



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION
CCLD Regional Office
2525 NATOMAS PARK DR., STE 260
SACRAMENTO, CA 95833



May 16, 2023

COUNTY OF SACRAMENTO, DCFAS
COUNTY OF SACRAMENTO TSCF – 347006586
9750 BUSINESS PARK DRIVE
SACRAMENTO, CA 95827

RE: **Notice of Application Denial**
Facility #347006586

DEAR COUNTY OF SACRAMENTO, DCFAS:

The County of Sacramento, Department of Child, Family and Adult Services (DCFAS) application dated April 10, 2023, for licensure of the Temporary Shelter Care Facility (TSCF) listed below, is **denied**.

- County of Sacramento TSCF, 4000 Branch Center Rd. Sacramento, CA 95827

TSCF Interim Licensing Standards (ILS) section 84640 sets forth the basis of an initial license application denial. An application for an initial license can be denied if it is determined that the applicant is not in compliance with applicable laws and regulations. See 22 California Code of Regulations (CCR) § 80040(a). Additionally, the applicant must demonstrate the ability to comply with the Community Care Facilities Act and related regulations and standards. See Health and Safety Code (HSC) § 1520(a).

The specific reasons for the denial include, but are not limited to:

PERSONAL RIGHTS

22 CCR § 84072 – Personal Rights:

(d) The licensee shall ensure that each child, regardless of whether the child is in foster care, is accorded the personal rights specified in Welfare and Institutions Code section 16001.9, as applicable.

Welfare and Institutions Code (WIC) section 16001.9 provides in part:

- (a) All children placed in foster care ... shall have the rights specified in this section:
- (1) To live in a safe, healthy, and comfortable home where they are treated with respect.
 - (2) To be free from physical, sexual, emotional, or other abuse....and exploitation.

- (4) To be placed in the least restrictive setting possible....
- (7) To have a placement that utilizes trauma-informed and evidence-based de-escalation and intervention techniques...and to not have law enforcement intervention used as a threat or in retaliation against the child.
- (10) To be free from unreasonable searches of personal belongings.

Findings:

- The Warren E. Thornton (WET) center is a former youth detention facility, with a jail-like setting, violating the youth's right to live in a comfortable home. WIC § 16001.9(a)(1).
- The bedrooms are former detention cells which have two metal bunks and a metal toilet which has been covered with wood. WIC § 16001.9(a)(1).
- The bedroom doors have a rectangular glass window not allowing the youth privacy. WIC § 16001.9(a)(1).
- The bathrooms are unused cells which have metal toilets. WIC § 16001.9(a)(1)
- The facility layout and amenities reflect a jail-like setting and therefore are inconsistent with trauma-informed care. WIC § 16001.9(a)(1)(7).
- The gymnasium youth use for extracurricular activities has a probation seal in the center of the gym floor. WIC § 16001.9(a)(1)(2)(4)(7).
- The proximity to the probation department means the youth could be actually or impliedly threatened with a law enforcement response for misbehavior. WIC § 16001.9(a)(1)(2)(7).
- The facility has a metal detector and use of a body scanner which violates the right to be free from unreasonable searches of personal belongings, and the right to be treated with respect. WIC § 16001.9(a)(1)(10).

FIRE CLEARANCE

22 CCR § 80020 – Fire Clearance

(a) All facilities shall secure and maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshall.

Findings:

- The facility has not obtained a change in use permit from the Fire Marshall in order to switch from institutional occupancy to a residential care facility. This violation has been outstanding since August 2022.
- The bedroom windows do not open.

BUILDINGS AND GROUNDS

22 CCR § 84087 – Buildings and Grounds

(b) Bedrooms shall meet, at a minimum, the following requirements:

- (2) Bedrooms shall be large enough to allow for easy passage and comfortable use of any required assistive devices, including but not limited to wheelchairs, between beds and other items of furniture.

Findings:

- The size of the bedrooms are approximately 16' by 7'.9" and is insufficient.

FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES

22 CCR § 84088 – Fixtures, Furniture, Equipment, And Supplies

(c) The licensee shall provide and make readily available to each child the following furniture, equipment:

- (1) An individual bed maintained in good repair; equipped with good springs and a clean mattress....
- (4) Portable or permanent closets and drawer space in the child's bedroom to accommodate the child's clothing and personal belongings.
 - (A) A minimum of two drawers or eight cubic feet (.2264 cubic meters) of drawer space, whichever is greater, shall be provided for each child.

Findings:

- Mattresses do not have springs; they are very thin made of hospital type material that can be wiped down if soiled. 22 CCR § 84088(c)(1).
- Bedrooms do not have drawer space. 22 CCR § 84088(4)(A).
- Bedrooms do not have closets. 22 CCR § 84088(4).

TRAUMA-INFORMED CARE

Health and Safety Code § 1522.45 – Trauma Informed Care

(a) All licensed community care facilities serving children shall provide trauma-informed care and utilize trauma-informed practices, as defined, and set forth in standards and regulations adopted by the Department.

Sacramento has entered into an AB 2083 System of Care Memorandum of Understanding to provide a Trauma Informed System of Care for Children and Youth. (See Sacramento County Child and Family System of Care.)

Findings:

- The facility is a former juvenile detention center. Most of the physical building and fixtures are of a detention facility. The bedrooms are former detention cells which have two metal beds and a metal toilet which has been covered with wood. The bathrooms are unused cells which have metal toilets.
- The probation department continues to have a strong presence in the complex. The gymnasium that youth use for extracurricular activities has a probation seal in the gymnasium and a probation seal in the parking lot. The gymnasium is approximately 20 to 30 feet from the Warren E. Thornton Center. On the other side of the gymnasium is the probation department itself. As a result, youth could be actually or impliedly threatened with a law enforcement response for misbehavior.
- The facility layout and amenities that reflect a jail-like setting, as mentioned above, are inconsistent with trauma-informed care. Some foster youth have incarcerated parents or have been incarcerated themselves, and housing children at a former juvenile detention center has long-lasting impacts on youth. The facility environment and the institutional setting are not trauma-informed and have the potential to re-traumatize or trigger the youth.

This decision is based on the evidence set forth in the reports, statements, and other documentary evidence contained in the official files compiled by the Department, which information and records are hereby incorporated by this reference.

Effective immediately, no additional youth may be transferred to the WET Center, and all youth currently housed at the facility must be transferred to licensed locations.

Civil penalties can be assessed against any unlicensed facility which fails to take corrective action within prescribed time periods, per California Health and Safety Code section 1547. You are hereby notified that a civil penalty of \$200 per day will be assessed if any new youth are admitted to the WET Center in violation of California Health and Safety Code Section 1508 following the effective date of this license application denial. Additionally, as set forth in the May 16, 2023, demand letter (attached), a civil penalty of \$200 per day will be imposed on the County if any current admitted children remain in care at the WET Center beyond June 16, 2023.

As provided in Health and Safety Code section 1526, an applicant may appeal a denial by submitting a written appeal within 15 days after the licensing agency mails the denial notice. This appeal must be post marked or delivered on or before 15 days from the date of this notice. If this decision is not appealed on or before the due date, the denial will be final. If you choose to appeal, send your appeal request to the address listed below:

Jean Chen, Program Administrator
Statewide Children's Residential Program Office
744 P St., M.S. 9-14-880
Sacramento, CA 95814

If you appeal, you will be contacted and provided additional information about the appeal process at a later date. If you appeal, it is required you notify the Department in writing of any change to your mailing address.

Sincerely,

Margo Castaneda
Regional Manager
Sacramento Children's Residential Regional Office
Community Care Licensing Division
CA Department of Social Services

Cc: Kevin Gaines, Deputy Director
Community Care Licensing Division

Jean Chen, Program Administrator
Statewide Children's Residential Program
Community Care Licensing Division