



# San Diego County Probation Department

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*Adolfo Gonzales, Chief Probation Officer*

October 20, 2017

Edward Weiner  
Juvenile Justice Commission Chair  
2901 Meadow Lark Drive  
San Diego, CA 92123

## **Response to the 2017 Juvenile Justice Commission (JJC) Facility Inspection Report for the East Mesa Juvenile Detention Facility (EMJDF)**

Dear Mr. Weiner,

We are in receipt of the Juvenile Justice Commission 2017 Facility Inspection Report for East Mesa Juvenile Detention Facility. Below, please find the San Diego County Probation Department responses to the JJC Recommendations as it pertains to East Mesa Juvenile Detention Facility.

### **For Probation Department:**

#### **RECOMMENDATION #1: "Reduction of Pepper Spray Canisters:**

The Juvenile Justice Commission (JJC) was informed that as of December 2016 the larger canisters (MK-9) of Oleoresin Capsicum (OC) or pepper spray were restricted to only Central Control and Intake, Booking and Release (IBR) staff but that the smaller canisters (MK-4) of OC spray were carried by all officers. The JJC was also informed that the small stream of the MK-4 OC spray often is ineffective unless it hits the eyes directly. Although the Division Chief at East Mesa would not be opposed to getting rid of pepper spray if the youth-to-staff ration were better, the JJC recommends the total elimination of the MK-4 canisters while retaining the MK-9 canisters for only Central Control and IBR staff and only for use outdoors. Note: This recommendation is different from the JJC's 2015 report's analysis that all officers carry the smaller (MK-4) canisters of OC spray. We now recognize that the best way to move toward a more rehabilitative approach and the possibility of the abolition of the use of pepper spray at East Mesa would be the elimination of the MK-4 canisters now carried by all officers. With reduced use of OC spray, there should be a noticeable reduction in the staff time utilized in 5-minute checks throughout the hours after a boy has been sprayed."

**RESPONSE #1:** Probation continues to evaluate the safest ways to operate our facilities. The use of OC spray remains a safe option to address certain incidents of violence; however, Probation is working hard to enhance the environment for youth and increase the engagement of youth to achieve continued reductions in violent incidents and the use of OC spray. Probation is also working to reduce the overall institutional population as well as the per unit

population to align with research indicating that lower unit populations are tied to improved engagement and can decrease the prevalence and severity of institutional violence.

**RECOMMENDATION #2:** “Install Cable Television Outlets in Day Rooms:

The Juvenile Justice Commission (JJC) was informed that there are large televisions which are able to be moved to the day rooms for movie nights but that because there are no cable outlets in the day room, events such as basketball playoffs, World Series baseball and playoffs and Super Bowl football games cannot be watched as a group event in the day rooms<sup>1</sup> (cable is available in other locations in the units such as the classrooms). The JJC recommends that cable television outlets be installed in all day rooms. Watching sports events (or news shows) as a group could be beneficial to rehabilitative goals.”

**RESPONSE #2:** The facility is equipped with cable television which is available on the wall mounted televisions in each dayroom. Popular sporting events are frequently watched by youth and staff in the dayroom.

**For Probation Department and Behavioral Health Services:**

**RECOMMENDATION #1:** “Food Service Enhancement:

The Juvenile Justice Commission (JJC) believes that food is an important ingredient in a boy's life, especially in a custodial setting. The JJC notes that there should be options to enhance food services without violating the National School Breakfast and Lunch Program. Camp Barrett is a good model of food services that are better than East Mesa. The JJC inspection team was provided with menus but did not see any posted anywhere in the facility. The JJC recommends that the dinner meal be the starting point for better food services at East Mesa by allowing youth in the culinary arts program<sup>2</sup> to both re-engineer and serve the frozen dinner meal in a cafeteria-style line starting on Saturday and Sunday. This could be tried at the outset in the Charlie, Golf, and Juliet units. The JJC recommends that the food service dietician work with the Sheriff's Department in serving better tasting dinner meals (which are not strictly regulated by national standards) that could be expanded from a try-out on Saturday and Sunday dinner to every day. Consideration should be given to contracting food services to an entity other than the Sheriff's Department. Note: The JJC's 2015 report recommended use of the state-of-the-art kitchen at East Mesa but no action was taken.”

**RESPONSE #1:** Probation continues to work closely with the Children's Initiative and other partners to enhance food and nutrition in the facilities. We have made several changes recently. We have added an afternoon snack at the time youth complete classes. We have also conducted a survey to solicit youth input on their meals.. We are working with our food services team to improve the variety and appeal of food provided to the youth. Probation is evaluating the possibility of preparing food at each facility versus the current cook/chill method of preparing meals offsite.

