

# WORKING TOGETHER:

BUILDING LOCAL MONITORING  
CAPACITY FOR JUVENILE  
DETENTION CENTERS



THE CALIFORNIA JUVENILE HALL  
SELF-INSPECTION PROJECT

*SUE BURRELL*  
&  
*LOREN WARBOYS*

***WORKING TOGETHER:***

***BUILDING LOCAL MONITORING CAPACITY  
FOR JUVENILE DETENTION CENTERS***

***The California Juvenile Hall Self-Inspection Project***

***By***

***Sue Burrell and Loren Warboys  
YOUTH LAW CENTER***

***July 1997***

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*YOUTH IS MORE THAN A CHRONOLOGICAL  
FACT. IT IS A TIME AND CONDITION OF LIFE  
WHEN A PERSON MAY BE MOST SUSCEPTIBLE  
TO INFLUENCE AND TO PSYCHOLOGICAL  
DAMAGE.*

*Supreme Court Justice Lewis Powell in  
Eddings v. Oklahoma*

## **ABOUT THE AUTHORS**

*The Youth Law Center (YLC), a non-profit, public interest law organization, has been working to protect abused and at-risk children since 1978. With offices in San Francisco and Washington, D.C., the Center works nationally to serve children, focusing particularly upon the problems of children living apart from their families in child welfare and juvenile justice systems. The goal of the Center's work is to ensure that vulnerable children are provided with the conditions and services they need to grow into healthy, productive adults.*

*The YLC has brought litigation in eighteen states to challenge the conditions under which children are held in detention centers, training schools and jails, and staff have inspected hundreds of juvenile facilities. Widely recognized as a resource of expertise in children's law, staff attorneys have written many articles, monographs, book chapters and reports, as well as the leading legal treatise on children's law, Representing the Child Client, published by Matthew Bender. Sue Burrell is a Staff Attorney and Loren Warboys is Managing Director of the Center.*

## **ABOUT THE ANNIE E. CASEY FOUNDATION**

*Support for this project was provided by the Annie E. Casey Foundation, based in Baltimore, Maryland. The Foundation has a longstanding interest in improving services to disadvantaged children and assuring the accountability of systems serving children. In recent years, the Foundation has undertaken an ambitious national Juvenile Detention Alternative Initiative (JDAI) which seeks to reduce the unnecessary detention of delinquent children, and assure that children in the juvenile justice system receive appropriate services. As a condition of participation in the JDAI, the Foundation has required that juvenile facilities meet applicable legal and professional standards of care. We are grateful to Bart Lubow and his colleagues at the Annie E. Casey Foundation.*

## *ACKNOWLEDGEMENTS*

*Many people contributed to the success of this project. YLC attorneys James Bell, Sue Burrell, Mark Soler, Loren Warboys and Shannan Wilber developed the assessment form and presented trainings around the State. Paralegal Mamie Yee acted as coordinator for the trainings and created a computerized system allowing for revision of the assessment form on an ongoing basis. Development Director Virginia Van Zandt managed production of this monograph, and Secretary Robin Bishop provided computer design, layout and typing support.*

*We are grateful to Jeff Gillenkirk for editing the manuscript and to Dean Zingus for cover design.*

*In addition, probation administrators, juvenile hall staff, judges and juvenile justice commissioners around the State offered logistical support for the trainings and valuable substantive suggestions for improving the assessment form over the course of the project.*



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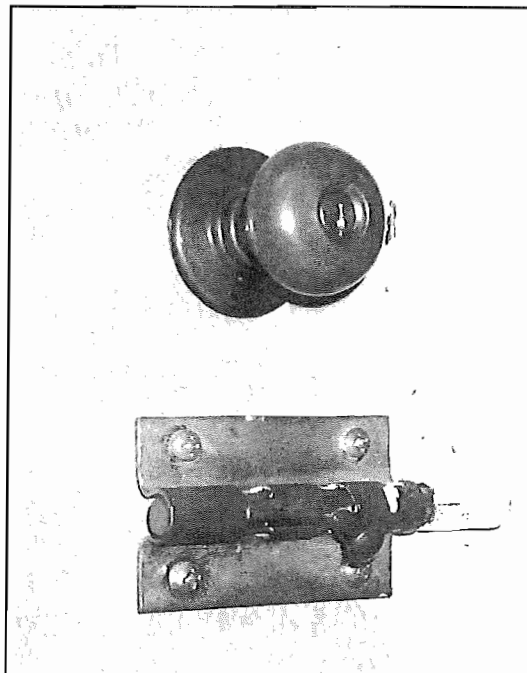


## INTRODUCTION

# THE CALIFORNIA JUVENILE HALL SELF-INSPECTION TRAINING PROJECT

As part of its 1992 budget negotiations, the State of California discontinued funding for state agency inspections of juvenile detention facilities,<sup>1</sup> and handed over responsibility for monitoring conditions to the facilities themselves. This created a unique and pressing historical need -- namely, in the absence of a state mandate and funding, how would the state's juvenile detention facilities be inspected? The Annie E. Casey Foundation and the Youth Law Center stepped forward to help answer this question, and together launched the California Juvenile Hall Self-Inspection Training Project.

This report tells how that project was developed and what it accomplished. While the circumstances that brought it into being are unlikely to recur, we believe much of what was learned from the three-year project is applicable to monitoring conditions in any juvenile detention system, regardless of the enforcement mechanism. We present this account of the project with the hope that it will prove useful to detention administrators and staff, juvenile justice system personnel, and advocates working to improve conditions for detained children in your jurisdiction and others around the country.





## CHAPTER 1

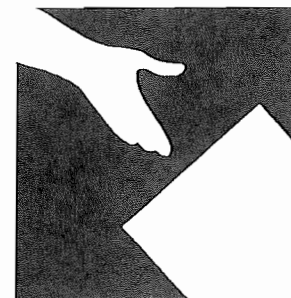
# FROM STATE CONTROL TO DO-IT YOURSELF

In 1992, during a last minute budget impasse, the California Legislature eliminated the statutory authority for annual inspections of juvenile detention centers by the state.<sup>2</sup> The agency responsible for the inspections for several decades, the California Youth Authority (CYA), was suddenly left without the legal mandate or funding to carry out inspections. At that time, nearly 125,000 children a year<sup>3</sup> were confined in California juvenile detention centers.

In place of the CYA inspections, the Legislature called for a system of "self-certification."<sup>4</sup> Those in charge of any facility in which juveniles were detained during the preceding year were called on by the Legislature to "certify annually to the Department of the Youth Authority that the facility is in conformity with the regulations adopted by the department . . . ."<sup>5</sup> The legislation offered no guidelines for actually carrying out self-certification inspections, or for correcting any deficiencies discovered in the course of inspection. Further, no sanctions were called for if self-certification failed to occur.

This sudden demise of CYA inspections left the juvenile advocacy community, juvenile court judges, probation departments, and administrators of many California juvenile facilities in a state of immense uncertainty.<sup>6</sup> Conscientious administrators and their professional organizations mobilized to decide how best to approach self-certification. Should inspections be conducted by paid consultants? By judges or juvenile justice commissions? Teams of insiders? Staff from facilities in neighboring counties? How candid would administrators be about problems discovered during self-certification inspections? What would be done with the written reports? The administrators had other practical questions as well, such as how to conduct inspections of older facilities that did not meet state physical plant regulations but, under the now-defunct CYA inspections, had been "grandfathered in" as acceptable?

The juvenile advocacy community had its own concerns. For many in its ranks, the CYA inspections themselves had failed to address significant deficiencies over the years, and problems in some facilities had been allowed to persist for much too long. Facilities in several counties had been successfully sued on constitutional grounds, even



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*The severe problems of the juvenile system have not successfully competed for public attention in most jurisdictions. Even more troubling, the ethos of punishment may have blunted the response of public officials to the continuing legacy of abuses within juvenile facilities.*

Barry Krisberg, *The Juvenile Court: Reclaiming the Vision*

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though they had passed their CYA inspections. Other facilities had been allowed to continue to operate despite serious deficiencies on the premise that a corrective action plan had been submitted to CYA. How would "self-certification" inspections apply to them?

Nevertheless, advocates found the prospect of losing the state's oversight of juvenile facilities extremely troubling. Despite the shortcomings of CYA monitoring, the system had provided regular inspections by an independent agency, based on an objective set of professional and legal standards.<sup>7</sup> At least once a year administrators and staff at facilities around California had to anticipate being monitored by CYA, and develop plans for resolving deficiencies in areas in which the facility did not meet requirements of state regulations. CYA staff who conducted inspections were concerned that the changes also meant the loss of important opportunities for technical assistance and problem-solving that customarily occurred in the process of their yearly inspections.

Moreover, the other entities with authority to monitor juvenile detention facilities were *not* ready to fill the gap. California law provides for annual inspections by the juvenile court judge in each county to determine whether the facility is "operated and maintained as a suitable place for the confinement of minors."<sup>8</sup> It also requires juvenile justice commissions in each county to conduct inspections of juvenile facilities at least once a year.<sup>9</sup> Despite this statutory authority, meaningful inspection efforts by either the juvenile courts or juvenile justice commissions had been sporadic, focused primarily on resolving crises in individual facilities. This was not surprising, as state law fails to spell out the inspection process in any detail, and only limited training or technical assistance has been available. Further, as long as CYA performed annual inspections, there was a perception that adequate oversight was being provided. Judges or juvenile justice commissions had little incentive to routinely probe into conditions in juvenile facilities on their own.

