

MINIMUM STANDARDS REVISIONS REPORT

FLY Recommendations

RECOMMENDATIONS FOR:

Revisions to Minimum Standards for
Local Juvenile Detention Facilities Regulations
(Title 15 and 24)



OVERVIEW

During the month of July, FLY hosted four community listening sessions that were attended by a total of 34 youth and shared two surveys with JJ system impacted youth and their families that received over 300 responses combined.

The listening sessions were hosted in person in four counties: Alameda, San Mateo, Santa Clara, and San Francisco. Youth chose what areas of the title regulations they wanted to discuss then shared their experiences with incarceration and their vision for reforming and reimagining locked juvenile facilities. FLY also designed two online surveys, one for formerly incarcerated youth in California and one for parents, guardians, and family members of formerly incarcerated youth in California. We shared the survey with youth enrolled in FLY Programs and their families and youth and families connected with other Northern California youth justice nonprofits. The surveys asked a broad range of questions that explored the experiences of youth in facilities to gain an understanding of negative and traumatic experiences that need to be addressed and best practices that need to be promoted.

We have summarized the survey and listening session results into the following eight key recommendations. FLY's complete revision recommendations can be viewed [here](#).

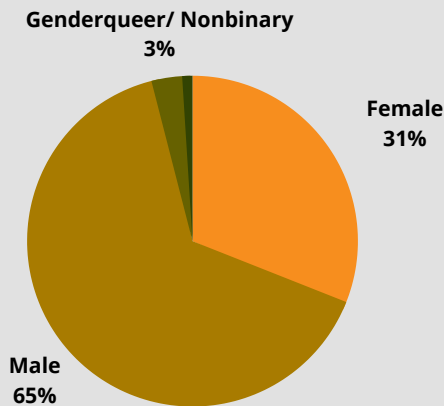
For questions regarding this report contact: Colin Ford, Policy Associate at colin@flyprogram.org

PARTICIPANT DEMOGRAPHICS

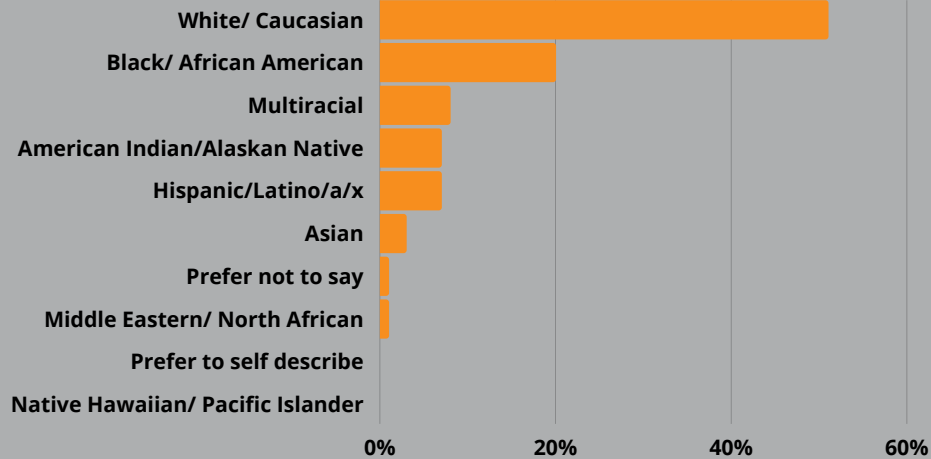
PARTICIPANTS' MOST RECENT YEAR INCARCERATED IN A JUVENILE FACILITY:

