CORRECTIONS STANDARDS AUTHORITY
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March 27, 2009

Mr. William P. Siffermann
Chief Probation Officer
San Francisco County Juvenile Probation Department
375 Woodside Avenue
San Francisco, CA 94127

Re: 2006/08 Biennial Inspection for the San Francisco City/County Juvenile Detention Facilities pursuant to Welfare and Institutions Code Sections 209

Dear Chief Siffermann:

This letter is to inform you of the non-compliance issues that remain since our June 2008 biennial inspection of the juvenile hall. The facility was inspected for compliance with the Minimum Standards for Juvenile Facilities, as outlined in Titles 15 and 24, California Code of Regulations. The inspection consisted of a review of applicable policies and procedures, documentation to verify practices, interviews with staff and detainees and a site visit at the facility.

As required by WIC 209(d), a Corrective Action Plan (CAP) was submitted to our office within the statutory timelines, December 26, 2008. California statute requires that the agency correct the issues of non-compliance within a reasonable timeframe, not to exceed 90 days following receipt of the CAP. All areas of non-compliance have been addressed (within the 90 days allowed) by March 26, 2009 with the exception of *1370-Education, 1371-Recreation and Exercise, and 1390-Discipline.*

Title 15 Section 1370-Education continues to be an area of non-compliance. The education program is provided by the San Francisco City/County Unified School District. The area of non-compliance refers to the fact that the program is stopped several times per year (at least one week before summer, 3 weeks at the end of August, and two weeks during the winter). Title 15 Section 1370 requires the education program to be in compliance with the State Education Code Section 48645.3, which states "**Juvenile court schools shall not be closed on any weekday of the calendar year,** except those weekdays adopted by the board of education as *school holidays* or set aside by the board of education for inservice purposes." In addition, Title 15 Section 1370 requires minors are to be enrolled in school no later than three (3) days after admission into a juvenile hall. Enrollment does not occur when school is closed during vacation weeks. Finally, CSA staff determined that the minors housed in Unit 7 are not meeting the 240 minutes of education required daily. We are aware the probation department made changes in Unit 7's schedule to address the 240 minutes of education since our last visit on March 5, 2009. CSA staff is maintaining this continues to be a compliance issue because of the time frame to develop policy, execute the change, and the ability to provide documentation that the policy is actually practiced is limited. Provided the policy is written, practiced

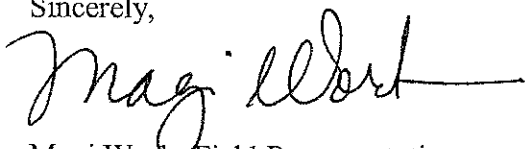according to policy and documentation is available, this may not be an issue by the May Board meeting.

Title 15 Section 1390-Discipline continues to be an area of non-compliance. Minors locked in their rooms due to discipline are not allowed to attend class. Pursuant to Section 1990, minors may not be denied education as discipline. Minors may be suspended from class through the educational process; however, unit discipline does not constitute suspension and the minor can not be deprived of education for this purpose. Staff stated that minors who are on discipline are set up for independent studies. CSA staff found no evidence that the required process for independent studies was being performed.

Title 15 Section 1371-Recreation and Exercise continues to be an area of non-compliance. Minors on disciplinary status should have the opportunity for a minimum of one hour of large muscle exercise. That one hour of exercise is suspended only upon the written findings by the administrator/manager that the minor represents a threat to the safety and security of the facility. CSA staff found no evidence of findings in writing by the administrator or manager. We are aware that the probation department made changes in Unit 7's schedule to address the one hour of large muscle exercise since our last site visit on March 5, 2009. As previously mentioned, CSA staff is maintaining this continues to be a compliance issue because of the time frame to develop policy, execute the change, and the ability to provide documentation that the policy is actually practiced is limited. Provided the policy is written, practiced according to policy and documentation is available, this may not be an issue by the May Board meeting.

As stated in the inspection letter and the subsequent letter dated January 26, 2009, if the issues of non-compliance are not corrected within the timeframe outlined in statute, the CSA Board will make a determination of suitability at its next scheduled meeting. The next scheduled Board meeting is May 21, 2009 in Sacramento at 9:30 am.

Chief Siffermann, please trust that our office will continue to work with you and your staff to remedy these issues. We certainly understand that you are dependent on the San Francisco Unified School District to provide services within your department. We also recognize it is your strong desire to operate within regulations and statute. We recommend scheduling a meeting with you, staff from the Unified School District (preferably staff at a decision making level) and CSA staff as soon as possible. If you have any further questions or need assistance please contact me.

Sincerely,

Magi Work, Field Representative
Facilities Standards and Operations
Corrections Standards Authority
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Cc: President of the Board of Supervisors, County of San Francisco
      Mayor, City and County of San Francisco
      Presiding Juvenile Court Judge, County of San Francisco

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Chair, Juvenile Justice Commission City and County of San Francisco
President of the Probation Commission
Deputy Superintendent Tony Smith, San Francisco Unified School District
Associate Superintendent Jeannie Pon, San Francisco Unified School District