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Review of the San Mateo Youth Services Center

by

Barry Krisberg

Don Horsley

Jeanne Woodford

June 9, 2008

REVIEW OF THE SAN MATEO YOUTH SERVICES CENTER

Purpose of this Report

The National Council on Crime and Delinquency (NCCD) was hired by the San Mateo County Manager to conduct a review of the operations of the San Mateo Youth Services Center (YSC) in the wake of an escape that occurred on the evening of February 14, 2008. The assignment included a description and analysis of the circumstances that led up to the escape and the subsequent actions taken by county agencies once the escape was known. A second part of the NCCD's task was to identify potential weaknesses in security operations that might have led to the escape and the aftermath. Finally, NCCD was asked to make recommendations about steps that should be taken by San Mateo County in the future to prevent such unfortunate events from happening.

To conduct this review, the NCCD assigned its President, Dr. Barry Krisberg, to lead the study. He was joined by former San Mateo Sheriff Don Horsley and Jeanne Woodford, former Director of the California Department of Corrections and Rehabilitation. These latter two individuals bring years of experience in law enforcement and in correctional security issues. Previously Dr. Krisberg was asked by the California Attorney General to conduct an investigation of the California Youth Authority in matters relating to the safety and welfare of incarcerated youth. He was subsequently appointed by the Alameda Superior Court as a Subject Matter Expert in Safety and Welfare in a consent decree involving state youth facilities.

The study team was given complete cooperation and assistance from all staff of the Probation Department, the San Mateo Superior Court, and the Sheriff's Office. We received all documents that we requested and conducted several visits to the Youth Services Center. Some of these visits were scheduled on very short notice, including on a weekend, and the team was able to get a reasonably accurate picture of customary operations. The site visits included discussions with staff that were on duty at the time. We also spent many hours with top Probation Department managers and leading Court officials.

The team was given copies of all pertinent policies and procedures. We received descriptions of the events that transpired on Feb. 14-15, 2008, that were compiled by the agencies mentioned above. The NCCD team also examined crime reports about the escape that were written by the Sheriff's Office. Also reviewed was a report issued by the Sheriff on April 28, 2008, which examined Perimeter Security Issues at the YSC.

San Mateo County policies and practices were compared with the standards for the operation of county juvenile detention facilities that are promulgated by the state Corrections Standards Authority under Title 15 of the Welfare and Institutions Code. A review was also conducted for appropriate standards for policy and practice from the National Institute of Corrections. Below are the team's major conclusions and recommendations.

What Took Place on February 14, 2008

In the early evening, Josue Orozco escaped from the Youth Services Center. The surveillance tapes suggest that the escape may have occurred at approximately 6:37 p.m. By 6:55 p.m. the Group Supervisor noted that Orozco was missing and that there is a hole in netting over the Recreation yard. The Group Supervisor called YSC Control at 7 p.m. to report the escape and Control called Dispatch at the Sheriff's Office. The Sheriff's Deputies arrived at YSC at 7:55 p.m. By 8:38 p.m. Sheriff's Dispatch had called for a helicopter to assist in the search. At 8:18 p.m. the Sheriff's Office sent out a "Be On The Lookout" (BOL) notice to all its officers and Probation requested a teletype be sent out to law enforcement agencies at 8:45 p.m. The Sheriff's Office sent the BOL to all county law enforcement agencies at 8:55 p.m. All California law enforcement agencies were notified about the escape by the Sheriff's Office at 10:30 p.m. It was not until the early hours of the next morning that San Mateo officials got a signed bench warrant for his arrest.

Josue Orozco was awaiting trial in criminal court for a murder charge. He had been housed in San Mateo juvenile detention facilities for over three years awaiting his trial. Mr. Orozco was 14 years old at the time of his arrest. He was one of the youngest persons ever to be tried in a California criminal court for murder. A youth awaiting a criminal trial for over three years is not a usual case in San Mateo County or in most California counties. Our brief conversations with District Attorney James Fox and the Court suggested that both the complexity of the case (multiple co-defendants) and the age of the defendant led to a deliberate judicial process to preserve all appropriate due process rights. In some situations, a youth held this long before trial might be transferred to the jail. But, this would have required housing that was absolutely separated from adult inmates—a condition that would have been hard to meet, given jail overcrowding. So it appeared to many San Mateo officials that housing Mr. Orozco at YSC was their best option, even though the Youth Services Center (or most juvenile halls) was not designed for holding persons charged with very serious crimes for long periods of time.

Although the details of the escape are not entirely known even at this point, pending an ongoing Sheriff's criminal investigation, it appears that Mr. Orozco was assisted by two other Youth Service Center residents in his escape. He and the two other youth were playing basketball in the recreation yard in the Behavior Management Unit (BMU), also known as the Forest 2 Unit. Mr. Orozco apparently received a boost from the other two youth and pushed through a wire mesh material that closed in the recreation area. The other youth moved some exercise mats that were rolled up and placed them together. But, it is not certain that Orozco needed these mats to scale the wall. It appears that he was able, with a boost from the other youth, to grab onto a light fixture to help him climb over the outside wall of the recreation yard. Once over the wall, it appears that he exited the facility through a fence that had been cut and which was pulled back. It is not known at this writing how or who actually cut the fencing. The BMU is the only living unit in the Youth Services Center which has a single fence outside the recreation yard wall. In any other unit, climbing such as wall would have resulted in the youth still being within the secure area of the facility.

