

Juvenile Justice and Delinquency Prevention Commission San Mateo County, California

Adult Facility Inspection Report

Please respond to sections that apply to the facility you are inspecting.
Type or print clearly.

Facility Name: Menlo Park Police Station

Address: 701 Laurel Street, Menlo Park CA 94025

Contact Person: Detective Jason Poirier (jdpoirier@menlopark.org)

Phone Number: 650-330-6300

Date of Inspection: September 6, 2016

Date of Last Inspection: August 20, 2015

Commission Inspection Team: Valerie Gibbs, Michele Gustafson

Presiding Juvenile Court Judge: Judge Clifford Cretan

Observations, Concerns, and Recommendations

Summary: The inspection team reviewed logs from calendar year 2015 and year-to-date for 2016. Notably, this resulted in some overlap of comments from last year's inspection. This inspection will continue to note any concerns from 2015 but will also note remedial steps that are being taken in 2016.

Detention Log of Minors Reviewed? Yes No

Are detention logs periodically forwarded to the California Division of Juvenile Justice? Yes No

How frequently? Monthly

Are logs current, complete and legible? Yes No Comments: Logs from 2015 and 2016 were current and legible but there were portions that were not complete. For a number of the entries, the section that indicates whether the minors were notified of the reason for secure detention, expected length of secure detention and the 6 hour time limit were blank. We do not know if this was a failure to notify or a failure to log notification. Either way, we previously recommended that staff be reminded of the importance of this notification and the logging of the notification

The Menlo Park Police Department has clarified their juvenile detention logging procedures and highlighted on the log itself those fields that have typically been left blank (such as the required advisements to juveniles and the signature of the officer authorizing secured detention). The

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changes had been recently implemented, so we did not observe whether these changes had resulted in more complete log entries.

Do logs reflect entry and exit times? Yes No Comments: _____

Are reasons for secured detention noted? Yes No Comments: A place to designate the reasons for secured detention was recently added to the form, but in the logs we reviewed, there was no place to enter this. According to Detective Poirier, minors are placed in secure detention if they pose a safety risk (i.e., if their charge was a crime of violence or if they have demonstrated assaultive behavior toward the officers). If they pose a danger to others, they will be placed in secure detention. If they pose a danger to themselves, they are usually determined to be a 5150 and taken to the hospital.

Is the offense noted? Yes No Comments: _____

Fire Inspection Report Reviewed? Yes No Date: 6/2/16

Any recommendations/concerns from last inspection? Have these been implemented?: No recommendations or concerns. The station received its 5-year certification and no violations were noted at the facility

Health Department Report Reviewed? Yes No Date: 12/16/14

Any recommendations/concerns from last inspection? Have these been implemented?: The station has not had a health inspection since the last JJPDC annual inspection. We will inquire as to whether this has been too long since the last health inspection.

General Information

Number of minors held in detention during inspective review period:

Secured 4 Non-Secured 10 (2015)

Secured 0 Non-Secured 6 (2016 – through Sept 6, 2016)

Are minors given an orientation prior to being detained? (Section 1540): Yes No

Describe: Minors are allowed to make a phone call, told the reason for their detention and told that they will not be held for more than 6 hours. The advisements are being made clearer in the juvenile detention log book instructions.

Comments: This orientation refers to the advisements minors are to receive about reason for detention, projected length of detention and the 6-hour limit. Detective Poirier had mentioned that he'd never given a youth orientation, but if the advisements are given, this is part of the youth orientation.

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How are minors in custody supervised?

In a Locked Cell (Section 1547)? There is a staff member in the adjacent room who can see into the cell through a window. There is an intercom that the minor can activate, but the intercom goes to dispatch which then routes to the control desk outside the room. The minor can also knock on the window to contact the person in the next room. The minor is actively checked (someone goes into the room) every 30 minutes.

In Secure Custody outside of a cell (Section 1548)? A minor that is in secure custody outside a cell will be supervised at all time by an officer.

In Non-Secure Custody (Section 1550)? Constant supervision

How often are minors in custody observed? (Section 1548):

In a Locked Cell? Every 30 minutes in the cell – and more frequently through the window from the adjacent room

In Secure Custody outside of a cell? Constant

In Non-Secure Custody? Constant

How are minors in custody observed (video, audio device, personal observation, Section 1547)?: If in a cell, through the window (someone is sitting in the next room on the computer); every 30 minutes a check is done in the cell. There is no video or audio device in the cell. If the minor is not in a cell, the observation is in person and constant.

Is the observation logged?: Yes No Comments: For secured detention, we were informed that the officer is instructed to observe the minor every 15 minutes. The secure detention log provides for a place to log observation every 15 minutes, but it was not filled out for the youth who had been logged to the date of the inspection. This is being corrected, but the correction in procedure was not observed. For youth who are impaired but in non-secure detention for whom observation is deemed necessary, observation is done at 15-30 minute intervals but, at present, the observation is not logged.

Is there constant auditory access to staff at all times?: Yes No Comments: There is an intercom that youth need to press to access dispatch. They can also knock on the window to get the attention of staff. This is not a voice activated system – the minor must press a button to activate the intercom – and it does not go directly to the staff at the desk outside the cell. The Commission has a question as to whether this was sufficient according to regulations.

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Is there any contact with adult inmates?: Yes No Comments: Adults and youth are kept separate. The cells are adjacent, but if an adult and a youth have to be held in the cells at the same time, paper is used to cut off visual access between them and transfers are done so that minors and adults are not in contact.

Are males and females kept in the same room/area? Yes No Comments: They are kept separately.

