Juvenile Justice Commission
Delinquency Prevention Commission

Joint Meeting
November 17, 2026
5:15 - 7:15 p.m.
Meeting location and public participation instructions are on page 3

AGENDA

Public comment for items not listed on the agenda will be taken under Item II. If you wish to speak on an agenda item, please fill out a speaker form or raise your hand on Zoom so we can recognize you at the right time. You are not required to provide identifying information; a name or identifier is only requested so you may be recognized when called upon to speak.

I. Preliminary Business

a. Call to Order
b. Instructions: How to accessSpanish translation services on Zoom
c. Roll Call and Establish Quorum
d. Agenda Review and Approval

II. Oral Communications - Public Comment

This item provides an opportunity for public comment on items not on the agenda. Time limit: three (3) minutes per person. There will be an opportunity for public comment on agenda items as they are considered.

III. System Partner Updates

a. Private Defender Program: Ron Rayes
b. District Attorney: Nadia Hahn
c. Probation Department: John Keene, Chief, Margarita Ochoa, Assistant Deputy Chief, Carmen Ramirez Assistant Superintendent,
d. County Office of Education: Dr. Jesus Jimenez
e. Behavioral Health & Recovery Services: Elizabeth Alvarez, Clinical Services Manager, Martha Cervantes, Supervising Clinician
f. Fresh Lifelines for Youth: Melissa Polling, Director
g. HSA–Children and Family Services: John Fong, Director

IV. Delinquency Prevention: Board Liaison: Supervisor Corzo

Hon. Susan Jakubowski
Presiding Judge
Juvenile Court

Noelia Corzo
Board of Supervisors

COMMISSIONERS

Johanna Rasmussen
Chair

Trena Patton
Vice Chair
Administration

Jennifer Blanco
Vice Chair
Membership

Paul Bocanegra

Whitney Genevro

Shakeel Ali

Asteris Ling

Celina Chen

Chelsea Bonini

Kelly Delaney

COUNTY STAFF

Kim Boverio
Assistant County Clerk

Judith Holiber
Deputy County Counsel

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V. 2026 Annual Inspections

a. Elysian Short Term Residential Retreat Facility (STRTP)
   - Report Presentation and Discussion
   - Vote to approve report

b. San Mateo County Receiving Home: Temporary Shelter Care Facility (TSCF)
   - Report Presentation and Discussion
   - Vote to approve report

c. Juvenile Hall / SYTF Inspection Team Update

d. Educational Evaluation Team Update

VI. 2027 Officer Nominations

a. Chair
b. Vice Chair Administration
c. Vice Chair of Membership

VII. Kings County Probation Department Settlement

a. Report Overview
b. Complaint and Settlement

VIII. Project, Liaison and Subcommittee Updates

a. Project: "Turning 18: What You Need to Know"
b. Liaison: Probation Department: Annual Report
c. Subcommittee: Mission Statement and Aspirations Revisions

IX. Announcements

a. BSCC Title 15 and Title 24 Revisions: November 19, 2026 at 10:am
b. State Advisory Group on Youth Justice (SAGYJ): subcommittees meeting November 18, 2026, at 10:00 AM.

X. Adjournment

Hon. Susan Jakubowski
Presiding Judge
Juvenile Court

Noelia Corzo
Board of Supervisors

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AGENDA

Meeting Location and Public Participation Instructions

Meeting Location
Manzanita Hall
500 County Center, 1st Floor
Redwood City, CA 94063
Please Note: The entrance to Manzanita Hall is located on Marshall Street.

Online Participation via Zoom
Please click the link below to join the meeting online:
https://smcgov.zoom.us/j/86028498619
Webinar ID: 860 2849 8619

Spanish Translation: Live interpretation of this entire meeting will be provided in Spanish. To access live interpretation services, click the interpretation globe icon in your Zoom webinar controls and select Spanish.

Public Comment: If you wish to speak to the Commission during public comment, you may raise your hand using Zoom with the Reactions button at the bottom of your screen, or indicate that you would like to speak if you are attending in person. If you have any materials that you wish distributed to the Commission and included in the official record, please email to sanmateojjdpc@gmail.com, prior to the meeting. Items received by 3:00 the day of the meeting will be read aloud.

ADA Requests: Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact Connie Juarez-Diroll cjuarez-diroll@smcgov.org at least 72 hours in advance of the meeting to enable the County to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

Next Scheduled Monthly Meeting
Tuesday, December 15, 2026 at 5:15 pm

San Mateo County Probation Department
Juvenile Services Institutions Data - October 2026

Juvenile Services - One Day Snapshot 10/31/26	
Active Cases	**Monthly**
Diversion	48
Court	93
Supervision	245
TOTAL	**386**

Deputy Probation Officers	**7**

Active Cases by Race/Ethnicity	**Monthly**
Asian	19
Black	38
Hispanic/Latino	239
Native Hawaiian/Pacific Islander	13
White	49
All Other or Unknown	28
TOTAL	**386**

Active Cases by Gender	**Monthly**
Female	82
Male	302
Nonbinary	2
TOTAL	**386**

Active Cases by Regions	**Monthly**
North County	85
Mid-County	98
South County	138
Coastal	31
Out of County	33
Unknown	1
TOTAL	**386**

North County: Brisbane, Broadmoor, Daly City, San Bruno, South San Francisco, Colma

Mid County: Belmont, Burlingame, Foster City, Hillsborough, Millbrae, San Mateo

South County: East Palo Alto, Menlo Park, Portola Valley, Redwood City, San Carlos, Woodside

Coastal: El Granada, Half Moon Bay, Montara, Moss Beach, Pacifica, Pescadero, San Gregorio

Institutions	
Total Number of Bookings & Releases	**Monthly**
Bookings	23
Releases	18

Key
YSC: Youth Services Center-Juvenile Hall
SYTF: Secure Youth Treatment Facility
EMP: Electronic Monitoring Program
CAM: Continuous Alcohol Monitoring

Disposition - One Day Snapshot 10/31/26	**YSC**	**SYTF**	**TOTAL**
Pre-Disposition	15	0	15
Post-Disposition	3	13	16
TOTAL	**18**	**13**	**31**

Race/Ethnicity - One Day Snapshot 10/31/26	**YSC**	**SYTF**	**TOTAL**
Black	4	1	5
Hispanic	12	12	24
Pacific Islander	1	0	1
White	0	0	0
Asian	1	0	1
All Other or Unknown	0	0	0
TOTAL	**18**	**13**	**31**

Gender - One Day Snapshot 10/31/26	**YSC**	**SYTF**	**TOTAL**
Female	1	1	2
Male	17	12	29
Nonbinary	0	0	0
TOTAL	**18**	**13**	**31**

Snapshot counts reflect individuals physically present at the facility at 6am on the snapshot date.

Average Length of Stay*	**TOTAL**
YSC	9 days
EMP	40 days
CAM	31 days

**The average number of days spent in custody by youth released during the month, or on monitoring by youth whose monitoring ended during the month.*

Youth on EMP - One Day Snapshot 10/31/26	**16**
Youth on CAM - One Day Snapshot 10/31/26	**0**

EMP/CAM - Totals for October 2026	**TOTAL**
EMP Referrals	9
EMP Successful Completions	5
CAM Referrals	0
CAM Successful Completions	1

San Mateo County Probation Department
Juvenile Services Institutions Data - October 2026

115606 - JJDPC Monthly Report: Monthly Report for Juvenile Justice and Delinquency Prevention Commission

Report Period: 11/1/2026 To 11/1/2026

1. Placement County, Minors and Nonminors by Race/Ethnicity

In County	Minor		Non-minors			
Ethnicity/Race	Count	Percentage	Count	Percentage	Sum	Percentage
Asian/Pacific Islander	4	9.8%	1	8.3%	5	9.4%
Black	3	7.3%	1	8.3%	4	7.5%
Latino	26	63.4%	9	75.0%	35	66.0%
White	8	19.5%	1	8.3%	9	17.0%
In County Total	41	100.0%	12	100.0%	53	100.0%
In County Rate		53.9%		42.9%		51.0%

Out-of-county	Minor		Non-minors			
Ethnicity/Race	Count	Percentage	Count	Percentage	Sum	Percentage
Asian/Pacific Islander	4	11.4%	2	12.5%	6	11.8%
Black	7	20.0%	3	18.8%	10	19.6%
Latino	23	65.7%	10	62.5%	33	64.7%
White	1	2.9%	1	6.3%	2	3.9%
Out of County Total	35	100%	16	100.0%	51	100.0%
Out of County Rate		46.1%		57.1%		49.0%

2. Bay Area Counties, Minors and Nonminors

	Minor		Non-minors			
County Type	Count	Percentage	Count	Percentage	Sum	Percentage
Bay Area Counties*	55	72.4%	21	75.0%	76	73.1%
Other Counties	21	27.6%	7	25.0%	28	26.9%
Out of County Total	76	100.0%	28	100.0%	104	100.0%

** Bay Area Counties include Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma*

3. Relative/Non-Relative Placements*

	Relative		Non-relative			
Ethnicity/Race	Count	Percentage	Count	Percentage	Sum	Percentage
Asian/Pacific Islander	2	8.3%	7	11.3%	9	10.5%
Black	4	16.7%	9	14.5%	13	15.1%
Latino	16	66.7%	38	61.3%	54	62.8%
White	2	8.3%	8	12.9%	10	11.6%
Total	24	27.9%	62	72.1%	86	100.0%

** Excludes Youth in Supervised Independent Living Program (Caregiver type is Self) and Placement Home Types of Guardian Home.*

4. Youth in Short-Term Residential Therapeutic Program (STRTP) by Race and Ethnicity

Ethnicity/Race	Count of Clients in Foster Care	Percentage
Asian/Pacific Islander	2	33.3%
Black	2	33.3%
Latino	2	33.3%
Grand Total	6	100.0%

5. Youth in 241.1 Status by Race and Ethnicity

Ethnicity/Race	Count (241.1)	Percentage
Latino	3	75.0%
White	1	25.0%
Grand Total	4	100.0%

CONFIDENTIALITY NOTICE: The client identifying data contained in this report is protected by California Welfare and Institutions Code (WIC) Section 827.
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&sectionNum=827.

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

FACILITY NAME: Elysian **FACILITY TYPE:** Short Term Residential Treatment Program (STRTP) **CAPACITY:** 6
FACILITY ADDRESS: 31 Tower Road, San Mateo, CA 94402 **FACILITY PHONE NUMBER:** 650-312-5320
FACILITY STAFF/MANAGER INTERVIEWED: Aimee Salazar, Milieu Program Specialist Supervisor

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

COMMISSION INSPECTORS: Whitney Genevro (Lead) and Celina Chen

PRESIDING DEPENDENCY COURT JUDGE:

DIRECTOR OF CHILDREN & FAMILY SERVICES: John Fong

FACILITY MILIEU PROGRAM SPECIALIST SUPERVISOR: Aimee Salazar

INSPECTION PERIOD: August 1, 2025 - July 31, 2026

INSPECTION DATES: Aug 18, 2026

EXECUTIVE SUMMARY

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

Elysian STRTP and Receiving Home continue to make improvements in programming, operations, and services provided to youth. Weekly surveys are conducted to obtain feedback from residents, with average satisfaction scores increasing from 3 to approximately 4 or 5. Staff have increased collaboration with outside agencies and community partners to expand available resources and opportunities for youth. Guest speakers are invited to engage with residents, and youth have opportunities to participate in activities such as boxing and fishing. Staff also work with El Centro to provide additional support, particularly for youth experiencing substance use challenges.

Daily schedules and programming are individualized to meet each youth's needs, with an emphasis on connecting residents to appropriate services within their first three days. The Plan of Operations was recently rewritten by Aimee and Sam. Additional accomplishments reported during the inspection include a three-year medical certification, BHRS certification, zero deficiencies identified by the Department of Health Care Services (DHCS), and receipt of the STARS Award.

Efforts have also been made to create a welcoming and supportive environment for residents. Youth receive welcome baskets upon arrival and transition gifts when leaving, including journals containing

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

encouraging notes. Holiday decorations are displayed throughout the year, library books are regularly updated, and bilingual signage and Spanish-speaking staff help improve accessibility for Spanish-speaking residents. Overall, the sites demonstrate continued efforts to strengthen programming, improve services, and provide individualized care and support to youth.

COMMENDATIONS

Elysian is commended for its continued dedication to improving program quality and enhancing the overall experience of the youth in its care. The Commission recognizes the program's commitment to continuous improvement, accountability, and collaboration with community partners. Staff are also commended for their efforts to foster an inclusive, supportive, and engaging environment that promotes youth development and well-being.

DOCUMENTATION

REVIEWED	YES	NO	N/A	COMMENTS
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

RECOMMENDATIONS
The Commission has no recommendations at this time.

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
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DOCUMENTATION				
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Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
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Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
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SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
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Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

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Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

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Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

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Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

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Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

KITCHEN & DINING ROOM				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Cleaniless	X	☐	☐	
Appliances	X	☐	☐	
Food Storage	X	☐	☐	

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

Furniture	X	☐	☐	
Windows and Doors	X	☐	☐	
Walls and Flooring	X	☐	☐	
Lighting	X	☐	☐	
Ventilation	X	☐	☐	

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

BEDROOMS				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Cleaniless	X	☐	☐	
Number of Residents per Room.	X	☐	☐	
Privacy	X	☐	☐	

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

Furniture	X	☐	☐	
Bed and Mattress	X	☐	☐	
Bedding and Pillows	X	☐	☐	
Personal Property	X	☐	☐	Each youth has their own mailbox; youth have cubbies in staff office to store valuable items.
Clothing • clothing • seasonal • outdoor • shoes	X	☐	☐	Closet of clothing available for youth who need clothes; youth can keep all clothes they receive and are all new. Youth get a stipend for clothing when they get there, and have an emergency stipend after that.

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

Personal Storage: Closet, dresser, wardrobe, Book case	X	☐	☐	
Personal Hygiene Products	X	☐	☐	
Room Temperature and Ventilation	X	☐	☐	
Windows and Doors	X	☐	☐	
Walls and Flooring	X	☐	☐	

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

STAFF INTERVIEWS				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Do you have the training, tools, and resources needed to successfully complete your job duties?	X	☐	☐	If any additional training is desired in specific area can ask leadership; has funding available for training

DOCUMENTATION				
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Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
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ELYSIAN

Are there an adequate number of supervisors?	X	☐	☐	Staff can pick up additional per diem shifts
Staff Training: Do you believe you have received adequate training?	X	☐	☐	
Do you feel the promotion process is fair and transparent?	X	☐	☐	

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
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ELYSIAN

What are the biggest challenges facing the facility?	X	☐	☐	Youth leaving without permission, and teaching other youth to do the same. Also, concerns with grooming, shoplifting, handing off contraband.
Internal Communication	X	☐	☐	
External Communications: Social Workers, Educators, Service Providers	X	☐	☐	
Is there anything else that we have not covered that you	☐	X	☐	

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
ANNUAL INSPECTION REPORT
SHORT TERM RESIDENTIAL TREATMENT PROGRAM (STRTP)
ELYSIAN

would like to add.				

DOCUMENTATION				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	
Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	

JUVENILE JUSTICE COMMISSION
INSPECTION REPORT
TEMPORARY SHELTER CARE FACILITY- TSCF
SAN MATEO COUNTY RECEIVING HOME

FACILITY NAME: San Mateo County Receiving Home
FACILITY TYPE: Temporary Shelter Care Facility - TSCF
CAPACITY: 6

FACILITY ADDRESS: 31 Tower Road, San Mateo, CA 94402
FACILITY PHONE NUMBER: 650-312-5320

FACILITY STAFF/MANAGER INTERVIEWED: Aimee Salazar, Milieu Program Specialist Supervisor

COMMISSION INSPECTORS: Whitney Genevro (Lead) and Celina Chen
PRESIDING DEPENDENCY COURT JUDGE:
DIRECTOR OF CHILDREN & FAMILY SERVICES: John Fong
FACILITY MILIEU PROGRAM SPECIALIST SUPERVISOR: Aimee Salazar

INSPECTION PERIOD: August 1, 2025 - July 31, 2026
INSPECTION DATES: Aug 18, 2026

BACKGROUND INFORMATION

The San Mateo County Receiving Home is a licensed Temporary Shelter Care Facility (TSCF) operated by the San Mateo County Human Services Agency. The facility provides 24-hour emergency shelter and temporary care for children and adolescents who have been removed from their homes due to abuse, neglect, or other safety concerns. The Receiving Home has a capacity of six residents and serves as a

short-term placement while appropriate longer-term living arrangements are identified.

The Receiving Home provides a safe, supportive, and home-like environment where youth can receive immediate care, assessments, and stabilization services. Staff work closely with social workers, mental health professionals, and other service providers to address each youth's individual needs and determine appropriate next steps. Youth may transition to foster care, reunify with family when appropriate, or be referred to Elysian for more intensive therapeutic services. The program emphasizes trauma-informed care, individualized support, educational continuity, and the overall well-being of youth during periods of transition.

EXECUTIVE SUMMARY

Elysian STRTP and Receiving Home continue to make improvements in programming, operations, and services provided to youth. Weekly surveys are conducted to obtain feedback from residents, with average satisfaction scores increasing from 3 to approximately 4 or 5. Staff have increased collaboration with outside agencies and community partners to expand available resources and opportunities for youth. Guest speakers are invited to engage with residents, and youth have opportunities to participate in activities such as boxing and fishing. Staff also work with El Centro to provide additional support, particularly for youth experiencing substance use challenges.

Daily schedules and programming are individualized to meet each youth's needs, with an emphasis on connecting residents to appropriate services within their first three days. The Plan of Operations was recently rewritten by Aimee and Sam. Additional accomplishments reported during the inspection include a three-year medical certification, BHRS certification, zero deficiencies identified by the Department of Health Care Services (DHCS), and receipt of the STARS Award.

Efforts have also been made to create a welcoming and supportive environment for residents. Youth receive welcome baskets upon arrival and transition gifts when leaving, including journals containing encouraging notes. Holiday decorations are displayed throughout the year, library books are regularly

updated, and bilingual signage and Spanish-speaking staff help improve accessibility for Spanish-speaking residents. Overall, the sites demonstrate continued efforts to strengthen programming, improve services, and provide individualized care and support to youth.

COMMENDATIONS
The Receiving Home is commended for its dedication to providing a safe, welcoming, and supportive environment for youth during periods of transition. The Commission recognizes the staff's thoughtful approach to ensuring that youth feel valued, respected, and supported throughout their stay. The program's continued commitment to individualized care and creating a positive environment is especially noteworthy.
RECOMMENDATIONS
The Commission has no recommendations at this time.

