



SAN JOAQUIN
—COUNTY—

Greatness grows here.

Office of the County Administrator

Sandy Regalo, County Administrator

Brandi Hopkins, Assistant County Administrator

Brenda Kiely, Assistant County Administrator

August 13, 2024

Board of Supervisors
County Administration Building
Stockton, CA

Dear Board Members:

Approve Responses to the 2023-2024 Grand Jury Reports

RECOMMENDATION

It is recommended the Board of Supervisors:

1. Approve the responses to the 2023-2024 Grand Jury Reports; and
2. Authorize and direct the Chairman to sign a letter with attached responses to the Presiding Judge of the Superior Court.

REASON FOR RECOMMENDATION

The 2023-2024 San Joaquin Grand Jury issued the following:

Second Looks:

- A. *Budget Challenges and Matters of Trust (Case #0118); and Micke Grove: Honoring the Past, Securing the Future (Case #0218)*
- B. *Cold Cases in San Joaquin County: On the Back Burner (Case #0318)*
(Separate responses to this report have been submitted by the District Attorney's Office and the Sheriff's Office)
- C. *Illegal Dumping: Talking Trash (Case #0519)*

Follow-Up Reports:

- A. *San Joaquin County Custodial Facilities: Failing to Comply with the Prison Rape Elimination Act of 2003 (Case #0222)*

California Penal Code (PC) Section 933 requires that specific responses to all findings and recommendations contained in the report be submitted to the Presiding Judge of the Superior Court on the Grand Jury's findings and recommendations within 90 days of issuance. PC Section 933.05 designates responses to findings must be: 1) Agrees with the finding; or 2) Disagrees, wholly or partially with the finding. Responses to

recommendations are limited to: 1) Has been implemented; 2) Has not yet been implemented, but will be within a certain timeframe; 3) Requires further analysis and timeframe for further determination within six months; or 4) Will not be implemented, and reasons therefor.

On July 3, 2024, the County Administrator's Office reached out to Grand Jury staff seeking clarification on several cases where it was unclear whether the County was required to respond. The County was asked to use discernment in analyzing the recommendations; requesting the County provide responses if included in the Discussion/Findings/Recommendation sections. The County has made a good faith effort in responding as requested.

A summary of the departmental responses/actions reflecting the Grand Jury's findings and recommendations are attached.

FISCAL IMPACT

Except staff time, there is no fiscal impact to approve and submit the responses.

ACTION TO BE TAKEN AFTER APPROVAL

The Clerk of the Board will submit the responses to the Presiding Judge of the Superior Court.

Very truly yours,



Sandy Regalo
County Administrator

Attachments: Letter to Presiding Judge w/ Attachments
Responses

c: Marcia Cunningham, Director of General Services
Ron Frietas, District Attorney
Steve Jackson, Chief Probation Officer
Pat Withrow, Sheriff
Edward Kiernan, County Counsel
Board Clerk for Agenda 08/13/24

BL08-01

SR:BH

Board of Supervisors
CAO - Approve Responses to 2023-2024 Grand
Jury Reports

August 13, 2024
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Reviewed by County Counsel's Office:



Edward Kiernan 8/9/2024

Before the Board of Supervisors

County of San Joaquin, State of California

B-24-417

Approve Responses to 2023-2024 Grand Jury Reports

THIS BOARD OF SUPERVISORS DOES HEREBY:

1. Approve the responses to the 2023-2024 Grand Jury Reports; and
2. Authorize and direct the Chairman to sign a letter with attached responses to the Presiding Judge of the Superior Court.

I HEREBY CERTIFY that the above order was passed and adopted on August 13, 2024 by the following vote of the Board of Supervisors, to wit:

MOTION: Canepa/Rickman/5-0

AYES: **Canepa, Patti, Ding, Rickman, Villapudua**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California



By: **Rachél DeBord**



SAN JOAQUIN
—COUNTY—
Greatness grows here.

Board of Supervisors

Miguel Villapudua, *Chairman, First District*

Paul Canepa, *Vice Chair, Second District*

Tom Patti, *Third District*

Steven J. Ding, *Fourth District*

Robert Rickman, *Fifth District*

Rachél DeBord, *Clerk of the Board of Supervisors*

Honorable Gus C. Barrera II, Presiding Judge
San Joaquin Superior Court
180 E. Weber Avenue, Suite 1306J
Stockton, CA 95202

Dear Judge Barrera II:

Responses to 2023-2024 Final Grand Jury Report

Pursuant to Section 933.05 of the California Penal Code, attached please find the Board of Supervisors' and departmental responses to the Grand Jury final Report for the following cases:

Second Look:

- A. *Budget Challenges and Matters of Trust (Case #0118); and Micke Grove: Honoring the Past, Securing the Future (Case #0218)*
- B. *Cold Cases in San Joaquin County: On the Back Burner (Case #0318)*
(Separate responses to this report have been submitted by the District Attorney's Office and the Sheriff's Office)
- C. *Illegal Dumping: Talking Trash (Case #0519)*

Follow-Up Reports:

- A. *San Joaquin County Custodial Facilities: Failing to Comply with the Prison Rape Elimination Act of 2003 (Case #0222)*

If you have any additional questions regarding these responses, please contact County Administrator, Sandy Regalo at (209) 468-3203.