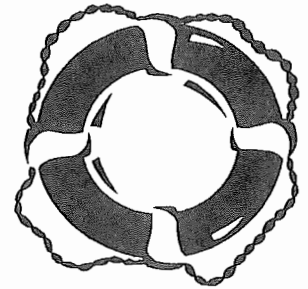
## CHAPTER 2

### A SYSTEM IN NEED

Shortly after elimination of state inspections in 1992, the California Juvenile Hall Self-Inspection Training Project was launched by staff at the Youth Law Center (YLC), and funded by the Annie E. Casey Foundation. YLC's interest in this project was fueled by one overriding concern: that without state oversight, conditions in California juvenile detention centers might rapidly deteriorate. Already, there were reasons for concern.

The statewide fiscal crisis of the early 1990's had exerted a devastating impact at the local level. Widespread reports of county budget slashing had led to equally disturbing reports of staff and program cuts and rampant overcrowding in local detention centers. After nearly two decades of juvenile justice work around the country, YLC staff was aware that even the most devoted, resourceful detention staff may be unable to overcome the effects of overcrowding, understaffing and underfunding of their facilities. Such facilities are often forced to cut back on educational services, visiting, and recreation. Staff have less ability to anticipate and diffuse crisis situations. Children in such facilities spend more time locked in their rooms, and staff more frequently resort to inappropriate disciplinary responses. Increased violence and suicidal behavior occur more frequently. Sanitation and physical plant repairs, too, are much more likely to suffer in facilities undergoing budget problems and overpopulation.

Without regular state inspections, California facilities would no longer be required to look in the mirror at least once a year and respond to a series of questions based on state standards. There would be no mechanism to measure whether things had grown better or worse over the previous year with respect to issues covered by the regulations. The CYA inspections had at least given administrators an external reference point for budget requests or needed changes in policy. Facilities experiencing deteriorating conditions could use inspection findings to justify demands for more staff, safer physical conditions, improved communication with courts on population issues, increased mental health services, better staff training, or other resources needed to enhance compliance with state standards.



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*Loss of state inspections could not have come at a worse time: fiscal constraints and increased population pressures were already causing conditions in many facilities to slip.*

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Loss of state inspections could not have come at a worse time: fiscal constraints and increased population pressures were already causing conditions in many facilities to slip. With CYA out of the process, there was no systemic way to obtain an objective view of worsening conditions in juvenile facilities, and no independent report from which facility administrators could leverage increased resources.

#### MAKING SELF-CERTIFICATION WORK

While YLC staff believed that a strengthened state-level inspection mechanism was the right response to these circumstances, we also recognized that it might be years before such an item would be given a place in the California budget. More immediate was the need to ensure the success of the state's new self-certification mandate. Success of the self-inspection structure would depend upon the expertise of those engaged in the inspection process -- juvenile justice officials and other individuals in the various counties being able to perform quality inspections using meaningful standards, and using those inspections as an impetus for needed change. A primary goal of the YLC project was to expand awareness of what constitutes legally acceptable, professional inspection practices and how to implement them. Equally important was the need to develop strong local constituencies among detention staff, juvenile courts, juvenile justice commission members, and other members of the community who would monitor conditions on an ongoing basis and advocate improved practices and increased resources where needed. We wanted to provide these constituencies with a comprehensive understanding of applicable law and standards, and teach them how to apply that knowledge in their inspections and other activities relating to facility conditions.

Accordingly, the California Juvenile Hall Self-Inspection Training Project was designed with three major components:

- 1. The Assessment Form.* We would develop a new, comprehensive inspection assessment form that included not only the previously existing state regulations, but such additional standards as necessary to comply with constitutional law, applicable statutory law, and accepted professional standards. The new assessment form would fill in the gaps in areas where facilities might face liability despite being in compliance with state regulations.

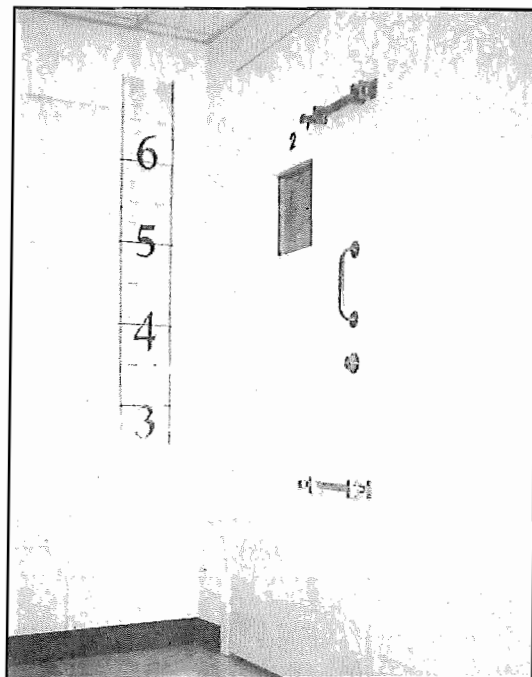
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2. **Training.** Full-day training sessions in self-certification inspections of juvenile facilities would be provided to administrators and staff of such facilities, to attorneys and advocates for children, and to judges or juvenile justice commission members with independent inspection authority. Our goal was to expand the local capacity for monitoring conditions at juvenile halls, including probation chiefs and others who would benefit from knowing what a quality inspection entailed.

3. **Quality Assurance and Follow-Up.** For counties that requested it, the project would provide quality assurance through ongoing technical assistance and follow-up assessment of the self-certification inspections. Where asked, YLC project staff would conduct its own inspection of facilities and compare our findings with those of the local self-inspection team. If discrepancies between the two inspections were significant, project staff could respond with further training or other appropriate information to improve the inspections.



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*The problem of crowding in California's juvenile halls is compounded by the age and deterioration of some of the older facilities. . . . One very serious issue is whether adequate levels of care can be provided in overcrowded facilities to prevent self-destructive behavior by depressed or disturbed youth.*

National Council on Crime and Delinquency, *Juvenile Justice Models for California*

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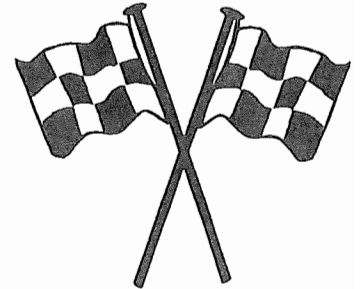
### CHAPTER 3

## GETTING STARTED: BUILDING LOCAL MONITORING CAPACITY

Throughout its duration, the project produced remarkably frank discussions and exchanges of information among professional groups, and an impressive amount of consensus on appropriate conditions and practices for California juvenile facilities. This came as a surprise to YLC staff and participants alike. YLC had achieved a national reputation largely for its litigation over violations of law or constitutional standards. That very fact created apprehension among potential recipients of the self-certification training. County probation administrators who had been sued by YLC were understandably reluctant to invite further scrutiny into their facilities. Counties that had not been sued were anxious that YLC would use the trainings to create a litigation agenda. And because YLC is staffed by lawyers who are not in detention centers on a daily basis, some administrators were apprehensive that training would impose unreasonable requirements on people struggling to run facilities in a difficult fiscal climate and with an increasingly complex juvenile population.

YLC staff had their own concerns. They worried that participation in the project could "co-opt" YLC, making it difficult to maintain an adversarial role when it was needed.<sup>10</sup> And while YLC staff felt it was crucial to step out of their litigators' role to ensure open discussion during the trainings, there was anxiety about what would happen if some horrible condition or practice should come to light. As advocates, staff felt their first duty was to protect the rights of children; at the same time, they did not want to betray the trust of people attending the trainings.

Fortunately, none of the worst fears of either group came to fruition. One reason, we believe, was the care with which the project's local monitoring capacity was built. From the outset YLC moved cautiously. Before setting up any formal trainings, project staff made presentations at several statewide gatherings of probation officers, detention administrators, juvenile court judges, and juvenile justice commissions. At each presentation, written information about the project was distributed and the goals of the project explained. Information about the project was also mailed to legal services offices, public defender offices and children's advocacy groups around the state. Contacts for the initial trainings were made in counties where



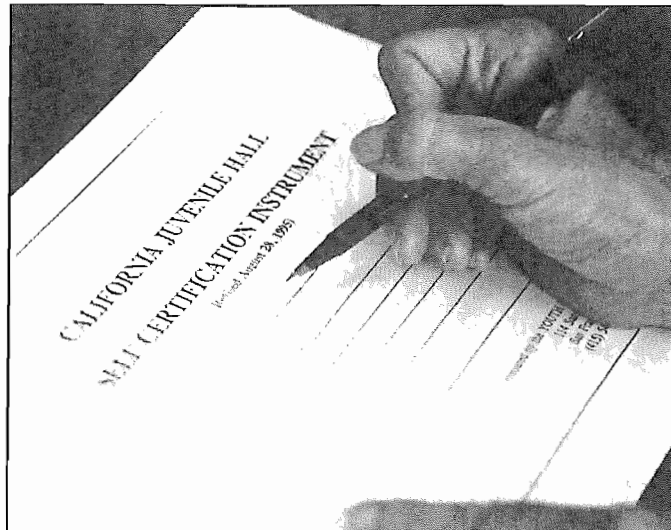
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*The project produced remarkably frank discussions and exchanges of information among professional groups, and an impressive amount of consensus on appropriate conditions and practices for California juvenile facilities.*

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staff had established good working relationships with probation officials or judges through previous work.

