



# COUNTY OF YOLO

Office of the County Administrator

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To: Honorable Judge David W. Reed  
Superior Court of California, County of Yolo  
1000 Main Street  
Woodland, CA 95695

July 23, 2019

To: Yolo County Grand Jury  
P.O. Box 2142  
Woodland, CA 95776

via e-mail: [grand-jury@sbcglobal.net](mailto:grand-jury@sbcglobal.net)

RE: 2018-2019 Yolo County Grand Jury Report: Office of Refugee Resettlement (ORR):  
ORR Places Youth in Yolo County Detention – What Can Be Improved?

Honorable Judge Reed:

The following is the response to the findings and recommendations in the 2018-2019 Yolo County Grand Jury Report titled, “Office of Refugee Resettlement (ORR): ORR Places Youth in Yolo County Detention – What Can Be Improved?” from the Yolo County Board of Supervisors and the Chief Probation Officer of Yolo County.

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**F1 Viewpoints given by the JDF staff and contractors differ from those advocating for the youth. This makes it difficult for an investigating body to discern the truth about complex issues such as the quality of education, including the availability of age-appropriate Spanish language reading material, the sufficiency of mental health services, lack of privacy, and environmental conditions at the JDF.**

Response: We agree with the finding that viewpoints may differ, although we see the Juvenile Detention Facility (JDF) staff equally as advocates for the youth within the constraints of their scope of responsibility. The goal of all parties is to ensure that youth in JDF care receive the best possible services to help them thrive. At times, viewpoints on the program and operations may vary as a result of the snapshots in time experienced by external advocates, auditors and visitors who do not have the benefit of the staff and contractors who are in the facility seven days a week, 24 hours of each day. Additionally, the Probation Department has been transparent throughout the auditing processes and continues to be open to community involvement and input.

**F2 The public lacks access to Probation Department policy and procedures though the Yolo County website. Access to these documents is necessary for families and**

**advocates to ensure proper treatment of detained youth. It also denies the public opportunity to offer suggestions for improvement that might otherwise only come from paid consultants or during costly litigation.**

Response: We agree with this finding as currently our Policies and Procedures are not accessible online. We will further consider this finding and look for ways to increase transparency with our policies and procedures while still ensuring the security of the facility and the safety of the staff and youth.

**F3 Notices of Placement in a Restrictive Setting given to ORR youth are inadequately completed by the JDF staff. The notices often lack information about reasons for the placement at the JDF and the necessary steps youth must take for gaining release thus causing unnecessary anxiety in the youth.**

Response: We disagree with the finding that Notices of Placement (NOP) in a Restrictive Setting forms are inadequately completed as the forms are completed in accordance with Office of Refugee Resettlement (ORR) policies and procedures. We, however, agree that some notices may lack information about the reason for placement at the JDF, as the reason for placement is only documented on the initial NOP; subsequent reviews only require justification of why a youth remains in a restrictive setting and do not reiterate the reason for placement provided in the initial NOP.

**F4 The reasons ORR gives for referring youth for placement at the JDF are sometimes inappropriate.**

Response: We agree with the finding. As a result we review each referral closely and do not accept youth when the reasons provided by ORR do not meet the regulatory criteria that would qualify them for secure placement at the JDF.

**F5 The constant presence of pepper spray in pods is inherently in conflict with the statutory mandate for creating a “homelike” environment for youth at the JDF.**

Response: We disagree in part with the finding. The JDF makes every effort to create a homelike environment for the youth. However, we are a detention facility and as such, circumstances sometimes dictate a strong response to unacceptably aggressive behavior by the youth. Pepper spray is one tool used when lesser interventions have been ineffective in managing assaultive behavior. Staff are trained to use it judiciously and only in the most extreme circumstances to protect the entire JDF population – youth and staff. The JDF appreciates the importance and the fine balance between providing a homelike environment and maintaining safety and security throughout the facility.

In accordance with the position of the Chief Probation Officers of California, the Probation Department will continue to closely monitor the appropriateness of any use of pepper spray and evaluate the necessity of maintaining this tool to protect the safety of youth and staff in the event of violent assaults.

**F6 Many youths held at the JDF lack criminal histories or gang affiliation, yet the JDF houses them with youth held for criminal offences.**

Response: We agree in part with the finding. While none of the youth are being held for criminal offenses, all have been determined to present a danger to others, requiring secure placement. The ORR youth are housed together separately from the Yolo County youth. Both groups of youth have been placed at the JDF due to their level of risk to the community even though some do not have a criminal history or gang affiliation. The Probation Department is mindful of the effects of comingling youth with varying levels of criminogenic needs and works to meet the classification, program and housing needs of each youth while maintaining the population in a single living unit.