DOCUMENTATION

REVIEWED	YES	NO	N/A	COMMENTS
Community Care & Licencing	X	☐	☐	
San Mateo County Fire: Fire Life & Safety	X	☐	☐	

JUVENILE JUSTICE COMMISSION
INSPECTION REPORT
TEMPORARY SHELTER CARE FACILITY- TSCF
SAN MATEO COUNTY RECEIVING HOME

Natural Disaster & Fire Safety	X	☐	☐	
Evacuation Drills	X	☐	☐	
Pre-Intake, Intake & Checklist Procedures	X	☐	☐	
Removal and/or Discharge Procedures	X	☐	☐	
Resident Handbook	X	☐	☐	
Facility Handbook	X	☐	☐	
Facility Rules	X	☐	☐	
Facility Dress Code	X	☐	☐	Staff conducts daily dress code checks
Resident Handbook	X	☐	☐	

JUVENILE JUSTICE COMMISSION

INSPECTION REPORT

TEMPORARY SHELTER CARE FACILITY- TSCF

SAN MATEO COUNTY RECEIVING HOME

Facility Handbook	X	☐	☐	
Facility Rules	X	☐	☐	
Facility Dress Code	X	☐	☐	Staff conducts daily dress code checks
Staffing Ratios:	X	☐	☐	Varies; ample staff always available to assist youth
Positive Discipline Policies & Procedures	X	☐	☐	
Emergency Intervention Plan	X	☐	☐	
Crisis Intervention Services	X	☐	☐	
Medication Protocols and Procedures	X	☐	☐	
Complaints & Investigation Reports	X	☐	☐	

JUVENILE JUSTICE COMMISSION
INSPECTION REPORT
TEMPORARY SHELTER CARE FACILITY- TSCF
SAN MATEO COUNTY RECEIVING HOME

Trauma Informed Policies	X	☐	☐	
Trauma Informed Interventions & Treatment Practices	X	☐	☐	
Use of Restraints	☐	☐	X	
Assessments: Protocol and Procedures	X	☐	☐	
Communication Policies	X	☐	☐	

FACILITY OPERATIONS AND PROGRAMMING				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
LGBTQIA+ & Gender Inclusive Programming	X	☐	☐	
Nutrition and Meals	X	☐	☐	

JUVENILE JUSTICE COMMISSION
INSPECTION REPORT
TEMPORARY SHELTER CARE FACILITY- TSCF
SAN MATEO COUNTY RECEIVING HOME

Transportation	X	☐	☐	
Assessments	X	☐	☐	
Needs and Services Plan	X	☐	☐	
Placement Planning	X	☐	☐	
Medical Dental and Other Health Related Services	X	☐	☐	
Education:	X	☐	☐	Whenever possible, residents attend their home schools to avoid disrupting their educational progress and maintain their connections with friends, educators, and support staff.
Programming Schedule	X	☐	☐	
Mentorship and Peer Support Programs	X	☐	☐	
Recreation Schedule	X	☐	☐	

JUVENILE JUSTICE COMMISSION

INSPECTION REPORT

TEMPORARY SHELTER CARE FACILITY- TSCF

SAN MATEO COUNTY RECEIVING HOME

Extracurricular, enrichment, and social activities	X	☐	☐	
Shared Living Spaces: Great Room	X	☐	☐	
Laundry Room	X	☐	☐	
Gym	X	☐	☐	
Supply Closet	X	☐	☐	
Bathrooms: Cleanliness	X	☐	☐	
Bathroom: Toilets, Sinks, Showers	X	☐	☐	
Bathroom: Lighting and Ventilation	X	☐	☐	

KITCHEN & DINING ROOM

JUVENILE JUSTICE COMMISSION

INSPECTION REPORT

TEMPORARY SHELTER CARE FACILITY- TSCF

SAN MATEO COUNTY RECEIVING HOME

REVIEWED	YES	NO	N/A	COMMENTS
Cleaniless	X	☐	☐	
Appliances	X	☐	☐	
Food Storage	X	☐	☐	
Furniture	X	☐	☐	
Windows and Doors	X	☐	☐	
Walls and Flooring	X	☐	☐	
Lighting	X	☐	☐	
Ventilation	X	☐	☐	

BEDROOMS				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**

JUVENILE JUSTICE COMMISSION
INSPECTION REPORT
TEMPORARY SHELTER CARE FACILITY- TSCF
SAN MATEO COUNTY RECEIVING HOME

Cleaniless	X	☐	☐	
Number of Residents per Room.	X	☐	☐	
Privacy	X	☐	☐	
Furniture	X	☐	☐	
Bed and Mattress	X	☐	☐	
Bedding and Pillows	X	☐	☐	
Personal Property	X	☐	☐	Each youth has their own mailbox; youth have cubbies in staff office to store valuable items.
Clothing • clothing • seasonal • outdoor • shoes	X	☐	☐	Closet of clothing available for youth who need clothes; youth can keep all clothes they receive and are all new. Youth get a stipend for clothing when they get there, and have an emergency stipend after that.
Personal Storage: Closet, dresser, wardrobe, Book case	X	☐	☐	



JUVENILE JUSTICE COMMISSION
INSPECTION REPORT
TEMPORARY SHELTER CARE FACILITY- TSCF
SAN MATEO COUNTY RECEIVING HOME

Personal Hygiene Products	X	☐	☐	
Room Temperature and Ventilation	X	☐	☐	
Windows and Doors	X	☐	☐	
Walls and Flooring	X	☐	☐	

STAFF INTERVIEWS				
REVIEWED	**YES**	**NO**	**N/A**	**COMMENTS**
Do you have the training, tools, and resources needed to successfully complete your job duties?	X	☐	☐	If any additional training is desired in specific area can ask leadership; has funding available for training
Are there an adequate number of supervisors?	X	☐	☐	Staff can pick up additional per diem shifts

JUVENILE JUSTICE COMMISSION

INSPECTION REPORT

TEMPORARY SHELTER CARE FACILITY- TSCF

SAN MATEO COUNTY RECEIVING HOME

Staff Training: Do you believe you have received adequate training?	X	☐	☐	
Do you feel the promotion process is fair and transparent?	X	☐	☐	
What are the biggest challenges facing the facility?	X	☐	☐	Youth leaving without permission, and teaching other youth to do the same. Also, concerns with grooming, shoplifting, handing off contraband.
Internal Communication	X	☐	☐	
External Communications: Social Workers, Educators, Service Providers	X	☐	☐	
Is there anything else that we have not covered that you would like to add.	☐	X	☐	



Youth in Crisis

How Kings County Locks Up Youth With Disabilities

September 5, 2023

Introduction

Disability Rights California and Disability Rights Advocates conducted a multi-year investigation into conditions at the Kings County Juvenile Center. This locked youth detention center is in Hanford, California and houses between 20 and 30 youth who are detained or incarcerated. We were assisted in our investigation by two nationally recognized experts on juvenile criminal justice and education in secure juvenile justice facilities. This report documents our findings. We provided these findings to the County in September 2022, but since then, the County has refused to offer a meaningful response or even agree to a meeting.

Our investigation revealed that the County's youth arrest and detention rates are excessive – among the highest per capita in the state by several measures. The County lacks any diversion program and detains youth who pose little risk, including for status offenses[1] such as truancy. With few re-entry supports, youth are repeatedly re-detained for minor probation violations, throwing them into a vicious cycle that disrupts their education and employment. Youth with disabilities are held in the Kings County Juvenile Center for disability-related behavior that could have been addressed by County staff more effectively in the community at less cost. Mental health services for youth are inadequate, both in the facility and in the community.

Second, the youth detention center is prison-like and regimented, rather than the homelike, rehabilitative environment that state law requires. Youth are routinely pepper sprayed in their cells, day rooms and classrooms, often in their face and eyes. For minor infractions, youth are shackled and "body-slammed" by custody officers or forced to sit alone in hallways for hours at a time. Young people with mental health and behavioral disabilities are disproportionately subject to these practices, which lead to serial discipline, court reports and extensions of their length of stay. Organized activities and outdoor exercise are limited, so youth endure forced idleness, or at best, hours of watching TV in the dayrooms. The incentive program is frustrating and confusing, especially for disabled youth. These conditions re-traumatize many youth with a history of trauma held at the facility.



Photo: The exterior of the detention center.

Third, Probation staff in tactical gear improperly interfere in the J.C. Montgomery school at the detention facility, monitoring students' work and behavior without regard to students' special education accommodations. Unlike most other youth

facilities, Probation, mental health and school staff have no regular process to review incident reports, discuss the needs of various youth, and coordinate supports to disabled youth.



Photo: Probation staff wear tactical vests.

"Anything we do, we get in trouble. If we wear extra clothes when we are cold, or cuff our pants, or try to share food, the guards write us up."

In July 2023, we learned that the Board of State and Community Corrections' ("BSCC") also made findings that corroborate the issues that our experts identified last year. The BSCC report called out excessive use of pepper spray, unlawful use of solitary confinement, and inadequate programming and counseling services, just as our experts did. Many of the BSCC's findings were repeat concerns. In its 2021 inspection report, the BSCC found that youth in crisis spent days in solitary confinement due to the lack of on-site mental health staff. At the time, the Center had just two mental health clinicians that it shared with the 600-bed Kings County Jail next door.

Federal and state law prohibit discrimination against youth with disabilities. The practices described below violate the Constitutions of the United States and California, Americans with Disabilities Act, 42 U.S.C. § 12101, et. seq., Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and Cal. Gov't Code § 11135, among other authorities. These conditions cannot be allowed to continue.

We encourage Kings County to resolve these problems, reform conditions in the detention center, and stop the revolving door that returns too many youth to

secure detention for non-violent offenses. It can do so by implementing the following nine recommendations:

Recommendations

Kings County Probation Department

1. Reduce the excessive use of force by re-training Probation staff to act as counselors rather than merely guards;
2. Eliminate the use of pepper spray by first placing sharp limits on its use;
3. Reform the discipline system;
4. Convene weekly meetings between Probation, its mental health contractor and school staff to address the needs of individual youth with disabilities and reduce their disproportionate discipline;
5. Reduce the excessive youth detention rate by funding independently run, community-based diversion programs and investing in defense-based advocacy;
6. Reduce recidivism by expanding re-entry services and coordinating with the County Office of Education to support youth with school problems;
7. Discourage arrests for status offenses and do not detain youth for non-violent offenses, including violation of probation;
8. Eliminate the involvement of Probation staff in school discipline.

Kings County Behavioral Health System

1. Expand community-based mental health and much-needed drug treatment for youth, including by providing crisis intervention and stabilization without law enforcement involvement.

Report on the Kings County Juvenile Center

Background

Kings County is in California's Central Valley, with a population of 155,000. The County Probation Department operates the Kings County Juvenile Center (KCJC), a 65-bed complex with two classrooms and three living areas, divided by security level. The County has received state funds for a new facility but will continue to house youth in the existing facility and operate both together.

Approximately 20 to 30 youth are housed in the facility at any time. Disability Rights California and Disability Rights Advocates began this investigation in 2019 after receiving complaints about conditions there.

We retained two nationally recognized experts: the Center on Juvenile and Criminal Justice ("CJCJ") and Dr. Peter Leone. CJCJ is a nonprofit nonpartisan organization that has provided technical assistance and policy analysis for over three decades.[2] CJCJ partners with national, state, and local jurisdictions as well as nonprofit and advocacy organizations to promote a balanced and humane criminal justice system designed to reduce incarceration and enhance long-term public safety. CJCJ conducts data-driven research and policy analysis promoting effective approaches to criminal and juvenile justice policies. In providing analysis for us, CJCJ analyzed publicly available data, Kings County documents obtained through our investigation and conducted interviews with Probation Department staff and incarcerated youth in Kings County facilities. Their analysis sheds a critical light on the practices of the Probation Department.

"I was first locked up after I had a fight with my grandmother and ran away, but I keep coming back because I skip school."

Dr. Peter Leone is one of the most respected national experts on education in secure juvenile justice facilities. The County Office of Education, in conjunction with Probation, provides education services to youth in the detention center at the on-site J.C. Montgomery School. Dr. Leone participated in this investigation, inspected the facility and school, interviewed staff, youth and their families and reviewed extensive documents. He concluded that Probation staff improperly interfered at J.C. Montgomery School.

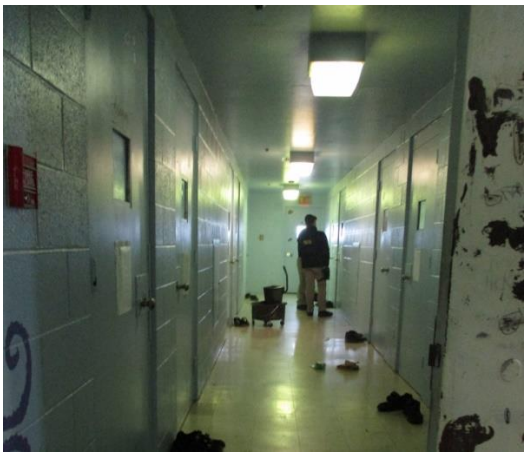


Photo: A hallway at KCJC.

BSCC Inspections of the Facility

Our findings are consistent with the result of inspections by the California Board of State and Community Corrections (BSCC). This state agency conducts biennial inspections of county juvenile detention facilities to determine compliance with state licensing requirements. In its 2021 report, BSCC found that the detention center did not have sufficient mental health staff to respond to youth in crisis. Youth on suicide watch were placed in solitary confinement until a mental health clinician could respond, which often took more than 24 hours. At the time, the Facility shared just two clinicians with the 600-bed adult jail next door.

In its inspection report dated April 27, 2023, the BSCC raised similar concerns and found the Kings County out of compliance with licensing regulations.[3] Some of the board's main findings include:

- Youth on suicide watch were now spending up to 2 days in solitary confinement waiting for a clinician. Probation denied these youth access to programming and services as its standard practice.
- Probation staff unlawfully used room confinement to punish youth for minor misbehaviors.
- The detention center failed to provide youth with adequate counseling and casework services.
- Probation staff did not properly document use of force incidents and left youth alone in their room after spraying them with pepper spray.
- Probation failed to provide youth with the required one hour of programming and activities per day.

Although Kings County Probation has committed to implement new policies and practices addressing these deficiencies, the problems are longstanding and systemic. Systemic reforms, such as those recommended in this report, are needed, or new policies will have little effect.

Finding 1: Probation and school practices and excessive and harmful rates of detention and recidivism create a "revolving door" for troubled youth.

The Kings County Probation Department detains youth in its locked facility at a far higher rate than comparable counties and California as a whole.[4] Kings County's youth detention rate is approximately 12% - twice the state average of 6%.[5] This difference cannot be justified, as a comparable rural county – Imperial – detains only 3% of the youth who are arrested there. The county's high arrest

rates contribute to this high detention rate, and many arrests are for status offenses such as truancy that would not merit a police response elsewhere. Status offense arrests in Kings County are four times higher than the state average. Another comparable county, Imperial, has a larger youth population but reported no status arrests in 2020 and 2021 and only one in 2022.

"I'm 18 and had a job, but my PO locked me up on a probation violation because I didn't attend video calls with a counselor."

The high rate of status offense and misdemeanor arrests and high detention rate is also driven by the absence of any diversion programs, and a failure to utilize alternatives such as school-based programs or crisis services. This was confirmed by interviews with youth in the facility, who reported that their first detention was often the result of a personal or educational crisis. Youth are eventually released to the same school and family situation with no additional support but with strict conditions of probation. In our interviews, disabled youth described multiple arrest and reincarceration detentions for minor status offenses or probation violations with no support or services in between. Youth do not see their Probation officers as helpful, viewing them instead as looking for reasons to revoke their probation and return them to the detention center. Although we did not have access to recidivism data, youth interviews and review of student records confirmed that many youth had repeated stays at the detention center, often beginning as early as ages 12 or 13.

Reentry services are also limited, with few supports in the community. Mental health and drug treatment services are minimal. Several youth commented on the difficulty accessing therapy in the community, saying that the treatment they got at the detention center was better than in the community. This reflects a bias for spending funds only on institutional care that perpetuates recidivism and costs the County more in the long run. Further, the average length of stay for youth in Kings County awaiting an out-of-home placement is among the longest in the state relative to other counties. Kings County has failed to develop community-based placements to meet the needs of these youth, who often have behavioral disabilities. These long waits post-disposition are extremely harmful to youth with disabilities.



Photo: A section of the yard at KCJC.

Additionally, youth with disabilities are inevitably harmed by any unnecessary detention or re-detention for probation violations. Harsh enforcement and inadequate community-based service options means that youth with mental and behavioral health needs are found in violation of probation more often than their non-disabled peers. Putting youth, who are already traumatized and at risk of self-harm into repeated detention situations where they are also subject to discipline for disability related behavior (see below) is particularly harmful to this vulnerable population.

"I've been here so many times, I'll never get out."

Responsibility for these troubling outcomes must fall on Kings County. The County is not responsible for arrests by city police, but it has failed to develop the diversion and reentry programs that would give local police an alternative to arresting troubled youth. County Probation decides which youth to detain. The data shows that youth who pose no threat to public safety are detained at far higher rates than other similar counties and state-wide.[6] The County Behavioral Health Department has not developed an effective youth crisis response system or adequate mental health and drug treatment services for youth, with remarkably low service utilization. Needlessly detaining excessive numbers of youth in secure detention is far more costly to Kings County than providing upstream services to support youth in the community.

The CJCJ report details how the Probation Department must "narrow its front door" and "widen its exits" by increasing its crisis services, creating diversion programs at point of arrest, pre- and post-booking, and funding defense based advocacy.[7] As we recommend below, The County should assume leadership to bring down these arrest and detention rates by developing, expanding, and

coordinating needed community-based services from its agencies. The Probation Department should reconfigure its community-based Probation officers to focus on supporting re-entry and preventing recidivism for justice-involved youth, rather than repeatedly revoking their probation.

Finding 2: Conditions of confinement at the Kings County Youth Detention Center are needlessly punitive and traumatizing to youth.

Under California law, the youth detention center is required to promote rehabilitation in a "safe and supportive homelike environment" for the youth in its custody. See Cal. Welf. & Inst. Code § 851. The Probation Department's own records and our interviews with youth detained at the facility indicate that instead, the conditions at the detention facility have the effect of punishing, isolating, and intimidating the young people there, while depriving them of crucial educational and rehabilitative opportunities. The facility responds to minor misbehavior and rule violations with escalating sanctions, isolation, and court reports that extend the length of their incarceration. The facility's harsh response triggers already traumatized youth, who in turn escalate their behavior, making rehabilitation more difficult and increasing overall violence and disruptive conditions. Additionally, youth all reported that food was inadequate in amount, cold, and unappetizing. They reported being constantly hungry, being punished for trying to save or share food with others and asked their interviewers for extra food. This also contributed to a hostile, anxious tone in the facility.

"After a bunch of us were pepper sprayed, I had to wait two hours to wash it off. I was so desperate I stuck my head in the toilet while I waited."

Inadequate Mental Health Care and Unsafe conditions for Youth with Behavioral Disabilities and Trauma

High quality mental health care is critical to the well-being and safety of Kings County youth while they are in custody. Studies estimate that as many as 60% of youth in juvenile detention or correctional facilities have some type of diagnosable mental health and behavioral disability. Our investigation found that the population of youth with mental health and behavioral disabilities in detention is even higher in Kings County then this national average. During our 2022 inspection, mental health staff identified 22 of the 27 youth as needing mental health services, i.e. more than 80% of youth at the detention center.[8] Youth involved in juvenile corrections also have much higher levels of post-traumatic stress disorder than non-corrections involved youth. Many youth we interviewed reported a history of trauma and require an environment where they feel safe.

However, our review of incident reports and interviews with youth indicated that the attitudes of staff and the institution itself are harmful and traumatizing to youth with mental health and behavioral disabilities. This manifests in staff-imposed punishment and isolation and inappropriate and excessive use of force (see sections below). Deputies see themselves only as guards; although some might want to act more as counselors, they are not trained to identify and properly communicate and empathize with youth experiencing trauma and other mental health and behavioral disabilities.[9] Such staff education and training is critical to the care and well-being of youth in custody.

Most disturbingly, we found evidence that staff as well as peers belittled and bullied youth with disabilities. Youth with intellectual disabilities reported being provoked and degraded by staff, and one disabled youth informed us that staff revealed his alleged offense (a sexual offense) to other youth, which led to harassment and isolation. Staff often failed to stop bullying by peers, stating that this would teach youth how to act properly.[10] Our investigation revealed serial punishments meted out to youth with disabilities including isolation and being sent to max. Our investigation also uncovered a failure to provide attainable behavioral plans for youth with disabilities, and a failure to coordinate accommodations for youth in school and custody.

