

Response to Grand Jury Report Form

Report Title: Final Report Annual Detention Report
Report Date: May 16, 2018
Responding Agency/Department: Ventura County Probation Agency
Response Prepared By: Melinda Cross Title: Division Manager

entura County
Grand Jury

FINDINGS

- I (we) agree with the findings numbered:
- I (we) disagree wholly or partially with the findings numbered: C-01, C-02, C-03, and C-04
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered ^ have been implemented.
(Attach a summary describing the implemented actions.)c
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R-02 and R-04 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 9/4/18 Signed: 

Tim Dowler
Chief Deputy Probation Officer
Juvenile Institution Services

Number of pages attached: 4

2017-2018 Grand Jury Responses

CONCLUSIONS

C-01. *The Grand Jury concluded that JF has been seriously underutilized since 2008 due to its design limitations. (FA-01, FA-02, FA-03, FA-04, FA-05, FA-06, FA-07)*

Response: Construction on the Ventura County Probation Agency Juvenile Facilities (JF) was completed in 2003. Youth began occupying the JF in January 2004. The facility was designed for a capacity of 420 youth – 240 beds in Detention (pre-adjudicated) Housing and 180 beds in Commitment (post-adjudicated) Housing. The facility's bed space was selected based on Ventura County population trends and local juvenile crime rates at the time of design. Probation Agency administrators worked with expert consultants on the facility's final design and under the assumption the building would serve the Ventura County community for 50 years. At its highest level, the JF's population reached 240 total youth.

Ventura County partnered with the Annie E. Casey Foundation on a national initiative – the Juvenile Detention Alternatives Initiative (JDAI) beginning in 2002. At the core of the initiative was the commitment of local jurisdictions to create community-based detention alternatives for lower-risk juvenile offenders. Ventura County joined a few jurisdictions in California to launch JDAI-supported programs in the community aimed at lowering facility admissions. This effort, coupled with a significant drop in the local juvenile crime rate, led to a lower JF population. The average annual facility population has steadily decreased over the past 10 years. Statewide, juvenile detention rates have dropped 60% since 2007. As a result, the Probation Agency launched a variety of on-site custodial programs and related services utilizing the extra space at the JF. These programs and services include, but are not limited to, the following: on-site radio station; a Boys and Girls "clubhouse" and fitness area; construction training space for youth; a kennel for an on-site canine program; classrooms for computer repair, landscape maintenance, and silk screening; community partner offices and instruction areas; and peace officer training space and fitness center.

Ventura County has explored a few ideas to utilize the vacant bed/building space at the JF. The JF was one of the locations identified as a potential site for the County's Crisis Stabilization Center (CSU). The CSU was later placed in north Oxnard. Additionally, the JF was considered as a temporary site for a winter warming shelter for homeless individuals as well as emergency housing for Vista Del Mar Hospital residents displaced by the devastating Thomas Fire in December 2017. Although closely considered, the JF was not used for these purposes.

California Senate Bill 1106, introduced this legislative season, would allow Ventura County to design and create a deferred entry of judgement program for young adult offenders, ages 18-21, utilizing the extra housing/bed space at the JF. It is unknown now if this bill will make it through the legislative process to the Governor's desk for final consideration and approval.

The Grand Jury report noted in F-06, that we are budgeted for 275 staff (125 sworn and 150 support). To clarify, these numbers include staff from on-site partners Ventura County Behavioral Health (VCBH), California Forensic Medical Group (CFMG), General Services Agency (GSA) and Ventura County Office of Education (VCOE). The budgeted staff for VCPA is 127 sworn staff and 30 non-sworn staff; VCBH have 8.3 staff; CFMG has 12.6 staff; GSA has 8 staff; and, VCOE has 9 staff.

C-02. *The Grand Jury concluded that the JF is lacking a formal PREA manual. However, the staff have undertaken numerous measures to become PREA compliant, including researching the issue with County Counsel and integrating PREA standards into their screening and intake policies. (FA-08, FA-09)*

Response: According to Department of Justice, “PREA does not require State and local facilities to comply with the Department’s standards, nor does it enact a mechanism for the Department to direct or enforce such compliance” (National Standards, p. 37110). The Department of Justice also concluded, “PREA provides the Department with no direct authority to mandate binding standards for their facilities. Instead, PREA depends upon State and local agencies to make voluntary decisions to adopt and implement them” (National Standards, p. 37196). As such, PREA is not a law with regard to local facilities, thereby making a manual for such unnecessary. However, in-custody sexual abuse is serious, and VCPA has implemented several policies and practices to prevent and address these matters. Background checks have been conducted on all VCPA employees. Prior to working at the JF all staff, including contractors providing direct services, are required to attend an orientation where they are taught about facility expectations, how to maintain appropriate boundaries with youth, and how to report any incidents of abuse. Within 60 days of hiring, all VCPA JF employees must complete the Preventing Sexual Misconduct in Custody Setting training.

Youth are taught about these policies upon booking. They are each individually shown a video about sexual victimization and given a copy of facility rules which incorporates how to report incidents of abuse. Rules are read aloud and translators are used when needed. Each youth is assigned a Corrections Services Officer who meets with the youth individually shortly after their arrival. They will go into further detail about the facility rules and how to report incidents of abuse. Posters reminding both staff and youth about appropriate boundaries are displayed throughout the facility.