**F7 Because procedures do not mandate a behavioral therapist in the pods, an expert is not present to proactively quell problems before they clearly need de-escalation.**

Response: We disagree partially with this finding. All JDF staff receive certification in the Crisis Prevention Institute's Nonviolent Crisis Intervention model and are equipped to respond to escalating situations. Furthermore, all juvenile corrections staff meet Board of State and Community Corrections (BSCC) training standards pursuant to Title 15 and several staff have received advanced training in de-escalation and crisis intervention.

Additionally, behavioral health staff are present in the facility and working with youth in the living units throughout the day. The effectiveness of our current staffing plan as it pertains to responding to escalating situations is regularly reviewed and adjusted to meet the needs of the population.

**F8 Because procedures do not mandate behavioral therapist attendance during review of use-of-force incidents, officers may not receive timely expert advice, if at all.**

Response: We agree with the finding. Although including behavioral health staff during use-of-force reviews has been our recent practice, at the time of the Grand Jury investigation it was not mandated by policy. The Policies and Procedures manual is currently being updated to reflect the mandatory inclusion of behavioral health staff during use-of-force reviews and staff is aware that the practice is now a requirement.

**F9 Because of the use of pepper spray, limited times outside, and lack of phone privacy, the JDF failed to meet legal mandates to "not be operated as a jail, prison, or penal institution and shall be operated in all respects to model a homelike environment."**

Response: We disagree with the finding. The JDF meets all legal mandates in these regards, as confirmed through routine BSCC inspections, Prison Rape Elimination Act (PREA) audits, the Juvenile Justice Commission and routine inspections by the juvenile court judge pursuant to WIC §209. Additionally, the Probation Department continues to

identify innovative ways to model a homelike environment in the facility and to create as many opportunities as are practicable for the youth to feel supported and respected and to develop new behaviors that will predict their success upon returning to the community.

**F10 There has been a pattern of successful lawsuits against the ORR citing violations of the Flores Settlement at the JDF.**

Response: We agree that there has been successful litigation against ORR, however; there have been no successful lawsuits specific to Yolo County JDF having violated the Flores Settlement.

**F11 Because youth are making calls from phones in an open space and because they are recorded, youth are unable to make private phone calls in violation of the Flores Settlement.**

Response: We disagree that we are in violation of the Flores Settlement. The Flores Settlement states that youth shall be afforded “a reasonable right to privacy, which shall include the right to [...] talk privately on the phone, as permitted by the house rules and regulations.” Consistent with facility rules and regulations, youth make calls in an open space where they can be monitored visually from a distance but have a degree of auditory privacy. At no time are their calls to attorneys recorded or monitored. Please also see response to R3.

**F12 The JDF recently added a videoconferencing system to allow youth to communicate with family and others. However, the right to use the system is not in the Youth Handbook or the current policies and procedures manual and thus access to the system can be denied indiscriminately.**

Response: We disagree in part with the finding. Social workers utilize all available means to plan family reunification for ORR youth, including videoconferencing when available. This system is not currently denied indiscriminately or utilized as an incentivized privilege. Rather, it is used to facilitate family counseling and rapport-building sessions that include youth, their families or sponsors and a social worker. Documentation of the availability to use the system will be included as an update to the Youth Handbook and in the current Policies and Procedures manual. Please also see response to R4.

**F13 The ORR program, administered in Yolo County by the JDF, presents financial benefits, yet also presents risks to the county, including potential litigation for violations of the Flores Settlement.**

Response: We agree with the finding.

- F14 Outside recreational time was minimal and could be augmented through the existing incentive program. Additional outside time can be obtained by holding certain classes outside, such as meditation or group therapy.**

Response: We agree that previously, outside recreation was minimal despite meeting BSCC standards. We now exceed Title 15 minimum requirements for outside recreational time. Our program schedule now facilitates additional outdoor recreation time on a daily basis. During recreational time, youth have the option to spend time outside in lieu of indoor recreation time. We recognize the benefits of outdoor recreational time and continue to evaluate ways to maximize youth's time outdoors.

- F15 There is a consensus that uncertainty about length of detainment and post-detainment placement creates anxiety in the youth.**

Response: We agree that uncertainty in youth's cases may create anxiety for youth. However, social workers and attorneys working with the youth provide updated information as it is received to ensure youth are well-informed on any developments concerning their length of detainment and post-detainment placement.

