

### **3. PLAN FOR COMPLIANCE WITH THE FIRST THREE CORE PROTECTIONS OF THE JJDPa AND THE STATE'S COMPLIANCE MONITORING PLAN**

#### **A. Plan for Deinstitutionalization of Status Offenders (DSO)**

California's Welfare and Institutions Code (WIC) requires that status offenders and nonoffenders must not be held in secure custody outside of specific situations. WIC § 601 defines status offenders in California and exceeds federal requirements by requiring that status offenders and delinquents be separated. WIC § 207 dictates the situations and length of time that a status offender may be held in secure detention; this statute exceeds current federal requirements. WIC § 300 defines dependents (nonoffenders) in California, and WIC § 206 prohibits nonoffenders from being held in secure detention.

The BSCC is mandated to biennially inspect local juvenile detention facilities pursuant to WIC § 209 and adult jails and lockups pursuant to Penal Code (PC) § 6031 and WIC § 209.

#### **DSO Rates**

DSO violation rates in juvenile detention facilities have trended downward since 2005, with minimal fluctuation. Within the last several years, violations continue the downward trend. During the 2016 Federal Fiscal Year (FFY) there were 15 instances of DSO violation reported to the BSCC by juvenile detention facilities. During the 2017 FFY there were 13 instances reported.

DSO violations in lockups decreased from 37 in FFY 2016 to 27 during the 2017 reporting period. BSCC staff have been providing increased targeted technical assistance to lockups with respect to status offenders and have streamlined our reporting forms over the past few years, leading to better data. Awareness of the issues and clearer understanding of reporting requirements by local facilities have attributed to the 27% decrease.

#### **Strategy to Remain in Compliance**

##### *Juvenile Detention Facilities*

The BSCC annually queries all county juvenile detention facilities within the state to determine whether they intend to hold status offenders as defined by WIC § 601, and whether they hold non-delinquent minors on contract with the federal government. Since the BSCC has been responsible for Compliance Monitoring, the state continues to receive 100% response from juvenile detention facilities. Facilities' responses are entered into a database for analysis and are verified during an on-site inspection. Each county juvenile detention facility is biennially inspected pursuant to WIC § 209.

If a juvenile detention facility reports that it will be holding status offenders or federal minors (undocumented immigrant youth and youth in the custody of the Bureau of Indian Affairs), the facility is mandated by WIC § 207 to report the number and duration of secure detentions of such minors to the BSCC via the Status Offender Detention Report or the Federal Minors in Custody Report. The BSCC aggregates, analyzes and reports this data in accordance with JJDPa reporting requirements.

Any facility reporting that an adjudicated status offender has been securely detained subsequent to a violation of a valid court order (VCO) must complete and attach the VCO Exception checklist

and accompanying minute order to ensure that the facilities are complying with the provisions of the JJDP. In addition, a minimum of 10% of the uses of the VCO are verified; Field Representatives will review the original data source to ensure compliance. There were zero reported violations of VCO violation during the 2017 FFY reporting period.

BSCC staff continually reviews all secure detentions identified on the Status Offender Detention Report and Federal Minors in Custody Report. Secure detentions are verified by a Field Representative during the on-site biennial inspection. Appropriate data is also reviewed by a Field Representative during the on-site biennial inspection to verify that nonoffenders (WIC § 300) were not held in secure detention.

Continual technical assistance is conducted throughout the BSCC biennial inspection cycle, either via telephone or an on-site visit. In addition, a pre-inspection briefing is held prior to an on-site inspection, and the elements of the DSO core requirement are reiterated to the agency.

With respect to inspection of nonsecure juvenile facilities that hold nonoffenders (WIC § 300), the California Department of Social Services periodically visits each of these facilities to ensure that they remain nonsecure.

The BSCC continues to target agencies with higher levels of DSO violations. The self-reporting forms that agencies use to capture DSO data have been streamlined and enhanced for ease of use in past years.

### *Adult Facilities*

Pursuant to WIC § 210.2(b), the BSCC annually queries all law enforcement facilities to determine if they contain a jail or lockup and, if so, whether they will hold minors for any period of time.

Pursuant to WIC § 207.1(d)(1)(F), adult facilities that hold minors are required to keep logs to track the number, duration, and reason for secure detention of minors. These logs become the basis for monthly reporting to the BSCC and for annual reporting to OJJDP.