Sincerely,

Miguel A. Villapudua, Chairman
Board of Supervisors
County of San Joaquin

Attachments:

- Responses to Grand Jury Reports (4)
- Board Letter
- Board Order

c: Sandy Regalo, County Administrator
Marcia Cunningham, Director of General Services
Ron Frietas, District Attorney
Steve Jackson, Chief Probation Officer
Pat Withrow, Sheriff
Edward Kiernan, County Counsel
Irving Jimenez, Judicial Secretary

Attachment A

Responses to the 2023-2024 Grand Jury Final Report

SECOND LOOK:

San Joaquin County Cases #0118 and #0218 – San Joaquin County Parks and Recreation: Budget Challenges and Matters of Trust; and Micke Grove Zoo: Honoring the Past, Securing the Future.

Grand Jury's Discussion:

The adopted 5-year MGZ Strategic Plan is behind schedule and continues to move slowly. County leadership has demonstrated no sense of urgency to complete the Plan. The Board of Supervisors and Parks Department have failed to provide adequate leadership, staffing, and funding to complete the 5-year MGZ Strategic Plan on the Board approved schedule.

The vacant Zoo Director position has led to the lack of leadership needed to ensure progress on completing the strategic plan elements.

The County has failed to develop a comprehensive 5-year budget for the completion of tasks to meet the timelines laid out in the adopted Strategic Plan.

The annual 5% withdrawal from the Micke Trust for support of MGZ and Park often exceeds the annual Trust income, thus reducing the principal of the Trust. The issue of the previous Board of Supervisors' withdrawals from the Trust above the specified trust income has never been rectified.

These monies have never been repaid to the Trust. The monies secured from a recent sale of Trust real estate should not be considered "repayment" of those past withdrawals.

Grand Jury's Conclusions:

The future of Micke Grove Zoo is at a critical crossroads. If the San Joaquin Board of Supervisors value the Zoo as an asset to the ongoing development of our community's well-being, they need to consider the following actions:

- *Commit the required budget dollars to expedite the completion of the MGZ Strategic Plan.*
- *Provide adequate staffing to operate the Zoo.*
- *Stop the Micke Grove withdrawals above the annual Trust income.*
- *Outsource the ongoing day-to-day management and operation of the Zoo.*

If the San Joaquin County Board of Supervisors cannot demonstrate their commitment to the revitalization of Micke Grove Zoo, then closure should be considered.

Response to Grand Jury's Discussion:

Micke Grove Zoo Five-Year Strategic Plan is Behind Schedule: In response to the Grand Jury's 2018-2019 Report entitled, Micke Grove Zoo: Honoring the Past, Securing the Future (Case #0218), the Parks & Recreation Division developed and presented the Micke Grove Zoo Five-Year Strategic Plan (Strategic Plan) to the Board of Supervisors on February 23, 2021. Zoo staff have made substantial progress on the implementation of the Strategic Plan. This progress was shared with the Grand Jury in November 2023 when members of the Grand Jury participated in a tour of the Zoo and received an update from the Parks Administrator.

A major goal of the Five-Year Strategic Plan is to attain accreditation from the Association of Zoos and Aquariums (AZA). The Micke Grove Zoo will be entering the AZA Pathway Toward Membership (Pathway) program which provides coaching from AZA-accredited zoos to assist with the formal accreditation application process. Staff anticipates that the application for the Pathway Program will be submitted on or before August 16, 2024. There are two important components in attaining accreditation with the AZA. The first consists of creating/updating and implementing a comprehensive set of policies and procedures for zoo operations. Zoo staff has completed approximately 60% of the policies and procedures and anticipates that this initial effort will be finalized by December 1, 2024. The second component calls for the development of a comprehensive maintenance schedule for the Zoo. To that end, the Parks and Recreation Division is developing a comprehensive maintenance schedule specific to the Zoo. It is anticipated that this schedule will be completed and fully implemented on or before November 1, 2024.

Lastly, the Parks and Recreation Division plans to update the Five-Year Strategic Plan prior to 2026 and will consider developing a long-term master plan for up to 20 years. This endeavor would likely take a year or more to develop.

Vacant Zoo Director Position: The Parks and Recreation Division's leadership includes the Director and Assistant Director of General Services, a Parks Administrator, and a Zoo & Interpretive Services Manager (Zoo Manager). While the Zoo Manager position was recently filled on June 3, 2024, the other leadership positions have remained filled and available to support the Zoo. The new Zoo Manager brings many decades of experience working as supervisor and manager in zoos across the country.