- F16 Youth lack access to therapists who are independent of ORR and thus are unable to speak freely about problems and obtain counsel without fear that the information will be used by ORR against them.**

Response: We disagree that youth are unable to speak freely about problems and obtain counsel without fear, as clinical services are provided and documented in accordance with all applicable laws and standards. However, we agree that the nature of the ORR program limits therapists from being fully independent of ORR. ORR is the legal guardian of all undocumented youth and pursuant to ORR policy, the Probation Department maintains a comprehensive file for each youth and must provide unrestricted access of all files to ORR at their request. The therapists who work with ORR youth, however, are not employees of ORR, but rather behavioral health services are provided by Yolo County employees, who are committed to providing support and advocacy for all youth in JDF custody.

- F17 The JDF is focusing more on high ratios of detention officers to youths, instead of hiring clinicians appropriate for assisting traumatized youth.**

Response: We agree with this finding only with regard to the period of time in which this report was made. The Probation Department's emphasis in 2018 was to hire detention officers to meet supervision and safety standards as required by facility need, and also as noted as a finding in the 2017-18 Grand Jury report. The Probation Department has maintained our established staffing ratio of 1:6 youth to clinicians, commensurate with the lower number of ORR youth in placement, since the adjusted staffing ratios were funded and implemented in November 2018. The Department is actively working to recruit additional qualified bilingual clinical staff to further enhance clinical services.

**F18 Traumatized youth are continuously exposed to art that may trigger bad memories and result in anxiety.**

Response: We disagree partially with the finding. While youth are not continuously exposed to the mural the grand jury observed as the living unit that contains the mural has been unoccupied since March 2019, we recognize that interpretation and appreciation of a work of art can be highly subjective and may evoke in one person an entirely different emotional response than it does in another. We intend to further evaluate this finding and work collaboratively with stakeholders to ensure youth are protected from imagery that may trigger traumatic memories.

**R1 By October 1, 2019, Notices of Placement should include explanations of the status of their immigration cases, what must be done to be released from the JDF, and the steps youth must take to be stepped down to another facility or released.**

Response: This recommendation requires further analysis and coordination with ORR as implementation may entail modification to ORR policy. The Notice of Placement in a Restrictive Setting form is completed in accordance with the ORR Manual of Procedure and notes the reason for initial or continued placement in a restrictive setting, as determined by the ORR Federal Field Specialist. Case managers assigned to work with each youth routinely educate youth on the requirements for placement at less-restrictive settings and youth's attorneys, as well as their case managers, provide updates on the status of their immigration cases as new information becomes available.

**R2 By January 1, 2020, the JDF should convene an independent interdisciplinary task force composed of educational experts to determine how to improve educational opportunities at the JDF including: how to provide culturally competent education, concrete strategies for addressing the wide range of education levels, and providing age appropriate reading material in the youths' primary languages.**

Response: This recommendation will not be implemented because it is not warranted. Yolo County Office of Education (YCOE) Alternative Education staff have been involved in on-going culturally-responsive curriculum and classroom professional development designed to provide differentiated instruction for all students. YCOE Alternative Education staff meet weekly and utilize many community agencies and stakeholders to achieve these goals. Additionally, site administration from YCOE utilize a professional development steering committee comprised of several community members and education services professionals.

**R3 By October 1, 2019, the JDF should allow youth who are not charged with criminal offenses to make private and unrecorded phone calls.**

Response: This recommendation requires further analysis. While current practices meet standards set forth by the Flores Settlement, the Probation Department is not opposed to evaluating ways to maximize youth privacy while maintaining their safety.

- R4 By January 1, 2020, the JDF should update both its Youth Handbook and policies and procedures manual to state that youth have the right to communicate with family and others through an internet-based videoconferencing system.**

Response: The recommendation requires further analysis. The Probation Department is vested in facilitating family reunification and will explore internet-based videoconferencing systems and other means of providing access to technology to augment traditional phone calls and on-site visiting hours.

- R5 By October 1, 2019, the JDF should conduct activities outside whenever possible to allow youth more outdoor time and outside recreational time should be added to existing incentive programs.**

Response: This recommendation was initiated in March 2019 and implementation is ongoing. The JDF conducts activities outside of the living unit whenever possible. The Probation Department will continue to evaluate ways to maximize opportunities for youth to enjoy activities outdoors.