Once together, project staff encouraged discussion of as many of the potential concerns as possible, before and during the training sessions. We tried to be candid in telling participants that, while there could conceivably be conditions that could not be ignored in the course of the project, the purpose of the project was to build local capacity to do quality inspections. When participants discussed areas where they might be out of compliance with regulations or other legal standards, project staff strived to provide information that would guide the facility toward compliance or some acceptable alternative solution. It became clear to trainers and participants that trust was needed from both directions if the project was to succeed -- and a significant level of trust was reached. The project was also fortunate to have the active participation of past CYA inspectors, whose support helped to increase the credibility of the YLC trainers and further discussions about specific state regulations.



## CHAPTER 4

### DEVELOPING AN INSPECTION FORM

Before the first training took place, YLC staff developed a Self-Certification Assessment Instrument to be used in inspecting California juvenile detention facilities. [Excerpts from the instrument are included in the Appendix to this report.] The goal was to create an inspection form which would cover all of the state regulations that the CYA inspections used to cover, *plus* additional constitutional requirements contained in case law or standards of professional groups. The rationale for going beyond existing state regulations was to create an assessment form that embodied everything needed to ensure the safe, humane treatment of children, and to the extent possible, to protect facilities against liability. Several California facilities had faced litigation alleging constitutional or statutory violations, even though they had passed CYA inspections based on state regulations. Moreover, during the course of the project, national research confirmed project staff concerns that compliance with standards that focus primarily on the existence of procedures, rather than the content of procedures, may have little effect in assuring adequate conditions in juvenile facilities.<sup>11</sup> In a number of areas, the California regulations had this type of deficiency.

One of the ways the assessment form enhanced state regulations was by including state and federal laws not previously covered. The "Minimum Standards for Juvenile Halls," were adopted in 1979, and had last been revised in 1983. The YLC assessment form added standards setting forth the requirements of state and federal laws on strip searches, education and special education, status offenders, and the handling of HIV/AIDS issues. These were important additions, as the laws clearly apply to juvenile detention facilities. Noncompliance could lead to unnecessary harm to children -- and liability problems for the facility.

#### A HIGHER STANDARD

In addition, YLC scrutinized existing regulations to ensure that conditions and practices most likely to lead to constitutional litigation were addressed. We analyzed the "Minimum Standards for Juvenile Halls" through a filter of issues YLC has traditionally used to encompass the major concerns in juvenile institution litigation. Those issues are: Classification and separation issues; Health and mental



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*Many nationally recognized standards emphasize process or procedures rather than outcomes — that is, a standard says that facilities should have a written policy and procedure on a given topic but it does not say what outcome those policies or procedures should seek. While written policy and procedure might promote stronger management, two facilities might conform to the standard but have vastly different operational practices. Thus, measuring conformance to standards alone cannot tell us all we need to know about conditions of confinement.*

Abt Associates, Inc.,  
*Conditions of Confinement: Juvenile Detention and Correctional Facilities (Research Report)*, U.S. Department of Justice, OJJDP

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health care; Access to counsel, the courts, and family; Programming issues, including education and recreation; Training and supervision of institutional staff; Environmental, sanitation, overcrowding, and privacy; Restraints, isolation, punishment, and due process; and Safety issues for staff and confined children.

Significantly, a number of frequently litigated areas were not addressed -- and critical issues not resolved -- under the State's minimum standards. For example, state standards were silent on disciplinary due process and use of mechanical restraints, and extremely cursory with respect to mental health services. The YLC assessment form added standards in these areas consistent with constitutional law.

For convenience, the format of the new assessment form followed the CYA inspection form. In the initial stage of production, the "Minimum Standards for Juvenile Halls" were entered into a chart format. Then, using constitutional law, statutes and professional standards, staff went through each regulation, supplying clarification or amplification where it was needed. In the places where project staff added to or clarified standards, the additions were clearly marked with an asterisk. There was space to record whether there were written policies meeting the standard, whether the policies were actually implemented, and for further explanation of the findings.

The last few pages of the assessment form provided a place to record that the county had obtained all required fire safety, health and sanitation, building safety, and education inspection reports. There was also a place to record population counts in individual living units at the time of the inspection, and whether they exceeded recommended capacity. There was a form to record deficiencies and corrective action plans. Finally, there was a form for the chief probation officer to use in presenting the ultimate self-certification to the state.

## CHAPTER 5

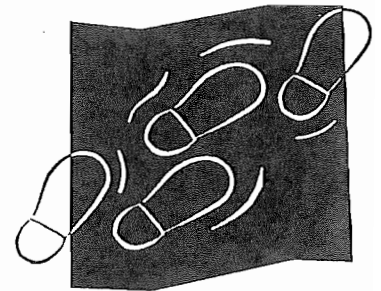
# TRAINING THE INSPECTORS

In the project's first year, four full-day trainings were held in each region of the state. Approximately 125 individuals from 30 counties attended these initial trainings. Response to the training was impressive, considering the shortage of staff at many smaller facilities, the distance many rural attendees had to travel, and the fact that participation was entirely voluntary.

On the other hand, a number of practical factors enhanced participation. The training was free of charge; arrangements were made for probation department attendees to receive credit toward their mandatory continuing education requirements; every effort was made to choose the most central location for the largest number of people at each regional training; and local liaisons were extremely helpful sending out invitations, arranging meeting space and selecting appropriate local restaurants or catering services for lunch.

The full-day trainings followed a Youth Law Center curriculum. (A sample agenda is included in the Appendix.) Each session began with introductions, a review of the legislative changes surrounding self-certification inspections, and a description of the training project and curriculum. The training sessions then provided an item-by-item analysis of the assessment form, covering existing state regulations and additional standards based on court decisions, statutes, and professional standards. At the end of each training day, project staff invited questions and comments about the training and the assessment form. Participants were also asked to submit anonymous written evaluations and suggestions. These comments and suggestions were then incorporated into future trainings and written materials.

Project staff agree that the optimum training sessions had 20 to 25 people, with a mix of line staff, administrators, judges, and juvenile justice commission members. The presence of people from a number of counties enhanced discussion, giving added perspective on practices in a range of facilities. Although project staff generally followed the core curriculum, they exercised flexibility in setting the level of discussion. For example, some trainings included people who were unfamiliar with existing state regulations or statutory authority for inspections. It was therefore important to make sure those trainings addressed some very basic principles. In other trainings, almost



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everyone was familiar with applicable legal principles and had worked in facilities for years, or included people who had actually conducted a self-certification inspection in their county. In those trainings, participants were able to reach much more sophisticated compliance issues, and discussions about specific items in the assessment form.

Each full training was six hours long. The following sections highlight major areas covered in the core curriculum:

*1. The Value of Using the Self-Certification  
Assessment Form*

Project staff emphasized the need to use the enhanced YLC instrument for self-inspections, rather than the state regulations alone. A number of rationales were offered:

First, since the YLC assessment form embodies all of the standards upon which facilities have been inspected over the years by CYA, using it would bring facilities into compliance with existing state regulations.

Second, using the assessment form would ensure, to the degree possible, that the facility is safe and humane. Project staff described some of the lawsuits filed against facilities that had passed their CYA inspection but still had problems either because they had been allowed to get by for many years on unfulfilled corrective action plans, or because there were gaps in the regulations themselves.

Third, by meeting all of the standards contained in the assessment form, facilities would be meeting standards about as high as anyone would seek to impose. Although nothing can guarantee that a facility will not be sued -- especially if there is a serious injury or death involved -- the standards contained in the form reflect the areas that experienced litigators would look at in deciding whether to file a lawsuit.

And finally, the assessment form could be used as an advocacy tool to argue for changed policies or increased resources in areas of noncompliance.

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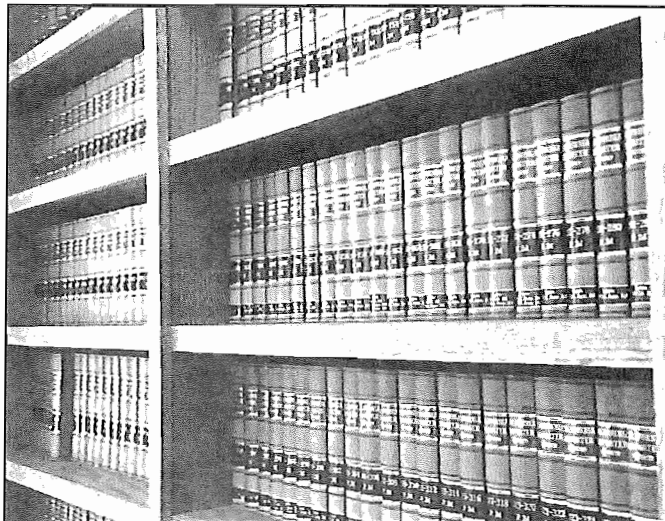


## 2. Sources of Law

An overview of sources of law was also provided so that participants would understand the basis for additions to the assessment form, and to give them a foundation for understanding applicable legal standards.