Somehow Mr. Orozco managed to exit the grounds near the Youth Services Center. There is at least one neighbor who may have seen the youth limping away. This was reported to the San Mateo Police Department that referred the matter to the Sheriff's Office the day after the escape.

An alert to law enforcement agencies went out at about 8:18 p.m., or about one hour after the escape was confirmed. The first information named a different youth as the person who had gone AWOL. This was shortly changed and there was an effort to get a more current photograph of Orozco, however the only photograph of Mr. Orozco at the YSC was over two years old. As of the writing of this report, Orozco has not been apprehended.

A formal arrest warrant was not asked of Judge Diaz until the early hours of February 15, 2008. During the intervening period, there was a fair amount of confusion within the Probation Department and the Sheriff's Office about how best to go about getting the warrant. There were multiple staff in both Probation and the Sheriff's Office that responded to the escape. There did not appear to be a clear understanding on the appropriate chain of command to handle this situation. There was ambiguity at the YSC as to the procedures to obtain an after-hours warrant and some uncertainty as to the location of appropriate forms and information such as an up-to-date photograph of Mr. Orozco. There was lack of clarity among San Mateo agencies about the protocol for informing neighbors of the YSC of the escape.

Top Probation management initially chose to wait until the morning of 2/15/08 to fully brief Judge Diaz about the escape. As noted earlier, it took several hours after the notification of other law enforcement agencies to actually obtain an arrest warrant. Some in San Mateo County felt that the warrant would have been useful to prevent Mr. Orozco from crossing the border to Mexico. At the request of the Sheriff's Investigators, Probation assigned DPO Minelli to assist in obtaining a warrant in the early morning hours of 2/15/08. According to top Probation Management, they wanted to assemble more complete information before briefing Judge Diaz. A photograph of Mr. Orozco was not released to the media on February 14, 2008. While it does not appear to the NCCD team that these delays were due to deliberate efforts to hide the facts of the escape, it is clear that a lack of procedures and confused communication, among Probation personnel and with staff of the Sheriff's Office, contributed to delays in launching an optimal law enforcement response to the escape. Keep in mind that an escape from San Mateo juvenile hall had not occurred in 16 years, but it was also the case that pertinent departments had not rehearsed their collective response to a serious event such as this one.

Neighbors in the surrounding area of the Youth Services Center expressed concern that they were not properly notified by law enforcement officials about the escape, or given instructions on what to do. At the time of the escape, it does not appear that there existed a protocol or mechanism to notify neighbors in the case of a serious incident at the Youth Services Center.

What problems may have led to the escape and the subsequent uncoordinated response to this serious incident?

Escapes are rarely caused by just one failure or problem. Escapes and other major incidents within a facility are generally the result of a combination of system breakdowns, staff complacency, and physical plant limitations. In other instances breeches of security result from the lack of clear policy and procedures or an absence of auditing systems to ensure that basic correctional policies and practices are being followed. Staff training and staff assignment deficiencies are often included in the list of problems leading to major security breakdowns.

The escape appears to be an example of a youth taking advantage of a combination of problems and security system failures to successfully escape from a secure facility. This report attempts to identify the major concerns that may have allowed this escape to occur. Analysis of these contributory factors will be followed by recommendations.

1. Staffing

This is the most complicated category. First, it is important to state that the escapee was housed in a unit known as Forest 2. The mission of this unit is described as a Behavioral Management Unit which is designated to handle youth who are posing supervision problems, either because of their own misconduct or because staff are concerned about their safety from attacks by other youth. For example, it is the one living unit that has a self-contained classroom, permitting the youth to receive education on the unit. In fact, the unit performs a combination of missions including some youth undergoing intake, youth with protective custody needs, youth serving disciplinary time following an incident such as a fist fight, and overflow housing when other units are at capacity. Mr. Orozco was housed in this unit, not for any disciplinary problems but because Probation was concerned that he might be victimized by rival gang members. In general, the design of the BMU was consistent with its original mission, with the exception of its location as the only living unit whose recreation area faced an outside wall with a single fence on the other side of that wall.

On the day of the escape, the BMU housed 20 youth. Two staff were assigned to the unit in accordance with San Mateo Probation Department policies and minimum state juvenile hall standards. Normally the unit would have had a Group Supervisor III (GS III) and a GS I or GS II assigned. However, the NCCD review team was told by Probation that sometimes YSC had insufficient experienced staff assigned to some of its living units. Probation suggested that an increase in budgeted relief staff was needed. Relief staff was designed to substitute for staff that are taking vacation, sick leave, or leave for a variety of other reasons. Living units are often staffed with Group Supervisor I (GS I) or Group Supervisor II (GS II), or temporary help. In this case the BMU was staffed with a GS I, with 10 months experience, who had not yet completed his employee probationary period, and the second on-duty staff was a GS Extra Help (temporary employee). Given the multiple missions of this unit, the assignment of such inexperienced staff may have

contributed to the escape. The issues of the staff relief factor, the use of Extra Help as well as training, policy, and written procedures will be discussed later in this report.