- R6 By January 1, 2020, the Board of Supervisors should study the possibility of limiting or eliminating the use of pepper spray in the JDF as have other states and the County of Los Angeles.**

Response: The recommendation requires further analysis. In accordance with the position of the Chief Probation Officers of California (CPOC), the Probation Department will continue to closely monitor the appropriateness of any use of pepper spray and evaluate the necessity of maintaining this tool while a related statewide study is conducted

- R7 By January 1, 2020, an independent behavioral therapist trained in de-escalating potentially violent outbursts should be stationed in pods during waking hours to help resolve situations before use of force appears necessary and thus reduce stress and injuries to both staff and youth.**

Response: This recommendation will not be implemented as its goal is already being adequately addressed. Behavioral health staff trained in de-escalation have a frequent presence in the living units during waking hours. Additionally, all detention staff are trained in the Crisis Prevention Institute's Nonviolent Crisis Intervention model and are equipped to respond to escalating situations. Additional training in de-escalation techniques is provided as it becomes available so that staff are current and competent in the most effective responses to potentially violent outbursts and behaviors. Emotional

and physical safety of staff and youth is of paramount importance and is always at the forefront of our training program.

- R8 By January 1, 2020, the JDF should provide youth with therapists independent of ORR to enable youth to speak freely about their problems and obtain counsel without fear that normal teenage emotional problems are criminalized and used as justification for continued confinement.**

Response: We are unable to implement this recommendation due to the very nature of the ORR program. ORR is the legal guardian of all undocumented youth and ORR provides consent for and oversight of all services in the same manner as any guardian. Of note, behavioral health services are provided by Yolo County clinical staff; they are not direct employees of ORR. Additionally, youth do not remain in secure placement due to their emotional problems; rather, only youth who continue to present a danger to others, based on clinical assessment, remain in secure placement in order to ensure the safety of all youth.

- R9 By October 1, 2019, the JDF should provide youth with a means for anonymously submitting complaints independent of detention officers, including by computer.**

Response: The recommendation requires further analysis. The Probation Department is committed to affording youth various avenues to submit complaints and will further consider ways to facilitate an anonymous process.

- R10 By January 1, 2020, the JDF should enact procedures to mandate attendance of behavioral therapists during post use-of-force incidents to allow feedback at a critical time when they could coach detention officers on potentially better methods to de-escalate such situations.**

Response: The recommendation was implemented in March 2019. The Probation Department is currently updating its Policies and Procedures Manual to reflect this mandate.

- R11 By January 1, 2020, the Board of Supervisors should convene an independent interdisciplinary group to ensure youths' privacy and to improve environmental conditions at the JDF.**

Response: This recommendation will be implemented utilizing the existing Juvenile Justice Commission, comprised of members of the public with varying interests and areas of expertise who are appointed by the Court with the mission to inquire into the administration of the juvenile court law in Yolo County and to assist in efforts toward prevention and reduction of juvenile delinquency, as required by law.



**R12 By January 1, 2020, the Probation Department should consider posting its policy and procedures manual and the JDF's Youth Handbook on the Yolo County website. The County should thereafter keep updated versions on the website, and provide a means for the public to freely offer suggestions for improvement.**

Response: The recommendation requires further analysis. While the Probation Department is committed to transparency, it is also committed to maintaining the security of the institution and will consider additional measures while ensuring this balance.

**R13 By January 1, 2020, Yolo County should provide a procedure that allows non-ORR related health workers access to youth for mental health treatment, which allows youth to freely discuss their problems without fear that their medical condition is criminalized.**

Response: The recommendation will not be implemented. Under no circumstances are youth's medical conditions criminalized, and as such, no outside intervention is called for in this matter.

**R14 By January 1, 2020, Yolo County should allow access to ORR youth by its medical advisory committee, the Yolo County Health Council, to ensure youth are being properly treated.**

Response: This recommendation requires further analysis. While this is not the purview of the Yolo County Health Council, the Yolo County Health & Human Services Agency (HHS) is playing an increasingly active role in oversight of ORR mental and medical health services. HHS contracts with a third party provider to conduct chart reviews and provide recommendations for improvement. HHS has also increased oversight via the Quality Assurance Committee Meeting process by instituting a mechanism to respond to concerns from partners regarding quality of care. This recommendation will be further analyzed in collaboration with the Public Health Officer and HHS.

**R15 Because few local and ORR youths are being detained in the JDF, and one pod is empty, it should be considered for use as the transitional adult facility proposed by the probation department to enable continued funding of the JDF by the ORR.**

Response: The recommendation requires further analysis. Utilizing the vacant living unit for a transition age program is being considered by the Probation Department and County stakeholders, however; implementation of a transitional age program in the facility is an issue fully independent of the matter of continuing the ORR program in Yolo County.