Trainers explained that the United States Constitution is the pinnacle of all legal authorities, in the sense that the legal principles it embodies must be obeyed by everyone in all the states. Because the Constitution itself is framed in terms of broad principles such as “due process,” the way we know whether it has been violated is through cases in which judges interpret constitutional meaning. Thus, a judge would decide in a particular case whether the imposition of isolation or the failure to provide a disciplinary hearing violates the due process protections of the Constitution. Trainers also explained that, while State constitutions parallel the United States Constitution for the most part, they too can provide an independent constitutional basis for law.

The core curriculum also covered state and federal statutes, and administrative law or regulations as an important source of law for assessing the legality of practices at juvenile facilities. Finally, trainers discussed the importance of professional standards as a source of law. Although such standards do not carry the binding force of law, they do provide guidance in assessing whether a particular practice is considered acceptable by professionals in the field and courts often use them in deciding whether legal rights have been violated.<sup>12</sup>



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*Participants in the juvenile justice system shall hold themselves accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner.*

California Welf. & Inst.  
Code Section 202(d)

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## SOURCES OF LAW USED IN THE CALIFORNIA SELF-INSPECTION TRAINING

### *United States and California Constitutions*

The highest source of law, the United States Constitution provides detained children the right to privacy, association, and free exercise of religion under the First Amendment to the Constitution; the rights to counsel and access to the courts under the Sixth Amendment; and the right to equal protection and the right not to be deprived of liberty without due process of law under the Fourteenth Amendment. The California Constitution, although parallel to the United States Constitution for the most part, also provides more protections in certain areas, such as protection of privacy interests.

### *California and federal statutes*

In California, relevant statutes include the Penal Code, Health and Safety Code, Welfare and Institutions Code, and other laws passed by the state legislature. Some statutes are general, providing guidelines for treatment and rehabilitation (Cal. Welf. & Inst. Code § 202); and others set specific rules, such as the maximum hours a facility may hold a status offender in secure custody. (Cal. Welf. & Inst. Code § 207). Relevant federal statutes include the Individuals with Disabilities Education Act (20 U.S. Code § 1400 *et seq.*), and the Juvenile Justice and Delinquency Prevention Act (42 U.S. Code § 5601 *et seq.*).

### *Administrative law*

The California Code of Regulations (15 California Code of Regulations § 4266 *et seq.*, often called Title 15) contains the "Minimum Standards for Juvenile Halls" originally promulgated in 1979, and which formed the basis for the CYA inspections. Although CYA inspection authority was removed from state law, the standards themselves remained on the books.

### *Professional standards*

The best-known standards are the American Correctional Association (ACA), Standards for Juvenile Detention Facilities (3d. Ed., 1991 & Supp. 1996). The ACA standards are minimal in certain areas of institutional practice, and in some areas the standards are not fully consistent with constitutional case law. Just as some California facilities have been sued despite meeting state regulations, some facilities have been successfully sued for civil rights violations even though they were ACA accredited. However, the ACA standards provide important guidance in many areas, and they are revised every few years.

Two other sets of standards were discussed as valuable to practitioners. Both sets came out in 1980, but the background and commentary they contain continue to be useful, and courts still use them to interpret the Constitution: the Institute of Judicial Administration and American Bar Association (American Bar Association Joint Project on Juvenile Justice Standards (IJA/ABA)), Juvenile Justice Standards (1980), and the National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC), on behalf of the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), Standards for the Administration of Juvenile Justice (1980).

Trainers also encouraged participants to become familiar with standards put out by professional associations in particular geographical areas, such as the Chief Probation Officers of California (CPOC), Model Institutional Standards: Guidelines (January 1989), and standards relating to certain areas of institutional operation, such as the National Commission on Correctional Health Care (NCCHC), Standards for Health Services in Juvenile Confinement Facilities (1995).



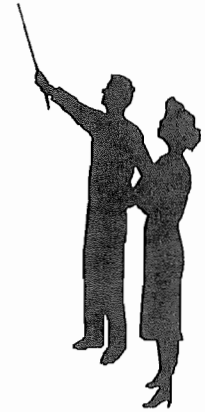
## CHAPTER 6

# HOW TO PERFORM A QUALITY INSPECTION

Training sessions also included a section on how to perform a comprehensive inspection of a juvenile facility. Trainers emphasized the need to involve people who are not in the facility on a daily basis in the inspection process, so that inspectors could see the facility with fresh eyes and without habits -- or personal relationships -- that may impede objectivity. The use of independent inspectors also enhances the usefulness of the inspection report as an advocacy tool to petition for additional resources, or as a defensive tool in the event of litigation.

Five basic inspection principles were presented in the training:

\* *Inspectors should obtain all written information available about the facility prior to the inspection visit.* This includes written policies and procedures, and administrative memos to staff; training records, and current staffing charts. It also includes records of various kinds of events such as incident reports (e.g., of fights and disturbances), any special records for use of locked room time or restraints, disciplinary records, documentation of due process hearings, records of fire drills, documentation of mental health crises or suicidal behavior, recreation schedules, grievances from children, and complaints against staff. Another rich source of information is the unit log of daily events in the living units. From these kinds of records, the inspectors can learn a great deal in advance of the inspection about the way various kinds of situations are supposed to be handled, the way they actually are handled, the amount of administrative oversight that exists and the degree to which policies are followed. Inspectors should also ask for copies of other inspections, audits, or reports relating to the facility, such as grand jury reports; juvenile justice commission inspections; accreditation reviews from the American Correctional Association, National Commission on Correctional Health Care or other professional group; fire marshall's inspections; health and sanitation inspections; or audits by educational agencies. These may provide further insight into specific strengths or problem areas that should be focused on during the inspection.



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*Trainers emphasized the need to involve people who are not in the facility on a daily basis in the inspection process, so that inspectors could see the facility with fresh eyes and without habits -- or personal relationships -- that may impede objectivity.*

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*My cell is like a dark hole  
that swallows me up once  
the door is shut in my  
face. Sometimes I'll  
watch an ant climb up my  
wall and I count every  
crack the ant crosses until  
the insect disappears into  
one of them and I'm all  
alone again.*

"Jeni," The Beat Within,  
*Yo/Youth Outlook*

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*Newcomers arrive at  
Central mostly at night,  
emerging from squad cars  
and police vans to be  
herded inside the Old  
Wing, with its smeary  
walls and cracked  
linoleum floors, their  
nostrils assaulted by the  
universal jailhouse scent,  
a rat warren smell of  
urine and sweat masked  
by some sickly sweet  
cleaning agent vaguely  
reminiscent of pink  
bubblegum.*

Humes, Edward, *No  
Matter How Loud I Shout*

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\* ***Inspectors should talk to management, staff and the children confined at the institution.*** Each of these groups can provide useful information for evaluating the facility. In talking to administrators at the facility, inspectors should determine how policy is communicated to staff, what level of supervision and involvement there is over day-to-day operations, and how problems or unusual incidents are investigated and resolved. Clarification of any written materials should be requested, when appropriate. Inspectors should talk to staff to find out what really happens in practice, and what problems they experience (staff often report a reality that is quite different from the way things look on paper). Talking with staff is also a good way to determine how they view their role. Are they just guards who lock children in their rooms, or are they child care workers who interact with children and structure their time in constructive ways? In facilities where staff view themselves as guards, this attitude may be a tip-off to other problems such as understaffing, overcrowding, inadequate programming, or poor staff training. Sometimes disturbing things go on without the knowledge of institutional administrators. Last, but certainly not least, inspectors should talk with detained youth. Their experiences and insights may provide a valuable perspective on the quality of life in the institution. Sometimes they may raise issues that demand further investigation. For example, if the written policy says children get one hour of big muscle exercise a day, and a child says he hasn't been outside in two weeks, the inspector would want to find out whether that was true, and why it was happening.

\* ***Inspectors should explore the physical plant of the facility.*** One of the best ways to do this is to go into the same entry point as children coming into the facility, and go through the entire intake process. Inspectors should see the institution through the eyes of a detained youth. They should sit in the holding cells, go into a sleeping room with the door locked, lie down on the beds, try to contact staff from the locked room, flush toilets, turn on faucets -- do whatever is needed to experience the physical workings of the institution. It is important to go back at night to see how things operate when the children are in bed. Every part of the institution should be surveyed, including the recreation areas, medical unit, school, kitchen and visiting areas. Inspectors need to look closely. They should open the game boxes to see if half the checkers are missing, and look at the bookshelves to see if the magazines are from 1953. Inspectors should read the bulletin boards to see what programming is scheduled, and whether rules are posted. They should go where the children go when they are in trouble. If lockup rooms are used, inspectors should ask to be locked in, to see what it is like to be in there even for a few minutes.

This will help to give inspectors a practical understanding of what the children experience in the facility.

\* ***Inspectors should measure performance, not process.*** This means that inspectors should look beyond the mere existence of written policies. It is important to determine whether policies are actually carried out. If a policy says children should have clean clothes every week, inspectors should find out if it really happens. If written policy says that children on room confinement status will be monitored every 15 minutes, inspectors should check to make sure this occurs, and that monitoring forms are not filled out ahead of time. Similarly, inspectors should find out what happens to scheduled recreational or educational programs when staff are sick or on vacation. Are substitute staff brought in, or do children simply stay locked in their rooms? Does this happen so often that it is tantamount to depriving the children of that program? Again, the way to know this is by reviewing the records and then by talking to staff and children.

