

CRIPA Investigation



JI-CA-002-001

JUN 12 1991

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

Honorable Art Agnos  
Mayor  
City Hall  
400 Van Ness Avenue  
Room 200  
San Francisco, California 94102

Re: Notice of Findings Regarding the San Francisco  
Youth Guidance Center, 42 U.S.C. Section 1997b

Dear Mayor Agnos:

I am writing in reference to this Department's investigation of the San Francisco Youth Guidance Center ("YGC") pursuant to authority granted by the Civil Rights of Institutionalized Persons Act ("the Act"), 42 U.S.C. §1997 et seq. As described below, our reevaluation of YGC conducted during April 15 and 16, 1991, disclosed that unconstitutional conditions persist at the facility, now more than at any time in the six years since our investigation was begun.

We find current conditions particularly deplorable inasmuch as during the pendency of our investigation, the Department formally advised City officials on three separate occasions, and informally on several others, that juveniles housed at the facility were exposed to unconstitutional conditions. Moreover, to assist City officials in taking necessary remedial action, over the years we formally and informally advised the City what action was required to remedy the violations, providing technical assistance in the form of the reports of our experts. While we recognized improvement when it occurred, due to the persistence of the unconstitutional conditions, we insisted on resolving the matter through a consent decree negotiated with the City. This approach was categorically rejected, as a matter of principle, by City officials.

Regrettably, the tour of April 15 and 16, disclosed that several longstanding constitutional violations continue. They are:

1. Imposition of punishment not reasonably related to any legitimate governmental objective through repeated arbitrary use of isolation and room confinement that is insufficiently monitored (see August 1986 letter at p. 2; July 1987 letter at p. 1; July 1990 letter at p. 2-3);

2. Imposition of punishment not reasonably related to any legitimate governmental objective by arbitrarily denying juveniles access to toilet facilities (see August 1986 letter at p. 2; July 1987 letter at p. 2; July 1990 letter at p. 3);

3. Exposure of juveniles to unreasonable risks to their health and personal safety by confining them in a deteriorating and dangerous physical environment (see July 1990 letter at p. 2).

In addition, the April 1991 tour disclosed yet another area -- namely, fire safety -- in which juveniles at the facility were being exposed to unreasonable risks to their health and personal safety. Specifically, we found that, although fire detection hardware had reportedly been installed in all living units, the equipment in some units was not operational. We also found that the fire alarm annunciator that advises the fire department of the location of a fire within the facility did not fully illuminate when tested. There was, moreover, evidence that a host of other dangerous conditions existed, including: the lack of fire resistive construction in the living units; the absence of manual fire pull stations throughout the facility; and, key-operated deadbolt locks at emergency exits. We found evidence that whatever plan exists for emergency evacuation was not fully understood by staff or juveniles, a deficiency we regard as particularly serious inasmuch as so many juveniles are confined for so many hours in their individually locked rooms.

At the conclusion of the April 1991 tour, Department attorneys met with City officials and counsel and, in a gesture of good faith, allowed our expert-consultant to provide a summary of his findings. At the same time, we reiterated our desire to resolve the problems existing at the facility through a judicially enforceable agreement. The Assistant City Attorney stated that the City's position -- that it was still unwilling to negotiate or enter into any Consent Decree -- remained unchanged.

In our previous letters to the City, we recommended remedial measures aimed at correcting the unconstitutional conditions discovered by the Department and its experts. In light of our findings regarding fire safety at the YGC, we must advise you that remedial measures to eliminate the additional deficiencies identified in the second page of this letter should be taken immediately.

If you or your staff have any questions, or better, desire to enter into negotiations leading to a consent decree, do not hesitate to contact Arthur E. Peabody, Jr., Chief, Special Litigation Section, (202) 514-6255.

Sincerely,

John R. Dunne  
Assistant Attorney General  
Civil Rights Division

cc: Loretta Giorgi, Esquire  
City Attorney

Mr. Fred Jordan  
Chief Probation Officer

Mr. Nehemiah (Don) Mead  
Supervisor, Youth Guidance  
Center