Comprehensive 5-year Budget and Reliance on Trust Funds: The budget for Micke Grove Zoo is combined in the Parks and Recreation budget (#7070300000) approved by the Board of Supervisors each fiscal year. Table 1 below demonstrates the County's ongoing commitment to minimize reliance on Parks Trust Funds since 2016-2017.

TABLE 1 – USE OF PARKS TRUST FUNDS		
Fiscal Year	Budgeted Trust Fund Usage	Actual Trust Fund Usage
2016-2017	\$1,093,707	\$1,027,395
2017-2018	\$ 858,100	\$ 772,604
2018-2019	\$ 662,500	\$ 523,659
2019-2020	\$ 341,000	\$ 339,556
2020-2021	\$ 356,000	\$ 62,864
2021-2022	\$ 309,000	\$ 212,245
2022-2023	\$ 276,000	\$ 215,000
2023-2024	\$ 276,000	\$ 114,000

Response to Grand Jury's Conclusions

Commit the required budget dollars to expedite the completion of the MGZ Strategic Plan.

The County is committed to providing ongoing resources necessary, including General Fund contributions to complete the projects outlined in the Strategic Plan, sustaining, and improving the Zoo for future generations. The General Services Department (GSD) will continue to work with the County Administrator's Office to identify funding sources and maintain a fiscally sustainable budget. The Board of Supervisors is committed to the zoo remaining open.

Provide adequate staffing to operate the Zoo.

The Zoo currently has 10 full-time allocated positions. Where appropriate, this staff is augmented by staff from other GSD Divisions. For example, the Facilities Management Division provides resources for maintenance/repair of the facility, and the Capital Projects Division provides resources for capital improvement projects. Staffing resources are analyzed each year as part of the annual budget process and additional positions are requested when needed.

Stop the Micke Grove withdrawals above the annual Trust income.

The County's Micke Grove Trust Fund (#16705) receives funds each year for the operation and maintenance of Micke Grove Park from the William G. Micke Trust Under Will administered by Wells Fargo as trustees. Table 2 shows the annual income in the William G. Micke Trust Under Will as compared to the mandatory 5% annual contribution to the County's trust fund.

In January 2021, the Parks and Recreation Division was notified by the trustee at Wells Fargo that the trust had been overpaying distributions and began a systematic reduction in funds until the payments were in line with the 5% mandatory distributions under the terms of the trust. Therefore, the 2020-2021 distribution was reduced to \$280,000. Additionally, the 2021-2022 distribution was reduced to \$230,000 with the 5% distribution resuming in 2022-2023. The adopted Parks and Recreation budget continues to only utilize trust funds specifically designated for maintenance and operations and is a balanced budget. Table 1, above, demonstrates the County's ongoing commitment to minimize the use of trust funds.

TABLE 2 – WILLIAM G. MICKE TRUST UNDER WILL ANNUAL INCOME vs ANNUAL CONTRIBUTIONS TO THE PARKS & RECREATION BUDGET		
Fiscal Year	Increase/(Decrease) in Trust Fund Value	Contribution to County
2016-2017	\$525,601	\$307,000
2017-2018	(\$46,437)	\$315,000
2018-2019	\$1,027,931	\$300,000
2019-2020	(\$97,067)	\$315,000
2020-2021	\$1,983,665	\$280,000
2021-2022	(\$1,246,233)	\$230,000
2022-2023	\$793,652	\$344,547
2023-2024	\$1,028,919	\$305,973

Outsource the ongoing day-to-day management and operation of the Zoo.

The County disagrees with this approach and continues to advocate for a relationship with a non-profit advisory organization to provide fund-raising, promotion, and advocacy for the Zoo.

ATTACHMENT B
Responses to the 2023-2024 Grand Jury Final Report

SECOND LOOK:

San Joaquin County Case #0318 – Cold Cases in San Joaquin County: On the Back Burner

Finding F.1.0:

Overall, county law enforcement agencies have failed to implement the 2018-2019 Civil Grand Jury recommendations. All agencies seemed set on continuing as they were, and are protective of their processes, their cases, and their procedures. The failure to implement the 2018-2019 recommendations came down to three factors:

- *Lack of leadership*
- *Lack of desire*
- *Pandemic disruptions*

During the period just after the 2018-2019 Civil Grand Jury there was a disruption of leadership in the Stockton Police Department and a new District Attorney was elected.

...

A new District Attorney was elected and has been reorganizing his Office but has not prioritized the cold case unit.

The Pandemic delayed the implementation of recommendations; however, improvements could have been made such as purchasing equipment, setting up databases, and Zoom trainings related to cold cases. The Sheriff's Office did management to implement many of the recommendations in spite of the Pandemic.

With over 500 cold cases, it's time to get back on track and recommit to implementing those recommendations.

Response to Finding F1.0:

Partially disagree.