\* ***Inspectors should ask themselves whether a particular practice is something that would ever be done to a child by his or her parents, and take a hard look at whether it is appropriate in the facility being inspected.*** Title 15, California Code of Regulations § 4277(b), requires that juvenile halls not be treated like penal institutions. This is consistent with the underlying goals of the juvenile justice system and the pre-trial status of most of the youth in the facilities.

#### ANALYZING AND FINE TUNING THE ASSESSMENT FORM

A majority of the remaining training session time was devoted to a page-by-page analysis of the assessment form. The major topic areas covered were: building and grounds, training and supervision of personnel, programs and activities, behavior control, and health and welfare issues. [See the assessment instrument table of contents included in the Appendix for details.] Project staff divided the assessment form into subject areas and, typically, three YLC staff attorneys presented at each training.

The form was continuously revised over the course of the project. At each training, participants pointed out unclear or inappropriate language and standards that needed further development; the wisdom of each group was incorporated into successive revisions. This process helped to refine the language of the assessment form, and

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*I think we need to spend more time outdoors. I think this would help us to keep our sanity when we are inside. . . . When I look up at the sky I feel free and being in fresh air is great, but when I am locked in my room all day, I start slipping away from all the peace and I get very frustrated about everything.*

Detained Youth, "Letters to the System," *The Beat Within*

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*They are our children. Unless you believe that, you have no business in the position you are in. Unless you believe we can make a difference, change jobs . . .*

Judge Roosevelt Dorn in Humes, Edward, *No Matter How Loud I Shout*

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*Too often, systems reduce everyone to the lowest common demoninator. We need systems that encourage and inspire excellence and innovation.*

National Center for  
Juvenile Justice, *Desktop  
Guide to Good Juvenile  
Justice Probation Practice*

---

made the provisions much more the product of consensus between practitioners and legal analysts.

One issue considered during training was whether the assessment form should specifically cite the source of any variances from the state regulations -- for example, the name of the case or professional standard from which the addition was drawn. Project staff debated this question and decided against it. Citing all sources would make the instrument unbearably long; it was already close to 40 pages in length.<sup>13</sup> Nonetheless, project staff were concerned that people using the assessment form should know the basis for particular additions. Thus, the sources for these additions were explained during training sessions, and project staff offered to supply further documentation and reasoning outside the training. In practice, there were few quarrels with the additions, as they were clearly mandated by case law or statutes, or already recognized by an overwhelming majority of practitioners as reflecting sound practice.

At the earliest training sessions, questions about sources for standards suggested distrust of particular items in the assessment form. Ironically, many of these questions challenged standards that had been on the books as state regulations for many years. Other questions, however, indicated anxiety over whether YLC might be seeking to impose "pie-in-the-sky" standards that were not required by law or accepted professional standards. Project staff was careful to explain the basis for added standards in these cases as well.

By the third year of the project, the tenor of questions had shifted in the opposite direction. A number of attendees wanted the assessment form strengthened on particular issues. For example, several people felt that the form should include smaller staff-to-child ratios, despite the more permissive state regulation. This was a heartening development because it meant that one of the primary goals of the project -- to increase the number of practitioners who recognize and demand good practice -- had been realized. Clearly, some recipients of training had grasped the potential of this comprehensive analysis of legal requirements both to leverage needed changes for their facilities, and to improve statewide detention practice.

## CHAPTER 7

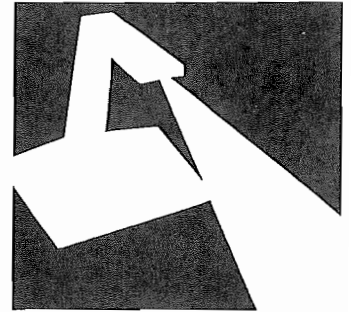
### FOLLOW-UP AND QUALITY ASSURANCE

To provide quality assurance to selected counties after self-certification inspections took place, project staff conducted their own inspections of facilities in three counties that had used the YLC assessment form. We covered each of the elements discussed during the one-day training sessions, including the physical plant, programmatic issues, education/special education, disciplinary issues, medical and mental health care. YLC staff reviewed all policies and procedures, incident reports, grievances, logs and other pertinent records. Operation of each facility was observed during the day and during the night shift. Project staff also interviewed administrators, staff and children.

Following each inspection project staff compared findings with the assessment forms completed by the local inspection team. Debriefing sessions were held with judges, probation administrators, juvenile justice officials, staff, and county administrators. In one county, representatives from county mental health and child welfare departments were also invited to discuss coordination of services to children involved in more than one system. In general, the results of the counties' inspections closely paralleled YLC's validation inspection. In areas where there were discrepancies between reports, the counties generally agreed that the project staff's assessment was the correct one. YLC staff found that counties were as much interested in hearing the project staff's opinions of conditions in their facilities as in having their inspections validated.

This phase of the project was also used to encourage counties to develop a local constituency that could monitor the facility on an on-going basis. In one facility, for example, a new member of the juvenile justice commission accompanied project staff to observe the inspection process so that she could replicate it the following year. In another county, a member of the juvenile justice commission and the local juvenile court judge observed a portion of the inspection for the same reasons.

Most gratifying, each of the three counties found the self-inspection process useful for a variety of reasons. All three made decisions to correct deficiencies uncovered through the self-certification and validation process. In one county, this came from a



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*This phase of the project was also used to encourage counties to develop a local constituency that could monitor the facility on an on-going basis.*

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directive from the juvenile court judge. In another county, inspection findings were used as the basis for budget requests for additional resources to correct specific deficiencies. In a third county, probation officers used inspection findings to demonstrate to county supervisors the need to expand services for children who should not be held in secure detention -- including status offenders, dependents, and children with serious emotional or mental disabilities.

In addition, a comfortable line of communication was established between project staff and officials outside the inspection process. Many of the counties that had attended trainings contacted project staff on their own for advice on specific issues. Among the topics covered in this manner were provision of special education services for detained children; whether children are entitled to a bed off the floor; legal issues in relation to pepper spray; legal requirements for staff-to-child ratios; compliance with fire safety standards; and information to include in intake admissions forms.

## CHAPTER 8

### ASSESSING PROJECT RESULTS

Over a three year period, the self-certification training reached people from 46 of California's 58 counties.<sup>14</sup> Eleven full-day trainings were held -- and at the request of probation officials, one of the trainings was tailored to the needs of staff from camps and ranches<sup>15</sup> around the state. Several additional trainings were provided specifically for juvenile justice commission members at their annual statewide conference, and in individual counties. One training was presented for staff from special purpose juvenile halls.<sup>16</sup> In 1995, the Chairperson of the Juvenile Court Judges of California made a presentation about the project at the annual juvenile court judges' meeting, to encourage further support from California juvenile courts.

During the project's second year, YLC surveyed the 42 California counties operating at least one juvenile hall to determine how the self-certification inspection process was working and the impact of the project. The survey revealed that only 2 of the 42 counties had failed to conduct a self-certification inspection in 1993. Of the 40 that performed self-certification, 9 used the YLC assessment form exclusively, 12 used the YLC form in conjunction with the CYA form, and 19 used the CYA assessment form. Of those who used the CYA form, 5 indicated an intent to use the YLC form in 1994.<sup>17</sup> The fact that a growing majority of counties were using the YLC assessment form provided solid evidence that practitioners in the detention community were willing to use the more comprehensive legal standards as the basis of their self-certification inspections.

The overall impact of the project was extremely beneficial. In addition to enhancing their self-inspection capabilities, project participants commented that the project provided a catalyst for improving conditions and practices in California juvenile facilities. Many of the counties reported making at least some improvements in specific institutions as a result of the training. One county told project staff that it was rewriting its policies and procedures manual to reflect standards of the YLC assessment form. Another county indicated that the training session had significantly heightened awareness of their activities in juvenile hall.



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Almost uniformly, counties embraced the trainings as an opportunity for increased awareness of legal and professional standards. The counties were consistently appreciative to project staff, and several requested additional training for people who missed the initial sessions. A number of counties also expressed gratitude for the opportunity to see YLC as a resource, and not just an adversary.



## CONCLUSION

The initial goals of the project were (1) to increase knowledge of applicable legal standards, and (2) develop local capacity to do quality self-inspections of juvenile facilities. The successes of the project far exceeded these goals. The project created an unprecedented opportunity for collaboration between children's advocates and those who work in juvenile facilities in California. Project staff were pleased with the high level of participation, the sophisticated level of discussion, and the clearly visible results of the self-inspection process. The fact that so many counties went from the self-inspections to correction of deficiencies was even more gratifying.

As a long-term policy choice, self-inspection by juvenile facilities leaves much to be desired. No matter how good the inspections are, the facility will always be faced with the suspicion that self-inspection findings are biased or motivated by other agendas. Without a meaningful enforcement mechanism, facilities with serious problems cannot be pressured to make needed changes unless they are threatened with lawsuits. This is especially detrimental at a time of deepening fiscal crises for most county governments. With even the best-intentioned administrators and staff faced with devastating budget and staffing cuts, an adverse impact on juvenile facilities is inevitable. In such times, it is especially critical to have an independent, objective measure of minimum standards -- and a mechanism by which to assure compliance.