It appears that during the escape, the GS I was engaged in playing chess with another youth on the unit and had his back to the exercise yard, which is in clear violation of policies requiring that youth in the recreation area have direct line of sight supervision. The Extra Help staff apparently was taking an extended meal break and was not on the BMU when the escape occurred. The Department's Policy and Procedure # 3.1.3: Procedure Y: Staff Deployment and Sight Supervision states: "Housing Staff provide direct sight supervision of youth in order to maintain security and control." The Procedure goes on to describe how staff should deploy themselves while maintaining direct visual supervision of both the youth and other staff. The intent is to be able to communicate distress or safety issues.

Recommendation: Probation Administration should conduct a review of the actual mission of each housing unit to determine if there is sufficient staff to perform all stated duties.

Subsection 4 of this Procedure addresses the situation where there are two staff assigned to a Housing Unit. "When there are two housing staff on the Housing Unit, the Housing Staff deploy themselves following Housing Staff #1 and Housing Staff #2 as listed above in step 3." Step 3(a) states: "Housing staff #1 back up the housing staff from the Housing Workstation and monitors the safety of the other Housing staff so that they are ready to communicate distress on the Housing Unit to control if necessary. Housing staff #1 monitors direct supervision of the Dayroom, Program Room, Youth Rooms and Mezzanine level." Section (b) of this same policy states "Housing Staff #2 acts as the perimeter staff and moves throughout the housing unit and Youth Rooms to do safety checks, address the needs of youth in their youth room, and responds to the youth."

Section (e) states "During Outdoor Recreation, the Housing Staff deploy themselves by spreading out and locating themselves around the youth in the corners of the outdoor recreation in order to maintain direct sight supervision."

On the day of the escape, there were three youth on the exercise yard and at least one youth outside of his room in the unit. Two youth were sitting in a classroom inside the unit and one youth was sitting at a table playing chess with the GS I. This left 12 youth confined in their rooms.

Procedure 1.3-27 states: "staff is provided two (2) fifteen (15) minute breaks per shift in order to meet personal needs and to provide time away from the youth population." This procedure requires staff to request a break as outlined in Procedure section A entitled, Staff Breaks, which states "The Staff requests a break from the Lead staff, during the first half of the shift and the second half of the shift, indicating to the Lead staff the desired location of their break." The lead staff decides if a break can occur at the requested location and at the desired time by taking into consideration the activity in the Unit.

On the night of the escape, there was no lead staff assigned to the unit. It is alleged that the GS Extra Help took a 40-minute lunch break in the area of the work station. Clearly the GS EH did not follow Department procedure. Additionally, the GS I was engaged in a game of chess with a youth and did not visually supervise the outdoor recreation area. The lack of a Lead Staff member to supervise the housing staff contributed to the lack of supervision of the youth. This lack of staff supervision may have also contributed to the escape.

Procedure 1.3.7 under Procedure F Flex Schedule (Short Term) requires the ISM (Institutional service manager) to evaluate if a Lead Staff is needed for the post prior to granting time off for a Lead Staff. It is unknown if this procedure was enacted for the shift on February 14, 2008. A review of assignments to determine if a Lead Staff is necessary is a good practice. The lack of an experienced Lead Staff in the unit may have contributed to the escape.

Recommendation: One immediate fix is to stop the practice of allowing staff on probation and temporary help staff to work without a supervisor. When it is impossible to have a supervisor present, probationary and temporary help staff should be partnered with experienced staff.

Recommendation: In the next budget cycle the County of San Mateo should fund the relief factor for the GS III and the ISM positions. Allowing these positions to run vacant does not provide the supervision necessary to ensure that sound security procedures are being followed by staff.

Recommendation: It is suggested that all Peace Officer positions be budgeted with a relief factor. Given current budget constraints this should be done when money is available. Providing a relief factor for all Peace Officer positions will eliminate the use of temporary help employees and remedy the problem of maintaining a trained work force.

The NCCD review indicates a need to fund relief positions for post positions and gradually reduce or eliminate the use of extra help positions. NCCD team members reviewed a staffing report and “Shift Relief Factor” analysis supplied by ACPO Stewart Pederson. The YSC total staff numbers amount to 91 positions. Of the 91 positions, 72 post positions are directly related to supervision of juvenile hall, 12 positions are responsible for a Weekend Work Program, and the remaining amount are either Administrative positions or non-custodial positions. Typically the only positions that require a relief factor are those post positions charged with direct supervisor of the youth population. From this brief analysis, the 72 post positions seem the only positions that merit a recommendation of a relief factor. While the analysis of staffing for the YSC should merit further study, NCCD would recommend that for every 4 post positions, 1 additional position should be funded for shift relief. Accordingly, the number of relief positions would be 18 by using the 1 to 4 ratio. While an additional 18 positions for shift

relief would not completely eliminate the need for some amount of overtime or the use of extra help positions, it will greatly improve the efficiency of the operation at the YSC.

Because of the cost implications of adding additional staff at YSC, NCCD recommends that San Mateo County conduct an objective and comprehensive review of the direct care staffing needs at YSC. This review should include an analysis of how improvements in operations can be achieved with better management and training of existing staff. Comparisons with other similar counties should be part of this review.