The Sheriff's Office did implement the recommendations outlined in the 2018-2019 Civil Grand Jury Report Case #0318 – Cold Cases in San Joaquin County: On the Back Burner. The 2023-2024 Second Look recognizes the Sheriff's Office for their efforts.

The County does not know why the former District Attorney did not implement the 2018-2019 Grand Jury recommendations. However, the current District Attorney is prioritizing cold cases and has made a commitment to creating a Countywide task force (see Response to Recommendation R.1.1. below).

Recommendation R.1.0:

By October 1, 2024, all Law Enforcement Agencies review and implement the recommendations from the 2018-2019 Civil Grand Jury Report "Cold Cases in San Joaquin County: On the Back Burner" Case #0318.

Response to Recommendation R.1.0:

Partially agree, requires further analysis and timeframe for further determination within six months.

In discussions with the County Administrator's Office, the District Attorney's Office, and the Sheriff's Office, the County agrees with 2018-2019 recommendations. The parties are committed to creating a Cold Case Task Force, with the District Attorney's Office as the lead agency as outlined in 2018-2019 Recommendation No. 6 (R6). As the Cold Case Task Force is implemented, the parties will be better able to determine the timeline required to implement the Grand Jury's recommendations.

Recommendation R.1.1:

By October 1, 2024, the task force should be formed and implemented with the San Joaquin Sheriff's office as the lead agency.

Response to Recommendation R.1.1:

Disagree, this recommendation will not be implemented.

The County Administrator's Office, the District Attorney, and the Sheriff met to discuss the Grand Jury's recommendations and findings. The County agrees a Cold Case Task Force would be beneficial. After discussions, the County team determined that due to jurisdictional issues, the Cold Case Task Force is better suited to be led out of the District Attorney's Office.

(Separate Grand Jury 2023-2024 responses provided by the District Attorney and Sheriff's Offices.)



ATTACHMENT C

Responses to the 2023-2024 Grand Jury Final Report

SECOND LOOK:

San Joaquin County 2019-2020 Grand Jury Report, Case #0519 – Illegal Dumping: Talking Trash

Recommendation R1.1:

By November 1, 2024, the City/County Task Force should meet on a regular basis.

Response to Recommendation R1.1:

Disagree.

The County Illegal Dumping Task Force appropriately and effectively meets on an as needed basis.

On August 23, 2022, the Board of Supervisors specifically directed the County Illegal Dumping Task Force to implement the 3 E's Plan to Address Illegal Dumping in a data driven way. The County departments participating in the Task Force are accountable for tasks identified in that plan and for meeting plan goals in accordance with the timeline presented. Many of the tasks are dependent on data trends which take time to gather and analyze.

For background, in June 2020 the County formed an informal County and City task force to combat illegal dumping. That group met a number of times in 2020 and 2021, however, ultimately, efforts for a joint task force were not successful. Although the cooperation and communication continue, on October 26, 2021, the Board of Supervisors formally convened the Illegal Dumping Task Force and directed it to bring forward a County illegal dumping ordinance (B-21-654). On August 23, 2022, as stated above, the Board directed staff to implement the 3 E's plan and introduced the illegal dumping ordinance. On September 13, 2022, the Board adopted that ordinance; County Ordinance Title 5, Division 11, Chapter 1 – Illegal Dumping. On May 23, 2023, County Task Force members presented an update to the Board of Supervisors on the effectiveness of the illegal dumping ordinance and progress on the 3 E's Plan.

The Task Force is currently meeting as needed to continue to monitor ordinance effectiveness and accomplish the goals that were identified as commencing in 2024, including revamping the "Clean San Joaquin" website, exploring methods to incentivize residents to install video cameras to assist with illegal dumping investigations and enforcement, and examining ways to assist residents with cleanup costs if they file a crime report stating that they were victimized by illegal dumping.



Office of the County Administrator

Sandy Regalo, County Administrator

Brandi Hopkins, Assistant County Administrator

Brenda Kiely, Assistant County Administrator

ATTACHMENT D

Responses to the 2023-2024 Grand Jury Final Report

FOLLOW-UP REPORT:

San Joaquin County, Case #0222 – San Joaquin County Custodial Facilities: Failing to Comply with the Prison Rape Elimination Act of 2003

Recommendation R1.0:

By October 1, 2024, The County Board of Supervisors must contact the California Attorney General to ascertain whether California juvenile facilities are subject to the Federal PREA law.

Response to Recommendation R1.0:

Disagree, will not be implemented.