More generally, mental health care in the detention facility is inadequate. Youth complain that they need more individual counseling and cannot wait weeks between appointments. Group counseling is conducted by the same Probation staff who discipline them. Youth report that staff insist they discuss past trauma (not a recommended approach), and if they refuse, they are disciplined for "failure to program."[11] Suicidal ideation is common; staff respond by handcuffing youth and isolating them in a holding cell for long periods until mental health staff are available, which adds to their feelings of despair and isolation.

Overuse of Pepper Spray

Probation staff carry pepper spray at all times just as guards do in adult prisons. Staff routinely use pepper spray to control and subdue detained youth after minimum provocation, including in response to non-violent acts such as talking back, being non-compliant, banging on the inside of a closed cell door,[12] or being angry or frustrated. The facility manual directs that custody staff spray youth directly in their face and eyes, a practice that youth confirmed in interviews.[13] Our investigation revealed that staff sometimes employ pepper spray on youth who are compliant, have already been subdued, or are otherwise restrained. This use appears to be punitive rather than necessary to protect health and safety. Probation staff also routinely threaten youth with the use of pepper spray, which intimidates youth and contributes to the unsafe atmosphere that pervades the detention facility. Staff's widespread use of pepper spray to

control and intimidate youth creates the impression among youth that they are in constant danger of being sprayed at any time for reasons outside their control.

Pepper spray is very painful and youth should be immediately given chemical wipes to decontaminate. Youth at the detention facility reported no access to decontamination wipes and were often locked in their cells for long periods after an incident without the chance even to shower. Youth reported being so desperate to stop the burning that they dunked their faces in the toilet bowl in their cell.

"When I tried to take some cookies to my room, the guard slammed to ground, cuffed me and made me lay on my stomach until he removed the cuffs."

Probation staff's frequent use of pepper spray disproportionately affects youth with disabilities. Youth with behavioral, mental health, learning, intellectual and/or developmental disabilities have trouble conforming their behavior to strict rules, such as those at the detention center. They are more likely to be threatened with pepper spray and to be sprayed, and to be targeted by staff based on their disability-related behavior. The frequent use of pepper spray also has detrimental impact on health, particularly for youth and staff with asthma, heart conditions, and other physical and mental health conditions that pepper spray can exacerbate. Youth with disabilities, particularly youth with mental health-related disabilities and a history of trauma, are particularly vulnerable since the experience itself can exacerbate preexisting mental health conditions such as posttraumatic stress disorder. The routine use of pepper spray in the detention facility not only causes physical and psychological harms for the youth it is deployed against, but also undermines attempts to create a more therapeutic environment as required by California law, and contributes to distrust, resentment, and violence.

For this reason, most states across the nation ban the use of pepper spray in juvenile facilities; California is one of only 6 states that permits this. Nearby counties are actively reducing its use and some counties already ban it. The Juvenile Detention Alternatives Initiative (JDAI) has developed standards that are used in more than 300 sites in 39 states, form the basis for federal and state legislation in the juvenile detention realm and have been employed by the U.S. Department of Justice in its investigations. These standards require juvenile justice facilities to strictly prohibit the use of chemical agents like pepper spray.[14] Kings County should do the same.

Frequent and Disproportionate Use of Force

The Juvenile Detention Alternative Initiative standards make clear that staff may not use physical force as a form of punishment, and that youth should "feel safe from victimization by staff and youth, including abuse, threats of violence, bullying, theft, sexual abuse, sexual harassment, and assault."[15] Yet, Probation staff routinely use excessive physical force, sometimes "body-slamming" youth to the ground for minor violations such as defiance. Staff also use mechanical restraints such as handcuffs, leg irons, and full body "WRAP" devices to control youth under their care, including youth with disabilities and those experiencing mental health crises. An earlier state inspection revealed that restraints – including leg shackles and the full-body WRAP – were used on youth who posed no threat to themselves, others, or to even to property, and that Probation staff likely undercounted use of force incidents because they were not properly identifying use of restraints as a use of force. Discipline logs show that youth are sometimes placed on "leg-iron status" for days at a time.

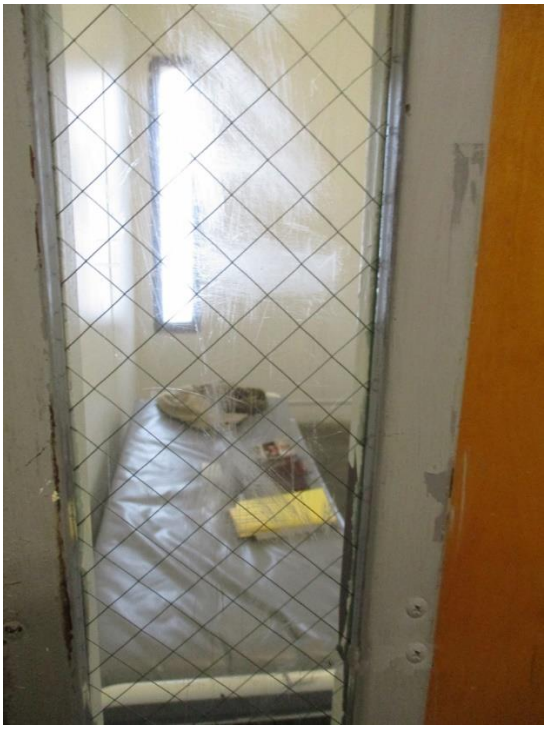


Photo: Another cell at KCJC as seen through the small door window.

Probation reported roughly two use of force incidents per month for every ten youth detained at the facility – a high rate that includes the use of force in response to self-harming behavior. Youth with behavioral, mental health, learning, intellectual, and/or developmental disabilities are more likely than youth who do not have such disabilities to engage in conduct that precipitates the use of physical force by Probation staff. Further, youth with disabilities, especially

youth with mental health-related disabilities and a history of trauma, are particularly vulnerable to the adverse effects of the use of physical force, which can also exacerbate preexisting mental health conditions such as PTSD.

Isolation and "Hallway Status"

State law restricts the use of isolation in juvenile detention facilities and prohibits the use of isolation "for purposes of punishment, coercion, convenience, or retaliation by staff."[16] The state code further prohibits the use of isolation "to the extent that it compromises the mental and physical health of the minor or ward."[17] Despite these restrictions, our investigation revealed that Probation staff at the detention facility punished youth by isolating them from their peers for extended periods of time, including for minor infractions such as speaking during meals or turning their heads while walking. This punishment is called "reassigned seating" or "hallway status" or "hallway assignment".[18]

Our review of incident logs indicates that youth are often punished by being made to sit on a hard chair in the hallway outside their cell or in the hall of the unit out of sight of the common room. This appears to be a tactic to get around state law restricting "room confinement" to no more than four hours and not for punitive reasons.[19] In the logs, we reviewed youth remaining on hallway status for days. This was not an unusual occurrence, and it was corroborated by interviews with youth. Youth were confined to chairs for a myriad of minimal infractions such as disrespecting staff, talking back, or sharing food. We also were able to corroborate through other documents and interviews with youth that youth with disabilities at the detention facility, especially those with ADHD and mental and behavioral health conditions, are disproportionately punished with hallway status and denied access to program time due to their disability-related behavior.

Furthermore, we found that Probation staff disproportionately use hallway status as isolation to control youth with disabilities, including in response to behavior related to their disabilities instead viewing these youth as "acting out." Staff do not effectively take youths' disabilities into account before isolating and segregating them from others or punishing them for behavior; i.e. youth who have a disability are being punished for behavior related to their disability and not within their control. Isolation through either room confinement or hallway status risks exacerbating existing mental health and behavioral conditions and makes it more likely that youth with disabilities subjected to these practices will again engage in disability-related behaviors likely to lead to further punishment. Under Juvenile Detention Initiative guidelines, any isolation of this kind should be used as a last resort and as a temporary response to youth behavior that threatens immediate harm for the youth or others. Kings County does not follow these guidelines.

Prolonged isolation is widely known to have detrimental effects on the physical and psychological well-being of those to whom it is applied.[20] Youth on hallway status reported to us that in many ways it is worse than being confined to their cell because they could almost see and could always hear all the other activities that other youth were engaged in – such as video games or movies. Isolation is known to be especially harmful when deployed against youth, leading to heightened risk of suicide and suicide attempts,[21] and is even more harmful for those with disabilities.[22] Even without the danger to a young person's mental health, prolonged isolation of youth compromises efforts to rehabilitate them by blocking their access to educational and rehabilitative programming. Furthermore, isolation of youth can undermine and break down trust with adults, resulting in paranoia, anger, and hatred. As a result, youth reintegrating from isolation have difficulty forming the therapeutic relationships necessary to address mental health or behavioral concerns resulting from or exacerbated by the isolation they have experienced.

Additional Probation Issues Identified

Youth also reported that they were denied reasonable and adequate phone calls to family members. They also reported that phone calls were almost always listened in on and the calls were terminated when they tried to talk about conditions in the facility with family members. This silences youth and inflicts greater trauma on them. Listening in on phone conversations violates JDAI standards.

Youth also complained to us in every visit we have made of cold food, small portions and unappetizing food. Youth are punished for sharing food, saving food, or trying to get a second helping.

Lastly, youth reported that the grievance process is inconsistent and that complaints about staff are immediately shared with the staff which then exposes youth to retaliation. Many youth described the grievance system as a "total joke" and feared retaliation. Youth reported disturbing incidents of staff demanding to review grievances before they submitted the grievance.

Finding 3: Kings County fails to meet the general and special education needs of students.

Our observations and those of Dr. Leone confirm that Probation failed to provide adequate resources and interfered with the program at J.C. Montgomery.

First, students are subjected to inappropriate discipline. Probation staff in the classroom, rather than the teacher or aide, look over students' work on their laptops from the back of the room, and intervene directly if they think a student is not paying sufficient attention. Youth reported that when they try to take a break as permitted by their individual special education plans, Probation staff will reprimand them, write up their behavior in court reports and remove them from the classroom. Unlike most other youth facilities, Probation staff and school staff have no regular process to review incident reports, discuss the needs of various youth, and coordinate supports to disabled youth. Moreover, Dr. Leone found that several youth had behavior support plans that were "tabled" or otherwise ignored at the detention center. A review of incident reports also revealed that Probation staff conduct informal school removals by keeping them on the unit or removing them from the classroom.



Photo: An interview room at KCJC as seen through the closed door.

Second, students in the MAX unit are educated in the common room rather than a separate classroom. As this is the day room, other non-student youth may be present and create distractions for students just being present, or in their transit to the bathrooms which are also directly off the common room. Additionally, the station for Probation staff in the unit is in this common room and also distracts students. The MAX unit "classroom" is wholly inadequate for students and especially students with learning disabilities.

Conditions and Practices at the Kings County Juvenile Detention Center Violate State and Federal Law

Youth in detention have important rights and legal protections:

- **The 8th and 14th amendments to U.S. Constitution** protect youth in detention facilities regarding isolation, use of force, access to educational services and other conditions of confinement.
- **Title II of the Americans with Disabilities Act** (the ADA), protects people from disability-based discrimination by public entities, which includes the County. 42 U.S.C. § 12132. **Section 504 of the Rehabilitation Act of 1973** protects people from disability discrimination in federally funded programs, which also includes the County and the Probation Department. 29 U.S.C. § 794; 28 C.F.R. § 42.503(a), (b). These laws prohibit the County from excluding youth with disabilities from, denying the benefits of, or denying equal access to its programs and services. The Supreme Court has ruled that the ADA requires government to ensure that services are provided in the most integrated setting appropriate to the needs of the disabled individual. See *Olmstead v. L.C.*, 527 U.S. 581 (1999).
- State law also provides protections. California Government Code section 11135 similarly prohibits disability discrimination in state programs. Cal. Welf. & Inst. Code § 851 requires that juvenile detention facilities such as the Kings County Juvenile Center be a "safe and supportive homelike environment" to promote rehabilitation.

"Most of us have ADHD and anger issues. The guards provoke us and we lose all our privileges, which just makes us more upset."

The County is ignoring these protections. By disproportionately detaining youth with disabilities and failing to provide adequate community supports, the County is not meeting its obligation to provide services in the most integrated setting for these youth.[23] In dealing with youth with disabilities inside the facility, Probation staff disproportionately use excessive chemical and physical force, impose isolation and disciplinary sanctions, and deny them access to education programs and other services provided to non-disabled youth. Probation staff impose these sanctions for disability-related behavior over which youth have no control, and for which they require accommodations, not punishment. Further, these practices exacerbate their disabilities and lead to additional force, isolation, and sanctions. This compounds the detention center's denial of access to their

educational and rehabilitative programs, services, and activities, in violation of state and federal law.

- 1.Status offenses are actions by a minor that would not be a crime if committed by an adult, such as truancy and running away from home.
- 2.Center on Juvenile and Criminal Justice, "Kings County Juvenile Center Investigation Report," December 2022, page 1 (referred to as "CJCJ Report").
- 3.Report of the Board of State and Community Corrections, on file with DRC and DRA.
- 4.CJCJ Report at 3-4.
- 5.CJCJ Report at 5. Before the California Division of Juvenile Justice closed its doors, Kings' commitment rate to state DJJ facilities is more than three times the state average. Presumably this high commitment rate will now apply to the Kings County Juvenile Center.
- 6.CJCJ Report, pages 8-12. Probation's screening instrument relies heavily on evidence of a prior arrest, which is all too common in this high-arrest rate county. More importantly, Probation has not developed programs for community supervision without the need to first detain youth.
- 7.CJCJ Report, pages 32-35.
- 8.CJCJ Report, page 19.
- 9.CJCJ Report, pages 19-20.
- 10.CJCJ Report, pages 19-20.
- 11.CJCJ Report, pages 21-22.
- 12.Pursuant to a routine inspection, a representative of the California Board of State and Community Corrections reported found that Probation staff inappropriately employed pepper spray into an individual youth's cell in response to an incident of self-harm.
- 13.The facility's own records indicate that pepper spray was frequently used in the Max Unit's classroom, creating additional barriers to education for youth detained there.
- 14.Juv. Detention Alternatives Initiative, Juvenile Detention Facility Assessment – Standards Instrument 2014 Update, 104 (2014), available at http://www.cclp.org/wp-content/uploads/2016/06/JDAI-Detention-Facility-Assessment-Standards.pdf (hereinafter JDAI Assessment Standards (2014)).
- 15.CJCJ Report, pages 25-28.
- 16.Cal. Welf. & Inst. Code § 208.3.
- 17.Id.
- 18.CJCJ Report, pages 16-17.
- 19.Id.
- 20.https://www.vera.org/downloads/publications/the-impacts-of-solitary-confinement.pdf; https://www.ncchc.org/solitary-confinement
- 21.Lindsay M. Hayes, Characteristics of Juvenile Suicides in Confinement, U.S. Dept. of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin (Feb. 2009), https://www.ncjrs.gov/pdffiles1/ojjdp/214434.pdf; see also Letter from Kenneth Zimmerman, Executive Director & Craig Levine, Senior Counsel & Policy Director, of the New Jersey Institute for Social Justice, et al. to Valerie Edgar, Deputy

Attorney General, Special Assistant to the Executive Director, New Jersey Juvenile Justice Commission, 4 (Sept. 16, 2005), http://www.njisj.org/document/testimonyyouthdetention-9-16-05.pdf (citing Lindsay M. Hayes, Juvenile Suicide in Confinement: A National Survey, National Center on Institutions and Alternatives (Feb. 2004), available at https://www.ncjrs.gov/pdffiles1/ojjdp/grants/206354.pdf (urging New Jersey to adopt regulations restricting the use of isolation for juveniles in detention and correctional facilities, in part, because of the substantially increased risk of suicide among youth who are isolated)); see also Lindsay M. Hayes, Juvenile Suicide in Confinement: A National Survey, National Center on Institutions and Alternatives (Feb. 2009), available at https://www.ncjrs.gov/pdffiles1/ojjdp/213691.pdf.

- 22.https://www.aclu.org/sites/default/files/field_document/alone_and_afraid_complete_final.pdf; See, e.g., Rodney A. Ellis, et al., Issues in the Seclusion and Restraint of Juveniles: Policy, Practice and Possibilities, 2 Advances In Social Work 50, 58 (2001) (citing Rodney A. Ellis, et al., Profile-based Intervention: Developing Sensitive Treatment for Adolescent Substance Abusers, 10 Research On Social Work Practice 327 (2000) (describing the negative reactions that youth with psychiatric, intellectual and developmental disabilities often have when they are isolated due to their behaviors and that the professional literature has found that such practices may exacerbate already maladaptive behaviors)).
- 23.See U.S. Dep't of Just., Investigation of Nevada's Use of Institutions to Serve Children with Behavioral Health Disabilities (Oct. 4, 2022); Letter from Kristen Clarke, Assist. Att'y General, to Janet Mills, Governor of Maine, re: United States' Investigation of Maine's Behavioral Health System for Children Under Title II of the Americans with Disabilities Act (Jun. 22, 2022) (finding that states likely violated integration mandate under Title II of the ADA by failing to provide community-based supports (including crisis intervention services) for youth with mental health disabilities)

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

DISABILITY RIGHTS CALIFORNIA, the California Protection and Advocacy Agency for Persons with Disabilities,

Plaintiff,

v.

COUNTY OF KINGS and its PROBATION DEPARTMENT, and the KINGS COUNTY OFFICE OF EDUCATION,

Defendants.

Case No.

Complaint for Declaratory and Injunctive Relief

JURISDICTION

1. This action seeks relief against Defendants County of Kings, its Probation Department, and the Kings County Office of Education (collectively, "Defendants") for violations of the United States Constitution, Title II of the Americans with Disabilities Act ("Title II"), 42 U.S.C. § 12131 et seq., Section 504 of the Rehabilitation Act ("Section 504"), 29 U.S.C. § 794, Article IX, sections 1 and 5 of the California Constitution, and California state law.

2. This Court has jurisdiction over Plaintiff's federal claims arising under the United States Constitution, 42 U.S.C. § 1983, Title II, and Section 504, pursuant to 28 U.S.C. §§ 1331 and 1343.

3. Through the same acts and omissions, Defendants have also violated Plaintiff's rights under state law. This Court has supplemental jurisdiction over those claims under 28 U.S.C. § 1367 because they arise from the same case or controversy under Article III.

4. This Court has jurisdiction to grant declaratory and injunctive relief under 28 U.S.C. § 2201 and Federal Rules of Civil Procedure 57 and 65, and authority to award reasonable attorneys' fees and costs under 42 U.S.C. § 12205 (ADA), 29 U.S.C. § 794a(b) (Section 504), 42 U.S.C. § 1988, and California Code of Civil Procedure section 1021.5.

5. Plaintiff Disability Rights California ("DRC") is California's designated Protection and Advocacy ("P&A") System and brings claims on its own behalf under the Protection and Advocacy for Individuals with Mental Illness Act, 42 U.S.C. § 10801 *et seq.*, the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15041 *et seq.*, and the Protection and Advocacy for Individual Rights Act, 29 U.S.C. § 794e (together, the "P&A Acts").

6. Plaintiff DRC raises claims on behalf of itself and its Constituents for violations of the Constitution, Title II, Section 504 of the Rehabilitation Act, and state law arising from Defendants' treatment of youth with disabilities in their custody or

supervision.

PRELIMINARY STATEMENT

7. DRC brings this action against Kings County, its Probation Department, and the Kings County Office of Education ("Defendants") for their treatment of youth with mental health disabilities, intellectual disabilities, and learning disabilities who are detained by, supervised by, or entitled to an education from those agencies.