This should in no way detract from the conscientious efforts of facility administrators and staff, juvenile justice commissioners, and juvenile judges over the three year span of this unique self-certification process. Many counties now have in place objective, well-informed inspection teams to provide honest inspection reports. Some have gone even further and embraced self-certification as an opportunity to elevate professional practice and make facilities safer and more humane for detained children. While there will always be a need for enforcement mechanisms to reach facilities who cannot or will not make needed changes, the most meaningful and lasting change comes from within. YLC and the project's staff are extremely gratified to have had an opportunity to contribute to this process.

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*.....[T]here are always new threats such as changing administrations and cuts in budgets that require advocates to remain vigilant in order to preserve what has been achieved.*

Dicker, Sheryl  
"Introduction," *Stepping Stones: Successful Advocacy for Children*

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### **A MODEL FOR OTHER STATES**

We are excited as well that this project may serve as a model for other states. If existing standards fail to address important areas of constitutional and statutory law or accepted professional standards in your jurisdiction, this project offers guidance for the revision of those standards and development of improved inspection assessment forms. In addition, if your jurisdiction lacks meaningful state agency inspections or enforcement mechanisms, you may find useful information in the capacity building aspects of this project. The training of detention professionals, court personnel, juvenile justice commissioners and advocates in the principles of facility oversight and inspection techniques was a critical part of this project. This kind of training could easily be adapted to build a similar capacity in your state.



## EPILOGUE

In 1995, the California Legislature moved the inspection authority for juvenile facilities to the California Board of Corrections (BOC),<sup>18</sup> and gave the BOC the authority to promulgate regulations governing standards for juvenile facilities. In late 1995, the BOC initiated a comprehensive revision of the Minimum Standards for Juvenile Halls.

Several project staff members from YLC were actively involved in the BOC revision process, and the self-certification instrument was made available as a source document for several of the subject area task forces in the revision process. In addition, because many of the subject task force members had participated in the self-certification trainings, they came to the revision process with a heightened awareness of gaps in the old standards that needed to be addressed. Not surprisingly, the new regulations incorporate a number of provisions appearing in the YLC instrument that were not covered by previous state standards. Thus, much of what was learned during the project with respect to state regulations needing further development or revision, has already found practical application in California's newly revised standards for juvenile facilities.

The new regulations were formally adopted in early 1997<sup>19</sup> and the BOC has begun conducting compliance inspections of juvenile halls on behalf of the State.



## ENDNOTES

1. Juvenile detention facilities hold children in a physically secure setting pending adjudication of their delinquency case; following disposition of their case pending transfer or placement; and in some jurisdictions, for a specified amount of time pursuant to the juvenile court dispositional order. California refers to such facilities as "juvenile halls," and the terms are used interchangeably in this report.
2. California Welf. & Inst. Code § 209, as amended by Stats. 1992, c. 695 (S.B. 97), § 26, effective Sept. 15, 1992.
3. California Juvenile Hall Population Summary Report No. 25: Calendar Year 1992 (State of California, Dept. of the Youth Authority, Research Division, August 1994) reported that 124,297 children were admitted to the 49 juvenile halls in California during 1992, with a statewide average daily population of 5,565 detained children.
4. This report uses the term "self-certification," to refer to the statutory process created by the 1992 legislation, under which juvenile facilities in California may certify to CYA their compliance with state regulations. This report also uses the term "self-inspection" to refer to the more generic process of voluntary monitoring by juvenile facilities.
5. California Welf. & Inst. Code § 209, subd. (d), as amended by Stats. 1992, c. 695 (S.B. 97), § 26, effective Sept. 15, 1992. The mandatory language, "shall certify," was changed to "may certify" in the 1993 legislative session, as part of a last minute effort to eliminate a series of unrelated state reporting requirements. California Welf. & Inst. Code § 209, subd. (d), as amended by Stats. 1993, c. 59 (S.B. 443), § 19, effective June 30, 1993.
6. Hayes, Ronald W., "Self Certification - Will It Work," Correctional News, pp. 17-18 (1994).
7. The "Minimum Standards for Juvenile Halls" were codified at Title 15, California Code of Regulations § 4266. et seq. California Welfare and Institutions Code § 210 provided that any violation of the standards shall render a juvenile hall unsuitable for confinement of minors for purposes of the statutory inspections by CYA or the juvenile court judge.
8. California Welf. & Inst. Code § 209, subd. (a).
9. California Welf. & Inst. Code § 229. Counties with a population of more than six million [Los Angeles], have a probation commission instead of a juvenile justice commission. California Welf. & Inst. Code § 240.
10. Prior to the commencement of this project, several counties contacted YLC to learn whether staff would be willing to contract to actually do the self-certification inspections. After discussion, staff decided that the better role for YLC would be to provide as much information as possible on legal standards and how to perform quality inspections through this project.

11. Abt Associates, Inc., Conditions of Confinement: Juvenile Detention and Corrections Facilities - Research Report, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (1994), p. 224.
12. See, for example, Rhodes v. Chapman (1981) 452 U.S. 337, 348, n.13.
13. During the course of the project, YLC staff did develop an annotated instrument for internal use and for use by trainers. That instrument is 220 pages long.
14. Of the twelve counties not represented at the trainings, only six operate a juvenile hall.
15. "Camps and ranches" in California are post-disposition county level facilities (California Welf. & Inst. Code §§ 880-881), where children may spend anywhere from a few weeks to more than a year. The "Minimum Standards for Juvenile Homes, Ranches, Camps, or Forestry Camps," were codified at Title 15, California Code of Regulations § 4316, et seq.
16. "Special purpose juvenile halls" are facilities for detention of children not to exceed 96 hours. California Welf. & Inst. Code § 207.1, subd. (h). Specific standards for special purpose juvenile halls were codified at Title 15, California Code of Regulations § 4315.1, et seq.
17. There was a great deal of variation in the actual conduct of the self-certification inspections. In a majority of counties (21), the inspection team included juvenile justice commissioners, the juvenile court judge, the chief probation officer, and the director or superintendent of the facility. Of the remaining counties, six performed their self-certification inspection through the juvenile justice commission; four hired an outside consultant; three used the juvenile court judge and the juvenile justice commission; one had the chief probation officer inspect on behalf of the juvenile court judge; and one used a team composed of a consultant, the juvenile justice commission, and the juvenile court judge.
18. California Welf. & Inst. Code § 209, as amended by Stats. 1995, c. 304 (A.B. 904), § 3, effective Aug. 3, 1995.
19. The new standards are codified at Title 15, § 1300 et seq., Title 24, § 460A.2, et seq. and Title 24 §§ 13-201.

## APPENDIX

Included in this Appendix are the following documents:

- Sample agenda for training sessions.
- Table of contents for the California Juvenile Hall Self-Certification Instrument, including (on page vi) an explanation of items not required by regulation, but added to assure compliance with other laws or legal principles.
- Excerpts from the California Juvenile Hall Self-Certification Instrument (Buildings and Grounds, Personnel, Admission and Release of Minors).
- Form for summary of county inspections (fire safety, health/sanitation, building safety, school programs, juvenile halls inspections by juvenile court and juvenile justice commission) from the California Juvenile Hall Self-Certification Instrument.
- Form for population counts from the California Juvenile Hall Self-Certification Instrument.
- Form for a corrective plan from the California Juvenile Hall Self-Certification Instrument.
- Certification form for annual inspections from the California Juvenile Hall Self-Certification Instrument.

Please note that the table of contents and excerpted portions of the assessment instrument are based on California regulations as they existed at the time of the project. Effective April 18, 1997, the "Minimum Standards for Juvenile Halls," (Title 15, California Code of Regulations) have been substantially revised and renumbered. Youth Law Center has developed an assessment instrument corresponding to the new regulations. Please feel free to contact us for a copy of the most current instrument, at (415) 543-3379.

**CALIFORNIA JUVENILE HALL SELF-CERTIFICATION TRAINING**  
**Napa -- MAY 31, 1995**

**COURSE OUTLINE**

- 9:00 - 10:00 a.m.      Introductions  
Description of Youth Law Center's Juvenile Hall Monitoring Project  
Understanding differing detention standards, constitutional requirements,  
and statutory provisions  
Values of different approaches to self-certification  
The inspection process  
Self-certification instrument  
Questions and answers
- 10:00 - 10:30 a.m.      Buildings and grounds (Article 2)
- 10:30 - 10:45 a.m.      Break
- 10:45 - 12:00 noon      Training and supervision of personnel (Article 4)  
Admissions (Article 5)  
Crowding/population issues  
Programs and activities (Article 6)  
    -- education  
    -- recreation and exercise  
    -- religion  
    -- work  
    -- visiting  
    -- correspondence  
    -- counseling and casework  
Questions and answers
- 12:00 - 1:00 p.m.      Lunch
- 1:00 - 2:00 p.m.      Behavior control (Article 7)  
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    -- discipline  
    -- grievances  
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    -- restraints  
Safety  
Questions and answers
- 2:00 - 2:10 p.m.      Break

(OVER)



2:15 - 3:00 p.m.