The County disagrees with the recommendation that it is necessary to contact the California Attorney General to ascertain whether California juvenile facilities are subject to the Federal PREA law. The San Joaquin County Probation Department agrees that PREA applies to our juvenile facilities. However, the Probation Department disagrees that the audit component is enforceable against a state's local government subdivisions because PREA contains no enforcement mechanism that applies to local governmental subdivisions outside of the control of a state's executive branch. While the Federal government has a mechanism of enforcement against states by way of grant reductions, this authority does not extend to local governmental subdivisions and specifically refrains from the imposition of substantial additional costs. (See 34 U.S.C. § 30306(e)(3)). The Probation Department does not receive any grant funding under PREA from the Federal government and the audit component will impose substantial additional costs upon the Probation Department. However, as stated in the 2022-2023 Probation Grand Jury response, the Probation Department is inspected pursuant to Penal Code § 6031.1, Welfare and Institutions Code § 209, and Welfare and Institutions Code § 885 by the judge of the juvenile court of a county and/or the State of California Board of State and Community Corrections, which complies with the spirit of PREA.



SAN JOAQUIN COUNTY
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Steve Jackson CHIEF PROBATION OFFICER

Honorable Michael D. Coughlan, Presiding Judge
San Joaquin County Superior Court
180 E. Weber Ave, Suite 1306J
Stockton, CA 95202

May, 30, 2023

The San Joaquin County Probation Department is committed to maintaining an environment free from sexual abuse and sexual harassment of youthful offenders within our facility. There is **zero** tolerance for anyone engaged in any form of sexual abuse or sexual harassment of youth. Sexual abuse and sexual harassment of youthful offenders is prohibited by U.S. Federal and California State laws.

The San Joaquin County Probation Department requires all Probation staff, contract staff, volunteers, and visitors to document and report any suspected or observed sexual abuse or sexual harassment to the facility's duty officer, supervisor, or the department PREA Coordinator. The department will refer all allegations of sexual abuse to local law enforcement to investigate. Any allegation of sexual harassment involving youth-on-youth will be investigated by the facility in which the incident occurred. Allegations of sexual harassment involving staff will be referred to the Department to conduct an Administrative Investigation.

The prevention of sexual assault in San Joaquin County Probation Department's facilities is a top priority. All Probation employees who may have contact with youth detained in its facilities are trained of their responsibilities under the department's PREA policy on how to prevent, detect, and respond to any knowledge, suspicion, or reported incidents of sexual abuse and/or sexual harassment.

Youthful offenders are also advised of their right to be free from sexual abuse and sexual harassment. Additionally, they are informed of how to report any knowledge or suspicion of sexual abuse and/or sexual harassment in Probation's juvenile facilities by reporting incidents to any staff member they trust, by filing a grievance, contacting the ombudsperson, or by filling out a mental health or medical referral. Additionally, youthful offenders may contact someone outside the facility by writing a letter or calling on the phone.

A parent/legal guardian or third party can call any of the Department's juvenile facilities and report their concerns to the Supervisor on duty at (209) 468-4200.

Local law enforcement is contacted to complete a full investigation into allegations of sexual abuse. The department will also conduct an Administrative Investigation into all PREA allegations made against any staff within the department's juvenile facilities.



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Steve Jackson CHIEF PROBATION OFFICER

San Joaquin County Probation offers victim support through Prevail (formerly the Women's Center). The contact telephone numbers for Prevail is (209) 465-4997.

In regard to the PREA Compliance Deficiencies cited in the 2022 -2023 San Joaquin County Grand Jury Report, Case #0222:

Finding 2.1

"Every three years PREA Audits by a Department of Justice certified auditor must be completed. The Probation Department for Juvenile Detention has never scheduled nor completed this mandated audit. This failure diminishes transparency, could put juvenile residents at risk, and could erode public trust, exposing the Probation Department and the Juvenile Detention Facility to potential lawsuits and financial liability.

Recommendation: By July 1, 2023, The Probation Department for Juvenile Detention schedule an independent audit by a Department of Justice certified auditor in accordance with 28 CFR 115.401(a) and post the audit report on the agency's website within 30 days of completion."

Response: Pursuant to Penal Code section 6031.1 and Welfare and Institutions Code sections 209 and 885 the State of California Board of State and Community Corrections (BSCC) is responsible for conducting biennial inspections of local adult and juvenile detention facilities.

The Facilities Standards and Operations Division collaborates with local law enforcement agencies to maintain and enhance the safety and security of juvenile detention facilities. Key responsibilities include:

- Establishing minimum standards for local adult and juvenile detention facilities pursuant to California Code of Regulations, Titles 15 and 24
- Conducting inspections of local adult and juvenile detention facilities
- Monitoring for compliance pursuant to the federal Juvenile Justice and Delinquency Prevention Act (JJDP)
- Developing core training curricula for entry-level staff
- Providing technical assistance and training to local detention facilities
- Collecting data relative to operations and demographics from local detention facilities



SAN JOAQUIN COUNTY

PROBATION DEPARTMENT

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Steve Jackson CHIEF PROBATION OFFICER

For the Inspection Cycle 2020 -2022, there were no outstanding items of non-compliance with Title 15 regulations at the San Joaquin County Juvenile Hall or at Camp Peterson. Additionally, no corrective actions were required, this includes any PREA requirements.