**RECOMMENDATION #2:** “Therapy Dogs/Dog Handlers:

The Juvenile Justice Commission (JJC) recommended in its 2015 report that East Mesa institute a “Puppies in Prison” program and the Probation Department responded that it would do so in partnership with a non-profit San Diego organization. No program has yet been

created. Recognizing the problems of space and clean-up requirements for a permanent home for dogs at East Mesa, the JJC believes that periodic visits by therapy dogs (perhaps on Saturdays and holidays) to each of the five occupied units would be beneficial (as opposed to housing dogs permanently at East Mesa). Perhaps volunteers from Tender Loving Canines or the Helen Woodward Shelter could bring their therapy dogs and dog handlers to East Mesa on a periodic basis. It is believed that the bonding with these dogs would serve a rehabilitative purpose.”

**RESPONSE #2:** Probation is developing a canine training program for the Girls Rehabilitation Facility (GRF). Probation and the San Diego County Office of Education will continue to work together to bring the youth the best educational environment possible for the youth. Should the canine training pilot program be successful at GRF, Probation will evaluate the possibility of expanding it to EMJDF.

Probation continues to look at our custodial programs and areas we can improve. We are actively working with our community partners, our county partners, law enforcement, and others to create such a system here in San Diego County.

**For Probation Department, Behavioral Health Services and San Diego County Office of Education:**

**RECOMMENDATION #1:** “Establish a Trauma Response Unit (TRU) Program:

The Juvenile Justice Commission (JJC) knows that a Trauma Response Unit (TRU) program has been operating in the boys’ facility at Kearny Mesa Juvenile Detention Facility (Juvenile Hall) since spring 2016 and it has been successful in altering behavior. The JJC recommends that a TRU program be established at East Mesa where probably more traumatized youth are held for longer periods. If there are budgetary constraints, the TRU program is probably needed more at East Mesa than Kearny Mesa. If there are a finite number of slots countywide for the TRU program, providing half of the slots at East Mesa makes a lot of sense. Note: The JJC’s 2015 report recommended the establishment of a TRU program at East Mesa and the Probation Department replied that it will evaluate that possibility. The JJC believes that even though East Mesa is a long distance from downtown San Diego, its population needs the TRU program most. A TRU program at East Mesa might start in the Bravo unit.”

**RESPONSE #1:** The boys Trauma Responsive Unit (TRU) started at Kearny Mesa Juvenile Detention Facility (KMJDF) on 02/29/16. Probation has plans to expand the same model to a girls unit at KMJDF early next year. Probation will continue to explore additional Trauma Responsive Units at KMJDF and EMJDF. Probation is expanding trauma-informed training to all facility staff for next year.

**RECOMMENDATION #2:** “Career Counselors and Mentors:

The Juvenile Justice Commission (JJC) in its 2015 report on East Mesa recommended reinstating correctional counselors as a hiring category and also having on-site mentors (possibly paid by Second Chance or possibly volunteers). During the JJC’s recent inspection, neither option seemed to be in place. The JJC was told that most of the new officers are entry-level and our observations of many of them showed that they were more like “prison guards” than youth-directed counselors.

The JJC recommends that at least 20% of the entry-level officers for East Mesa be classified as “counselors” and, although they are to receive the same training as new officers, that they be

dressed in street clothes while on the job. The JJC also suggests that some of the older youth (18-21 years old) who are in Alpha unit and who have finished their high school classes be recruited to be “mentors” for the younger boys who are in the Charlie, Golf or Juliet units.”

**RESPONSE #2:** Probation will evaluate the possibility of adding Correctional Counselors to the EMJDF staff. It is expected that in the long term Probation’s overall change in culture will lead to all officers taking a more therapeutic and strength based approach to working with youth. The uniform worn by officers is in part governed by a memorandum of understanding between the Department and the associations which represent the officers. The Department will be mindful of the commission’s recommendations in future discussions with the associations. Youth in unit Alpha have not demonstrated the period of sustained change necessary to become mentors for other youth. However, the Department has allowed them to provide mediated presentations to groups of youth from other units.

**RECOMMENDATION #3:** “Call Youth by First Name and Eliminate Wall Facing When Others Walk By:

Following the lead of the Chief Probation Officer, the Juvenile Justice Commission (JJC) recommended the use of first names in last year’s reports for Kearny Mesa Juvenile Detention Facility (Juvenile Hall) and the Girls’ Rehabilitation Facility (GRF). The JJC now makes the same recommendation to refer to the youth at East Mesa by their first names if at all possible. A start has been made when the room postings at East Mesa list first and last names. Using first names makes the environment seem safer and less institutional.

Additionally, the JJC recommends that youth not be required to face the wall when others walk by them in the hall.”