Health and welfare (Article 8)

- medical and dental care
- mental health care
- food and nutrition
- clothing, bedding and laundry
- personal hygiene
- access to legal services

Reports, statistics, and evaluation (Article 9)

Detention of status offenders

Special populations

Questions and answers

# CALIFORNIA JUVENILE HALL

## SELF CERTIFICATION INSTRUMENT

(Revised August 28, 1995)

JUVENILE HALL \_\_\_\_\_

INSPECTED BY \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE \_\_\_\_\_

Prepared by the YOUTH LAW CENTER  
114 Sansome Street, Suite 950  
San Francisco, CA 94104  
(415) 543-3379

CALIFORNIA JUVENILE HALL SELF CERTIFICATION INSTRUMENT

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* (b) Arrangement of visits at other times	20	* (a) Violent/nonviolent minors	22
* (c) Monitoring of visits	20	§ 4295. DISCIPLINE	22
* (d) Visitors	20	(a) Corporal punishment	22
* (e) No searches unless contact visit	20	(b) Discipline administered by staff	22
		(c) Minor's basic rights	22

§ 4295. DISCIPLINE (cont'd)		
*(d) Due process	23	*(d) Mechanical restraints
§ 4296. GRIEVANCE PROCEDURE	24	*(e) Chemical restraints
(a) Information on grievance procedure	24	*(f) Isolation
(b) An opportunity for hearing	25	*SAFETY
(c) Minor to be present	25	*(a) Minors are safe in the facility
(d) Assistance from a staff representative or volunteer	25	*(b) Investigation of incidents
(e) No reprisal	25	ARTICLE 8. HEALTH AND WELFARE
(f) Written statement on evidence and decision	25	§ 4300. MEDICAL AND DENTAL SERVICES
*(g) Opportunity to appeal	25	(a) Initial screening
*(h) Investigation, retraining or discipline for employees	25	(b) Health assessment
*(i) Documentation of grievances and results	25	(c) Daily inquiry/observation of health of minors
§ 4297. PRIOR KNOWLEDGE OF RULES	25	(d) Prompt medical attention
(a) Rules of conduct	25	(e) Written plan
(b) Posting	25	§ 4301. FOOD AND NUTRITION
(c) Deprivation description	25	(a) Minimum three meals per day
§ 4298. TEMPORARY LOCKUP	26	(b) Time between evening meal and breakfast of the following day
(a) Temporary lockup or segregated confinement	26	(c) Food served under supervision of staff
(b) Segregation for medical purposes	26	(d) Minimum 30 minutes to eat each meal
(c) 24-hour review	26	(e) Sanitation and food storage
		(f) Nutritious snacks
		(g) Written plan for modified diets

§ 4301. FOOD AND NUTRITION (cont'd)	
(h) Minimum diet/USDA standards	35
*(i) No insect or rodent infestation in food preparation area	35
*(j) Food preparation areas and equipment	35
*(k) Special dietary requirements	35
*(l) Evening snacks	35
*(m) Talking allowed	35
§ 4302. CLOTHING, BEDDING AND LAUNDRY SERVICES	35
(a) A clean and serviceable mattress and pillow	35
(b) One or two laundered blankets	35
(c) Clean and sanitary linen	35
(d) A plastic or rubberized mattress cover	36
(e) Clean underclothing and socks	36
(f) Exchange of outer clothing	36
(g) Clean and serviceable footwear	36
(h) Clean towels	36
*(i) Appropriate size	36
*(j) Seasonal clothing	36
§ 4303. PERSONAL HYGIENE	36
(a) Bath or shower daily and brushing teeth	36
(b) Personal hygiene supplies	36
*(c) Showers after exercise	36
§ 4304. ACCESS TO LEGAL SERVICE	36
*(a) Room or private area for attorney conferences	36
*(b) Access	36
ARTICLE 9. REPORTS, STATISTICS AND EVALUATION	
§ 4305. SECURITY	37
§ 4306. REPORTING OF POPULATION	37
§ 4307. REPORTING OF LEGAL ACTIONS	37
§ 4308. REPORT OF DEATH OF A MINOR WHILE DETAINED	37
§ 4312. MAXIMUM TIME LIMITS FOR DETENTION OF STATUS OFFENDERS	37
(a) Detaining accused status offenders and non-offenders	37
*(b) No secure detention for adjudicated status offender	37
§ 4313. SEPARATION	37
(a) No sight and sound contact	37
(b) Separate living quarters	37
(c) Separation in all admitting and program areas	38
§ 4314. ADMISSION AND HOLDING AREAS (Status Offenders)	38
(a) Reception area	38
§ 4315. OTHER PROVISIONS AND EXCEPTIONS (Status Offenders)	38

*SPECIAL POPULATIONS .....	38
*(a) No discrimination .....	38
*(b) Equal facilities and opportunities .....	39
*(c) Pregnant minors .....	39

\* For explanation of the items designated with an asterisk (\*), see below.

### Reference Information

All section (§) references in the Table of Contents and in the California Juvenile Hall Self Certification Instrument are to Title 15 of the California Code of Regulations (CCR). Items without an asterisk (\*) are summaries of current provisions of the CCR.

\* Items designated with an asterisk (\*) are not required by the California Code of Regulations but are considered so important that deficiencies in such items may result in dangerous conditions and practices, and consequent exposure to liability. In addition, several of these items are required by other sections of California law or federal law:

Search procedures	Penal Code § 4030
School program	Education Code § 48645.3, 5
Special education program	Education Code § 56000 et seq., 20 U.S.C. § 1400 et seq., and 34 CFR Part 300
HIV/AIDS	Health and Safety Code § 199.99 Penal Code §§ 7500 et seq.



STANDARDS	COMPLIANCE			SOURCE/EXPLANATION
	POL/PROC		PRACTICE	
	MET	NOT MET	MET NOT MET	
<p>ARTICLE 2. BUILDING AND GROUNDS § 4272. SPACE REQUIREMENTS</p> <p>(a) Reception area should have:</p> <ul style="list-style-type: none"> <li>(1) Adequate capacity</li> <li>(2) Sufficient seating for all minors</li> <li>(3) Water closets and wash basins (one per 8 minors)</li> <li>(4) Drinking fountain (one)</li> </ul> <p>(5) Telephone (available to make telephone calls as provided by law)</p> <p>(6) Private rooms for interviews</p> <p>(b) Provide space or room used for medical examination</p> <p>(c) Detention living unit (not more than 30 minors per living unit)</p> <p>(d) Fixtures in each detention living unit</p> <ul style="list-style-type: none"> <li>(1) One shower per six minors</li> <li>(2) One wash basin per six minors</li> <li>(3) One water closet per six minors, or one water closet and one urinal per fifteen boys</li> <li>(4) Drinking fountain</li> </ul> <p>* (5) Access to toilets within 5 minutes (if not in room)</p> <p>* (6) Dividers between toilets</p>				

STANDARDS	COMPLIANCE			SOURCE/EXPLANATION
	POL/PROC		PRACTICE	
	MET	NOT MET	MET NOT MET	
<p>§ 4272. SPACE REQUIREMENTS (CONT'D)</p> <p>(e) Locked sleeping rooms must have drinking fountain, wash basin, and toilet, or a communication system</p> <p>(f) Interview room (one per unit)</p> <p>(g) Hallways (minimum of 8 ft. or 6 ft. if rooms are located on only one side or if room doors are staggered)</p> <p>(h) Secure storage space for personal clothing and personal belongings (9 cu.ft. for each minor)</p> <p>* (1) Minors can keep personal items in rooms - e.g. makeup, clothing, pictures, writing materials</p> <p>(i) Sleeping room size (single-500 cu.ft./63 sq.ft. of floor space; double-800 cu.ft./100 sq.ft. of floor space; and dormitory-400 cu.ft./50 sq.ft. of floor space per minor)</p> <p>(j) Individual bed and mattress (fire retardant, 30"x76" in size, 36" apart, and 12" off the floor)</p> <p>(k) Lighting</p> <p>(1) 50-foot candles of illumination at desk level</p> <p>(2) Maximum two-foot candle at bed level for night lights</p> <p>* (3) Natural light available within 20 ft. if no window in room</p> <p>(l) View panel on sleeping room doors (maximum of 144 sq.in.)</p>				

STANDARDS	COMPLIANCE				SOURCE/EXPLANATION
	POL/PROC		PRACTICE		
	MET	NOT MET	MET	NOT MET	
<p>§ 4272. SPACE REQUIREMENTS (CONT'D)</p> <p>(m) Classrooms (minimum 160 sq.ft. for teacher's desk and work area, minimum 28 sq.ft. per student, should not exceed 15 students per classroom)</p> <p>(n) Dining space (15 sq.ft. per person)</p> <p>(o) Physical activity area</p> <p>(1) Indoor space (30 sq.ft. of clear space for each minor in activity room)</p> <p>(2) Outdoor space and/or gymnasium (minimum 90'x100' for facility of 40 or less; 90'x100' hardtop (or gym) and 260'x260' field for facility of 41 to 100; two 90'x100' hardtop (or gym) and 260'x260' field for facility of 101 or more)</p> <p>*(p) Temperature - No unhealthy extremes</p> <p>*(q) Adequate ventilation</p> <p>*(r) Toilets, sinks, and showers all function</p> <p>*(s) Rooms, bathrooms, and common areas are clean and free of debris</p> <p>*(t) No evidence of insects and rodents</p> <p>*(u) No dangerous fixtures/objects in room</p> <p>*(v) No dangerous/unsafe substances in facility (e.g., asbestos, toxins)</p>					

