



August 28, 2017

Juvenile Title 15 and Title 24 Regulations Revision Executive Steering Committee  
 Board of State and Community Corrections  
 2590 Venture Oaks Way  
 Sacramento, CA 95833

SENT VIA EMAIL TO: [allison.ganter@bscc.ca.gov](mailto:allison.ganter@bscc.ca.gov)

Re: Consideration of Workgroup Recommendations During September 2017 Meeting

Dear Executive Steering Committee Members:

This executive steering committee (ESC) has the opportunity to align California regulations with modern research and evolving practices in order to improve outcomes for our youth while ensuring safety both within and outside California’s county juvenile facilities. To take full advantage of this opportunity provided by the regulations revisions process, this ESC and the Board of State and Community Corrections (BSCC) staff created eight, topic-specific workgroups to review sections of the Titles 15 and 24 minimum standards for juvenile facilities. We encourage you to adopt the many recommendations forwarded to you unanimously, after debate and compromise, by individual workgroups. Many such recommendations—particularly those incorporating trauma-informed, culturally responsive, linguistically appropriate and positive behavioral approaches; guidance regarding transgender and intersex youth; increased avenues for family and community engagement; and improved educational opportunities—represent great strides forward in our treatment of youth in the juvenile justice system.

However, we understand that consensus could not be reached on all issues discussed by the workgroups. As a result, for certain regulations, you are being asked to consider differing recommendations and decide which to forward to the BSCC. As you deliberate on these regulations, we implore you to review the many relevant written public comments submitted to the workgroups (including the survey of youth and families administered by The California Endowment). Additionally, as a coalition of youth justice advocates, attorneys, families and friends of incarcerated youth, and individuals with direct experience with California's county juvenile facilities, we write to request that this ESC consider the following recommendations when finalizing revisions to the Titles 15 and 24 minimum standards for juvenile halls, camps, and ranches.

**1. Dissenting or minority workgroup opinions should be considered representative of a larger stakeholder perspective.** While nearly 100 community stakeholders applied to serve on the topic-specific workgroups, systems-impacted individuals, advocates, or community service providers ultimately comprised a minority percentage of the overall workgroup composition. Therefore, while a particular argument may be presented within the context of the workgroup as a minority opinion, it should be considered by this ESC as representative of a larger system-impacted community.

**2. Given that a number of positive revisions promote culturally competent, gender responsive, and trauma-informed approaches, this ESC should address how to ensure facility staff receive adequate orientation and training in these areas.** This ESC instructed the Administration and Staffing Workgroup to consider "what topics should be added to the initial training section" and "how ongoing training and mentorship can be supported" to improve the culture of facilities. While some additions were made to Title 15 Section 1322 (Youth Supervision Staff Orientation and Training), workgroup members were advised that specific orientation or training requirements were not appropriate additions to this section and were within the purview of the BSCC's Division of Standards and Training for Corrections. In the event that additional orientation and training mandates are not included in Title 15 Section 1322, we recommend that this ESC submit specific training requirements to the BSCC's Standards and Training for Corrections Division that focus on culturally competent, gender responsive, and trauma-informed approaches.

**3. Current staffing ratios should be adjusted to adhere to accepted professional and federal standards to reduce safety risks and improve outcomes for youth.** Staff-to-youth ratios of 1:8 during the day and 1:16 during sleeping hours have long been the accepted professional standard around the country. It is the standard used by more than 300 jurisdictions as well as the U.S. Department of Justice in litigation involving juvenile facilities; it is also now required by the federal Prison Rape Elimination Act (PREA). These minimum staffing guidelines are critical to ensuring both youth and staff are safe in juvenile facilities, and that youth are not subject to sexual assault. Smaller staffing ratios not only reduce the likelihood of youth-on-youth violence, but also have shown to be influential in the development of healthy personal relationships between youth and adult role models. A smaller staff to youth ratio can increase a staff member's ability to build positive relationships with young people and engage more fully in trauma-informed approaches that seek to normalize regular socialization with adults.

While we support the 1:8 staffing ratio recommendation, we recognize that some of the discussion within the Administration and Staffing Workgroup was centered on the possible inability of smaller counties to adapt to potential increased staffing costs or operations changes. Therefore, we also support the offered recommendation to set the default staffing ratios of 1:8 and 1:16 while also allowing counties to apply for a waiver to the applicability of this standard.