Are drinks (water) and snacks available, if requested?: Yes No Comments: Staff will get food/drink for the minors if requested. There is vending machine and the staff will often pay for a snack or drink if requested by a minor.

Is there access to toilets and washing facilities: Yes No Comments: There is a sink and a toilet in the secure cell.

Are there provisions available for clothing, blankets, etc.?: Yes No Comments: They have sweatshirts and sweatpants available. The station has followed the prior year's inspection recommendation and now have a regular fleece blanket available for minors in addition to the mylar blankets they would provide adults.

List the names, dates, intake and release times, and circumstances for all minors held for longer than six hours. (Attach any additional documents if necessary. **Names will be redacted prior to publication.**): None held longer than 6 hours in 2015

Secured Detention

Was the secured detention area observed? Yes No

Is the secured detention area a locked room? Yes No

Is a cuffing rail used for secured detention? Yes No

Comments: The station will occasionally use the cuffing rail, which is a chain onto which ankle cuffs are attached.

Are minors in secured detention informed of the following?:

The purpose/reason for being placed in secured detention: Yes No

The length of time the secure detention is expected to last: Yes No

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Informed of the six-hour limit of being held in secured detention: Yes No

Comments: According to Detective Poirier, minors are informed of these items when they are brought in. In looking through the records, we found that there were a number of blank entries where the officer was supposed to initial that they had done this. We cannot verify if this was a failure to notify or a failure to log notification. Either way, we recommend that staff be reminded of the importance of this notification and the logging of the notification – potentially a training on juvenile detention procedures.

For what purpose/reasons would a minor would be placed in secured detention?: Danger to self or others. If the crime was one of violence or the minor is acting in a violent manner.

How often is secured detention reviewed and by whom? Every 30 minutes by supervisor

Have any minors been held in secured detention for more than six hours?: Yes No

What is the proximity of the secured detention area to adult inmates? The secure detention area is next to the adult area, but there is a door in between that would be closed if there were both adults and minors in the facility. Additionally, windows are blocked between the adult and minor cells without obscuring the view the officer at the control desk would have of the minor.

Describe the procedure for intoxicated or substance abusing minors: If a minor appears to be impaired, the station will call the fire department to examine the minor. If they are impaired, they would be taken to the hospital. If they are cleared, they can come to the facility.

How frequently are intoxicated/impaired minors observed? They would only be in the facility if they were cleared by medics. If they were cleared but seemed to be impaired, they would be observed.

Is this observation documented in the logs? Yes No There is a medical form that the station could use, but it is not currently deployed for minors.

If cuffing rail is used:

Was cuffing rail observed and procedure explained? Yes No

How are youth secured? They would be handcuffed to themselves and their ankle would be secured by a cuff to a chain at the foot of the bench in the control room directly in front of the control desk.

Who approves the use of a cuffing rail? (e.g. Watch Commander): Watch Commander

How is the minor supervised? How frequently?: Constant supervision as the rail is right in front of the control desk.

What time limit is used when using cuffing rails? (30 min. limit): Don't use it very often, so it's very minimal

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Does the detention log note the use of cuffing rails?: Yes No

Comments

General comments or concerns that should be noted that haven't already been addressed?: As noted in the prior year's inspection, in January of 2015, there was an incident where there were 4 minors in detention at the same time. There was a 13 year old in secure detention because they ran out of space to put the minors. Only youth 14 years old or older should be in secure detention. This has been noted and should not recur.

Summary

Detective Poirier was professional and organized. He pointed out areas where the station was changing the procedures to address findings from last year's JJDC inspection report and noted improvements in the instructions and forms used for logging the detention of minors (both secure and non-secure detention).

The JJDC understands that the regulations concerning the detention of minors differ from those for adults and commends the efforts made by the Menlo Park Police Department to address these differences on the handwritten logs. The JJDC suggests that in addition to the improvements made by highlighting often-overlooked fields on the log form, the station consider enlarging the form fields on the logs (there are currently 3-4 entries per page, which might be better cut down to 1-2 for legibility sake). The forms were recently updated and the JJDC appreciates that the release codes have been simplified (the prior forms had a larger number of release options, but some of them were not actually possible, but ended up being used erroneously). The JJDC also recommends including the full text of the advisements needed for youth so that officers don't have to rely on their memory or the abbreviated reminders currently on the log. If possible, a juvenile detention refresher training might be held.

Detective Poirier asked whether any training materials were available or whether there were best practices the JJDC could share. We will ask the BSCC if there are such materials and share other materials as we become aware of them.

We recommend that the Menlo Park Station continue to be vigilant about accurately logging whether a youth is in secure custody versus non-secure custody. Having a minor in a room or area that they could not get out of constitutes secure custody, so if the area the youth is held in is not open, then that detention should be logged as secure rather than unsecure. It would appear that any time an adult and a minor are held in the cells at the same time, for example, that the detention must be considered secure as it would not be possible to open the doors to the extent necessary for detention in the designated area to be considered non-secure.

The JJDC does have some concerns about the monitoring of youth in secure custody. The requirement for constant auditory monitoring of youth in secured custody does not seem to be met by the intercom system that, when activated, will connect with dispatch rather than the officers at the control desk

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outside the cell designated for minors (even assuming that a monitoring system activated by an intercom button would meet the requirement). The requirement is there for the safety of the minor, who may be in distress and unable to knock on the window. Also, because the window is narrow, it does not appear that someone sitting at the control desk could see the minor in the cell if they sat anywhere but directly in front of the narrow window. This is where the lack of video monitoring in the cell would be important.

Signature of Commissioner(s) preparing this report:

/s/ Valerie Gibbs Date: 11/29/16

/s/ Michele Gustafson Date: 11/29/16