To ensure compliance with Title 15 Regulations and to ensure procedures and practices are consistent with policies, the inspection process included, but was not limited to, substantial reviews of incident reports, grievances, admissions and classification documents, room confinement procedures, safety check documentation, case plans, and disciplinary reports and their findings.

The department has adopted many standards of PREA; however, this is a federally funded Government Code. The department is not required to adhere to the Code of Federal Regulations.

Further, according to the National PREA Resource Center there have been no PREA Audits done in the State of California for any Juvenile Detention Facilities in the past three years. This further confirms that this is not a requirement as indicated.

The department also contacted several BSCC inspectors after the 2020 – 2022 inspection to obtain any additional information regarding PREA guidelines and requirements. They advised that we currently comply with portions of PREA that have been adopted through Title 15 regulations. They confirmed that if it were a legal requirement, it would be included in our audit.

Finding 2.2

“The Probation Department for Juvenile Detention has failed to conduct an annual review, mandated by 28 CFR 115.401(b), or updates for required procedures since 2019, which is a violation of PREA standards and could result in reduction of funding or other financial liability.

Recommendation: By October 1, 2023, The Probation Department for Juvenile Detention conduct an internal review for PREA compliance and update the Juvenile Detention Procedure Manual within 90 days following the PREA audit mandated by 28 CFR 115.401(b).”

Response: Pursuant to Penal Code section 6031.1 and Welfare and Institutions Code sections 209 and 885 the State of California Board of State and Community Corrections (BSCC) is responsible for conducting biennial inspections of local adult and juvenile detention facilities.



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Steve Jackson CHIEF PROBATION OFFICER

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- Conducting inspections of local adult and juvenile detention facilities
- Monitoring for compliance pursuant to the federal Juvenile Justice and Delinquency Prevention Act (JJDP)
- Developing core training curricula for entry-level staff
- Providing technical assistance and training to local detention facilities
- Collecting data relative to operations and demographics from local detention facilities

For the Inspection Cycle 2020 -2022, there were no outstanding items of non-compliance with Title 15 regulations at the San Joaquin County Juvenile Hall or at Camp Peterson. Additionally, no corrective actions were required, this includes any PREA requirements.

To ensure compliance with Title 15 Regulations and to ensure procedures and practices are consistent with policies, the inspection process included, but was not limited to, substantial reviews of incident reports, grievances, admissions and classification documents, room confinement procedures, safety check documentation, case plans, and disciplinary reports and their findings.

The department has adopted many standards of PREA; however, this is a federally funded Government Code. The department is not required to adhere to the Code of Federal Regulations.

The department also contacted several BSCC inspectors after the 2020 – 2022 inspection to obtain any additional information regarding PREA guidelines and requirements. They advised that we currently comply with portions of PREA that have been adopted through Title 15 regulations. They confirmed that if it were a legal requirement, it would be included in our audit.

Finding 2.3

“The Probation Department for Juvenile Detention lacks published material explaining how separation between juveniles and older residents is to be maintained. Failure to maintain



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Steve Jackson CHIEF PROBATION OFFICER

separation and ensure steps are taken to protect juvenile residents from unsupervised older residents could result in undesirable interactions leading to potential lawsuits and financial liability.

Recommendation: By October 1, 2023, The Probation Department for Juvenile Detention develop, implement, and publish a written explanation and process describing how juvenile residents and older residents housed at Juvenile Detention Facility will maintain resident separation when required.”

Response: Pursuant to SB823, beginning July 1, 2021, a youth shall not be committed to the Department of Corrections and Rehabilitation, DJJ. Youth who would have previously been eligible for DJJ commitments must generally remain under the care and custody of the local probation department, except for a limited population of youth who meet specified criteria. Therefore, increasing protections to prevent youth transfers to the adult criminal system.

SB 823 requires any person whose case originated in juvenile court to remain, if detained, in a county juvenile facility until they turn 25 years of age, except as specified. However, probation departments may petition the juvenile court to transfer a person 19 years or older to an adult facility.

- Local Juv. Court Jurisdiction Extends to Age 23, or 25 (W.I.C. §607)
- Local Juv. Facility Confinement Age Increased to 25 (W.I.C. §208.5)

WIC 607

(a) The court may retain jurisdiction over a person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains 21 years of age, except as provided in subdivisions (b), (c), (d), and (e).

(b) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, until that person attains 23 years of age, subject to the provisions of subdivision (c).

(c) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 until that person attains 25 years of age if the person, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more.



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Steve Jackson CHIEF PROBATION OFFICER

(d) The court shall not discharge a person from its jurisdiction who has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice while the person remains under the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, including periods of extended control ordered pursuant to Section 1800.

(e) The court may retain jurisdiction over a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, who has been confined in a state hospital or other appropriate public or private mental health facility pursuant to Section 702.3 until that person attains 25 years of age, unless the court that committed the person finds, after notice and hearing, that the person's sanity has been restored.

(f) The court may retain jurisdiction over a person while that person is the subject of a warrant for arrest issued pursuant to Section 663.