BSCC staff verifies the number and duration of secure detentions in adult jails and lockups on a monthly basis. A BSCC Analyst or Field Representatives will contact a facility if it appears as though a violation of DSO has occurred to verify if a violation did indeed occur or to determine if a reporting error was made.

If violations are identified during the on-site inspection or through monthly reporting, the BSCC will provide targeted technical assistance and training to those agencies. Continual technical assistance is conducted throughout the BSCC biennial inspection cycle, either via telephone or during an on-site visit. In addition, a pre-inspection briefing is held prior to an on-site inspection, and the elements of the DSO core requirement are reiterated to the agency.

We will continue to provide targeted technical assistance to all agencies. Those agencies where violations are concentrated will receive additional technical assistance and training to determine how to discontinue the use of secure detention for status offenders.

## **B. Plan for Separation of Juveniles from Adult Offenders**

WIC § 207.1(b), § 208(a) and California Code of Regulations, Title 15, Sections 1101, 1144 and 1161 relate specifically to the separation of minors from adult offenders in adult facilities. WIC § 207.1(h) relates specifically to co-located facilities. California statute exceeds federal requirements in many instances.

The BSCC is mandated to biennially inspect local juvenile detention facilities pursuant to WIC § 209 and adult jails and lockups pursuant to PC § 6031 and WIC § 209.

### **Separation Violations**

The number of separation violations has varied widely during the past decade. From 2002-2004, the BSCC reported zero violations. A high of 44 violations was reported in 2005 with immediate decreases in subsequent years until 2010 when there were no violations of the separation core requirement. As stated in California's previous Three-Year Plan, there was one documented situation which resulted in noncompliance with 42 U.S.C. § 5633(a)(12) during 2014. It resulted in an immediate removal of the youth with subsequent technical assistance provided to the facility. There were zero violations reported during the 2017 reporting period.

Targeted training and technical assistance continues to be provided at all levels of service to ensure compliance with the separation core requirement. Where there are isolated incidents of violations (such as the case in 2014), the BSCC collaborates with service providers at all levels of the juvenile justice system to ensure that such violations do not occur in the future. During onsite inspections Field Representatives review facility policy and practice providing technical assistance on separation as needed.

### **Strategy to Maintain Compliance**

There are several mechanisms in place to ensure that instances of noncompliance do not occur in the future. First and foremost, BSCC Field Representatives conduct regular compliance monitoring inspections of all detention facilities in the state. During these inspections, compliance with both state and federal law relative to separation is verified; focus is given to programs where contact may occur between adults and juveniles. The BSCC continues to closely monitor situations in which there is potential for contact between adult inmates and minors in detention facilities.

Additionally, the BSCC provides ongoing pre-inspection training, new manager/supervisor training, and annual training regarding the separation core requirement.

### **Adult Facilities**

Pursuant to WIC § 210.2(b), the BSCC annually queries all local jails and lockups to determine if they will hold minors for any length of time. If a facility answers this query positively, WIC § 207.1(e) requires that the BSCC provide technical assistance specific to minors in custody to the agency.

The BSCC verifies that separation of minors and adult offenders is appropriate during an on-site inspection; each adult facility that holds minors is biennially inspected pursuant to WIC § 209(a) and (b) (this includes jails, lockups and court holding facilities). Agencies that hold minors are also required to develop policy and procedures to ensure the separation of minors and adult offenders pursuant to Title 15, California Code of Regulations.

Continual technical assistance is conducted throughout the BSCC biennial inspection cycle, either via telephone or an on-site visit. In addition, a pre-inspection briefing is held prior to an on-site inspection, and the elements of the separation core requirement are reiterated to the agency.

### *Juvenile Detention Facilities*

The BSCC biennially inspects all county juvenile detention facilities. During each on-site inspection, Field Representatives verify that no programs are operating within the facility that allow inmate workers to come into contact with minors.

The BSCC provides continual technical assistance and training to county probation departments reiterating the separation core requirement. These agencies are aware that they violate both federal and state law when there is contact between adult inmates and minors. In addition, a pre-inspection briefing is held prior to an on-site inspection, and the elements of the separation core requirement are reiterated to the agency.