8. Defendants operate the Kings County Juvenile Center ("Juvenile Center") and J.C. Montgomery School, where all detained youth are held and educated. Average daily population was 22 in the second quarter of 2025 against a capacity of 56; as of May, 2026, it was 21. DRC's investigation found youth disciplined for minor infractions through prolonged isolation in hallways and subjected to excessive physical and chemical force, including pepper spray directed at youths' faces and eyes, followed by inadequate decontamination treatment after such use of chemical force. As a result, DRC's Constituents, youth with mental health and behavioral disabilities, suffer physical harm, escalating discipline, new charges, extended confinement and denial of their educational rights.

9. The County's youth arrest and detention rates are among the highest per capita in the state. The County lacks diversion programs, leading to arrests for minor offenses and unnecessary probation supervision, and it detains low risk youth, including for technical violations of their probation such as poor grades or truancy. The result is an excessive recidivism rate and the criminalization of disability-related behavior that could be addressed through school and community-based supports.

10. Defendant Kings County Office of Education ("KCOE") operates J.C. Montgomery School within the Juvenile Center. Its suspension rate has historically exceeded seven times the state average. KCOE, with the assistance of probation staff, has frequently removed students from class without due process or compensatory educational services, and has failed to identify or adequately assess students' disabilities.

11. DRC seeks: (1) a declaratory judgment that Defendants have violated federal

law; and (2) preliminary and permanent injunctions requiring Defendants to reduce the excessive use of force, improve conditions of confinement, ensure access to education, reduce excessive detention and recidivism, and reform probation supervision to prioritize rehabilitation over technical compliance.

VENUE

12. Venue is proper under 28 U.S.C. § 1391(b) as a substantial portion of the events or omissions giving rise to this action occurred in this district, and Defendants reside here.

PARTIES

Plaintiff DRC and its Constituents

13. DRC is a non-profit agency designated by the Governor of California as the state's Protection and Advocacy System for persons with disabilities. Cal. Welf. & Inst. Code §§ 4900(i); 4901. Its mission is to work "in partnership with disabled people to defend rights, advance opportunities, grow power, and expand public support for disability justice in California and beyond."

14. DRC's work is guided by its Board of Directors, the majority of whom have disabilities, and by the PAIMI Advisory Council. DRC also gathers input through surveys, focus groups, and public hearings from people with disabilities and their communities to set its goals.

15. The P&A Acts authorize P&A systems, including DRC, to investigate abuse and neglect of people with disabilities and to protect their rights "through activities to ensure the enforcement of the Constitution and Federal and State statutes." 42 U.S.C. § 10801(b); *see also* 42 U.S.C. § 15041; 29 U.S.C. § 794e(a).

16. DRC is authorized to "pursue administrative, legal, and other appropriate remedies" to ensure the protection of the rights of people with disabilities. 42 U.S.C. § 10805(a)(1)(B); 42 U.S.C. § 15043(a)(2)(A)(i); 29 U.S.C. § 794e(f)(3); Cal. Welf. & Inst. Code § 4902(b)(2); *see also Or. Advocacy Ctr. v. Mink*, 322 F.3d 1101, 1110 (9th Cir. 2003). DRC brings this action on behalf of youth with disabilities who are now or

will be detained at the Juvenile Center, referred collectively as the "DRC Constituents." *See Hunt v. Washington State Appl. Adver. Comm'n*, 432 U.S. 333, 343 (1977); *Mink*, 322 F.3d at 1111-12.

17. DRC shares an interest with its Constituents in resolving the issues alleged here. It has diverted significant organizational resources to investigate Defendants' violations and advocate for remedies, long after Defendants had the opportunity to resolve these allegations without litigation, impairing DRC's ability to advance its mission. *See Havens Realty Corporation v. Coleman*, 455 U.S. 363, 372-80 (1982).

18. DRC has standing to vindicate its Constituents' rights under the Constitution, Title II, Section 504, and state law, including the right to be free from unnecessary detention and excessive force, and to access education and needed services in their homes and communities. DRC Constituents have representation and influence in DRC's operations, and their individual participation in this lawsuit is not required. The requested declaratory and injunctive relief sought is germane to DRC's mission and activities.

Youth Exemplars

19. DRC Constituents include the following youth with disabilities, each of whom would have standing to sue individually. Pseudonyms are used to protect their privacy and guard against retaliation.

Youth 1

20. Youth 1 is 17 and currently detained at the Juvenile Center. He has behavior-related disabilities and was previously eligible for an Individualized Education Program ("IEP"). He has cycled in and out of custody since age 11 and was most recently detained in Spring 2023.

21. Staff subject Youth 1 to excessive and punitive discipline for disability-related behaviors, issuing court reports for minor conduct like horseplay or delayed compliance. Punishments include room confinement, hallway status/reassigned seating, losses of incentive points and days toward early release, and loss of his snack during

weekly family visits.

22. Youth 1 has been prone-restrained while handcuffed after being pepper sprayed. When multiple youth are sprayed at once, he has been given only a few minutes to decontaminate.

23. Youth 1 has also gone hungry and has been disciplined for sharing or saving food, losing incentive days for saving hard-boiled eggs from breakfast. Rather than provide adequate food, staff confiscate it as "contraband" and punish him.

24. Youth 1 reported that while he was attending J.C. Montgomery School, he did not receive his disability-related accommodations consistently in the classroom, and he was not assessed in all areas of suspected or known disability to determine whether he required additional accommodations or services.

Youth 2

25. Youth 2 is 18 and was recently detained at the Juvenile Center. On information and belief, he remains on probation and can be re-detained at any time. He has intellectual, mental health, and learning disabilities and is IEP-eligible.

26. Officers have imposed excessive discipline on Youth 2 for disability-related behaviors. He was housed alone in the "Birch Unit" due to concerns of him jumping from a top bunk.

27. Youth 2 has been pepper sprayed while being attacked by other youth. After one severe spray to the eyes, he was showered while experiencing impaired vision and severe emotional distress.

28. Youth 2 was frequently removed from the classroom due to disability-related needs, which were not documented as suspensions. This caused him to miss instructional minutes and special education services.

Youth 3

29. Youth 3 is 18 and currently detained at the Juvenile Center. He had an IEP for mental health and learning disabilities. Officers have pepper sprayed him in multiple facility locations, including in the classroom in July 2025.

30. Youth 3 did not receive career technical education or individualized mental health support through his IEP, despite indicating that he needed these services.

31. Youth 3 reports that the grievance process is ineffective, with few responses and no meaningful resolution.

DEFENDANTS

32. Defendant County of Kings, through its Probation Department ("County"), manages and controls the Kings County Juvenile Center ("Juvenile Center"). Cal. Welf. & Inst. Code § 852. The Juvenile Center is located in Hanford, California, holds between 20 and 30 youth on average, and includes Kings County Secure Youth Treatment Facility ("SYTF"), which, on information and belief, houses up to ten eligible youth.

33. Defendant Kings County Office of Education ("KCOE") is a California county office of education. Under state law, county offices of education operate juvenile court schools, which includes educating detained students with disabilities. Cal. Educ. Code §§ 48625.2, 56150.

34. KCOE operates and provides education services to all detained youth at the Juvenile Center who have not yet graduated from high school.

35. The County oversees its Probation Department and is also responsible for the County Department of Behavioral Health.

36. Defendants are jointly responsible for all policies, practices, and procedures at the Juvenile Center, and for compliance with California Board of Corrections' minimum standards. *See* Cal. Code Regs., tit. 15, § 1310.

LEGAL RIGHTS OF JUSTICE-INVOLVED YOUTH

37. Youth with disabilities detained in juvenile detention have important protections under federal and state law:

38. The Due Process Clause of the Fourteenth Amendment protects youth confined at the Juvenile Center, whether detained pending adjudication or committed following disposition, including youth committed to the SYTF. Because juvenile proceedings are not criminal and juvenile confinement may not be punitive, these youth

are entitled to conditions at least as protective as those afforded adult pretrial detainees and persons involuntarily committed. Title II prohibits disability-based discrimination by public entities, including the County. 42 U.S.C. § 12132. Section 504 prohibits disability discrimination in federally funded programs, including the County Probation Department and KCOE. 29 U.S.C. § 794; 28 C.F.R. § 42.503(a)-(b). The Supreme Court has held that Title II requires services to be provided in the most integrated setting appropriate. *See Olmstead v. L.C.*, 527 U.S. 581 (1999).

39. Section 504, 29 U.S.C. §794, bars excluding a qualified individual with a disability from a federally funded program "solely by reason of" disability. Its regulations require a local educational agency to provide a "free appropriate public education" (FAPE) for each qualified student with a disability, regardless of the nature or severity of the disability. 34 C.F.R. § 104.33.

40. Section 504 imposes an affirmative obligation to identify students suspected of having disabilities. Specifically, local educational agencies must seek out, evaluate, and identify children with disabilities. 34 C.F.R. § 104.32(a)-(b); *Id.* at §104.35(a).

41. The California Constitution guarantees all youth, including incarcerated youth, the fundamental right to an education. Cal. Const. art. IX, §§ 1, 5; *see also Serrano v. Priest*, 5 Cal.3d 584 (1971) (*Serrano I*); *Serrano v. Priest*, 18 Cal.3d 728 (1976) (*Serrano II*); *Butt v. State of California*, 4 Cal.4th 668 (1992).

42. Incarcerated students are entitled to "a quality educational program" responsive to different learning styles and abilities, including those of students with disabilities. Cal Code Regs., tit. 15, § 1370(b), (d).

43. Incarcerated students must receive a minimum of 240 minutes of instruction daily, in a course of study complying with the California Education Code and constitutional obligations.

44. School disciplinary policies may not deprive students of their education. Cal. Code Regs., tit. 15, § 1390.

45. Probation departments and county offices of education are jointly

responsible for ensuring incarcerated youth receive mandated education services and must develop written procedures coordinating educators and probation staff. *See* Cal. Code Regs., tit. 15, § 1370(a)

46. California Government Code section 11135 similarly prohibits disability discrimination in state programs.

47. Juvenile detention facilities are required to promote rehabilitation in a "safe and supportive homelike environment" for the youth in its custody. *See* Cal. Welf. & Inst. Code § 851. A juvenile detention facility "shall not be deemed to be, nor be treated as, a penal institution." *Id.*

48. State law restricts isolation ("room confinement") and prohibits its use "for purposes of punishment, coercion, convenience, or retaliation," or to the extent it compromises a youth's mental or physical health. Cal. Welf. & Inst. Code § 208.3.

49. State licensing regulations, enforced by the Board of State and Community Corrections ("BSCC"), grant detained youth additional protections. Cal. Code Regs., tit. 15, § 1300 et seq.

50. Facilities must have written policies ensuring appropriate counseling and casework services for all youth. Cal. Code Regs., tit. 15, § 1356.

51. Chemical agents, including pepper spray, may never be used "as punishment, discipline, retaliation or treatment," and exposed youth must not be left unattended until fully decontaminated. Cal. Code Regs., tit. 15, § 1357.

52. Physical restraints may not be used "as punishment or discipline, or as a substitute for treatment." Cal. Code Regs., tit. 15, § 1358.

53. Facilities must implement written policies and procedures whereby any youth may appeal and have resolved grievances relating to any condition of confinement. Cal. Code Regs., tit. 15, § 1361.

54. Facilities must provide programs, recreation, and exercise to minimize time youth spend confined to their rooms. Cal. Code Regs., tit. 15, § 1371.

FACTUAL ALLEGATIONS – DRC'S INVESTIGATION

55. DRC and its counsel, Disability Rights Advocates ("DRA"), have conducted a multi-year investigation into conditions at the Juvenile Center, launched after DRC received complaints about the facility's conditions and conducted monitoring inspections under its authority as a state P&A system.

56. DRC's investigation began in early 2019. It first visited the Juvenile Center on February 28, 2019, touring the facility, and meeting with youth and staff, including then Chief of Probation, Bakker.

57. Based on that visit and subsequent Public Records Act requests DRC notified the County on August 9, 2019, that it had found probable cause of abuse and neglect of youth with disabilities in violation of federal and state law.

58. DRC then engaged two nationally recognized experts: The Center on Juvenile and Criminal Justice ("CJCJ"), a nonprofit nonpartisan entity that conducts data-driven research and policy on effective approaches to criminal and juvenile justice policies; and Dr. Peter Leone, a national expert on education in secure juvenile facilities.

59. Plaintiff DRC returned for further inspection on August 22, 2019, interviewing youth and staff, including Chief Bakker, Chief Probation Officer Kelly Zuniga, Juvenile Corrections Manager Carla Corbett, Deputy Chief Luttrell, and medical staff.

60. DRC continued requesting and reviewing records, though the Coronavirus pandemic significantly impeded its investigation through 2020 and much of 2021.

61. DRC, DRA, and CJCJ conducted another inspection on November 10, 2021, again interviewing youth and staff.

62. On September 21, 2022, DRC sent Defendants an eleven-page letter detailing violations of federal and state disability and constitutional law. The County did not initially respond.

63. DRC conducted another inspection on November 14-15, 2022, again interviewing youth and staff, and observing classroom instruction and programming.

64. After DRC requested a response to the September 21, 2022 letter, the County asked for a summary of the issues and proposed solutions. DRC provided a four-page summary letter on June 14, 2023; despite requests to negotiate, Defendants did not respond.

65. Also on June 14, 2023, DRC learned from CJCJ that BSCC had inspected the Juvenile Center and found it out of compliance with Title 15's Minimum Standards for Juvenile Detention Facilities on isolation, use of force, and lack of programming—issues DRC had raised four years earlier.

66. On September 5, 2023, DRC and DRA released a public report, *Youth in Crisis: How Kings County Locks Up Youth With Disabilities*, https://www.disabilityrightsca.org/custom-page/youth-in-crisis-how-kings-county-locks-up-youth-with-disabilities (last visited Sep. 29, 2026), detailing the County's high arrest and recidivism rates and its inadequate services and excessive force and isolation.

67. DRC and DRA conducted further inspections, including of J.C. Montgomery School, on October 2, 2023, one year later on October 4, 2024, and again on September 9-10, 2025, interviewing youth and staff and observing instruction, programming, and recreation.

68. Since October 2023, DRC has been negotiating with the Defendants to resolve the issues raised in this complaint.

EXCESSIVE FORCE AND FAILURE TO PROTECT YOUTH FROM VIOLENCE

69. The Juvenile Center functions as a prison-like and regimented environment. Staff in tactical vests openly carry pepper spray and identify as "guards." Minor misbehavior triggers escalating sanctions, isolation, court reports, and extended detention; youth are pepper sprayed, shackled and "body-slammed" for low-level conduct. These harsh responses escalate trauma and behavior rather than reducing it. Youth with disabilities are disproportionately targeted, resulting in repeated discipline and extended confinement, while limited programming produces prolonged idleness and

a confusing incentive system that further disadvantages them.

Use of Chemical Force

70. Probation staff routinely use pepper spray to control detained youth.

71. Pepper spray causes intense burning in the eyes, nose, and throat, coughing, and temporary blindness, leaving an oily residue that cannot be washed off with water alone.

72. Staff carry 4-ounce ("MK-4") canisters on their vests at all times and store 16-ounce ("MK-9") canisters on every unit; in the Birch (MAX) unit, a guard keeps an MK-9 on their belt at all times. Staff present in the classroom also carry both, and have deployed pepper spray there as recently as July 2025, typically emptying the can rather than using short bursts.

73. Staff deploy spray indiscriminately to fill a space or directly on youth; facility policy specifically directs staff to spray youths' faces and eyes.

74. Staff use pepper spray after minimal provocation, including non-violent conduct such as talking back or delayed compliance, and sometimes on youth already compliant, subdued, restrained, or in mental health crisis, including during self-harm incidents.

75. BSCC warned the County in 2017 to stop using MK-9 canisters on the units; the County ignored the warning, and a 2023 BSCC report found staff failed to properly document use-of-force incidents.

76. Youth not directly targeted still suffer pain and breathing difficulty from "overspray" in shared spaces.

77. In a 2023 incident, staff sprayed uninvolved youth on the ground with an MK-9 canister and continuously sprayed youth who were cornered and attempting to comply.

78. Spray deployed during mealtimes contaminates food, and residue can linger in common areas, including in rugs.

79. Youth often wait excessively long to shower after exposure; effective

decontamination wipes were not provided until 2024. Some youth resort to rinsing with toilet water.

80. Staff routinely threaten pepper spray use, contributing to a coercive, punitive environment.

81. Most states ban pepper spray in juvenile facilities; California is one of only six that permits it in locked facilities, and neighboring counties are reducing or eliminating its use.

82. Frequent pepper spray use disproportionately affects youth with disabilities, who may be slower to respond to commands or struggle to sit still, making them more likely to be threatened, sprayed, and targeted for disability-related behavior.

83. Pepper spray also carries heightened health risks for youth with asthma, heart conditions, and trauma histories, and poses significant psychological risk—particularly to youth with PTSD or other mental-health disabilities.

Use of Physical Force

84. Staff routinely use excessive physical force and mechanical restraints, including handcuffs and leg irons, on youth, including those with disabilities and those in mental health crisis, sometimes "body-slamming" youth for minor violations like defiance.

85. Center administrators reported roughly two use-of-force incidents per month per ten youth. A BSCC inspection found restraints, including leg shackles and the full-body WRAP, used on youth who posed no threat, and that staff likely undercounted incidents by failing to identify restraint use as force.

86. Staff disproportionately use physical force against youth with disabilities without accounting for their disabilities, and such youth, particularly those with trauma histories, are more likely to engage in conduct precipitating force and more vulnerable to its adverse, PTSD-exacerbating effects.

Isolation

87. State law restricts isolation and prohibits its punitive use. Room confinement

for more than four hours at a time requires extensive documentation and approval.

88. Despite the restrictions, staff routinely isolate youth through several mechanisms in order to discipline and control them.

89. Until April 2024, staff used undocumented "reassigned seating," "hallway assignment," or "chair status" forcing youth to sit silently for hours or days, functioning as undocumented isolation. Although Probation states it eliminated the practice in response to DRC's advocacy, it could resume without court intervention. Youth were held on hallway status for days, including during school hours, losing both program time and legally required education. Some youth report it is worse than cell confinement because they can see and hear activities they are excluded from, under constant surveillance and unable to lie down. Infractions triggering it included disrespect, talking during meals, or turning their heads while walking. Staff also impose room confinement during shift changes for administrative convenience, a use of isolation that violates California law, as no legitimate need justifies it. Cal. Welf. & Inst. Code § 208.3.

90. Youth are also placed in room confinement up to 24 hours a day, taking meals and performing hygiene tasks alone in their cells.

91. A 2023 BSCC report found youth on suicide watch spent up to two days in room confinement awaiting a clinician, denied programming as standard practice, and found staff unlawfully used confinement to punish minor misbehavior.

92. A 2024 BSCC review again found the County isolating suicide-watch youth and denying them programming.

93. Prolonged isolation causes severe psychological harm to adolescents, who need social contact to develop, and can cause or worsen PTSD, depression, hypervigilance, anxiety, distrust, and suicidal ideation—risks that often persist into adulthood. It also undermines rehabilitation by limiting access to programming and breaking down the trust needed for therapeutic relationships.

94. Youth with disabilities, especially those with ADHD and behavioral-health conditions, are disproportionately subjected to hallway status and denied program time

for disability-related behavior; staff continue to treat such behavior as "acting out" rather than disability-related, even after formally eliminating hallway status.