Recommendation: Each ISM should be required to review all staff assignments at the beginning of each shift to ascertain experience level. In doing this review the ICM will ensure that probationary and temporary help staff have appropriate supervision.

Recommendation: Staff should be required to obtain verbal permission to leave their assigned position in a housing unit. Supervisors are responsible for scheduling and monitoring relief for staff. The Supervisor shall ensure that the unit is appropriately staffed to manage the youth before approving any breaks.

2. Staff Training

The GS I assigned to the unit had attended Core Training consisting of 126 hours of instruction in specific performance and instructional objectives in keeping with Sections 6035 and 6036 of the Penal Code. GS I's are also required to attend 24 hours of annual training. The GS I assigned to the unit the night of the escape is in compliance with training requirements. He was not expected to attend 24 hours of annual training until year two of his employment as he attended core training in year one.

The GS EH (temporary help employee) and the GS I attended a 72-hour, new employee Policy and Procedure Post Order Training. This is the only training received by the GS EH. GS EH's do not receive annual training. Other probation departments do require extra help employees to attend the Juvenile Corrections Officer Core Course. For permanent staff, the amount of training received by staff at San Mateo Probation is consistent with training at other probation departments and meets the minimum standard required by the State.

A review of the New Employee Policy and Procedure/Post Order Training revealed that the three-day training allowed from 30 minutes to 60 minutes for most topics. For example, on Day 1, 30-minute blocks are scheduled to train staff on procedures such as 3.3.3 Youth Grievances, 5.7.7 Staff/Youth Communication, 5.7.1 Mail, 3.3.4 Behavioral Management System, and 5.6.1 Recreation.

On Day II, 30-minute blocks are scheduled for each procedure as follows: 3.1.6 Youth Counts, 3.1.10 Incident Reports, 3.1.29 Log Books, 3.1.22 Use of Force and 3.1.20 Use of Restraints.

On day three of the new employee training, a 30-minute block is set aside to discuss procedure 3.2.11, escapes. There is no evidence of further policy and procedure training beyond the 72-hour new employee training. This 72-hour training also covers many other topics including self-defense techniques, CPR, sexual harassment policies, and a variety of other topics that are part of YSC operations.

NCCD urges San Mateo to increase the time devoted to training new staff, especially extra help. It is suggested that current training for new employees be expanded as training dollars allow. Current practice is for new Group Supervisors to shadow an experienced GS for one week and then be shadowed themselves for one week. It is recommended that on-the-job training be formalized and extended with daily and weekly observation reports with feedback to the new employee to ensure competence and knowledge of procedures. Training should only be considered complete when the employee demonstrates competence in the management and supervision of youth and knowledge of policy and procedures. At present the Corrections Standards Authority lists areas in which juvenile corrections staff should be trained, but there are limited state dollars tied to the delivery of this training.

Recommendation: If the Probation Department continues to utilize extra help employees in the foreseeable future as Group Supervisors, it is recommended that those employees complete the Juvenile Correctional Officer Core Course in addition to the current 72 hours of orientation and policy and procedure training.

On the date of the escape, Procedures and Post Orders were not located in the housing units, (more will be discussed on this below). Training for staff on local policy procedures and post orders is inadequate to ensure staff understands the policy and procedures particularly given the lack of post orders and policy and procedures on the work site. The limited amount of training coupled with the lack of post orders on the unit may have contributed to staff failures to follow procedures. The lack of following procedures may have contributed to the escape.

3. Staff Policy Procedures and Post Orders

Prior to the escape and on the day of the escape, policy, procedures, and post orders were not on the work site for employees to review. It is typical to not have all policies and procedures on the employee work site. Post orders are generally on site and are written to include all tasks to be performed by staff during their shift and to include parts of policies and procedures that are important for staff to know to adequately do their job. Some correctional facilities require staff to review and sign their post orders on a monthly basis and following any absence due to extended illness, vacation, or other circumstances of leave.

Operational Audits

There were few processes in place to ensure that routine audits were being conducted to monitor compliance with Probation Department policy and procedures and actual practice. This can lead to a breakdown in appropriate security practices and an ongoing failure by staff to follow policy and procedures. The lack of operational audits likely contributed to this escape. While all staff should receive additional annual training on operational policies and procedures, there should be training more frequently than once a year. Ideally, the ISM during regular briefings, should review critical and high-risk policies and procedures with all staff on a quarterly basis and would be responsible for documenting these policy and procedure reviews. Upper management in Probation should review and monitor the ongoing in-service training process.

The post orders should be read and signed upon initial assignment to the post and resigned on the first of each month or upon the return of an employee following an absence for vacation or illness that is longer than one week.

Post order acknowledgement sheets should be retained in the post order binder until the last day of the month. These audit sheets should be collected by the unit manager. The post order acknowledgement sheets should be retained in a designated location, following an audit by the Unit Manager.

A monthly report should be forwarded up the chain of command to the Deputy Chief of Probation responsible for institutions verifying the review and audit of post order acknowledgement sheets to ensure that the policy is being followed.