BEFORE 2001: 2%, 2002-2007: 2.5%, 2008-2013: 10.1%, 2014-1019: 18.2%, 2020-2022: 67.2%

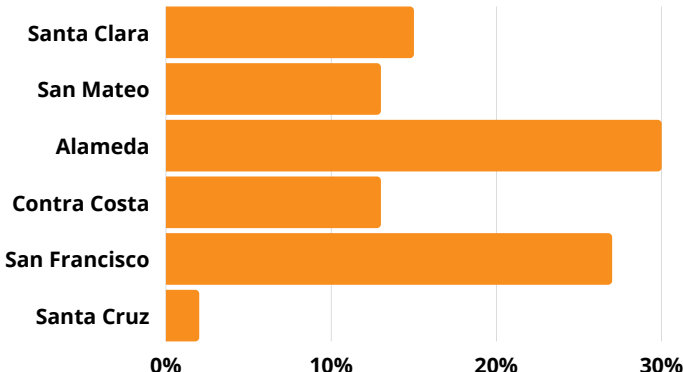
GENDER IDENTITY



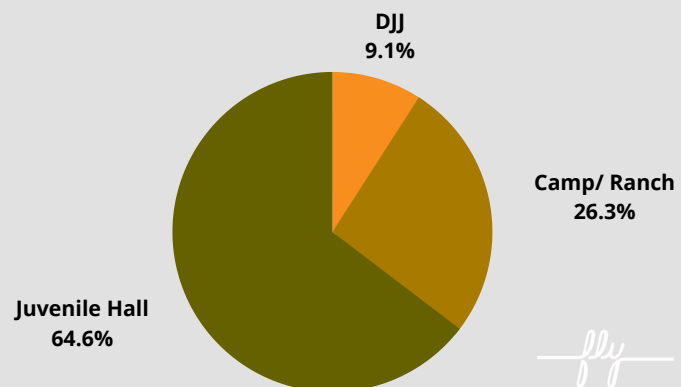
RACE/ETHNICITY



GEOGRAPHIC LOCATION



FACILITY HELD IN



RECOMMENDATION #1 INCREASE TIME FOR HIGH-QUALITY PROGRAMMING, EDUCATION, RECREATION, AND EXERCISE AND DECREASE TIME IN CELLS

Youth incarcerated before and during the COVID-19 pandemic consistently shared that they spent long periods of time during the day in their cells and had very little time to participate in programming. Youth who discussed positive aspects of their time in locked facilities mainly focused on participating in beneficial programming.

Title 15, Article 6, Section 1371 Revisions

- Increase minimum programs, recreation, and exercise time from three hours to six hours a day during the week and from five hours to eight hours a day on weekends.
- Increase minimum daily programming from one hour to two hours during the week and four hours on the weekends.
- Require the following types of programs be offered to all youth: Vocational or Job Readiness Training, Financial Literacy, Youth Rights Education.

Title 15, Article 5, Section 1354.5 and Article 1, Section 1302 Revisions

- Limit the amount of time youth can be held in locked single-person rooms or cells during waking hours to four hours.
- Close the “institutional operations” loophole by defining brief periods of time as 2 hours.
- State that youth must have timely access to toilets and menstrual products at all times, including when held in room confinement.

YOUTH QUOTES

- “would really benefit from job training programs to help the youth develop valuable skills”
- “Job Training Programs helped me develop experience that I was able to use once I was released from custody.”
- “Financial Education classes to teach young people how to manager their money, would like to see more art and yoga programs”
- “Keeping youth in their cells is punishment not attempting to reform youth”
- “Some guards won’t let youth out because they don’t want to supervise. They will cut into program time or skip it because they are taking their time.”

78%

of youth reported being left alone in their room for long periods of time during the day for reasons outside of their control (such as the facility's operations)

72%

of youth reported being placed in a locked room by themselves as a form of punishment)

37%

of youth reported being in a locked room during non-sleeping hours for 4 or more hours

RECOMMENDATION #2: INCREASE ACCESS TO MENTAL HEALTH CARE AND THERAPY AND INCORPORATE CREDIBLE MESSENGERS TO BETTER SUPPORT YOUTH’S WELL-BEING

Mental health support was chosen as a top priority to discuss in all four of our listening sessions. Many youth felt that staff lacked empathy or were underqualified to support youth emotionally and discussed a lack of access to professional mental health care or credible messengers who could understand their experiences.

Title 15, Article 8, Section 1437 Revisions

- Intake screening should only be done by licensed behavioral/mental/medical health personnel.
- Therapeutic and Preventive Services should be available to all youth with regularly scheduled appointments and upon request. Youth should also have access to non-probation credible messengers who can better understand their experiences. These essential services should be required, not available “where resources permit”.

YOUTH QUOTES

- “One thing I would've liked is having a therapist to vent and talk to because it's really not easy being locked up many of us suffer in there mentally and physically.”
- “Should have mental health staff/therapist on call 24/7”
- “I was scheduled for therapist visits and that was all I needed for my mental health.”
- “The ‘guidance counselor’ was very fake and wasted my time all they did was ask questions and say wow your strong”
- “Weekly visits with a therapist should be standard”

51%

of youth reported they didn't have enough access to mental health services and supports

28%

of family/friends felt their loved ones were not supported while in custody

42%

of family/friends felt their loved ones were only supported some of the time



RECOMMENDATION #3: IMPROVE THE QUALITY AND ACCESS TO HYGIENE PRODUCTS, CLOTHING, AND BEDDING

The poor quality of hygiene products, clothing, and bedding was a top area of concern for youth. Many youth did not have the basic necessities they needed to feel clean and healthy while incarcerated.