STANDARDS	COMPLIANCE			SOURCE/EXPLANATION
	POL/PROC		PRACTICE	
	MET	NOT MET	MET NOT MET	
§ 4273. MAXIMUM CAPACITY FOR EACH LIVING UNIT (refer to population summary)  *(a) Total population or population per unit does not exceed maximum  *(1) No youth sleeping in rooms (day rooms, isolation rooms, infirmary, etc.) other than sleeping rooms  *(b) Opportunities for privacy in rooms, toilets, etc.  *(c) Procedure for review of population for release, in case of overcrowding  § 4275. COUNTY INSPECTIONS AND EVALUATIONS OF BUILDINGS AND GROUNDS (refer to summary on inspections)  (a) Inspections by county (1) Fire safety (2) Health/sanitation (3) Building safety (4) School programs  *(b) Fire safety *(1) Two means of egress *(2) Identification and lighting of exits (including during emergencies) *(3) Smoke alarms				

STANDARDS	COMPLIANCE				SOURCE/EXPLANATION
	POL/PROC		PRACTICE		
	MET	NOT MET	MET	NOT MET	
§ 4275. COUNTY INSPECTIONS AND EVALUATIONS OF BUILDINGS AND GROUNDS (CONT'D) <ul style="list-style-type: none"> <li>* (i) Appropriate location known to staff</li> <li>* (ii) In working condition</li> <li>* (4) Fire extinguisher</li> <li>* (i) Appropriate location known to staff</li> <li>* (ii) In working condition</li> <li>* (iii) Training in use for staff</li> <li>* (iv) Regular servicing (documented)</li> <li>* (5) Availability of air packs</li> <li>* (i) Appropriate location known to staff</li> <li>* (ii) In working condition</li> <li>* (iii) Training in use for staff</li> <li>* (6) Evacuation plan</li> <li>* (i) Conspicuously posted</li> <li>* (ii) Regular fire drills (documented)</li> <li>* (7) Central door lock release</li> <li>* (8) If no central release, ability to unlock all doors in emergency</li> </ul>					

STANDARDS	COMPLIANCE			SOURCE/EXPLANATION
	POL/PROC		PRACTICE	
	MET	NOT MET	MET NOT MET	
<p>§ 4275. COUNTY INSPECTIONS AND EVALUATIONS OF BUILDINGS AND GROUNDS (CONT'D)</p> <p>* (9) Plan for hearing-impaired, mobility impaired and non-English speaking minors</p> <p>§ 4276. EXISTING JUVENILE HALLS (describe provisions which do not apply and reason thereof)</p> <p>§ 4277. ESTABLISHMENT AND CONTROL</p> <p>(a) Location approved by the juvenile court judge</p> <p>(b) Not in, treated as, or connected with any jail, prison, penal institution and conducted in all respects as nearly like a home as possible</p> <p>(c) Under the management and control of the probation officer</p> <p>§ 4278. PLAN OF OPERATION</p> <p>(a) Policy statement defining functions, procedures, responsibilities and relationships involved in operation of the juvenile hall</p> <p>(1) Instructions for handling deaths, attempted suicides, medical problems and medical emergencies, escapes, and emergency evacuations</p> <p>(2) Policies, procedures and regulations relating to intake and release, firearms control, release of information, counseling service, work programs, behavior control, visiting, religious activities, volunteers and donations</p>				

STANDARDS	COMPLIANCE				SOURCE/EXPLANATION
	POL/PROC		PRACTICE		
	MET	NOT MET	MET	NOT MET	
<p>§ 4278. PLAN OF OPERATION (CONT'D)</p> <p>(3) Responsibilities of, and relationship to the juvenile court, the Juvenile Justice Commission, probation staff, school personnel, and other agencies</p> <p>(b) Maintenance of a record-keeping and communication system</p>					
<p>ARTICLE 4. PERSONNEL</p> <p>§ 4279. PERSONNEL MANAGEMENT</p> <p>(a) Superintendent in charge of juvenile hall</p> <p>(b) Continuous wide-awake supervision of minors</p> <p>(1) During hours minors are awake (1-10 ratio) *only count unit staff</p> <p>(2) During hours minors are asleep (1-30 ratio) *only count unit staff</p> <p>(3) At least two wide-awake staff on duty at all times (in entire facility) unless backup support services are provided</p> <p>(i) Backup support staff must be immediately available, or additional staff are required on unit</p> <p>(c) Sufficient qualified food personnel</p> <p>(d) Sufficient support personnel (administrative, clerical, recreational, and building maintenance)</p>					

STANDARDS	COMPLIANCE				SOURCE/EXPLANATION
	POL/PROC		PRACTICE		
	MET	NOT MET	MET	NOT MET	
§ 4279. PERSONNEL MANAGEMENT (CONT'D)  *(e) Supervision of staff (how done) *(1) Procedures for changing policies and notifying staff *(2) Procedures to supervise or ensure proper implementation of new policies  *(f) Adequate number of social workers/mental health professionals available to provide required services (See §4300)  *(g) Adequate number of medical professionals available to provide required services (See § 4300)  *(h) All above staffing reflects actual staffing as opposed to scheduled staffing  *(i) No double shifts in absence of emergency  § 4280. STAFF TRAINING (a) Job orientation  (b) Training must include (8 hours prior to being assigned to supervision of minors and 32 hours before assuming sole responsibility for supervision of minors): (1) Group supervision techniques (2) Supervision techniques for special problem minors  *(i) Crisis intervention					



STANDARDS	COMPLIANCE			SOURCE/EXPLANATION
	POL/PROC		PRACTICE	
	MET	NOT MET	MET NOT MET	
§ 4280. STAFF TRAINING (CONT'D)  *(ii) Management of assaultive behavior  *(iii) Suicide prevention  (3) Regulations and policies relating to discipline and basic rights of minors pursuant to law  (4) Health, sanitation and safety measures including first aid  *(i) CPR (one certificate holder per shift)  *(ii) Universal safety measures for HIV, TB, hepatitis  (5) When, how, what kind, and under what conditions physical restraints are used  (6) Procedures to follow in the event of emergencies such as escapes, riots, bomb threats, homicides, suicide attempts, emotional crisis, and other incidents involving violence or potential violence  (7) Procedures to follow and practices of routines in the event of emergencies such as fires, earthquakes, floods and other natural disasters  (8) Routine security measures  (9) Counseling techniques				

STANDARDS	COMPLIANCE				SOURCE/EXPLANATION
	POL/PROC	PRACTICE	POL/PROC	PRACTICE	
<p>§ 4281. STAFF QUALIFICATIONS</p> <p>(a) Meet county requirements</p> <p>(b) Ability to be sensitive to needs of minors and relate to youth in a helping role</p> <p>(c) Physical examination, including screening for various contagious diseases</p> <p>*(d) Job descriptions (with minimum required educational level)</p> <p>ARTICLE 5. ADMISSION AND RELEASE OF MINORS</p> <p>§ 4282. INTAKE/ADMISSION POLICY AND PROCEDURES Written policies and procedures for admission, including at a minimum:</p> <p>(a) Criteria for determining whether to release or detain</p> <p>(b) Procedures and descriptions of alternatives to detention that least restrict a minor</p> <p>(c) Procedures that the probation department will follow to ensure that there will be an immediate investigation to determine whether a minor will be detained or released</p> <p>§ 4283. ADMITTANCE PROCEDURES</p> <p>(a) Waiting area and supervision (by child supervision staff according to ratio)(See § 4279)</p>	MET	MET	NOT MET	NOT MET	

## SUMMARY OF COUNTY INSPECTIONS

(Section 4275)

Please provide information on local inspections required annually by Section 4275:

Inspection	Agency	Name of Inspector	Date of Last Inspection	Date of Last Approval	Comments?
Fire Safety					
Health/Sanitation					
Building Safety					
School Programs					

Comments:

# TODAY'S HALL POPULATION COUNT (ALL UNITS)

Date: \_\_\_\_\_

BOYS	
Name of Unit	Today's Population Count
Total Boys	

GIRLS	
Name of Unit	Today's Population Count
Total Girls	

**CORRECTIVE PLAN (IF NEEDED)**

If the facility does not meet the required standards, describe the deficiencies, the corrective plan for those deficiencies, and the timetable for implementing the corrective plan:

Deficiencies	Corrective Plan	Timetable

CORRECTIVE PLAN (cont'd)

Deficiencies	Corrective Plan	Timetable

Other Comments/Information:

Signature

Title

Date

ANNUAL INSPECTION: JUVENILE HALL

Name of Institution \_\_\_\_\_

Address \_\_\_\_\_

County \_\_\_\_\_

Representatives of County Assisting with Inspection \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Judge of the Juvenile Court \_\_\_\_\_ Chief Probation Officer \_\_\_\_\_

Director of Institutions \_\_\_\_\_ Superintendent \_\_\_\_\_

Chairperson \_\_\_\_\_

Juvenile Justice Commission \_\_\_\_\_ Board of Supervisors \_\_\_\_\_

**CERTIFICATION:**

I HEREBY CERTIFY that the juvenile hall named above conforms with the Minimum Standards for Juvenile Halls (Sections 4266 through 4315, Title 15, California Code of Regulations).

I HEREBY CERTIFY that the juvenile hall named above does not conform with the Minimum Standards for Juvenile Halls (Sections 4266 through 4315, Title 15, California Code of Regulations):

- Corrective plan is adequate.
- Corrective plan is not adequate.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