95. These youth are more likely to engage in conduct that precipitates isolation, more vulnerable to its effects given weakened adaptive mechanisms, and more likely to reengage in the same behavior afterward, making isolation counterproductive to safety and rehabilitation.

96. Rigid isolation requirements, such as sitting silently while other youth engage in recreation, are especially difficult for youth with ADHD and similar conditions, trapping them in cycles of extended isolation and jeopardizing both their in-facility safety and their special-education access and success after release.

97. Prolonged isolation, like the excessive force, is part of the broader punitive and hostile environment pervading the Juvenile Center that is particularly harmful to youth with disabilities.

Arbitrary Discipline

98. The facility's "behavior management plan" is a confusing incentive structure poorly understood by staff and youth alike.

99. Staff impose discipline arbitrarily, including for conduct like speaking out of turn, sharing food, or putting on a sweater when cold, and sometimes punish groups collectively for one youth's conduct.

100. Youth report retaliation for filing grievances.

101. Youth with disabilities experience this system differently: staff discipline them disproportionately, including for disability-related behavior such as ADHD-linked fidgeting or slow compliance, without accounting for disability.

102. This results in lost points, isolation, and other discipline, and prevents these youth from earning privileges or incentive days that would shorten their stay, compromising rehabilitation, delaying progress through commitment programs, and leaving many feeling they will never leave custody.

Hostile Environment and Forced Idleness.

103. Probation provides youth few meaningful activities or programming, leaving youth bored and prone to conflict. Programming is minimal, largely passive television or video content, and group sessions are led by the same staff who impose discipline, discouraging participation; a "journaling" session is inaccessible to youth with certain kinds of learning disabilities.

104. Youth frequently go hungry due to insufficient and poor-quality food and are punished for sharing, saving and hoarding food out of fear of hunger.[1]

105. Food insecurity is associated with substantially higher rates of physical altercations and anxious, aggressive, or oppositional behavior in children.

106. Conditions are punitive rather than "safe and supportive": youth sleep on thin plastic mattresses bolted to the floor, are limited to one blanket even in winter, and are barred from layering clothing for warmth, while staff wear fleece.

107. Visitation is similarly punitive: a "no contact" policy barred hugs during visits until October 2024, and the single permitted vending-machine snack is often withheld as punishment for disability-related behavior.

108. Probation does not solicit youths' input on facility conditions, unlike jurisdictions that have used youth councils and surveys to improve climate.

Interference in the J.C. Montgomery Court School

109. The County operates an on-site court school, J.C. Montgomery School, "in conjunction" with KCOE. Cal. Code Regs., tit. 15, § 1370(a). The County must also provide access to online college courses to youth with a diploma or equivalent. Cal. Welf. & Inst. Code § 858(b).

110. With KCOE's knowledge and permission, probation staff, not educators,

[1] "Food insecurity" is a term defined by the United States Department of Agriculture (USDA) that indicates that the availability of nutritionally adequate and safe food is limited or uncertain. U.S. Dep't of Agriculture, *What is Food Insecurity?* (Oct. 25, 2023), https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/measurement/#insecurity.

control classroom discipline, often deny students breaks required due to disability-related needs, remove students from the class, report behavior to the court, and use pepper spray in classrooms. KCOE does not intervene to allow the youth the breaks as required by their IEPs.

111. J.C Montgomery suspension data reflects this: a 21.2% rate for 2023-2024—roughly seven times the state average of 3.2% and four times the state court school average of 6.6%, meaning nearly one in four students was suspended at least once. Most recently, during 2024-25, J.C. Montgomery School reported a significant decrease in suspensions to 4.2%. *See* California School Dashboard, *J.C. Montgomery Suspension Rate*, https://www.caschooldashboard.org/reports/16101651630102/2025/conditions-and-climate#suspension-rate (last visited Sep. 22, 2026). However, youth allege that they were often removed from class and missed school instructional time during the 2024-25 school year, suggesting potential underreporting or lack of documentation of classroom removals.

INADEQUATE MENTAL HEALTH TREATMENT

112. High-quality mental health care is critical to the well-being and safety of youth detained in Kings County; studies estimate up to 60% of detained youth nationally have a mental health and behavioral disability, and youth in juvenile corrections show markedly elevated PTSD rates. Many Juvenile Center youth have trauma histories and need services rather than detention.

113. The County reported no youth mental-health cases to BSCC in past periods, but this is contradicted by reports that a high proportion of youth have mental health and behavioral disabilities; roughly 80% of detained youth were taking psychotropic medications through Wellpath, a private provider contracted with the county.

114. The Center has failed to train staff to identify and appropriately respond to youth experiencing trauma and mental health or behavioral disabilities, contributing to punitive, traumatizing responses including excessive discipline, isolation, and force.

115. Youth with mental health and behavioral disabilities report being belittled

and ridiculed by staff, sometimes escalating to hostility; youth with intellectual disabilities reported being provoked and degraded, including one whose alleged offense was disclosed to other youth, endangering him. Youth also reported peer abuse that staff did not address.

116. Mental health support is insufficient even though many youth have open cases.

117. Without adequate mental health services, youth with disabilities cannot access the rehabilitative, educational, and vocational services needed to succeed after release.

118. The Center's rehabilitative programming is largely delivered through workbooks by probation staff who lack training to address youths' complex needs. Youth committed to the SYTF are housed dorm-style with a revolving pre-disposition population, increasing conflict; some express a preference for adult facilities based on a perception of more programming, despite the well-documented harms of placing youth in adult detention, including solitary confinement and a suicide risk five times higher than in juvenile facilities.

FAILURE TO IDENTIFY STUDENTS WITH DISABILITIES

119. KCOE is not adequately locating, identifying, or evaluating students with disabilities; Constituents report needing special education help for disability-related behavior and needs, but never being evaluated at J.C. Montgomery School.

120. Evaluations by KCOE fail to assess students in all areas of suspected disability; Defendants failed to assess Youth 1 or Youth 2 in all areas of suspected or known disability, needed to determine their disability-related needs. Other Constituents reported to DRC that they were never assessed but believe that they could have benefited from special education services due to disability-related needs related to symptoms of ADHD, Anxiety, Depression, or PTSD.

FAILURE TO PROVIDE EDUCATION AND SPECIAL EDUCATION SERVICES AND ACCOMMODATIONS

121. Defendants fail to provide required instructional minutes and disability-related supports. Based on DRC observations and Constituent interviews, classrooms are chaotic, with eight to ten youth, two to three probation staff, and up to five school staff present at once, with instruction proceeding for some students while others work on unrelated material amid constant talking.

122. As of September 2025, posted class schedules did not match what students actually worked on; most engaged with computer assignments unrelated to classroom instruction rather than the teacher's lesson.

123. Constituents' requests for breaks are sometimes denied; Youth 1 and Youth 3 report frequently not receiving disability-related accommodations, and classroom aide positions that once provided such accommodations were cut in 2025 and not refilled.

124. Constituents are removed from class for extended periods of time by probation staff, and school is sometimes cancelled for large portions of or entire days with no makeup services or compensatory work, depriving them of required instruction and of their constitutional right to an education.

UNLAWFUL RESPONSES TO CLASSROOM BEHAVIOR, INCLUDING USE OF RESTRAINTS AND SECLUSION

125. Defendants fail to provide appropriate behavior supports or fully implement a school-wide positive behavior intervention system ("PBIS") at J.C. Montgomery School.

126. Two to three probation staff in each classroom, not KCOE staff, manage behavior and discipline. Probation staff carry and use pepper spray in the classrooms, physically restrain students, and remove them from school.

127. These removals are not consistently documented as suspensions, depriving Constituents of due process and the opportunity to seek compensatory education.

128. Constituents report witnessing peers, including Youth 2, removed from class

to their rooms for extended periods without instruction, and observed in distress.

129. Because Probation carries out these removals, they go untracked in school records, resulting in missed procedural protections such as required manifestation determination reviews. 34 C.F.R. § 104.35(a).

EXCESSIVE RECIDIVISM AND PUNITIVE, NON-REHABILITATIVE COMMUNITY SUPERVISION

Failure to offer diversion and effective reentry services

130. Probation offers no diversion programs as an alternative to arrest and detention, contributing to the criminalization of disability-related misbehavior.

131. The County's youth arrest and detention rates are among the state's highest. Kings County incarcerates roughly 12 percent of arrested youth, twice the state average of 6 percent. compared to 3 percent in comparable rural Imperial County; its overall arrest rate, 115.8 per 10,000 population, is nearly double the statewide rate of 61.9 per 10,000.

132. A status offense is a non-criminal act that is considered a violation of law only because of a youth's status as a minor. Typical status offenses include truancy, running away from home, violating curfew, underage use of alcohol, and general ungovernability.

133. Status offenses drive many arrests: Kings County youth are arrested for status offenses at four times the state rate (23.7 vs. 5.9 per 10,000 in 2020). Many Constituents first encounter Probation after arrest for a status offense, family dispute, or minor offense, often disability-related and school-based; unlike other jurisdictions, the County funds no community-based diversion alternative.

Punitive, non-rehabilitative community supervision

134. Many youths are placed on probation with strict conditions under high-caseload officers who prioritize technical compliance over rehabilitation and readily recommend incarceration for minor acts—poor school performance, a missed counseling appointment—regardless of disability-related cause.

135. Attendance and grade conditions disproportionately affect youth with disabilities, who often struggle in school due to disability-related behavior and inadequate special education support.

136. Mental health treatment conditions often fail youth who lack information on establishing care, rapport with an assigned therapist, in-person options, or accepted insurance; missed appointments still trigger incarceration recommendations regardless of cause.

137. Placement stability conditions likewise trigger incarceration recommendations when a foster placement fails, regardless of the reason.

Excessive Detention and Recidivism Rates

138. Probation's risk assessment tool relies heavily on arrest data; given the County's high arrest rate, youths accumulated more arrests, including for low-risk, disability-related conduct, leading to incarcerated even for low-risk original offenses.

139. Many youth are repeatedly released, placed on probation, and re-detained for violations; DRC's inspections repeatedly found the same youth with disabilities back in custody.

140. The County does not track recidivism, though data exists: in 2023 it processed 264 delinquency petitions, 107 "subsequent," a 40 percent recidivism rate, corroborated by J.C. Montgomery's 2022–23 enrollment data showing 41 percent of students had multiple stays.

141. This recidivism reflects the County's failure to develop effective diversion or community supervision. Community probation staff routinely revoke probation and re-detain youth facing school or family difficulties rather than providing support, disproportionately confining youth with disabilities for behavior that could be addressed more effectively, and at less cost, in the community.

REMEDIAL MEASURES ARE ACHIEVABLE

142. With reasonable modifications to its program, Defendants could correct these violations, including by:

a. Reducing excessive force through re-training probation staff as counselors rather than guards;

b. Eliminating pepper spray;

c. Reforming the discipline and incentive system;

d. Providing robust programming to reduce idleness, build skills, reduce recidivism, and mitigate disciplinary incidents;

e. Improving facility climate through better nutrition, warmer clothing and bedding, and youth input on their needs and concerns;

f. Convening weekly meetings between Probation, its mental health contractor, and school staff to address youths' individualized disability needs and reduce disproportionate discipline;

g. Funding independently run, community-based diversion programs and defense-based advocacy to reduce excessive arrests and detentions;

h. Expanding re-entry services and coordinating with KCOE on school-related disability needs to reduce recidivism;

i. Reforming probation supervision to focus on rehabilitation, rather than technical compliance;

j. Discouraging status-offense arrests and declining to detain youth for non-violent conduct, including probation violations; and

k. Eliminating Probation's involvement in school discipline.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Fourteenth Amendment (42 U.S.C. § 1983)

143. Plaintiff incorporates by reference the preceding paragraphs.

144. This claim is brought against Defendant County of Kings and its Probation Department. DRC Constituents confined at the Juvenile Center, whether detained or committed, have not been convicted of crimes and may not be punished. Their rights are governed by the Due Process Clause of the Fourteenth Amendment, which affords them

greater protection than the Eighth Amendment.

145. The Probation Department's acts and omissions described above, including their use of chemical agents, physical force, and restraints; punitive isolation and room confinement; and failure to protect youth from violence, constitute a pattern or practice that violates DRC Constituents' substantive due process rights, including their rights to reasonably safe conditions of confinement, freedom from unreasonable bodily restraint, and such training and supervision as is necessary to ensure their safety and provide a reasonable opportunity for rehabilitation. These violations result from the Probation Department's official policies and longstanding customs, which its policymakers have known of and failed to correct. *See* (¶¶ 57, 75, 77, 85, 91–92).

146. This conduct is objectively unreasonable. It is not rationally related to a legitimate nonpunitive governmental purpose or is excessive in relation to that purpose. Unless restrained, Defendants will continue this conduct causing irreparable harm to these youth.

147. Pursuant to 42 U.S.C. §1983, Plaintiff is entitled to declaratory and injunctive relief, attorneys' fees and costs.

SECOND CLAIM FOR RELIEF

Title II of the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.)

148. Plaintiff incorporates by reference the preceding paragraphs.

149. Title II of the ADA provides in relevant part: "[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by such entity." 42 U.S.C. § 12132.

150. DRC Constituents are qualified individuals with disabilities within the meaning of Title II of the ADA. All have disabilities that substantially limit a major life activity, and they all are, and/or will be residents of the Juvenile Center or otherwise in Defendants' custody and supervision, qualified to receive Defendants' services. 42 U.S.C. § 12131(2).

151. Defendants, including the Juvenile Services division of the Kings County Probation Department, are public entities subject to Title II. 42 U.S.C. § 12131(1).

152. Defendants have violated and continue to violate Title II of the ADA and discriminate against DRC Constituents by denying them the benefits of public services, programs, and activities based on their disabilities through their policies and practices regarding chemical and physical force, restraint, isolation, confinement, behavior management, mental health programming, reentry services, and education, as detailed above. Defendants deny Constituents equal opportunity to participate in and benefit from Defendants' programs; provide them less effective aids, benefits, and services than those provided to others; and otherwise limit their enjoyment of rights and opportunities available to others. 28 C.F.R. § 35.130(b)(1)(i)–(iii), (vii).

Equal Access to Educational Opportunities

153. Defendants remove Constituents from school, use pepper spray and physical restraints against them, fail to respond appropriately to their classroom behavior, and fail to provide reasonable accommodations, denying them instruction to make up for these removals and further escalating disability-related behavior, as detailed above (¶¶ 109-111; 119-130). This denies Constituents meaningful equal access to education relative to their non-disabled peers, 28 C.F.R. § 35.130(b)(1)(i)–(iii), (vii), and Defendants fail to make the reasonable modifications necessary to avoid this discrimination, 28 C.F.R. § 35.130(b)(7)(i).

Conditions of Confinement

154. Defendants disproportionately subject Constituents to force, restraint, isolation, confinement, and disciplinary sanctions, and withhold privileges, based on disability-related behavior without accounting for disability, as detailed above (¶¶ 69-111), compounding the denial of access to educational and rehabilitative programming and, given Constituents' unique need for adequate mental health and reentry services, further blocking equal access. Defendants fail to identify or track Constituents needing accommodations, fail to inquire whether behavior triggering these measures is disability-

related, and fail to modify related policies—the reasonable modifications necessary to avoid discrimination. 28 C.F.R. § 35.130(b)(7)(i). Defendants' behavioral eligibility criteria for socialization and in-person schooling likewise screen out Constituents from full participation, 28 C.F.R. § 35.130(b)(8), and Defendants' methods of administration have the effect of discriminating against Constituents and impairing the objectives of their educational and rehabilitative programs with respect to them, 28 C.F.R. § 35.130(b)(3)(ii).

Supervision of DRC Constituents on Formal Probation.

155. Defendants use criteria or methods of administering community supervision that result in discrimination against, and unnecessary institutionalization of, Constituents, including incarceration for technical violations that are not offenses, pose no public-safety risk, and stem from disability-related behavior, as detailed above (¶¶ 134-137). 28 C.F.R. § 35.130(b)(3). This causes excessive recidivism, psychological and physical harm, isolation from the community, and loss of liberty. Defendants fail to make the reasonable modifications to probation conditions necessary to avoid this, 28 C.F.R. § 35.130(b)(7), and fail to administer probation in the "most integrated setting" appropriate to Constituents' needs, 28 C.F.R. § 35.130(d).

Juvenile Intervention Services – Diversion and Reentry

156. Defendants administer juvenile intervention services in a manner that discriminates against and needlessly institutionalizes Constituents by failing to offer diversion and reentry programs accommodating their disabilities and instead incarcerating them for disability-related, non-dangerous behavior, as detailed above (¶¶ 130-141). 28 C.F.R. § 35.130(b)(3). Providing appropriate rehabilitative and community-based services would not fundamentally alter Defendants' programs.

157. Plaintiff and DRC Constituents have suffered and will suffer injury as a proximate result of these violations and are entitled to declaratory relief, injunctive relief, attorneys' fees, and costs.

THIRD CLAIM FOR RELIEF

Section 504 of the Rehabilitation Act, 29 U.S.C. § 794

158. Plaintiff incorporates by reference the preceding paragraphs, including the factual allegations and legal theories set forth in the Second Claim for Relief.

159. Section 504 bars excluding an "otherwise qualified individual with a disability" from a program receiving federal financial assistance "solely by reason of" disability. 29 U.S.C. § 794(a).

160. DRC Constituents are otherwise qualified individuals with disabilities within the meaning of Section 504: each has a disability substantially limiting a major life activity and is, or will be, a resident of the Center or otherwise in Defendants' custody and supervision, qualified to receive Defendants' services.

161. The County, its Probation Department, and KCOE are recipients of federal financial assistance and operate "programs or activities" within the meaning of Section 504, including their educational and rehabilitative operations and Probation Department supervision. 29 U.S.C. § 794(b).

162. Defendants have violated and continue to violate the rights of DRC Constituents secured by Section 504 and its implementing regulations through their policies, practices, and procedures with respect to identifying students with disabilities, providing appropriate and legally required educational services, chemical and physical force, restraint, isolation, confinement, and behavior management; their policies, practices, and procedures with respect to mental health programming and reentry services; and their supervisory policies.

163. Defendants deny DRC Constituents the opportunity to participate in and benefit from Defendants' programs and activities; deny them the equal opportunity to achieve the same benefits others achieve in Defendants' programs and activities; deny them the equal opportunity to participate in Defendants' programs and activities; and otherwise subject DRC Constituents to discrimination. 28 C.F.R. § 42.503(a), (b).

Meaningful Access to Education

164. Defendants remove DRC Constituents from school, fail to respond appropriately to classroom behavior, fail to identify and evaluate students with disabilities, and fail to provide a free appropriate public education to those who qualify.

165. Defendants remove Constituents from school, use pepper spray and physical restraints against them, fail to respond appropriately to their classroom behavior, and fail to provide reasonable accommodations, denying them instruction to make up for these removals and further escalating disability-related behavior, as detailed above (¶¶119-111; 119-129). This denies Constituents the opportunity to participate in or benefit from the aid, benefit or service, 34 C.F.R. § 34.104.4.

166. Defendants do not properly seek out, evaluate, and identify DRC Constituents with disabilities at J.C. Montgomery School. 34 C.F.R. §§ 104.32(a)-(b); 104.35(a). DRC Constituents did not receive evaluations in areas of suspected disability, nor is there an identifiable screening or records review process for identifying students with disabilities.

167. Defendants operate a chaotic J.C. Montgomery School classroom, with roughly seven to eight staff managing eight to ten youth working on different learning objectives at once. This distracting environment denies each qualified student a free appropriate public education, 34 C.F.R. § 104.33(a), and fails to provide special education and related aids and services that meet disabled students' individual needs as adequately as the needs of non-disabled students are met, 34 C.F.R. § 104.33(b)(1).

