

August 2, 2002

Gilberto Gutierrez,
Deputy County Counsel
County of San Joaquin
222 East Weber Avenue
Stockton, CA 95202-2777

Re: Mary Graham Children's Shelter

Dear Gil:

Thank you for meeting with us concerning issues at Mary Graham Children's Shelter. This is to summarize and follow-up on our discussion.

Although we continue to urge the County to develop and use more appropriate placements for foster children, we recognize that the County has improved conditions for children who live at the shelter over the past year. We also have no doubt that John Vera, Brian Woods, and Dale Fritchen are genuinely concerned about the welfare of children in their care.

We continue to be concerned about the number of children transferred from the shelter to Juvenile Hall. As you know, juvenile hall detention of foster children who have not been charged with a delinquent offense is a violation of state and federal law. Welfare and Institutions Code § 206, 42 U.S.C. §5633(a)(12)(A). Even when charges are filed, state and federal standards mandate release unless detention is necessary to protect the minor or the public, or to prevent the child from fleeing the jurisdiction. *See, e.g.*, Welfare & Institutions Code §628 & 628.1.

The data we received pursuant to our public records act requests indicate that charges are filed on less than half of the children detained and that most children are returned to the shelter or another foster care placement within a few days. Even in cases where charges are filed, it is not clear that these children would be detained if they lived in the community rather than at the shelter.

At our meeting we discussed ways that shelter staff can reduce their reliance on law enforcement intervention. The May 14, 2001 memo from Joe Farrelly & Dale Fritchen to all staff sets out an appropriate policy that emphasizes de-escalation and considered judgment before calling in law enforcement. We encourage you to make this approach a formal part of your policy and training. Your use of alternatives,

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such as the Stockton Children's Home, and the development of wrap around services are also promising.

We suggested that you consider increasing the involvement of mental health staff in providing crisis intervention and counseling, particularly in cases, such as those you described, where behavioral issues escalated over a period of time. Other counties have made good use of EPSDT in funding this kind of support. The issue of informed consent that you raised has not presented a barrier to providing these services in other child welfare placements or juvenile halls where mental health staff are actively involved with youth. We also encourage you to find a quiet place where a youth can take a time-out in the current shelter rather than waiting for the new facility to be built.

Better data analysis may also provide solutions. For example, we suggested that you look at length of stay at the shelter for youth who present problems that now result in law enforcement intervention. Long stays in a temporary placement could easily lead to uncertainty and frustration that are manifested in problem behavior. The solution is finding more appropriate placements and services rather than punishing the child. Tracking and addressing behavioral issues earlier may also be possible.

You also expressed concern that law enforcement officials may be frustrated at responding so often to youth who are AWOL. As we discussed, there is a difference between youth who run from the facility with no intent to return and those who make an unauthorized shopping trip or excursion into the community for an hour or so. We encourage you to evaluate your policies on community activities to ensure that they are age appropriate and not overly restrictive, and your runaway plan to ensure that it is appropriate for the age, size, emotional, behavioral, and developmental level of the child(ren). Reference 22 CCR 84079(c) & 84808.

You indicated an interest in consultants who can help you analyze and address the issues you are facing. We think that investing in this kind of consultation is a good use of county resources and could save money in the long run. I have sent you Paul DeMuro's CV. I have also contacted Marty Byer about her availability. Local professionals who work with youth successfully include Sparky Harlan at the Bill Wilson Center in Santa Clara and Ken Berrick with Seneca.

You may also be interested in the work of the Vera Institute of Justice, particularly Project Confirm, which targets the unnecessary detention of foster children. www.vera.org. Although their focus is slightly different from the issues you are facing, their research and strategies may be of help. Heidi Segal said that she would be glad to talk with you. You can contact her at (212) 376-3032 or hsegal@vera.org.

We also suggested that you include youth at the shelter in the discussion of solutions. The Resident Council is one forum in which youth can discuss and help to resolve these issues. Reference 22 CCR 84080. Involvement of other foster youth, such as members of the California Youth Connection may also prove fruitful.

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In closing we would like to stress that the long-term solution is decreasing or eliminating the use of temporary shelter care by developing more appropriate services and more stable placement placements for foster children. We are pleased to be working with you cooperatively on these issues. Let us know if we can provide any additional information or assistance.

Sincerely,

Alice Bussiere

cc. John Vera, Director Human Services Agency
Brian Woods, Director Mary Graham Children's Shelter
Dale Fritchen, Assistant Director, Mary Graham Children's Shelter
Doren Berg, Juvenile Public Defender
Nicholas Cadematori, Chief Probation Officer