### *Co-located Facilities*

Prior to 2017 there was one existing co-located facility in California: Yolo County Juvenile Hall. There are also five county facilities (Alameda, Butte, Napa, Nevada, and Santa Clara) that are in varying stages of beginning co-located pilot programs as a result of Senate Bill 1004, which allows for deferred entry of judgement for eligible defendants aged 18 to 20 on the date their offense occurred. Section 1000.7(i) of the California Penal Code requires the BSCC to review the pilot program and ensure compliance requirements of the JJPDA are met, relating to “sight and sound” separation between juvenile and adult inmates. Pursuant to WIC § 207.1(h), co-located facilities must meet the following criteria:

- The juvenile facility is physically or architecturally separate from the portion that holds adult offenders so that contact between the two is prevented;
- Shared non-residential programs only occur when there are written policies and procedures to assure that there is time-based use of those areas that prevents contact between juveniles and adult offenders;
- Juvenile facility has a dedicated and separate staff from the portion that holds adult offenders (this requirement exceeds federal requirements); and
- Juvenile facility complies with all applicable state and local statutory, licensing and regulatory requirements for juvenile facilities of this type.

BSCC staff conducts annual inspections of co-located facilities to verify compliance with federal and state criteria and with California Code of Regulations, Title 15, Minimum Standards for Juvenile Facilities. When the SB 1004 pilot program has been fully implemented there will be five co-located facilities in the state. BSCC staff will continue to provide ongoing technical assistance to these and all facilities, beginning with the planning and/or construction review phases.

## **C. Plan for Removal of Juveniles from Adult Jails and Lockups**

WIC § 207.1 provides that minors shall not be held in an adult jail unless they are under the jurisdiction of the adult court, or are held under specific circumstances and requirements specific to separation of minors and adult inmates. This statute mirrors the federal jail removal requirement for minors in secure detention and exceeds federal regulation by imposing a six-hour limit on the non-secure detention of minors. WIC § 210.2(a) authorizes the BSCC to develop standards for law enforcement facilities that hold minors to ensure compliance with WIC § 207.1. California Code of Regulations, Title 15, Articles 8-10 relate specifically to minors in adult facilities.

The BSCC is mandated to biennially inspect adult jails and lockups pursuant to PC § 6031 and WIC § 209.

### ***Rates of Jail Removal Violations***

The majority of jail removal violations occur when a minor has been charged with a serious crime and agencies exceed their six-hour exception during interviews and interrogation. Other common reasons include delay in parents, guardians, or social services picking up the minor and delays in having the minor transported to a juvenile detention facility. Law enforcement agencies are reminded that these situations, while sometimes unavoidable, do constitute violations of both federal and state law. On January 17, 2017, the definition of “detain or confine” was amended at 82 Federal Register 4793. The amendment specified that minors held solely for the reunification with a parent, guardian, or social services agency is not considered to be in detention.

To mitigate violations, the BSCC staffs two compliance monitors, and one compliance monitor analyst to provide service to the field as the number of facilities within California’s compliance monitoring universe continue to increase. Our compliance monitors continue to provide targeted training and technical assistance to agencies relative to the jail removal core requirement on an annual basis. Over the last decade, the total number of jail removal violations have decreased overall. The total number of jail removal violations during the 2016 reporting period was 76, seeing a minimal decrease to 73 in the 2017 FFY. Our jail removal violations continue to be instances where extensive investigations for serious crimes prohibit law enforcement agencies from releasing the youth to a juvenile detention center or releasing from custody within six hours. BSCC staff continue to review trends and provide targeted training for those agencies that are most in need. We are confident that our local agencies refrain from keeping youth in secure detention longer than six hours without a reasonable cause.

### ***Strategy for Remaining in Compliance***

Pursuant to WIC § 210.2(b), the BSCC annually queries all law enforcement facilities to determine if they contain a jail or lockup and, if so, if they will hold minors for any period.

Pursuant to WIC § 207.1(d)(1)(F), adult facilities that hold minors are required to keep logs to track the number, duration, and reason for secure detention of minors. These logs become the basis for monthly reporting to the BSCC and for annual reporting to OJJDP. Field Representatives verify the number, duration and reason for secure detention during each on-site biennial inspection. Appropriate data is reviewed to identify violations of Jail Removal. If violations are identified during the on-site inspection or through monthly reporting, the BSCC will provide targeted technical assistance and training to those agencies.

BSCC staff also verifies the number and duration of secure detentions in adult jails and lockups on a monthly basis. BSCC Analysts or Field Representatives contact a facility if it appears as though a violation of Jail Removal has occurred to verify if a violation did indeed occur or to determine if a reporting error was made. Technical assistance is offered during this contact and is followed up during the on-site biennial inspection. Note: California does not use the rural exception.