168. Defendants therefore deny DRC Constituents meaningful access to education at J.C. Montgomery School.

Conditions of Confinement

169. Defendants disproportionately subject DRC Constituents to school removals, chemical and physical force, restraint, isolation, confinement, and disciplinary sanctions because of disability-related behavior, without accounting for disability, and withhold privileges on the same basis, conduct to which DRC Constituents are especially

vulnerable given their heightened need for mental health programming, reentry services, and special education to access Defendants' educational and rehabilitative programs. Defendants fail to identify or track Constituents who require accommodations, fail to inquire whether the behavior triggering these measures is disability-related, and fail to modify their policies and practices accordingly, the reasonable modifications necessary to avoid discrimination under 28 C.F.R. § 42.511. By using these practices and failing to account for disability in classroom and behavior management, Defendants employ criteria and methods of administration that discriminate against DRC Constituents, in purpose or effect, and defeat or substantially impair the objectives of Defendants' educational and rehabilitative programs with respect to them. 28 C.F.R. § 42.503(b)(3).

Supervision of DRC Constituents on Formal Probation.

170. Defendants employ criteria and methods of administering their community supervision program that discriminate against and unnecessarily institutionalize DRC Constituents, including by incarcerating these youth for technical probation violations that do not constitute an offense, pose no risk to public safety, and stem from disability-related behavior. This defeats or substantially impairs the objectives of the County's formal probation program with respect to DRC Constituents and causes excessive recidivism, psychological and physical harm, isolation from the community, and needless loss of liberty. 28 C.F.R. § 42.503(b)(3). Defendants have failed to make the reasonable modifications to probation conditions necessary to avoid this unnecessary incarceration and discrimination, *Alexander v. Choate*, 469 U.S. 287 (1985), and have failed to administer their probation services in the "most integrated setting" appropriate to DRC Constituents' needs. 28 C.F.R. § 42.503(d).

Juvenile Intervention Services – Diversion and Reentry

171. Defendants violate Section 504 by administering their juvenile intervention services in a manner that subjects DRC Constituents to discrimination and needless institutionalization, including by failing to offer diversion and reentry programs that support and accommodate their disabilities and instead incarcerating youth for disability-

related behavior that poses no risk to public safety. Defendants' criteria and methods of administering these services defeat or substantially impair the objectives of the County's juvenile intervention program with respect to DRC Constituents, resulting in high rates of arrest, recidivism, and placement on formal probation. 28 C.F.R. § 42.503(b)(3).

172. Providing DRC Constituents with appropriate rehabilitative services while on probation, along with evidence- and community-based services to avoid unnecessary incarceration and formal probation, would not fundamentally alter Defendants' programs, services, or activities. Among other irreparable harms, these youth experience high rates of recidivism, psychological and physical harm, isolation from the community, and needless loss of liberty, and Plaintiff and DRC Constituents have suffered and will suffer injury as a proximate result of Defendants' violations of their rights under Section 504.

173. Pursuant to 29 U.S.C. § 794a, Plaintiff is entitled to declaratory relief, injunctive relief, attorneys' fees, and costs.

FOURTH CLAIM FOR RELIEF

Govt. Code § 11135

174. Plaintiff incorporates by reference the preceding paragraphs, including the factual allegations and legal theories set forth in the Second and Third Claims for Relief.

175. Section 11135 provides that no person shall, on the basis of disability, "be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under," any state-funded or state-administered program. Cal. Gov't Code § 11135(a). DRC Constituents are persons with disabilities who are or will be in Defendants' custody or supervision and qualified to participate in Defendants' programs. Cal. Gov't Code § 12926.

176. Defendants operate or administer programs receiving state financial assistance within the meaning of section 11135, including the educational and rehabilitative programs described above.

177. For the same reasons and the same conduct alleged in the Second and Third Claims for Relief, Defendants' policies and practices regarding school removals,

chemical and physical force, restraint, isolation, confinement, behavior management, mental health programming, reentry, and probation supervision deny DRC Constituents full and equal access to Defendants' programs and activities, in violation of section 11135 and its implementing regulations. Cal. Code Regs., tit. 2, §§ 11140 et seq., 11154(a)–(c), (g). Because section 11135 independently incorporates the ADA's Title II protections, Defendants' violation of Title II as alleged in the Second Claim for Relief is also a violation of section 11135. Cal. Gov't Code § 11135(b).

178. Because Defendants' conduct is ongoing and causing irreparable harm, including lost educational opportunities, declaratory and injunctive relief are appropriate, together with reasonable attorneys' fees and costs. Cal. Code Civ. Proc. §§ 526(a), 1021.5.

FIFTH CLAIM FOR RELIEF

Article IX, Sections 1 and 5 of the California Constitution

179. Plaintiff incorporates by reference the preceding paragraphs.

180. Defendants, who are charged with educating DRC Constituents while detained at the Juvenile Center, have violated their rights under Article IX, sections 1 and 5 of the California Constitution to learn in a "system of common schools" providing the "diffusion of knowledge and intelligence . . . essential to the preservation of [their] rights and liberties."

181. These provisions require Defendants to provide an education meeting "prevailing statewide standards," *Butt*, 4 Cal.4th at 685–87, including adequate daily grade-level instructional time. By failing to provide this instruction and permitting school removals that deprive Constituents of access to school, Defendants deny them their fundamental right to an education.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff DRC prays that this Court enter an Order:

1. Declaring that Defendants' conduct alleged herein has violated, and continues to violate, the Fourteenth Amendment; Title II of the ADA, 42 U.S.C. § 12131

et seq., and its implementing regulations; Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, and its implementing regulations; and California Government Code section 11135 and its implementing regulations;

2. Preliminarily and permanently enjoining Defendants from violating the Fourteenth Amendment; Title II of the ADA and its implementing regulations; Section 504 and its implementing regulations; Article IX, sections 1 and 5 of the California Constitution; and California Government Code section 11135 and its implementing regulations;

3. Requiring Defendant County of Kings and its Probation Department to provide reasonable accommodations and modifications to their policies, practices, and procedures governing (a) school removals and chemical and physical force; (b) restraints, isolation, and solitary confinement; (c) behavior management, mental health services, and discipline; and (d) probation supervision, reentry, and diversion, so that youth with disabilities are not subjected to discrimination or unnecessary institutionalization, including by eliminating chemical force and forms of restraint and isolation that disproportionately impact youth with disabilities;

4. Requiring Defendant Kings County Office of Education to provide the reasonable accommodations and modifications described above by: (a) implementing a system to track use of force, isolation, discipline, accommodations, education access, due process rights, grievances, reentry issues, and case management for youth in and out of enrollment at J.C. Montgomery School; (b) implementing data systems to track identification of students with disabilities, education access, school discipline, use of restraints and seclusion, due process rights, alternatives to detention, and educational outcomes; and (c) appointing an independent expert to monitor Defendants' implementation of these systems and processes;

5. Retaining jurisdiction over this case until Defendants have complied with the Court's orders and there is reasonable assurance of continued compliance absent continuing jurisdiction;

6. Waiving the security requirement of Rule 65(c);

7. Awarding Plaintiff's reasonable attorneys' fees and costs as authorized by law; and

8. Granting DRC such additional relief as the interests of justice may require.

DATED: September 29, 2026

DISABILITY RIGHTS ADVOCATES

By: */s/ Shawna Parks (As authorized on 9/29/26)*
Shawna Parks
Amelia Evard

DISABILITY RIGHTS CALIFORNIA

By: */s/Megan Stanton-Trehan (As authorized on 9/29/26)*
Megan Stanton-Trehan
Charlotte Lanvers

Exhibit A

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SETTLEMENT AGREEMENT

1. INTRODUCTION

1.1. This Settlement Agreement (the "Agreement") is entered into between the County of Kings ("Defendant" or "County") and Disability Rights California ("DRC" or "Plaintiff") all of whom are hereinafter collectively referred to as "the Parties," regarding the Kings County Juvenile Facilities and related juvenile programs operated by the Kings County Probation Department ("Probation Department").

1.2. This Agreement applies only to the County of Kings and not to the Kings County Office of Education ("KCOE").

2. DEFINITIONS

2.1. The following definitions will apply to the terms of this Agreement. The following definitions are intended to be interpreted consistent with state and federal disability laws. Unless explicitly stated to the contrary, any term not expressly defined in this section or elsewhere in this Agreement that has an expressly defined meaning under state and federal disability laws shall have the meaning ascribed to it by current statute.

2.2. "Facilities" means all Kings County Juvenile Facilities operated by the Defendant.

2.3. "Facility Schools" means all schools operated at the Facilities.

2.4. "Days" refers to calendar days unless otherwise specified.

2.5. The word "documents" includes all "documents or electronically stored information" as defined by Fed. R. Civ. P. 34(a)(1)(A), all "writing[s]" as defined by Cal. Evid. Code section 250, and includes individual medical and mental health records.

2.6. "Defendant" means the County of Kings.

2.7. "Effective Date" means the date the last signatory signs this Agreement.

2.8. "Execution Date" means the date the Parties execute this Agreement.

2.9. "Plaintiff's Counsel" means Disability Rights California ("DRC") and Disability Rights Advocates ("DRA").

2.10. "Agreement" or "This Agreement" shall refer to this Agreement and any and all exhibits or attachments to this Agreement.

2.11. "Lawsuit" refers to the complaint in *Disability Rights California v. County of Kings, et al.*, E.D. Cal. (case number TBD).

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2.12. "Plan" refers to the Recommended Implementation Plan created by the Independent Expert in accordance with the Defendant's needs and priorities that implements the Facility goals outlined in the Agreement.

3. PROCEDURAL HISTORY

3.1. Beginning in February 2019, Plaintiff and Plaintiff's Counsel investigated the conditions of confinement and education practices affecting youth with disabilities in the Facilities.

3.2. On August 9, 2019, the Plaintiff notified Defendant that it had found probable cause of abuse and neglect of youth with disabilities had occurred at the Facilities. It made its probable cause findings pursuant to its statutory authority under federal and state law.

3.3. Plaintiff continued their investigation through the summer of 2022. While the investigation was delayed and impeded by the COVID 19 pandemic, Plaintiff's Counsel engaged with two sets of experts: the Center on Juvenile and Criminal Justice and Dr. Peter Leone to assist them with their investigation.

3.4. On September 21, 2022, Plaintiff's Counsel sent a letter to Defendant and Mr. Todd Barlow, the County Superintendent of Schools, detailing the findings of their investigation into abuse and neglect of youth with disabilities at the Facilities which alleged violations of state and federal Constitutions, the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq*.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and Cal. Gov't Code § 11135 among other authorities. In that letter, Plaintiff's Counsel requested a meeting and proposed a structured negotiation process.

3.5. On June 14, 2023, Plaintiff's Counsel sent a second letter summarizing the longer September 21, 2022, letter and reiterating a request for a negotiated solution.

3.6. On September 5, 2023, Plaintiff's Counsel published a report of its findings titled "Youth in Crisis" summarizing the results of Plaintiff's Counsel's multi-year investigation of the conditions at the Facilities. Prior to publishing the report, Plaintiff's Counsel provided a copy to the Kings County Board of Supervisors.

3.7. On November 7, 2023, the Parties entered into a Structured Negotiations Agreement which provided an agreed to process of negotiating this Agreement. This Agreement is the result of that process.

4. NATURE AND EFFECT OF SETTLEMENT

4.1. Plaintiff contends that the Defendant has violated federal and state laws, including Title II of the Americans with Disabilities Act as interpreted by *Olmstead v. L.C.*, 527

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U.S. 581 (1999) ("Olmstead"), as set forth in the complaint in *Disability Rights California v. County of Kings et al.*, E.D. Cal. (case number TBD).

4.2. Defendant is committed to providing, and asserts it does provide, high-quality essential services and support to youth under the jurisdiction of the juvenile court of Kings County.

4.3. For good and valuable consideration, including the mutual covenants contained herein, the Parties, intending to be legally bound, hereby enter into this Agreement under the terms and conditions set forth below.

4.4. The Parties have the mutual goal of settling this action to avoid additional protracted and expensive litigation.

4.5. The Parties now wish to effectuate a complete resolution and settlement of all claims, disputes, and controversies relating to Plaintiff's allegations, and to resolve their differences and disputes by settling the Lawsuit.

4.6. Plaintiffs believe that a resolution of their claims, as set forth in this Agreement, accomplishes the goals reasonably achievable through litigation of their claims.

4.7. The Parties stipulate that this Agreement complies in all respects with the provisions of 18 U.S.C. § 3626(a). The Parties further stipulate and agree that the prospective relief in this Agreement is narrowly drawn, extends no further than necessary to correct the alleged violations of federal rights agreed to by the Parties, is the least intrusive means necessary to correct those alleged violations, and will not have an adverse impact on public safety or the operation of a criminal justice system.

4.8. To that end, upon the Effective Date of this Agreement the Parties will jointly request dismissal of Defendant with prejudice from the Lawsuit. The Court will retain jurisdiction over the litigation only as set forth in **Section 10** of this Agreement to enforce this Agreement and resolve any disputes arising under the Agreement. The terms of all exhibits attached hereto are fully incorporated into this Agreement and are an integral part thereof. The terms of this Agreement, where applicable, are fully incorporated into all exhibits and are, where applicable, an integral part thereof. To the extent that there are any conflicts or inconsistencies between the terms of this Agreement and any of the exhibits, the terms of this Agreement shall control.

4.9. Defendant denies any liability to Plaintiff. By agreeing to and voluntarily entering into this Agreement, there is no admission or concession by Defendant that they have violated any state or federal disability laws. Subject to Section 11 below, Defendant agrees that Plaintiffs are the prevailing parties for purposes of reasonable attorneys' fees and costs.

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5. SERVICE COMMITMENTS

5.1. The Parties agree that this Agreement will delineate the goals and commitments that the County will implement.

5.2. **Expert Review:** The Parties have jointly selected an Independent Expert to perform a review of the below policies and practices. The Independent Expert is the Council of Juvenile Justice Administrators ("CJJA" hereinafter "Independent Expert"). As part of this Agreement, the Defendant will enter into a contractual relationship with the Independent Expert. The Independent Expert will have the responsibility and authority to create a Recommended Implementation Plan ("Plan") in accordance with the Defendant's needs and priorities that implements the Facility goals outlined below.

5.3. **Facility Goals:** Defendant will engage in consultation with the Independent Expert (as outlined throughout this section and in section 6 below) to review the current policies and practices of the Defendant and the goals stated below. The Independent Expert will develop a Plan to meet the goals described below. The Independent Expert recommendations and Plan will be based on data, trends, and best practices.

5.3.1. **Probation Department and Facility Culture and Operational Model:** Develop a plan for transitioning the Probation Department and Facility culture to reduce use of force, and recidivism with attention to rates of youth detention with a goal of increasing diversion and keeping youth in community where possible.

5.3.2. **Training:** Create and provide trainings for custody/probation staff. Offer trainings to KCOE staff and local law enforcement regarding new operational model and maintaining said model.

5.3.3. **Data Driven Accountability:** Continue to utilize the Defendant's tracking software to ensure the ability to track use of force, isolation, discipline, accommodations, grievances, re-entry issues, and general case management for youth in and out of custody.

5.3.4. Create data systems to track and monitor use of diversion, alternatives to detention, recidivism[1] and probation outcomes.

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[1] The Parties understand this term to encompass any instances where youth who were previously detained at the facility are re-detained. This includes the Chief Probation Officers of California's ("CPOC") definition of recidivism as adopted in the CPOC Unified Recidivism Measure ("A subsequent criminal adjudication/conviction while on probation supervision.") in addition to any detentions for probation violations, detentions for youth already on probation (*i.e.* for a new arrest), petitions filed for probation violations, and petitions filed for incidents occurring inside the juvenile facility not encompassed by the CPOC's definition which result in new and/or extended detention. The Independent Expert will consult and provide recommendations about how the data will be collected.

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5.3.5. Ensure leadership review of data measures in assessing policy changes.

5.3.6. **Isolation, Restraint, Seclusion and Confinement:** Reform the behavior management plan to promote a consistent, positive, evidence-based approach.

5.3.7. Provide additional accommodations for youth with disabilities.

5.3.8. Reform isolation, restraint and seclusion practices, including eliminating "hallway status."[2]

5.3.9. Transform the Facility into a more home-like and less prison-like environment.

5.3.10. Increase and improve programming for all youth.

5.3.11. **Use of Force:** Engage in consultation with the Independent Expert to review the current use of force (chemical, physical, restraint) and implement methods for reducing use of force if recommended by the Independent Expert. The Independent Expert recommendations will be based on data, trends, and best practices. The goal will be to reduce the use of force in a manner that is both realistic and effective.

5.3.12. Ensure accountability for improper use of force.

5.3.13. **Reduce Recidivism, Improve Re-Entry, Create Diversion & Detention Alternatives:** Include enhanced community supervision consistent with the Juvenile Detention Alternatives Initiative ("JDAI") principles in the Probation Department culture and operational model. The Independent Expert will coordinate with and consider recommendations from the National Center for the Transformation of Youth Justice's work with Defendant on diversion.

5.3.14. Create pre- and post-booking alternatives to detention. Utilize these alternatives to reduce detention of pre-disposition youth as allowed by law. Also utilize these methods such that fewer youth on formal probation experience re-detention. In consultation with the Independent Expert, develop guidelines for the Probation Department to make recommendations for alternatives to detention in pre-disposition reports to the court for youth ahead of sentencing, as well as guidelines for such recommendations for check-ins with the court for secure-track post-disposition youth.

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[2] In April 2024, the County eliminated the practice of using "hallway status." This provision is included to ensure that that change in policy persists in future administrations.

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5.3.15. **Community Consensus/Input:** Solicit input from youth, parents, staff, community groups, and other stakeholders to identify and address strengths, service gaps, and perceptions of the Facility, and incorporate suggestions into programs, services, and practices.

5.3.16. **Agency Crossover Items:** Enhance the process to meet and coordinate between probation, mental health staff, and KCOE staff regarding treatment and planning for all youth with disabilities.

5.3.17. Enhance coordination and cooperation with KCOE on respective action plans.

5.4. The Independent Expert will work with the Defendant to take the Defendant's financial and staffing capacity into consideration in forming the Plan. If the Defendant determines any terms of the Plan may be outside the financial and staffing capacity of the Defendant, the Parties will meet and confer. If there is a dispute regarding the terms of the Plan, the Parties will utilize a mediator in accordance with Section 5.21.1. The Defendant will provide a copy of the Plan to Plaintiff's Counsel. After the creation of the finalized Plan, the Independent Expert will also assess and report on the Defendant's progress in implementing this Plan and Agreement for the duration of the Agreement. The finalized Plan, when completed, will be attached as an exhibit to this Agreement and incorporated into the Agreement as a material term.

5.5. The Parties will cooperate fully with the Independent Expert as the Independent Expert carries out their responsibilities specified herein. The Independent Expert will pursue a problem-solving approach so that disagreements can be amicably resolved when possible and the Parties' energies can be devoted to implementation.

5.6. Defendant shall bear the reasonable fees, costs, and expenses of the Independent Expert as set forth in the executed agreement between the Independent Expert and the Defendant. The budget shall, include the cost of any consultants or staff hired by the Independent Expert, during the term of the Agreement.

5.7. Within the budget described in **Section 6.2** below, the Independent Expert may retain or utilize staff and consultants, in consultation and subject to reasonable objections by the Defendant to assist in their evaluations of the Defendant's compliance with this Agreement.