Recommendation: It is critical that post orders be on post, experienced staff be present with probationary and temporary help staff (as discussed previously) and performance audits be conducted routinely. It is very important that critical security policies and procedures be accessible on each work site. Policies and Procedures can be accessible via computer on an internal secure web site or on a CD. If this is not possible, hard copies should be available at the work site. The post orders must detail all work to be performed on each watch, including the time for each operational requirement (note: the date and time should be logged).

When policy, procedures, or post orders are not onsite, staff easily falls into a practice of learning what they are supposed to do from the actions of other staff. This can lead to complacency, bad habits, and a culture of “this is how we do it.”

The lack of policy, procedures, or post orders may have led to staff not following specific policies and procedures and may have contributed to this escape.

Escape Procedure – Policy and Procedure Number 3.2.11 Institutional Operations and Safety and Emergency Procedures addresses the topic of escapes. While the policy offers guidance in a number of areas, the current procedure fails to address many critical steps that should be taken in the event of an escape. Moreover, this policy should be refined in

collaboration with the Sheriff's Office. Besides rewriting the existing policy, there should be an emphasis on continuous training and practicing the implementation of the policy.

- The procedure does not address the need to establish a command center, it does not speak to mutual aid and the need to communicate with the Sheriff's Office Command Center, and it does not place a San Mateo Probation staff member in the Sheriff's Command Center to communicate with Juvenile Probation.
- The procedure does not direct staff to begin creating a time line of actions taken.
- The procedure does not require that the facility be placed on lock down until a search is completed.
- The procedure requires that several upper management staff be notified before 911 is called. This seems too bureaucratic and delays the notification of law enforcement agencies
- The procedure also allows the ISM to end the lock down without a discussion with the Chief of Probation (or designee).
- The procedure does not have a check list of all actions to be taken or whom to notify nor does it address the authority needed to release the picture and name of the escapee to law enforcement and to the media.

Further the procedures do not give command authority to the highest ranking staff member until relieved by the on-site appearance of higher level management staff up to and including the Chief Probation Officer.

The lack of clear complete directions may be one of the reasons that several staff were unsure as to what actions should have been taken following the escape. It is critical that well written post orders be available to staff at each housing unit. It is critical that Post Orders be on post, experienced staff be present with probationary and temporary help staff (as discussed previously), and performance audits be conducted routinely.

Recommendation: All management staff should receive training in conjunction with the Sheriff's Office in a new Incident Command System (ICS) that should be developed immediately. The ICS system can be implemented to control and manage critical incidents ranging from evacuations caused by fires to earthquakes, and should have been implemented to manage the escape procedures.

Recommendation: Establish and practice a protocol for notification of key Executive and Court personnel.

Youth Programs, Mail, Telephone and Visiting – Procedure 5.7.1

This procedure addresses Correspondence. On page 1 of this procedure, California Minimum Standards for Juvenile Facilities- Title 15, identified as Section 1375 (d) is quoted as stating, "Incoming and outgoing mail, other than described in section (c) may be read by staff only when there is reasonable cause to believe facility safety and security, public safety, or minor safety is jeopardized." There is nothing in the procedures

that describes examples of reasonable cause. Reasonable cause can include gang membership and the behavior of the youth.

The procedure provided to this review team did not address phone calls. According to the YSC Administration, phone calls are to be logged in the unit by staff. Other than legal calls, youth are only allowed to call their parents. Staff are supposed to place the youth's call and verifies the identity of the receiving party.⁷

The review team found that phone logs were not being fully documented. The incident report of the San Mateo County Sheriff Officer, M. Pugliese, documents statements by staff on the night of the escape that there were no phone logs. In addition, phone calls are not being recorded. The lack of clear policy and procedures for mail review and telephone calls may have hindered staff's ability to identify a planned escape. The lack of recording of non-legal phone calls may have hindered staff's ability to identify a potential escape or hindered the efforts to locate the escapee.

Recommendations: Mail, Telephone and Visiting. It is recommended that this policy delineate the process for determining when reasonable cause exists to read both incoming and outgoing mail. The procedure must identify who can approve or initiate the reading of mail. The procedure must be rewritten to clearly explain the telephone procedure to be utilized by youth. The procedure must state who may approve a telephone call as well as the process for insuring the youth is calling an individual approved for contact by the youth. Further, the procedure must clearly describe the phone call documentation process as well as the person responsible for auditing the phone call process. A monthly audit sheet should be forwarded up the chain of command to ensure that the phone procedure is continuously followed. The review team recommends that the Probation Department explore the possibility of recording all non-confidential calls. If recording phone calls is feasible, the recording should be maintained for a specified amount of time. It is our understanding that the current Evercomm Telephone system can be modified to record and monitor phone calls.

Classification

The current youth classification system does not require written documentation of initial classification or subsequent changes unless there is a change in the classification. There is a fairly informal connection between custody classification and housing unit assignment. This is important because the different living units have different missions within the facility. Also, when clients with differing security issues are mixed together in the same unit (as was the case in the BMU), the classification system should be used to guide staff in the proper supervision of these youth. Prior escape or AWOL history has not traditionally played a major role in housing assignments. However, the NCCD could not conclude whether the rudimentary classification system being utilized at YSC played any role in the escape.