(g) Notwithstanding subdivisions (b), (c), and (e), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Justice on or after July 1, 2012, but before July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5. This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2012, pursuant to subdivisions (b), (c), and (e).

(h)(1) Notwithstanding subdivision (g), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, on or after July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (c) of Section 290.008 of the Penal Code or subdivision (b) of Section 707 of this code, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(2) A person who, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more, shall be discharged upon the



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expiration of a two-year period of control, or when the person attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(3) This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2018, as described in subdivision (g).

(i) The amendments to this section made by Chapter 342 of the Statutes of 2012 apply retroactively.

(j) This section does not change the period of juvenile court jurisdiction for a person committed to the Division of Juvenile Justice prior to July 1, 2018.

(k) This section shall become operative July 1, 2021.

WIC 208.5

- (a) Notwithstanding any other law, any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age, except as provided in subdivisions (b) and (c) of this section and Section 731. A person whose case originated in juvenile court but who was sentenced in criminal court shall not serve their sentence in a juvenile facility, but if not otherwise excluded, may remain in the juvenile facility until transferred to serve their sentence in an adult facility. This section is not intended to authorize confinement in a juvenile facility where authority would not otherwise exist.
- (b) The probation department may petition the court to house a person who is 19 years of age or older in an adult facility, including a jail or other facility established for the purpose of confinement of adults.
- (c) Upon receipt of a petition to house a person who is 19 years of age or older in an adult facility, the court shall hold a hearing. There shall be a rebuttable presumption that the person will be retained in a juvenile facility. At the hearing, the court shall determine whether the person will be moved to an adult facility, and make written findings of its decision based on the totality of the following criteria:
 - (1) The impact of being held in an adult facility on the physical and mental health and well-being of the person.



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- (2) The benefits of continued programming at the juvenile facility and whether required education and other services called for in any juvenile court disposition or otherwise required by law or court order can be provided in the adult facility.
- (3) The capacity of the adult facility to separate younger and older people as needed and to provide them with safe and age-appropriate housing and program opportunities.
- (4) The capacity of the juvenile facility to provide needed separation of older from younger people given the youth currently housed in the facility.
- (5) Evidence demonstrating that the juvenile facility is unable to currently manage the person's needs without posing a significant danger to staff or other youth in the facility.
- (d) If a person who is 19 to 24 years of age, inclusive, is removed from a juvenile facility pursuant to this section, upon the motion of any party and a showing of changed circumstances, the court shall consider the criteria in subdivision (c) and determine whether the person should be housed at a juvenile facility.
- (e) A person who is 19 years of age or older and who has been committed to a county juvenile facility or a facility of a contracted entity shall remain in the facility and shall not be subject to a petition for transfer to an adult facility. This section is not intended to authorize or extend confinement in a juvenile facility where authority would not otherwise exist.

Title 15 Section 1352 (c) states that the facility shall classify youthful offenders for the purpose of determining housing placement in the facility. Such classification factors shall include, but not be limited to: age, maturity, sophistication, emotional stability, program needs, legal status, public safety considerations, medical/mental health considerations, gender and gender identity of the youth. Further, at no time are any youthful offenders left unsupervised. Title 15 Section 1321 (h)(1) states that youth supervision staff will provide continuous wide-awake supervision of youth.

Finding 2.4

“The Probation Department for Juvenile Detention has failed to provide a written policy or procedure to ensure a sexual assault or harassment victim’s report to the Women’s Center Sexual Assault Crisis Line will remain confidential.

Recommendation: By October 1, 2023, the Probation Department for Juvenile Detention develop and publish written policies and procedures for maintaining resident confidentiality



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and privacy between the Juvenile Detention Facility and the Women's Center Sexual Assault Crisis Line."

Response: A copy of the 2022/2023 Scope of Work for emotional support services related to sexual abuse & victim advocate services by Prevail, formerly known as the Women's Center, was provided via email in January 2023.

The contract states, "WCYFS will provide follow-up services to victim, if requested and approved by SJC Probation, including emotional support, advocacy, and resources through in-person services or confidential written response."

Pursuant to Detention Policy D-665att, a report can be made anonymously to the Prevail Crisis line at (209) 465-4997. This policy is accessible on the Probation Department's website.

Further, to support this recommendation, in addition to the existing PREA policy D-665, the Probation Department will add specific wording that all communication between detention facility residents and the Prevail Crisis Line will remain confidential and private.

Finding 2.5

"The Probation Department for Juvenile Detention's website and other public media fail to explain or reference how a third party can make a confidential report on behalf of a juvenile resident, which creates a lack of transparency and fails to provide required confidential accessibility options to file a report.

Recommendation 2.5: By October 1, 2023, the Probation Department for Juvenile Detention develop and publish on their website and other public media a clear explanation and process for how a third party can make a confidential report on behalf of a juvenile resident."