5.8. The Independent Expert will have reasonable access to all privileged and non-privileged information, individuals, programs, services, documents, and Facilities within the Defendant's custody or control and reasonably necessary to assess the Defendant's progress and implementation of the Agreement. In order to serve as the Independent Expert, the person(s) or entity selected to fill the role must enter into an agreement with Defendant that allows the Independent Expert to have access to youth records and requires the Independent Expert to maintain the confidentiality of those records as required by the Family Education Rights and Privacy Act ("FERPA"), 20

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U.S.C. § 1232g, the California Peace Officers Bill of Rights ("POBOR"), the Confidentiality of Medical Information Act (Cal. Civil Code, § 56 et seq.), and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). If the chosen Independent Expert refuses to sign such an agreement, the Parties will utilize the process outlined in **Section 5.13** to select a new Independent Expert. Notwithstanding the foregoing, Plaintiff will seek and request that the Court order authorization of access for the Independent Expert to personnel and grievance records related to County Probation staff for the term of the Agreement. The County will not oppose such motion. Access shall be provided upon issuance of the Court's order. The County will otherwise provide records subject to disclosure pursuant to Penal Code section 832.7.

5.9. To the extent reasonably necessary to assess the Defendant's progress and implementation of the Agreement, the Independent Expert may also, in their discretion:

5.9.1. Review any publicly-available information and attend any public meetings relevant to the Defendant's progress and implementation of the Agreement; and

5.9.2. Meet with individuals who receive or may need services contemplated by this Agreement, to the extent consistent with the individual's preference.

5.10. The Independent Expert may have *ex parte* communications at any time with the Parties, including counsel for the Parties, and employees, agents, contractors, and all others working for or on behalf of the Defendant, DRC, or DRA to implement the terms of this Agreement. All Parties will have access to any information considered by the Independent Expert, except for *ex parte* communications with other Parties or where such access is not permitted under applicable California or federal law. Neither DRC nor DRA is a monitor or expert, but the Parties nonetheless agree that DRC and DRA may make reasonable requests for information not otherwise produced to the Independent Expert, provided the requests are not unduly burdensome to the Defendant and are relevant to the implementation of this Agreement. The Defendant will not unreasonably withhold information in response to requests that are not unduly burdensome and are relevant to implementation. If the material would be considered confidential under federal or state law, DRA and DRC will keep such material confidential as required by federal or state law. Nothing in this Agreement is intended to limit any Party's authority under federal and state law to access information and documents.

5.11. Access is not intended, and will not be construed, as a waiver, in litigation with third parties of any applicable statutory or common law privilege associated with such information.

5.12. The Independent Expert, and any staff or consultants retained by the Independent Expert:

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5.12.1. Will not be liable to the Parties for any claim, lawsuit, or demand arising out of their activities under this Agreement and will not be subject to formal discovery propounded by the Parties in any litigation involving the services or provisions reviewed under this Agreement, including, but not limited to, depositions, requests for documents, and requests for admissions, interrogatories, or other disclosures. This paragraph does not apply to any proceeding related to alleged privacy violations, payment or non-performance of services under contracts into which they have entered in connection with their work under the Agreement.

5.12.2. May be called by either Party to provide their findings in any mediation under Section 8 and may testify in *Disability Rights California v. County of Kings, et al.* regarding any matter relating to the implementation, enforcement, or termination of the Agreement, including the Independent Expert's observations, findings, and recommendations in this matter. The Parties reserve the right to make objections.

5.13. In the event that the Independent Expert resigns, or becomes otherwise unavailable ("Replacement Event"), the Parties agree to locate another Independent Expert. The Parties will meet and confer in good faith within ten (10) business days of the Replacement Event to select a qualified individual to serve as an Independent Expert All parties agree that the Defendant will need to engage in a separate contractual agreement with a Replacement Expert.

5.13.1. If the Parties cannot agree on a replacement Independent Expert, the Defendant and Plaintiff's Counsel will, within thirty (30) days of the Replacement Event, nominate up to two qualified individuals and will jointly engage the services of a mutually agreed-upon mediator to be paid for by the Parties. The Parties will thereafter participate in good faith in one or more mediation session(s) to select a replacement Independent Expert. If the Parties are unable to agree upon a replacement Independent Expert within sixty (60) days of the Replacement Event, each Party will select a "Selection Expert" and those experts (the "Selection Experts") will meet to select a third expert. This third expert shall be the replacement Independent Expert, who will then serve as the new Independent Expert for remainder of the monitoring period of this Agreement. The Parties shall pick Selection Experts within two weeks of the end of the time period provided for above, and the Selection Experts shall have 30 days from the date of their selection to appoint the substitute Independent Expert.

6. DUTIES OF INDEPENDENT EXPERT

6.1. Within (6) six months of the execution of this agreement, the Independent Expert will work with the Parties to develop and finalize the Plan.

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6.2. The Independent Expert shall be given full and reasonable access throughout the term of the Agreement to any and all information they deem reasonably necessary to assist in conducting the review of the Plan and monitoring Defendant's progress in implementing that Plan. The Independent Expert shall have access to Defendant's personnel and documents, including at least all of the following:

6.2.1. The Independent Expert shall have full access to the Facilities and the areas in which Probation operates, including, but not limited to the ability to observe recreational time, down time, meal time, activity time, classroom time (both high school and college courses), movement to and from classes, and all other activities conducted by or supervised by Probation staff. Subject to any necessary safety and security conditions, and subject to state or federal law, the Independent Expert shall be able to observe and move about the Facilities unaccompanied by Defendant's staff at the Independent Expert's discretion.

6.2.2. The Independent Expert shall have the ability to talk with, consult with, and interview Probation staff and providers at the Facilities, including, but not limited to education, medical, mental health, and line staff. Defendant shall ensure that any contracts, agreements, or MOUs with independent contractors provides for this access by the Independent Expert if and as necessary to facilitate this provision.

6.2.3. The Independent Expert shall have the ability to observe youth in and across all settings, except during youth's individual counseling services.

6.2.4. The Independent Expert shall have access to all Probation records including, but not limited to room check logs, room confinement sheets, intake packets, unit rules, programming daily schedules, Americans with Disabilities Act manuals, program rules, critical incidents tally sheets, live camera feeds, recorded video, case management systems, intake logs, pepper spray logs, creation and implementation of behavior management plans, and any grievances that are not related to specific staff members or other complaints received by Probation regarding the subject matter of this Agreement, and any other records the Independent Expert deems necessary to measure progress and/or determine compliance with the action Plan. Notwithstanding the foregoing, to the extent that the records relate to personnel matters or complaints against staff members, these documents will be provided upon the issuance of a court order authorizing the County to share access to such records. Plaintiff will seek and request such Court order referenced in **Section 5.8**.

6.2.5. The Independent Expert shall be allowed to conduct written surveys of youth detained in the Juvenile Center and to speak with small groups of youth as needed. Youth shall be permitted to provide feedback and information to the Independent Expert, and the Independent Expert shall

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not be precluded from having informal conversations with youth during visits to the Facilities which naturally arise as a result of incidental contact.

6.2.6. The Independent Expert shall be given access to any other information including but not limited to documents and persons that they deems necessary to ascertain progress on and compliance with the Plan.

6.3. The Independent Expert will prepare periodic reports that will evaluate the extent to which Defendant has successfully implemented substantive provisions of the Plan and any plans to effectuate its terms and recommend specific actions the Independent Expert believes Defendant must make to achieve compliance with the Plan.

6.3.1. The Independent Expert will provide a copy of each Monitoring Report ("Report"), along with a summary listing of any and all materials relied upon by the Independent Expert in drafting such a Report with any confidential information which would reveal the identity of a minor redacted, to the Parties.

6.3.2. The Parties will have twenty-one (21) days to make written comments or objections to the Independent Expert Report. The Independent Expert shall have twenty-one (21) days to respond to the Parties' comments or objections by issuing a final Report.

6.3.3. The Reports will be provided throughout the term of this Agreement on a semi-annual basis. To reduce costs, the Independent Expert may combine site visits or rely on remote assessments, data reviews, and existing County reports where feasible. After the first year, the frequency of reporting may be reduced upon further agreement by the Parties. At the conclusion of the term of this Agreement, the Independent Expert shall issue a final Report regarding Defendant's compliance with and completion of the terms of the Plan.

7. DUTIES OF PLAINTIFF'S COUNSEL DURING IMPLEMENTATION PERIOD

7.1 Plaintiff's Counsel shall review each Report that is issued, and provide feedback, if any, in writing to the Independent Expert and copy Defendant's counsel on that feedback. Plaintiff's Counsel shall also perform at least one monitoring visit during the term of the Agreement at a time mutually agreed to by the Parties.

7.2 **Attorney's Fees and Costs for Implementation Period:** Defendant will pay Plaintiff's Counsel reasonable fees and costs for work performed in conjunction with monitoring of this Agreement in accordance with Section 6.3 and 7.1, above. Subject to the limitations and conditions in Sections 7.3, 7.4 and 7.5 below, Plaintiff's Counsel will charge the following reduced rates for monitoring and post-settlement negotiations regarding the Plan:

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Attorney	Reduced Rate
15+ years	$500
10-14 years	$450
6-9 years	$400
3-5 years	$350
Less than 3 years	$250
Litigation assistants, paralegals, law students/clerks	$150

7.3 **Annual Cap on Monitoring Fees:** Upon initiation of the monitoring period any fees for monitoring the Agreement shall be subject to an annual cap of $40,000. That is, Plaintiff's Counsel may bill up to $40,000 in fees and costs for each calendar year of monitoring the Defendant's implementation of this Agreement. This annual cap shall not apply to fees billed (at the reduced rate described in Section 7.2 above) for negotiations to finalize the implementation Plan if challenged by the Defendant. This annual cap shall also not apply to any fees claimed for disputes concerning compliance with the Plan or implementation of the Plan invoked pursuant to Section 8 below.

7.4 **Limitation on Use of Reduced Rates:** In the event Plaintiff's Counsel has to invoke the dispute resolution process or the court's continuing jurisdiction under Section 8, Plaintiff's Counsel reserves the right to and will seek to recover attorneys' fees at their regular market rates for such work.

7.5 The Parties agree that the reduced rates in Section 7.2 above have been agreed to herein on a one-time basis for the purposes of settlement only and apply only to the monitoring work and negotiations related to the Plan incurred for this matter after the Effective Date. These rates are not evidence of and may not be referenced, cited to, or otherwise used by Defendant or any other person, party, or entity as evidence regarding the reasonableness of Plaintiff's Counsel's regular rates or what constitutes a reasonable or market rate. Plaintiff's Counsel's agreement to use the above-listed negotiated rates for monitoring work is not an admission, statement, or implication of any kind regarding the reasonableness of Plaintiff's Counsel's regular market rates.

8. DISPUTE RESOLUTION

8.1. Plaintiff's Counsel shall have standing to enforce the terms of this Agreement during the term of the Agreement.

8.2. All disputes concerning the interpretation, implementation, modification pursuant to **Section 12.2**, monitoring, and compliance with this Agreement, shall be resolved as follows:

8.2.1. **Notification in Writing:** Any Party's dispute concerning the interpretation, implementation, monitoring, modification pursuant to

Section 12.2, and compliance with this Agreement shall be brought in writing to the attention of the other Parties and the Independent Expert.

8.2.2. **Meet and Confer:** Unless otherwise agreed to by the Parties, with respect to any particular dispute concerning the interpretation, implementation, monitoring, and compliance with this Agreement, the Parties agree to meet and confer in good faith, within ten (10) business days after a dispute is raised in writing by one of the Parties to discuss and try to resolve such dispute. Any Party may request that the Independent Expert participate in meet and confer discussions and/or mediation sessions to provide their findings.

8.2.3. **Submission to Magistrate for Mediation:** Failing a resolution by the Parties or upon a failure to timely meet and confer, any Party may agree to submit the dispute to the assigned Magistrate Judge for mediation. The Parties may submit the dispute to the assigned Magistrate Judge within thirty (30) days of meeting and conferring, who shall have the authority to assist the Parties in resolving the dispute, but who shall not have the authority to direct any Party to take or refrain from taking any action or to render decisions. The mediation shall be held and completed within forty-five (45) calendar days of submission unless the assigned Judge's calendar will not allow for such scheduling. In such an instance, the mediation shall be scheduled as soon as practicable.

8.2.4. **Submission to Court:** Failing resolution of a dispute with the mediator, any Party may, within thirty (30) days of the unsuccessful mediation, submit the issue to the District Court for decision. Any court order issued as a result of such a submission may be subject to appeal in accordance with applicable law.

8.3. Fees and costs incurred in the resolution of any disputes according to this Section will be awarded in accordance with the standards set forth in *Christiansburg Garment Co.* v. *EEOC*, 434 U.S. 412 (1978).

9. TERM OF AGREEMENT

9.1. This Agreement shall remain in effect for three (3) years from the Effective Date until the Defendant achieves substantial compliance with all items in the Plan, and thirty (30 days) after issuance of the final Report ("Term of the Agreement"). The Agreement shall end after three (3) years if the Defendant has achieved substantial compliance for all of the goals outlined in **Section 5.** If the Defendant has not achieved substantial compliance on all goals as determined by the Independent Expert after three (3) years, Plaintiff's Counsel can move to extend the term of the Agreement on an annual basis for up to two (2) more years. If after the final Report is issued either party invokes the dispute resolution process of **Section 8**, this Agreement will remain in effect until that process is concluded.

9.2. Substantial Compliance shall be evaluated and determined by the Independent Expert. Sustained substantial compliance refers to substantial compliance for a period of no less than six (6) months. Non-compliance with or due to mere technicalities, or isolated or temporary failure to comply during a period of otherwise sustained substantial compliance, will not constitute failure to sustain substantial compliance.

10. **RETENTION OF DISTRICT COURT JURISDICTION**

10.1. The District Court shall retain jurisdiction over this matter for enforcement and dispute resolution, including enforcement of any award of attorneys' fees and costs, and challenges to any Report or any other disputes between the Parties pursuant to **Section 8** of this Agreement.

10.2. Subject to the District Court's retention of jurisdiction, except for any claims related to enforcing this Agreement, Plaintiff, in consideration of the relief set forth herein, the sufficiency of which is expressly acknowledged, does fully and finally release, acquit, and discharge Defendant from all claims, rights, demands, charges, complaints, actions, suits, and causes of action for injunctive or declaratory relief that have been brought in the Lawsuit against Defendant.

11. **ATTORNEYS' FEES AND COSTS**

11.1. The Parties agree Defendants will pay $550,000 to Plaintiff to fully resolve attorneys' fees and costs that Plaintiff incurred from the inception of this matter through finalization of this Agreement (excluding those fees and costs arising as a result of Plaintiff Counsel's duties during the monitoring period described in **Section 6** and resolving any disputes pursuant to **Section 8**).

11.2. **Plaintiffs Are Prevailing Parties.** Defendant agrees that Plaintiff is a prevailing party for purposes of awarding reasonable attorneys' fees, expenses, and costs.

11.3. Defendant's payment of the amounts agreed to in Section 11.1 for reasonable attorneys' fees, expenses, and costs is in full and complete satisfaction of any and all claims for attorneys' fees, expenses, and costs incurred by Plaintiff and Plaintiff's Counsel in this action through the Effective Date. Payment shall be made within 30 days of the Effective Date.

11.4. Payment of attorneys' fees and costs pursuant to **Sections 11.1 through 11.6** of this Agreement shall not prevent Plaintiffs from seeking additional fees in connection with fees incurred during monitoring this Agreement or any future disputes between the Parties, as referenced in **Section 8** of this Agreement.

11.5. Payment shall be submitted to DRA for appropriate distribution.

11.6. The obligation of Defendant to make payment pursuant to this section shall be discharged upon receipt of payment in the amounts indicated by the payee designated

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in **Section 11.4** of this Agreement. Plaintiff's Counsel shall notify Defendant's counsel when payment has been received within a reasonable time of receipt.

12. **OTHER MATTERS**

12.1. **Entire Agreement**. This Agreement and its exhibits contain all the agreements, conditions, promises, and covenants between Plaintiffs and Defendant regarding matters set forth in it, and supersedes all prior or contemporaneous agreements, drafts, representations, or understandings, either written or oral, with respect to the subject matter of the present Agreement.

12.2. **Modification**. This Agreement and any exhibits can only be amended by written agreement of the Parties.

12.3. **Drafting of this Agreement**. This Agreement is deemed to have been drafted by Parties, as a result of arm's length negotiations among the Parties. Whereas Parties have contributed to the preparation of this Agreement, it shall not be construed more strictly against one Party than another.

12.4. **Execution by Facsimile and in Counterparts**. This Agreement may be executed by the Parties hereto by facsimile and in separate counterparts, and all such counterparts taken together shall be deemed to constitute one and the same agreement.

12.5. **Interpretation**. The language of this Agreement shall be construed as a whole according to its fair meaning, and not strictly for or against any of the Parties. The headings in this Agreement are solely for convenience and shall not be considered in its interpretation. Where required by context, the plural includes the singular and the singular includes the plural, and the terms "and" and "or" shall mean "and/or." This Agreement is the product of negotiations and joint drafting so that any ambiguity shall not be construed against any Party.

12.6. **Additional Documents**. To the extent any documents are required to be executed by any of the Parties to effectuate this Agreement, each Party hereto agrees to execute and deliver such further documents as may be required to carry out the terms of this Agreement.

12.7. **Severability**. If any provision or any part of any provision of this Agreement is for any reason held to be invalid, unenforceable or contrary to any public policy, law or statute and/or ordinance, the remainder of this Agreement shall not be affected thereby and shall remain valid and fully enforceable.

12.8. **Authority to Bind.**

12.8.1. This Agreement shall be binding on all successors, assignees, employees, agents, and all others working for or on behalf of Defendant and Plaintiffs.

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12.8.2. The Parties each acknowledge that they are entering into this Agreement freely, knowingly, voluntarily, and with a full understanding of its terms. The Parties acknowledge that they have consulted with counsel of their own choosing concerning this Agreement and that they were given reasonable time to review and consider the terms of this Agreement.

12.8.3. The undersigned each represent and warrant that they are authorized to sign on behalf of, and to bind, the respective Parties of this Agreement.

On Behalf of Disability Rights California

Date: 9/22/2026

Andy Imparato

ANDREW J. IMPARATO
Chief Executive Officer, DRC

On Behalf of County of Kings

Date: 09-15-2026

Rusty E. Robinson

Chair, Board of Supervisors

Approved as to Form

Date: September 23, 2026

Signed by:
Shawna Parks
BEF43016E100453...