**4. The recommended revisions concerning the use of chemical spray in juvenile facilities remain out of step with national norms and best practices and should be modified further.** As of 2013, 36 states

had banned completely the use of chemical spray in juvenile facilities, and 45 states prohibited staff from carrying chemical spray on their person (and restricted its use to severe, riot-level emergencies). The use of chemical spray by staff has been known to deteriorate positive youth-staff relationships. Moreover, the immediate physical effects of chemical spray can be dangerous to youth and staff, particularly among individuals who have asthma, and it is suspected that long-term repeated exposure to chemical spray could lead to serious health hazards. While the workgroup's recommendation to prohibit the use of chemical spray as a behavior management tool is a welcome change, it does not go far enough. To continue to allow the use of chemical spray in juvenile facilities is to allow California to cling to a rapidly disappearing practice.

**5. During transportation outside of a facility, or movement inside, handcuffs, leg shackles or other restraints should not be permitted absent an individualized determination that a youth poses an imminent risk of flight or injury to self or others.** It is well documented that shackling youth unnecessarily traumatizes, stigmatizes, and humiliates them, and runs counter to the rehabilitative principles of the juvenile justice system. The recent national trend to end the indiscriminate shackling of youth in juvenile court serves as one example of the growing recognition among practitioners, experts, and diverse juvenile justice system stakeholders of the harms of using physical restraints on youth. A number of professional organizations, including the Child Welfare League of America and the American Academy of Child and Adolescent Psychology, have noted that mandatory or routine shackling of juveniles is an inherently shame-producing and humiliating experience for children. These feelings of shame and humiliation impair positive self-development and deter constructive community participation—both of which are essential for successful rehabilitation and reentry.

**6. Youth must be issued new, non-disposable underwear, unless otherwise allowed to bring personal underwear, upon intake to a youth facility.** The majority of the Environmental Health Workgroup has recommended no change to the segment of Title 15 Section 1480 which states that “the standard issue of climatically suitable clothing for youth shall consist of . . . undergarments that are freshly laundered and free of stains.” Contrary to the workgroup's recommendation for no change, the minority opinion and public comment advocated for youth who are unable to bring their own underwear to be issued new, non-disposable underwear. These changes were recommended based on the understanding that: 1) forcing youth to wear used underwear is dehumanizing and disrespectful; 2) it is likely impossible for used underwear issued, especially to girls, to maintain a stain-free character due to menstruation; and 3) wearing used underwear is unsanitary, particularly for women, who are more likely to sustain vaginal infections, urinary tract infections and sexually transmitted infections than men.

**7. Additional changes to Title 24 should be made to ensure that juvenile facilities are creating a home-like, non-penal environment, and that facilities are being updated frequently to ensure youth health and safety.** This ESC requested that the Physical Plant Workgroup consider revising the Title 24 regulations to keep dorms and units smaller and to focus on homelike environments. Research has shown that facilities designed to be less penal in nature are more therapeutic to a youth population that has likely experienced trauma. To achieve these goals, we recommend mandating outside-facing windows in cells and clarifying their minimum dimensions. The lack of windows to the outside world likens sleeping cells to solitary confinement cells and is not characteristic of a homelike environment. Additionally, we recommend reducing the maximum capacity of living units and dormitories to 24 youth per living unit in order to adhere to national standards and to fit with the recommended 1:8 staffing ratio. The American Correctional Association (ACA) recommends a capacity of 25 youth per living unit. We also recommend that dormitories not house more than 10 youth – as recommended by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

This ESC also asked the Physical Plant Workgroup to “consider when ‘grandfathering’ would be appropriate,” referring to the language in the Title regulations that states “an existing juvenile facility

built in accordance with construction standards in effect at the time of construction shall be considered as being in compliance...” Workgroup members were made aware that a number of health and safety standards are not “grandfathered” and must be inspected for on a regular basis. However, furniture, fixtures, and other structures proving to be suicide hazards are currently “grandfathered” under existing regulations. We recommend that suicide hazards no longer be grandfathered and that this ESC consider how counties can reduce suicide risks immediately. Given the cost concern of small counties about replacing furniture, we support the workgroup’s recommendation that this ESC consider a regulation which would implement a time limit on correcting any suicide hazards existing within a juvenile facility.

We recognize that this ESC is representative of experts and professionals who wish to support justice-involved youth and have a vision for how standards in California’s juvenile facilities can be improved. We therefore request that you take advantage of this opportunity to revise the Title 15 and 24 regulations to improve health, safety, and opportunities for detained and confined youth to the greatest extent possible by adopting our recommendations and the positive revisions issued by the workgroups.

Sincerely,

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