**RESPONSE #3:** All staff at EMJDF are allowed and encouraged to call youth by their first names. EMJDF typically does not require youth to face the wall. EMJDF was designed to minimize movement of youth and visitors within the facility and all movement is coordinated from Central Control so that youth do not normally pass each other in the hallways.

As part of the 2017 Juvenile Justice Commission Report, the Commission made the following recommendations for the San Diego County Office of Education. Below are the recommendations and responses from the Probation Department and SDCOE.

**For San Diego County Office of Education:**

**RECOMMENDATION #1:** “The JJC recommends that Probation and SDCOE Coordinate Educational Programs:

The Juvenile Justice Commission (JJC) knows that the San Diego County Office of Education has a very difficult job coordinating education programs at East Mesa. These boys are not likely to succeed in completing the University of California’s A-G subjects and graduating from college. Instead, the JJC recommends the selection of experienced/motivating teachers (no unlicensed substitutes), adherence to year round education with no separate intercessions during summer, spring or winter breaks (according to the California Education Code), and emphasis on Career Technical Education (CTE) for-credit courses in culinary arts, horticulture/landscaping, plumbing, automotive/bicycle repair, music and art. Physical education teachers (rather than Probation Officers) should be in charge of the running club and should be

available to coach some sports. The Special Education staff (three teachers) should consider initiating Individual Education Plans (IEPs) for youth who do not already come to East Mesa with an IEP. These boys could be discussed at the regular Multi-Disciplinary Team (MDT) meetings in which 7-8 cases are discussed by senior staff.”

**RESPONSE #1:** Probation and SDCOE work very closely to develop and enhance programs that are current and relevant to the youth in EMJDF. Coordination of educational programs between SDCOE and Probation is on-going.

Many of our students already attend college via online instruction from our local community colleges. These types of experiences are encouraged not only by our Board of Education, but are related to us by the Department of Justice / Department of Education joint report regarding high school graduates who are in detention. We view providing college instruction as a moral imperative, as we believe that our students are college and career bound.

Please note that all of JCCS/Momentum Learning English and Math courses are A-G aligned. Our science courses follow the Next Generation Science Standards. While we do not offer any lab sciences, students are provided opportunities for experimentation in the physical sciences and biology.

All JCCS/Momentum Learning Teachers and substitute teachers who are assigned to East Mesa have applied to be at East Mesa and are fully certificated as required by our state.

A new academic calendar was adopted the SDCOE Board of Education that provides for year-around education without an intersession as SDCOE had in previous academic years. Please find attached our 2017-2018 academic calendar.

Two CTE teachers have been assigned to East Mesa and Kearny Mesa this year. During the first semester, East Mesa students will be learning about basic plumbing and construction. Next semester they will have opportunities to learn about the music industry. Additionally, our students have begun a Business Information pathway through City College. Culinary Arts is still a work in process.

The Running Club is an extra-curricular activity created by probation for our students. It is not part of the physical education program.

As to special education, we have a moral, ethical, and legal responsibility to find all students in our district who may be eligible for special education services due to some form of disability. Upon being identified as a student with disabilities (SWD) requiring special education, the school district is required to provide services to the student based upon his or her individual need. As this is a federal mandate, this covers all students including those who have been adjudicated and those awaiting adjudication.

IDEA Section 300.24(a) defines related services that provide for accommodations and modifications to a student's special education program. These services include but are not limited to speech therapy, audiology assistance, including translators for our deaf and hard of hearing students, physical and occupational therapy, social services, counseling, recreational therapy, and medical services.

Section 504 – Section 504 of the Rehabilitation Act of 1973 provides that it is unlawful to discriminate anyone based upon their disability. Section 504 is civil rights statute that requires the needs of a SWD is to be met as per the need of the non-disabled peers. For a student to

qualify for Section 504 protection, the student must have a disability that is defined as a mental or physical impairment that substantially limits one or more life activity. The impairment may include any disability, long-term illness, or disorder that substantially reduces or lessens a student's ability to access learning in the least restrictive educational placement. It should be noted that for a student to qualify for a 504 accommodation, the disability must limit one or more major life activities, which includes learning.

Students are monitored through the Multi-Disciplinary Team (MDT) process. Education is part of the MDT team, as are the transition specialists, and our school mental health professional.

**For Behavioral Health Services:**

**RECOMMENDATION #1:** "Behavioral Health Staff Should Be Available at East Mesa Juvenile Detention Facility on Saturdays."

**RESPONSE #1:** Behavioral Health Services is always evaluating and assessing the needs in the institutions and we will look into Saturday coverage at East Mesa.

Thank you for this opportunity to respond to the Juvenile Justice Commission 2017 Facility Inspection Report for the East Mesa Juvenile Detention Facility.

Very respectfully,



ADOLFO GONZALES  
CHIEF PROBATION OFFICER

C: Rueben Littlejohn, Assistant Chief Probation Officer  
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