Title 15, Article 10, Section 1480 and 1485 Revisions

- Youth should not be required to share any personal care items.
- The quality of personal care items should be increased and should include additional items such as face wash soap, lip balm, hair ties, and sunscreen.
- Personal care items should be available for resupply daily as needed.
- Youth should be allowed to keep a supply of menstrual products in their cell.
- Clothing should be free of stains and pants should be replaced more often than once a week.

YOUTH QUOTES

- "The body lotion was not high quality as it would cause dry skin and irritation."
- "My pants were changed once a week. We would get stained clothing. We would get ripped socks"
- "You couldn't get hygiene products if it wasn't during program hours / denied if past program times they'll say you should've gotten it during program and refuse it/ would run out of soap and have to wait 3-4 days at time"
- "Short on everything [hygiene products], never had much"
- "All clothes were recycled clothing and worn out with holes"
- "For the rooms I would like if the mattress or bed was better quality since the mattress is very thin and hard or stiff and also if they gave us a pillow for our heads for when we're going to sleep."

41%

of youth reported not always having regular access to all of the hygiene products, bedding, and clothing they needed to feel healthy and clean

45%

of youth rated the quality of the products and clothing they received as 3 stars or below (out of 5)

RECOMMENDATION #4: IMPROVE QUALITY AND VARIETY OF FOOD WITH AN EMPHASIS ON HEALTHY OPTIONS

Youth consistently noted the poor quality and variety of food, especially the lack of hot meals and the lack of fresh produce. Youth wanted to be involved in deciding menus, have a choice of food at meal times, and have diet options that took their personal preferences, dietary needs, and fitness goals into consideration.

Title 15, Article 9, Sections 1460, 1461, & 1463 Revisions

- The requirement of at least one hot meal per day should be increased to at least two hot meals per day.
- The time for youth to eat meals should be increased from twenty to thirty minutes
- The option to deny requests for vegan and vegetarian meals should be removed.
- Youth should be actively involved in the menu planning process and the variety of food, especially access to fresh produce and vegetarian meals, should be increased.

YOUTH QUOTES

- "The food was almost the same every day and it wasn't a balanced diet."
- "I wish there was a menu option on what we would like to eat and access to healthy food like fresh fruits and vegetables."
- "Having vegetables often, because I am a vegetarian"
- "I would also like if... we got a different variety of fruit since we would only get apples or oranges and that was sometimes."
- "I had cold food sometimes and I really hate cold food."
- "The food was always served cold. I like hot meals"
- "Less fake food more actual food."
- The food is not the best... a lot of times it doesn't have any taste and also the portions would be small so I would have to eat other things such as snacks I had in my room or make peanut butter and jelly sandwiches to actually get full."

48%

of youth reported that the quality of the food was 3 stars or below (out of 5)

49%

of youth reported that they did not have full access to the foods/diet they wanted or required



RECOMMENDATION #5: BAN THE USE OF CHEMICAL AGENTS, LIMIT THE USE OF RESTRAINT DEVICES, AND IMPROVE STAFF TRAINING FOCUSING ON DE-ESCALATION OF CONFLICTS

Over half of youth surveyed shared that pepper spray or unnecessary use of force was used against them while incarcerated. Using tear gas weapons on children is not a best practice; 35 states and several California counties have already banned chemical spray in juvenile facilities.

Title 15, Section 1357 Revision

- The use of chemical agents in juvenile facilities should be banned.

Title 15, Article 5, Section 1358 and 1358.5 Revisions

- Physical restraints should be removed if a youth no longer presents an immediate danger and more safeguards should be in place to protect a youth's physical and mental well-being while restraints are used.
- A clear justification for why less restrictive means could not be used should be required before restraints are used when youth are moved within the facility.

Title 15, Article 3, Section 1322 Revision

- Youth supervision training should have a greater focus on de-escalation techniques and require staff to role-play situations to practice these techniques.

YOUTH QUOTES

- "the pepper spray get into the innocent bystanders... the whole place end up choking. Also pepper spray really burns if gets in your eyes... most of the time deputies would tell you to get in to the shower using hot water to wash off burning pepper spray, when that obviously doesn't work"
- "sometimes they use more pepper spray than needed and also sometimes put the handcuffs on super tight."
- "One time there was another juvenile in my unit refusing to go to his room and was walking around but was not violent or saying anything and when he started to somewhat go towards his room a male staff decided to go hands on and grabbed the individual and slammed him on the ground to put handcuffs on him and take him to his room but the juvenile had braces and when he got slammed he busted his lips causing him to bleed and need medical attention also he mentioned after his arms and legs hurt since he got slammed on the ground pretty hard."
- "make sure that handcuffs are removed during family visit"
- "I think using of handcuffs is way too intimidating"