It is recommended that the Classification Procedure be rewritten to include documentation of all Classification actions. The documentation should include review signatures, indicating management review.

It is also recommended that any youth awaiting trial as an adult be classified at least monthly with signatures indicating management review up through the Chief of Probation. This is a very complex issue. We think that there needs to be a review of the appropriate housing, especially for youth facing very serious charges in criminal courts by the Court, the District Attorney, and Probation.

It is recommended that the Classification Procedure be rewritten to include documentation of all Classification actions. The Classification Procedure should be a collective decision on the part of ISM's assigned to YSC and reviewed by the YSC Director. The documentation should include review signatures, indicating management review up through the correctional administrator having overall responsibility for Camp Glenwood and YSC.

It is also recommended that any youth awaiting trial as an adult, be classified at least monthly with signatures indicating management review up through the Chief of Probation. In those cases where the youth is being considered for transfer to the Sheriff's County Jail, the Chief Probation Officer should review and approve any such decision with the concurrence of the Court.

4. Physical Plant Issues

The BMU is housed in Forest 2. As noted earlier, this is the only housing unit at the Youth Services Center with an exercise yard on the perimeter side of the building. This unit was designed to be self-contained. The building has a classroom and food ports in the youth room doors. Currently, students are being escorted to the main school. The housing unit is not being run as a total self-contained program. Permitting high-risk inmates to utilize an exercise yard on the perimeter side of the building may have contributed to this escape, given the perimeter fencing deficiencies that we discuss below.

There is a single perimeter fence made of chain link. The lack of a double fence of more durable and cut-resistant material did contribute to the escape. In addition, the road behind the facility is accessible by anyone who drives or walks on the road. Staff was also allowed to park personal vehicles in this area of the facility. Further, pedestrian traffic in this back side area of the facility is common. The unmonitored access of vehicles and pedestrians to the area behind the facility may have contributed to the planning and execution of this escape.

Cameras are monitored inside the YSC Control Room by one staff member. This staff member is extremely busy identifying staff and opening doors for staff to move about the facility. The cameras are currently inadequate to monitor the perimeter for possible security breaches. The lack of clear perimeter monitoring by cameras and staff likely

aided the youth in his escape. A recent confidential report on YSC Perimeter Security that was completed by the Sheriff's Office reached similar conclusions.

Recommendation: Additional staff should be provided to the Control Room to specifically monitor cameras and be responsible for periodic physical inspection of the exterior of the facility.

Recommendation: The review team observed that some staff assigned to the Control Room appeared to have only rudimentary knowledge of the security systems. Staff should receive additional training on the security equipment, camera monitoring, and recording capability of the security systems.

Recommendation: The Probation Department Administration should have an agreement with an approved vendor for maintenance of security equipment and the agreement should specify timely response to repair critical equipment.

Additionally, the cameras monitoring the outdoor recreation area could not monitor the corner utilized by the youth in the escape from the institution.

It is recommended that Forest 2 not be used as a Behavioral Management Unit without physical plant modifications. San Mateo County Probation has proposed that the exercise yard be covered with a stronger material that still allows for sunlight, but is attached and sturdy enough not to be removed by youth utilizing the yard. The review team agrees with this recommendation. This modification, along with other perimeter modifications recommended later in this report, will provide appropriate security for this unit regardless of the risk level of the youth.

It is noted that San Mateo Probation has already addressed the problem of the light fixture location on the yard wall. The yard light acted as a ladder for the youth to climb over the wall.

The San Mateo Probation Department has recommended that no-climb, cut-resistant fencing, replace existing chain link perimeter fencing. The review team in general concurs with this recommendation. A preferred alternative would be to install inner no-climb, cut resistant fencing to create a double fencing system. The existing cyclone fencing would be a barrier to the inner fence and would create a superior perimeter security system.

The San Mateo Probation Department has recommended that the perimeter fence include motion sensitive wiring to alert staff of security breaches. The NCCD review team concurs with this recommendation. The review team also recommends that the facility develop a weed control program. When the Review Team toured the facility, the weeds and grasses were unreasonably high. The height of the weeds and grass interfered with checking the fence line for security breaches. Weeds and plants should not be allowed to grow along the fence line and must be kept under control in the area between the fence and the facility.

It is noted that San Mateo Probation Department is now walking the perimeter fence each shift, checking for perimeter breaches. This perimeter check is documented in red ink, in a log-book maintained in control. In addition, the control officer is responsible to notify a supervisor if he/she does not receive a call verifying a perimeter check has been completed during his shift.

Perimeter Road

Recommendation: Effective immediately, private vehicles be restricted from driving or parking on the perimeter road located at the back of the facility. It is impossible to know if vehicles are authorized to be there. Only clearly marked, county or law enforcement vehicles should be allowed to enter or park in this area.

It is recommended that the signs at both ends of the perimeter road, behind the facility, be more clearly marked to read, "DO NOT ENTER – THIS IS A RESTRICTED AREA ACCESSIBLE ONLY BY LAW ENFORCEMENT AND MARKED COUNTY VEHICLES." The current signage states, "Authorized vehicles only." People visiting and working at the facility believe they are authorized to enter this area with the current signage.