Attorneys for Disability Rights California
Shawna Parks
Disability Rights Advocates
Chief Litigation Officer

Probation Department

FY 2025-26 Performance

John Keene
Chief Probation Officer
November 3, 2026

Mission and Vision

Mission Statement

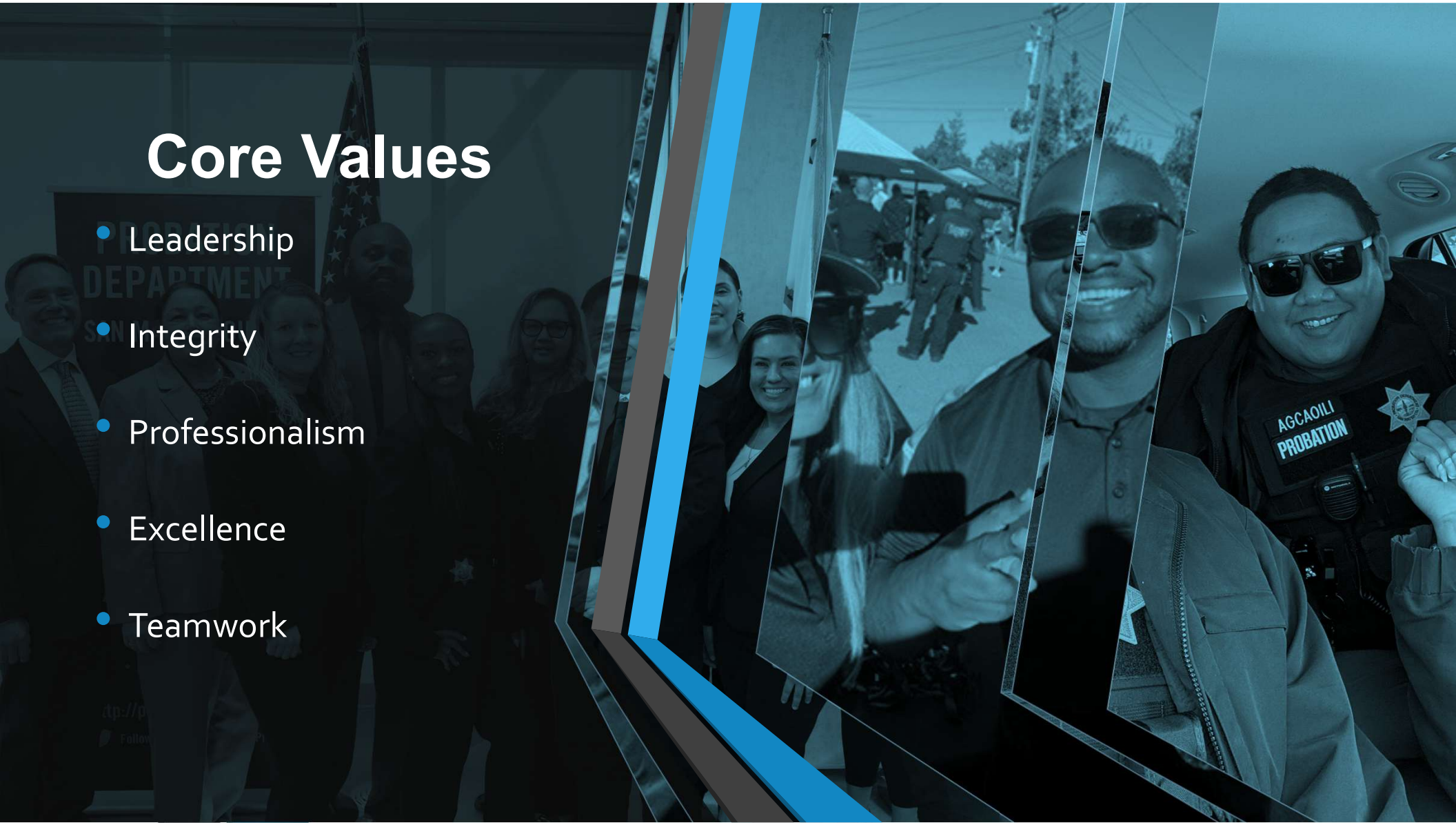
- The mission of the San Mateo County Probation Department is to enhance community safety, reduce crime, and assist the victims of crime through offender accountability and rehabilitation.

Vision Statement

- The vision of the San Mateo County Probation Department is to be a proactive and innovative agency which facilitates positive changes in offenders' behaviors that reduce recidivism and foster a law-abiding lifestyle.

Core Values

- Leadership
- Integrity
- Professionalism
- Excellence
- Teamwork







Accomplishments

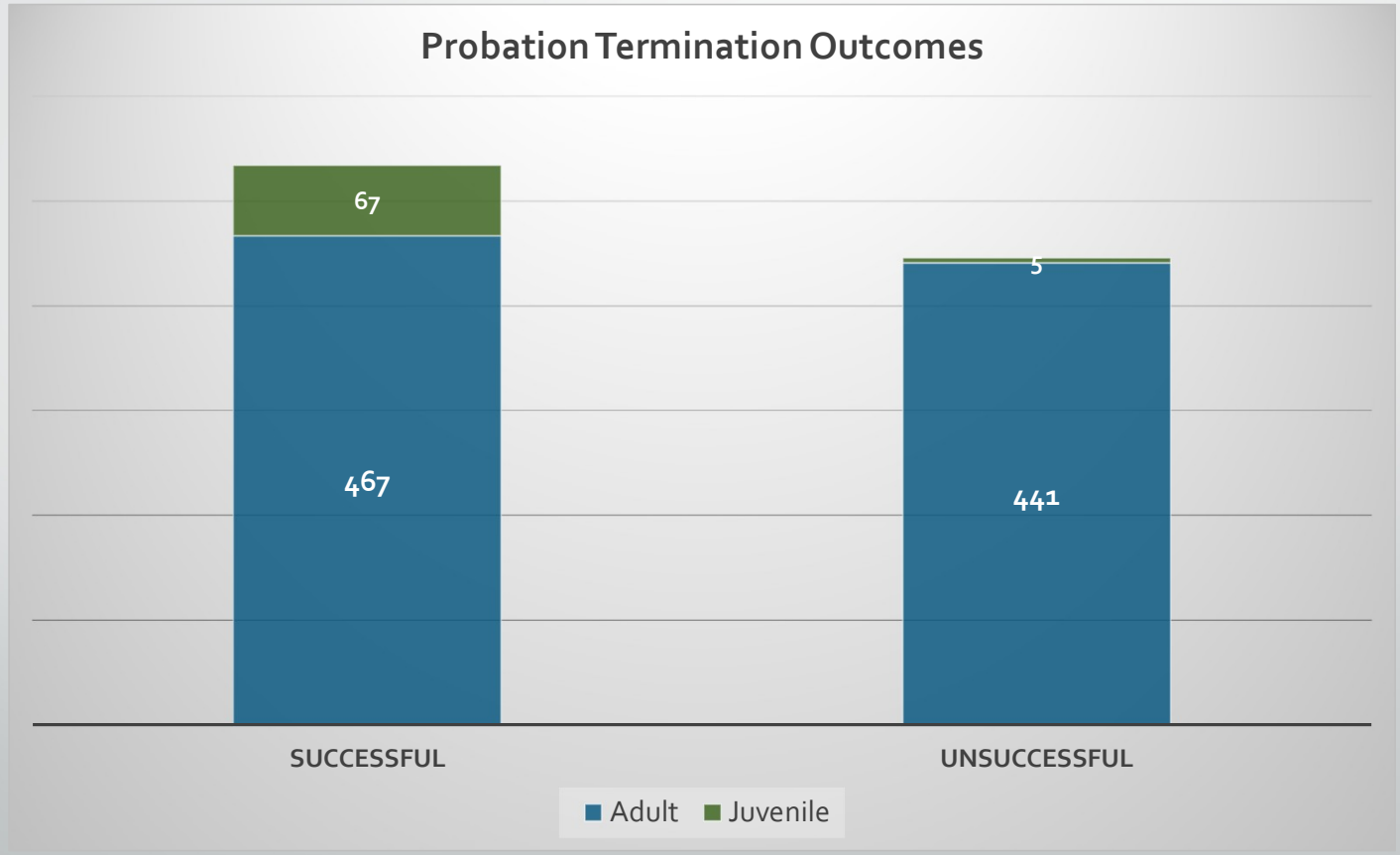
- New three-year agreements with community-based organizations to address the identified priority areas from the Local Action Plan
- Launch of e-Payit system for fines, fees and restitution collection
- Partnership and use of AI technology for report writing and case management support
- Continued use of tablet computers for youth inside the YSC-Juvenile Hall, offering educational programs, incentivized entertainment options
- Expanded access to higher education by providing dedicated computer terminals for SOARR youth inside the YSC-Juvenile Hall, enabling students to conduct research and complete online college courses at their own pace.
- Designed, implemented new barbershop program in the YSC-Juvenile Hall.



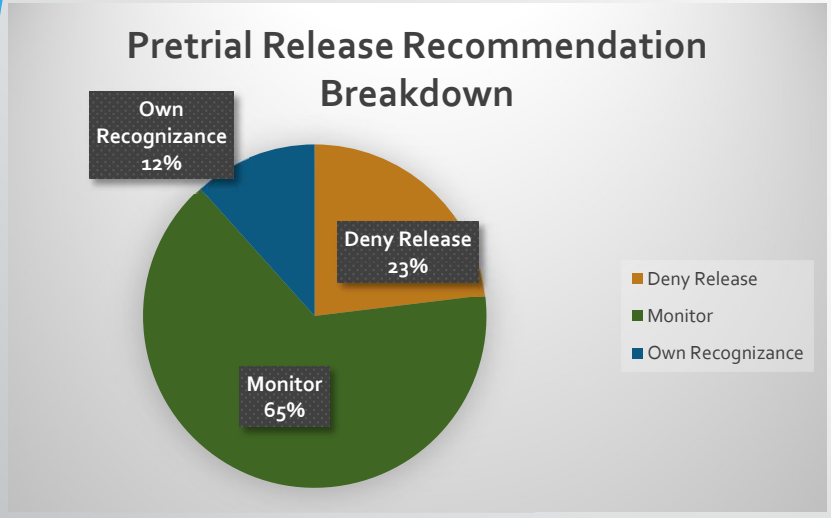
Priorities

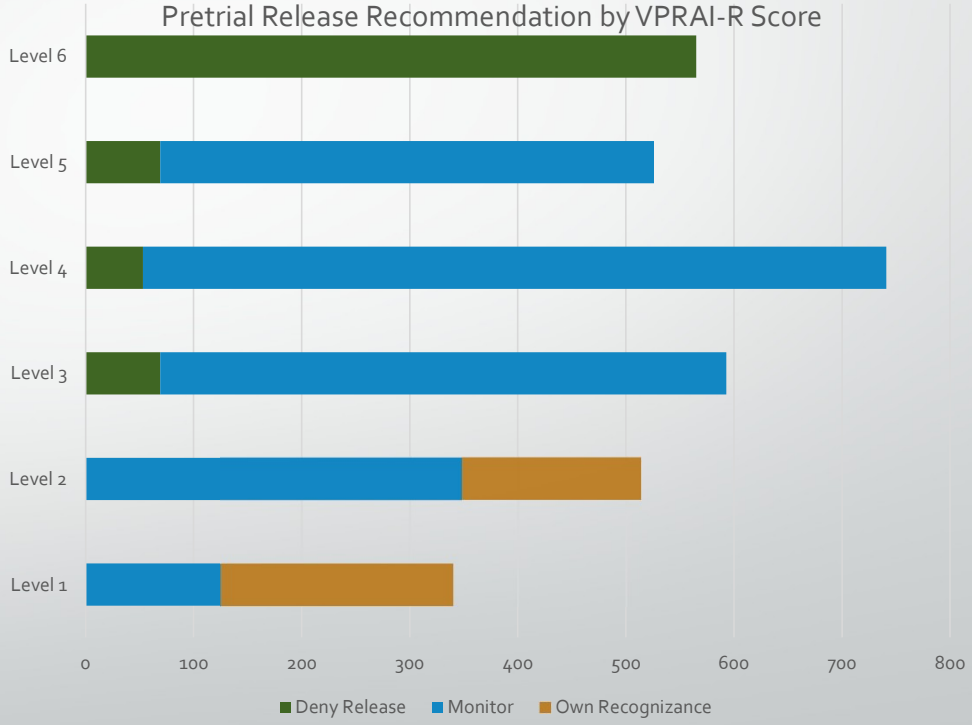
- Recruitment, Succession Planning and Retention
- Reshape our Employee Training Focus to Mirror our Current and Future Workforce
- Development of the Chief Probation Officers of California (CPOC) Training University
- Redesign of Department Field Divisions
- Continued Evaluation of Juvenile Hall Programming
- Continued Review of Fiscal and Legislative Burdens on the Horizon
- Ongoing Enhancements of Computer Systems Departmentwide and continued Advancement in our Data Collection Processes and Capabilities

Probation Outcomes for Juvenile & Adult Clients



Pretrial Release Recommendation





Equity & Innovation: Prob2Go Probation Mobile Services

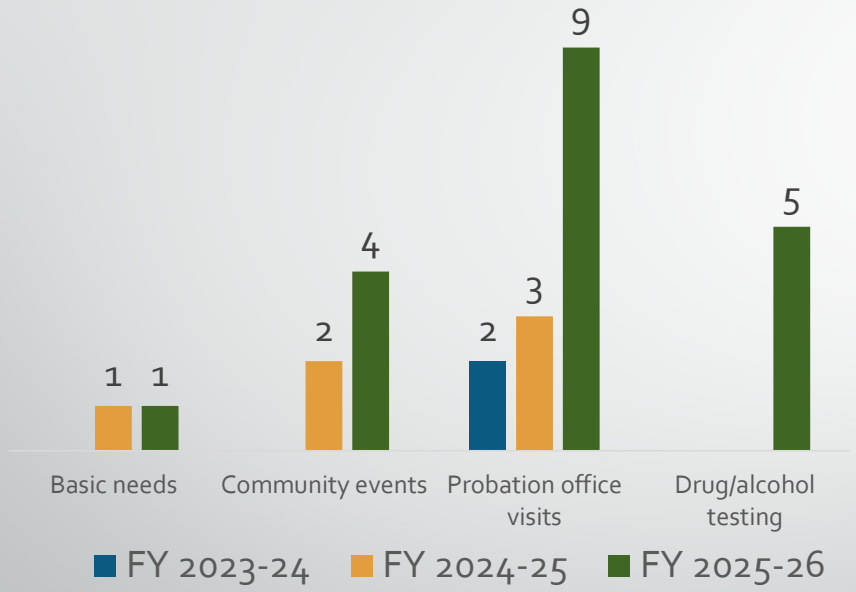
- Community Deployment twice a month
- In FY 25-26, the vans were deployed 16 times
- Services provided included:
  - Probation office visits
  - Basic needs supplies (clothing, toiletries, and blankets)
- Participation in community events such as San Bruno Police Day, National Night Out, YSC Car Show, VTC Picnic



Prob2Go Deployments



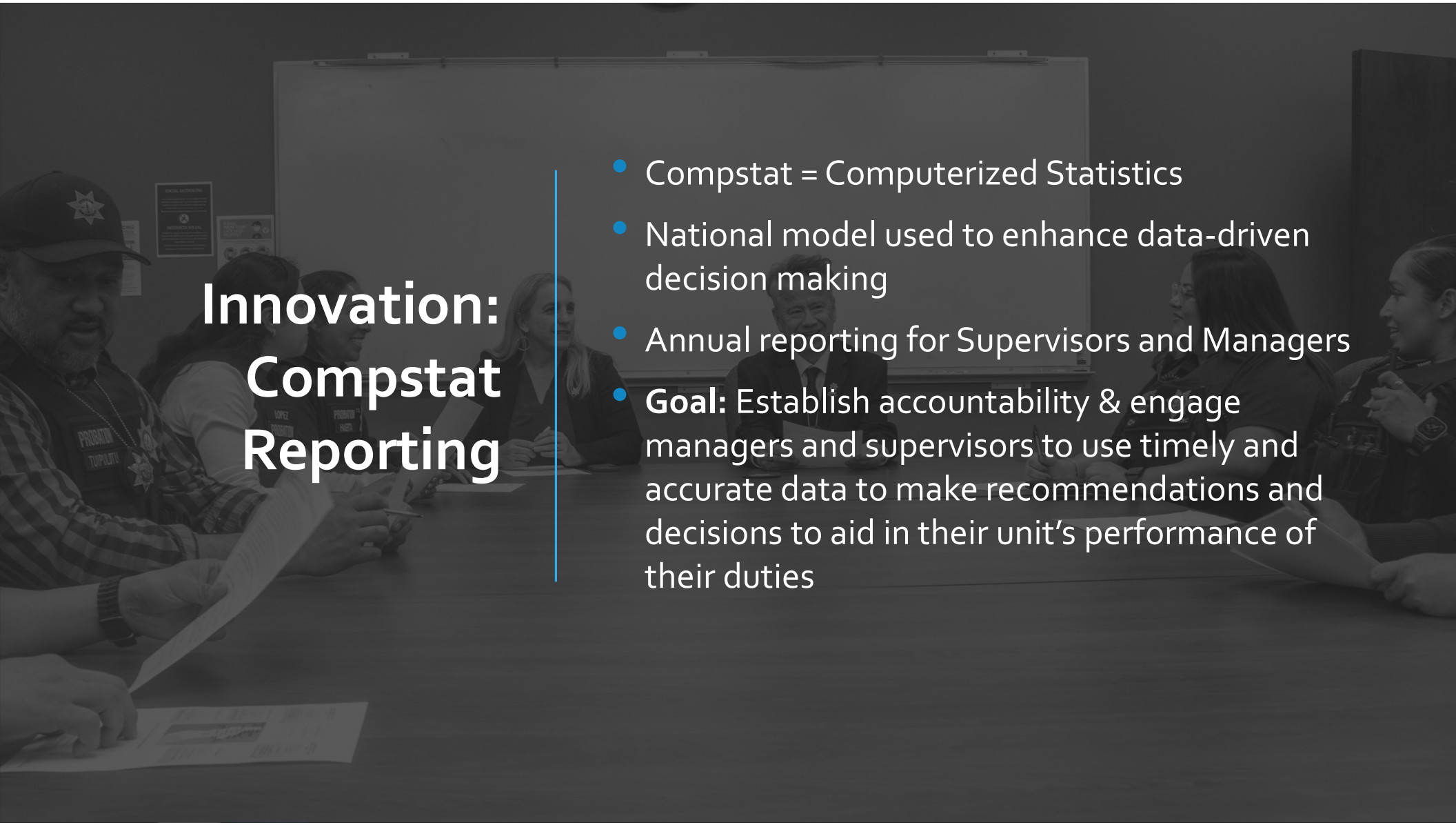
Equity & Innovation: Prob2Go Service Delivery











Innovation: Compstat Reporting

- Compstat = Computerized Statistics
- National model used to enhance data-driven decision making
- Annual reporting for Supervisors and Managers
- **Goal:** Establish accountability & engage managers and supervisors to use timely and accurate data to make recommendations and decisions to aid in their unit's performance of their duties

Innovation: Compstat Reporting

Why does SMC Probation do Compstat?

EBP	• Support the department's commitment to data-driven decision making
Information Sharing	• Improve information-sharing throughout the department
Discussions	• Provide an opportunity for supervisors and managers to present their unit's data and performance and engage in dynamic discussions on caseload/workload and staffing trends
Predictive Analysis	• Utilize data to predict trends and make recommendations on staffing and budgetary changes

Client Success Story

Erica, 15 year old, female

- Referred by her Deputy Probation Officer to FLY due to an alternation with other girls at her high school
- Erica had detentions on their school record and attended the law program to erase their record. She also had previous police encounter at the age of 14.
- Erica was initially a bit hesitant to participate in class. She deals with anxiety and struggles in maintaining friendships. She also expressed issues with family being able to afford rent and wanting to help out her mom.
- Erica is now changing their previous patterns of social skills in communicating with others and has stayed consistently friends with one girl in the law class. She expressed interest in staying involved in the laws program and engage in new clients to share her experience and the value she received in being a part of it.


COUNTY OF SAN MATEO
Questions?

CalHHS | STATE ADVISORY GROUP ON YOUTH JUSTICE

Joint Meeting

Policy & Legislative Advocacy and Racial & Ethnic Disparities Subcommittees

GUEST SPEAKER

Brian McComas

ATTORNEY

Presentation on the Racial Justice Act (RJA), juvenile court, and access to county data.

Wednesday, November 18, 2026

10:00 A.M. – 11:00 A.M.

Webinar (Zoom)
Meeting ID: 165 914 4858
Password: 518922