54%

of youth reported that staff used pepper spray, other weapons, or other unnecessary/inappropriate use of force on them or others around them

44%

of youth reported that staff weren't always properly trained to supervise youth, intervene in difficult situations, and keep everyone safe

RECOMMENDATION #6: REQUIRE ACCESS TO POST SECONDARY EDUCATION AND VOCATIONAL TRAINING IN ALL FACILITIES

Youth consistently mentioned an interest in post-secondary education and vocational training, especially older youth who already earned a high school diploma. Addressing these issues will align minimum standards with Welfare and Institutions Code 858, which calls for youth to "have access to rigorous postsecondary academic and career technical education programs."

Title 15, Article 6, Section 1370 Revision

- All facilities should be required to give youth access to dual enrollment, post-secondary education, and vocational training opportunities.

YOUTH QUOTES

- In response to what programs youth would have liked to see: "Maybe a passion like barber school"
- "More support for the fundamentals of troubled youth such as work readiness, college and career, and financial literacy. More rehabilitation than discipline."
- "There should be more programs like work programs, college, job training, or trades"
- "I earned extra credit form participating in college level courses"

50%

of youth reported there were times that they were not allowed to attend school

31%

of family/friends felt their loved ones did not learn or progress academically while in custody



RECOMMENDATION #7: MAKE PHONE CALLS FREE AND PROVIDE MORE TIME FOR VISITATION AND PHONE AND VIDEO CALLS.

In Alameda County and many other counties, phone calls were made free for the first time during the COVID-19 pandemic, demonstrating that this best practice is easily achievable. In our survey of parents and family, most responses focused on feeling disconnected from their loved ones due to the limited time allowed for paid phone calls and visitation.

Title 15, Article 6, Section 1376 and 1374 Revisions

- All facilities should allow free access to phone calls and video calls.
- Youth should be able to make phone calls during three one hour time periods throughout the day to take into account parent availability.
- Youth should have unlimited access to make a free phone call at any time to the OYCR ombudsperson. The OYCR ombudsperson phone number should be listed next to the phones.
- Opportunities for visitation should be allowed at least eight hours per week and should include time slots during the week and during the weekend.

YOUTH QUOTES

- “Also, there should be an improvement upon the system that allows communication from the family to the youth, it could be very damaging to have to go through the the feelings of abandonment. Providing new technology and/or more privileges for youth to keep in close contact loved ones on the outside.”
- “Free phone calls and not having to have their family members put money on their phone for any love ones to contact them”
- “Open lines of communication and less restrictions. More phone calls and more information given to the families to inform them of their loved ones situation. Treat children and their families humanely.”
- “Another thing I would like is if they gave us more time for our virtual or regular visits since it's the only time we have to see our family and friends.”

31%

of youth did not have regular access to free phone calls to call friends and family

20%

of youth reported that friends, family and/or supportive adults did not have the opportunity to visit them regularly

74%

of family/friends reported that they were not always able to maintain contact or visit their loved ones regularly

37%

of family/friends reported that they were not notified when their loved one entered the system

RECOMMENDATION #8: INCREASE THE TIME YOUTH SPEND OUTDOORS AND ADD A DEFINITION FOR “OUTDOOR” TO ACTUALLY MEAN OUTSIDE

Youth consistently mentioned wanting to spend more time outdoors and being active. Youth also mentioned inadequate outdoor spaces that lacked equipment or were partially covered and did not feel like they were outdoors.

Title 24, Article 2 13-201 Revisions

- A definition for “outdoors” should be added to specify a space with fresh air, unfiltered sunlight, and not covered by a roof, bars, fencing, or ceiling.
- Youth cells should have clear windows with a view outside and unfiltered sunlight.

Title 15, Article 6, Section 1371 Revision

- Time for outdoor activities should be increased to two hours per day during weekends.

YOUTH QUOTES

- “[I benefitted most from] the physical activity program, going outside and playing basketball.”
- “There should be segmented areas outside, with maybe sports equipment on one side and music instruments on the other side or anything that would keep people busy outdoors.”
- “Increase the range of outdoor activity areas”
- “I wish I could get more outdoor time”
- “For our outdoor areas I wish they made it look a little better since we only had a half court to play basketball and the equipment was very bad.”
- “I wish there were more outdoor activities. I like the feeling of sunshine”

We did not ask a question focused on outdoor activities, yet

53 youth

mentioned outdoor/outside activities or sports in their survey.