It is also recommended that this same area be a restricted area. This means pedestrians cannot walk into this area without first notifying control and advising a control officer of the need to enter the area for a legitimate business reason such as checking the perimeter fence or removing trash bins. There is currently an unacceptable level of traffic from vehicles and pedestrians with no way to determine who belongs in the area. Signs should be posted restricting access by pedestrians without facility permission. Phones or intercoms could be strategically placed for staff to communicate with control.

The review team concurs with the recommendation of the San Mateo Probation Department to install electronically controlled gates with security cameras at the front and back intersections of Loop Road and Paul Scannell Drive. The review team was told that this was included in the original plans for the facility, but was eliminated for budgetary reasons. The Probation Department staff recommend that the perimeter security camera system be enhanced with additional cameras, monitors, and recording capability. It is our understanding that the Sheriff's Office is working with the Probation Department on specific recommendations on the location of both additional camera and additional monitors for the control room. It is critical that security cameras provide a clear view of the perimeter.

The Probation Department staff recommend that a second officer be assigned to the Control Room. This officer would have the responsibility to constantly monitor the security cameras. The new position would also be responsible for logging perimeter checks, requests to enter the perimeter road, as well as all other operational issues requiring control room documentation. The review team concurs with this recommendation.

During the review team's site visit, the control staff consisted of a single staff member. This staff member is extremely busy identifying staff and responding to the requests for access to various areas within the facility. This is a very challenging position and critical to both the security and the efficient operation of the facility. A single staff person cannot effectively be responsible for monitoring security systems and monitoring entrance and egress for staff and visitors.

It is further recommended that all staff who work in control be trained on the camera surveillance system. During the review team's visit to the facility, we observed staff lacked the knowledge to fully operate the camera surveillance system and the system appeared to not be fully functional. For example, staff did not know how to identify pedestrians outside the perimeter by utilizing the zoom feature of the camera system, and they did not seem to know how to transfer recordings from the surveillance system to a disk.

It is recommended that the facility establish a schedule and protocol for ongoing security/operational audits. There is a saying in law enforcement, "You must inspect what you expect." A good audit process is one that allows staff to learn as they audit. In keeping with this philosophy, the audit process should provide a checklist for staff to audit themselves. This is followed up by routine audits by supervisors (at least monthly), and frequent audits by managers (at least quarterly). The manager audits should be forwarded up the chain of command to the Chief of Probation. The Chief of Probation is responsible to review these audits to ensure quality control and that appropriate action is being taken to remedy noted deficiencies.

Community Alert System

The Probation Department and the Sheriff should be commended for responding to the concerns of the community. They have put in place an automated telephone contact system for the area approximate to the facility. These two agencies are additionally implementing an emergency notification system of text messages and e-mails for members of the public who register to receive them. These changes will enhance public safety and improve the chances of identifying and capturing any future youth escapees.

The review team recommends that the Probation Department establish a quarterly meeting with representatives from the local homeowners groups for tours of the facility, communications of issues, changes in laws, and other uses and users of the facility. Homeowners are interested in establishing a dialogue with YSC, as it is in their backyard.

Corrective Actions Planned and Taken So Far

According to a Probation Department memo produced April 14, 2008, the following corrective steps have been taken.

Besides the ongoing criminal investigation being conducted by the Sheriff's Office, an internal investigation of Probation staff that were on duty on the evening of the escape is being completed by Probation Department management. This review is being conducted in keeping with County personnel policies and will seek appropriate personnel actions.

Some of the neighbors in the area nearest the Youth Services Center have requested an automatic emergency notification system in the event of future escapes or other serious incidents. The Sheriff's Office and the Probation Department have established an automated telephone message system for all residents within approximately 1.5 miles from the YSC. By the end of April, 2008, there will also be an emergency notification system by text messaging or email in addition to the automated telephone notification.

The Probation Department has also taken important steps to increase staff attention to work duties and responsibilities. The Department is establishing a check and balance system to cover pertinent policies and procedures. All staff at the YSC have been immediately retrained on post orders, security, and supervision requirements. At every shift briefing, key policies and procedures are being reviewed. The Probation Department has staff review and sign off on their knowledge of post orders on a monthly basis, or if a staff member has been on leave for three or more days. Staff have also been instructed that every employee has an obligation to ensure that every staff member on every shift is doing what they were trained to do.

The ISMs on each shift are now using both camera observation and personal inspections to assure that staff are maintaining line of sight surveillance of the youth and that room checks are conducted on a timely basis. ISM "walk throughs" have been increased from a minimum of one time per shift to four times per shift. Probation managers have also been instructed to quickly address any issues of non-compliance, but also to give positive feedback and reinforcement to those staff who are meeting their expectations.

Probation is also proposing to add a number of "Quality Control" staff positions in the Control Center to regularly monitor any signs of laxity in security and safety operations, such as finding any doors that are improperly propped open or YSC staff not adequately paying attention to security issues. In addition, Probation intends to contract with an outside expert on juvenile hall operations to conduct at least biannual random inspections on YSC security and safety operations. This independent security consultant will provide reports to Probation management on how to improve YSC operations.