Response: To support this recommendation, in addition to the existing policy in regard to PREA D-665, the Probation Department will add specific wording that all third party reporting on behalf of a Youthful Offender can be made through Prevail, formerly the Women's Center. The contact telephone number for Prevail is (209) 465-4997. The numbers for the Department's identified PREA coordinator and Prevail are currently available at all times to youthful offenders via the Youth Handbook and posters in all common areas throughout the institution.



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Finding 2.6

“The Probation Department for Juvenile Detention staff members demonstrated a lack of understanding that all federally mandated PREA standards apply to San Joaquin County’s Juvenile Detention Facility. A lack of comprehensive understanding of all PREA standards that apply could result in a failure to adequately protect juvenile residents, contractors, and employees.”

***Please note that Recommendation 2.6 addressed the Finding 2.7; therefore there was no recommendation for 2.6**

Response: The department has adopted many standards of PREA; however, this is a federally funded Government Code. The department is not required to adhere to the Code of Federal Regulations.

Further, according to the National PREA Resource Center there have been no PREA Audits done in the State of California for any Juvenile Detention Facilities in the past three years. This further confirms that this is not a requirement as indicated.

Pursuant to Penal Code section 6031.1 and Welfare and Institutions Code sections 209 and 885 the State of California Board of State and Community Corrections (BSCC) is responsible for conducting biennial inspections of local adult and juvenile detention facilities.

The Facilities Standards and Operations Division collaborates with local law enforcement agencies to maintain and enhance the safety and security juvenile detention facilities. Key responsibilities include:

- Establishing minimum standards for local adult and juvenile detention facilities pursuant to California Code of Regulations, Titles 15 and 24
- Conducting inspections of local adult and juvenile detention facilities
- Monitoring for compliance pursuant to the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act)
- Developing core training curricula for entry-level staff
- Providing technical assistance and training to local detention facilities
- Collecting data relative to operations and demographics from local detention facilities

For the Inspection Cycle 2020 -2022, there were no outstanding items of non-compliance with Title 15 regulations at the San Joaquin County Juvenile Hall or at Camp Peterson. Additionally, no corrective actions were required, this includes any PREA requirements.



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To ensure compliance with Title 15 Regulations and to ensure procedures and practices are consistent with policies, the inspection process included, but was not limited to, substantial reviews of incident reports, grievances, admissions and classification documents, room confinement procedures, safety check documentation, case plans, and disciplinary reports and their findings.

The department has adopted many standards of PREA; however, this is a federally funded Government Code. The department is not required to adhere to the Code of Federal Regulations.

Further, according to the National PREA Resource Center there have been no PREA Audits done in the State of California for any Juvenile Detention Facilities in the past three years. This further confirms that this is not a requirement as indicated.

The department also contacted several BSCC inspectors after the 2020 – 2022 inspection to obtain any additional information regarding PREA guidelines and requirements. They advised that we currently comply with parts of PREA that have been adopted through Title 15 regulations. They confirmed that if it were a legal requirement, it would be included in our audit.

Finding 2.7

“The Probation Department for Juvenile Detention does not consistently provide training for educators, third party contractors, and volunteers with refresher training every two years, which is a violation of PREA Standards 28 CFR 115.331 and 28 CFR 115.332 and could compromise the safety of staff, volunteers, and juvenile residents.

Recommendation 2.7 By October 1, 2023, the Probation Department for Juvenile Detention develop and publish a policy to provide PREA training for all staff members, third party contractors, and volunteers and receive refresher training every two years.”

Response: To support this recommendation, in addition to the exiting PREA policy D-665, the Probation Department will add specific wording stating that all staff, third party contractors, and volunteers will receive a refresher training every two years.

Currently, all third party contractors, and volunteers who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.



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The training provided to volunteers review the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and are informed how to report such incidents. The agency maintains documentation confirming that volunteers and contractors understand the training they have received.

All Juvenile Detention Officers attend PREA training within a week of their initial employment start date. Any Probation Officer assigned to work in the detention facility are PREA trained upon assignment. Effective July 1, 2023, all Probation Officers, regardless of assignment location, will be PREA trained. PREA update training is scheduled for all staff annually.

Our PREA course is certified by the California Board of State and Community Corrections (BSCC) and training classes are offered monthly. We are in compliance with STC training audits and staff attendance per PREA standards. At the conclusion of the training the trainees should be able to:

- Diagram the history and purpose of the Prison Rape Elimination Act of 2003.
- Understand the department's PREA policy (D-665)
- State the department's Zero Tolerance for Sexual Misconduct and Harassment.
- Identify the dynamics of Sexual Misconduct in confinement and the imbalance of power and its effect on consent.
- Examine strategies for detecting and avoiding inappropriate conduct by staff and youth.
- Define mandatory reporters of sexual misconduct and the procedure to report.
- Identify the steps in initiating an investigation of sexual misconduct.



Steve C. Jackson
Chief Probation Officer