While not obtained for this purpose, there are several cameras throughout the facility that are monitored periodically by supervisory staff. In addition, supervisory staff are required to make random unannounced visits to the units to directly observe staff and youth interaction.

The Grand Jury report noted in F-09, that VCPA follows the spirit of PREA by reducing staff supervision ratio from 1:10 to 1:08. To clarify, VCPA still maintains a 1:10 staffing ratio during waking hours, and a 1:30 staffing ratio during sleeping hours as required by Title 15.

C-03. *The Grand Jury concluded that VCPA no longer operates any facilities or has any active programs specific to victim reparation. (FA-12, FA-13)*

Response: As mentioned in FA-12, VCPA used to operate other facilities. The Juvenile Restitution Project closed in 2000, when the program moved to Camarillo and converted to the Work, Education, Restitution and Competency (WERC) program. In 2004, WERC closed when all juvenile programs were moved to the current site at the JF.

For more than a decade, VCPA has utilized evidence based practices. These are techniques which are proven to reduce recidivism. As a result, in-custody programs focus on cognitive behavior therapy, while the issue of victim reparation is addressed when the youth is back in the community.

It is important to note that for the past 14 years, youth at the JF have had opportunities to participate in over 12 different programs. Some of the programs are facilitated by VCPA staff, while others are facilitated by contracted providers. One program is our Pawsitive Steps dog training program which is a collaboration with both Ventura County Animal Services and

Ventura County Behavioral Health (VCBH) Department. VCBH utilizes a restorative justice curriculum for this program. VCBH also provides therapy for victims within families. Upon transition home, the families are provided resources and linkage to community based services. The JF recently incorporated the use of Children Family Team (CFT) meetings for certain types of cases. Victims can be invited to participate in these meetings by the youth. Lastly, Forever Found comes into the facility to provide counseling services for victims of Commercially Sexual Exploitation of Children.

C-04. *The Grand Jury concluded direct services to victims of crime once provide by VCPA have significantly diminished over time. While this may be consistent with VCPA's current priorities, it may not be consistent with VCPA's mission statement. (FA-11, FA-12, FA-13, FA-14)*

Response: There are two populations maintained at the JF: youth who are in detention pending adjudication and youth who have been committed after adjudication. Having direct victim services for detained youth is premature as the charges are still pending. Youth who have been committed have the opportunity to participate in a variety of programs. See response to C-03 for more details.

The Grand Jury noted in FA-14, in part, "The VCPA website refers all victims of crime to the Ventura County District Attorney (DA). The DA's office prioritizes victim assistance based on the severity and nature of the crime and states that in some cases the court will proceed to sentencing without giving the DA's office the opportunity to contact the victim."

VCPA's website provides Frequently Asked Questions (FAQ) to victims. Included in those FAQs are the contact numbers and/or internet links to the DA's Victim Assistance Program, the Court Collections Unit, the State Victim of Crimes Fund and how to obtain Megan's Law information.

The website FAQs are not the only services provided to victims. The first point of contact is usually made by our intake and/or investigations unit who obtain a statement on how the victim was impacted by the crime, assist in determining and establishing restitution (if desired), and gather any input the victim has regarding sentencing. At that time, victims are informed of the ability to be present at the detention and/or sentencing hearing. Victims desiring release notifications (per Marsy's Law) are contacted by custody staff prior to the youth's release. Field units enforce any non-contact orders and collect restitution payments. The field officer will periodically contact victims to confirm compliance while the offender is on formal supervision. All victims in which the DA has filed charges or which have been handled informally by VCPA, are sent a letter providing contact information for the assigned probation officer as well as a pamphlet which contains resources and outlines his/her rights.

RECOMMENDATIONS

R-02. *The Grand Jury recommends VCSO and VCPA consider seeking accreditation to become fully compliant with PREA standards in order to avoid potential liability and to qualify for federal and state grant monies. (C-02, C-12)*

Response: Please see response to C-02.

Non-compliance with PREA does not, by itself, subject the County to liability. As noted by the Department of Justice, "The standards are not intended to define the contours of constitutionally required conditions of confinement" (National Standards, p. 37107).

VCPA will partially comply with this recommendation. PREA is not a law with regard to local facilities. Thus, VCPA will continue to fully comply with all applicable laws and continue to

implement the best national practices with regard to in-custody sexual abuse, thereby avoiding liability while providing the safest possible environment for those in our custody.

R-04. *The Grand Jury recommends VCPA consider reviewing its mission statement's assertion regarding victim services, as it appears to be incongruent with current practices. (C-03, C-04)*

Response: Please see response to C-03 and C-04.

Considering the vast services provided by the entire department, VCPA's practices are consistent with its' mission statement. Furthermore, the mission statement directly correlates with evidence based practices.

Thank you for the opportunity to respond to this report.

References:

1. Department of Justice National Standards to Prevent, Detect, Respond to Prison Rape; Final Rule, www.prearesourcecenter.org, June 20, 2012. Accessed May 29, 2018, pp3-6.