As noted earlier, the light in the outdoor exercise area had been used to scale the wall during the escape. The light was only 12 feet above the ground, instead of the required 14-15 feet in height. The light was repositioned to the proper height three days after the escape. Probation also is proposing to install a roof over the exercise yard in Forest 2 that cannot be easily pushed aside. The exercise mats have been removed from the outdoor recreation areas and are now stored in locked rooms.

It is the view of the Probation Department that the budget does not include a "shift relief factor" and that this requires the YSC to rely on large numbers of Extra Help staff who

are neither as experienced nor as trained as permanent Group Supervisors. On a typical day, approximately 18%, or 10 of 55, staff at YSC are Extra Help. Probation believes that an acceptable “shift relief” factor would allow having a lead GS III on each unit on each shift.

Probation will be adding an additional camera in the outside recreation area of Forest 2 that should eliminate all current blind spots. Probation has also established a policy that whenever any youth are in an outside recreation area, they will be under visual supervision by the Control Center. Of course, this will require adequate additional staffing of the Control Centers.

The hole in the perimeter fence was repaired by Public Works on the day after the escape. Probation is now conducting perimeter fence checks once per shift by shaking the panels of the fence to check its integrity. Camera checks of the perimeter fence line are now being performed on an hourly basis. Probation is also recommending that an alarm should be installed that will be sounded if the perimeter fence is touched or cut. The Department is also proposing that an additional fixed camera be installed to continuously monitor all fence lines. Probation also recommends that a large screen monitor be installed in the Control Room that permit viewing of up to 40 separate view areas.

The clock in the Control Center was not accurate on the day of the escape, leading to some confusion in the chronology of events on February 14, 2008. The clock has been corrected and an additional wall clock has been added to the Control Center. It was also noted that there was a lack of information about camera software issues. The original provider of the camera and supporting software is no longer in business. Probation is contracting with a local software programmer and provider to provide maintenance, updates, and help as needed.

When Mr. Orozco’s photo was forwarded by YSC for inclusion in the law enforcement teletype, the photo available at YSC was over two years old. Probation now has instituted a policy that for any youth held in the YSC for over one year or more, a new photo will be taken of the youth on an annual basis after the first 12 months. Probation is having the ISMs and the Hall Directory develop the needed “tickler system” to implement this policy change.

The windows in some units of the Forest unit have clear glass that potentially permit the youth to communicate with people in the outside parking lot. Probation has requested that Public Works add a frosted covering to these windows. Probation has recommended that electronically controlled gates with security cameras be installed at the front and back intersections of Loop Road and Scannell Drive, allowing only authorized vehicles to have access to the road behind the YSC. Probation is also recommending that the only vehicles permitted to park in the lot behind the YSC are San Mateo marked vehicles.

The NCCD review team has noted a large amount of confusion and less than ideal communication between the Probation Department, the Sheriff’s Office, and the Court in the aftermath of the escape. In particular, there were overlapping and multiple channels

of communication as an absence of clear knowledge by Probation staff about how to facilitate an “after hours” warrant. Probation has subsequently revised its protocols in these areas. The Escape/Warrant policy has been revised to be centralized through the YSC Admissions. There is now a step-by-step procedures protocol in a binder at Admissions, along with all of the appropriate forms. Probation and the Sheriff’s Office are discussing how to improve this process in the future. Further, clear expectations of procedures in the aftermath of an escape will be part of the recurring post order training.

Concluding Observations

San Mateo County is generally regarded as possessing one of the most professional and forward-looking juvenile justice systems in California. The Court and Probation have moved decisively to examine and respond to issues related to the disproportionate number of minority youth in the system and alleged problems with San Mateo youth sent to state juvenile facilities. San Mateo County is known for its commitment to implement evidence-based rehabilitation programs. The design of the YSC has been generally met with praise from many stakeholders.

The escape of Josue Orozco was the first such event in 16 years. There are few current staff or managers who were around when the last serious event occurred. That being said, the escape of a youth who was awaiting a criminal trial for murder is a very alarming occurrence.

Over the past five years there has been an observed increase in the number of alleged gang-involved youth in San Mateo County juvenile detention facilities and throughout California. For example, a 2006 snapshot found that about 26 percent of the youth in San Mateo’s juvenile hall possessed documented gang affiliations. By 2007, the percentage of YSC with documented gang ties had doubled. The Sheriff has reported a similar increase in the jail. Over the past two years there have been nine youth in YSC facing charges relating to murder. Five to ten years ago, youth in County juvenile custody would have been extremely rare.

There are presently 14 youth who have been in custody for 10-12 months. One youth has been in YSC for 640 days. With the passage of Proposition 21 and reforms of state juvenile sentencing laws (SB 81), it is possible that the YSC will be asked to house older youth charged with very serious offenses. There will likely be a subpopulation of YSC residents who will remain in custody for an extended period of time.

These facts suggest that it is timely for San Mateo County to conduct a thorough review of all of its policies and procedures relating to the safety and security operations of the YSC. While appropriate immediate personnel steps must be taken, it is far more important that the Orozco escape provide a “teachable moment” for all involved county agencies. The focus needs to be on making the necessary changes in policy, practice, physical plant issues, and methods of accountability. We may never know precisely what caused the security breach on February 14, 2008. It is important to determine that the

needed steps to increase public safety are taken, and that these reforms are sustained over time.