jury commends both the Orange County Probation Department and the Sheriff-Coroner Department for their concerted efforts to remove the juveniles from the Central Men's Jail facility. The Grand Jury commends the Sheriff-Coroner for the cooperation of his personnel who provided much of the information used in this report. The Grand Jury thanks and commends all entities of the County that have worked toward the placement of remanded juveniles in a facility other than the Central Men's Jail.

REFERENCES

California Penal Code

California Education Code

California Welfare and Institutions Code

The 2000 Annual Report and previous Annual Reports of the Juvenile Justice Commission

Policies and Procedures Manual, Orange County Sheriff's Department, Central Men's Jail

Jail Inspection Reports, Orange County Health Care Agency, various years

Juveniles in Adult Jails, ABC.com Internet article, October 26, 2000