The BSCC currently employs compliance monitors who annually inspect lockups that hold minors in secure detention. At this inspection, data will be collected and analyzed, and the facility’s classification will be verified. It is anticipated that increasing the frequency of inspection will enhance compliance with the jail removal core requirement. Compliance monitors will continue

to verify those facilities that are classified as non-secure at least once every three years. Field Representatives will continue to conduct inspections as mandated by state law.

### ***SAG Role in Maintaining Compliance with Three Core Protections***

The SAG/SACJJDP monitors California's compliance with the JJDPA. The SACJJDP will continue to be kept apprised of the BSCC's plan for compliance monitoring and will be involved in the identification of barriers and strategies for compliance monitoring. The SACJJDP is also required to review and approve the state's plan for compliance monitoring.

### ***D. Plan for Compliance Monitoring for the First Three Core Protections of the JJDPA***

- 1) Policy and Procedures.** Please see BSCC Attachment 1, Compliance Monitoring Manual.
- 2) Monitoring Authority.** Please see page 2 of BSCC Attachment 1, Compliance Monitoring Manual.
- 3) Monitoring Timeline.** Please see page 4 of BSCC Attachment 1, Compliance Monitoring Manual and BSCC Attachment 2, Monitoring Authority and Violation Procedures.
- 4) Violation Procedures.** Please see BSCC Attachment 2, Monitoring Authority and Violation Procedures.
- 5) Barriers and Strategies.**
  - a) The volume of admissions to juvenile detention facilities, adult jails and lockups and the number of facilities requiring inspection/validation makes it difficult for Field Representatives and compliance monitoring staff to review all appropriate data outside of the biennial inspection cycle.
    - Law enforcement agencies and probation departments submit regular data to the BSCC via the Jail and Juvenile Detention Profile Surveys and monthly data collection. This data is continually reviewed; this data supplements regular on-site reviews of data.
    - The BSCC has streamlined its data collection material to ensure ease of submission from law enforcement agencies and probation departments.
  - b) The high number of facilities in California makes it difficult to verify all appropriate data annually on-site and by survey.
    - The BSCC has retained two additional staff to concentrate on Compliance Monitoring Inspections as a supplement to the work of the Field Representatives and has hired one Field Representative who will serve as the state's Compliance Monitor.
  - c) The turnover in staff of these facilities creates a gap of knowledge with respect to core requirements and data submission in some of these facilities; constant training is required.
    - The BSCC provides on-going technical assistance to law enforcement agencies and probation departments, both general and targeted. If a facility's data appears incongruous with previous data, or if there is an increase in violations, specific technical assistance and training will be provided.
    - The BSCC developed training aids specific to the Jail Removal core requirement.



- The BSCC completed a 40-minute training video that outlines federal and state requirements relative to minors in detention. The training video is accompanied by a workbook designed to aid the detention facility staff.
  - BSCC staff provides pre-inspection briefings to law enforcement agencies and probation departments. All information relevant to the upcoming inspection is provided, including detailed information on core requirements and essential data.
- d) BSCC staff provides continuous training and technical assistance to county juvenile justice commissions (JJC) on issues related to JJDPA compliance. Pursuant to Welfare and Institutions Code section 209, JJC are responsible for inspecting all juvenile detention facilities that hold youth in secure detention for more than 24 hours; they also must inspect local lockups that hold youth in secure detention for any amount of time. To assist JJC and encourage collaboration, the BSCC provides the following:
- Regular reports on lockups that hold youth in secure detention in their county, highlighting those with violations of JJDPA.
  - All biennial inspection reports of juvenile detention facilities.
  - Ad-hoc data on youth in detention in facilities in their county upon request.
  - Regular training on BSCC inspection process and the JJC role in monitoring compliance with the core protections of the JJDPA.

**6) Definition of Terms.** Please see BSCC Attachment 3, BSCC Minors in Custody Compliance Monitoring Manual, Attachment A- Definitions. California uses federal definitions in the monitoring process.

**7) Identification of the Monitoring Universe.** Please see BSCC Attachment 1, BSCC Minors in Custody Compliance Monitoring Manual.

The Compliance Monitoring Universe is updated annually through a survey distributed to all law enforcement agencies and probation departments. This information is compared with law enforcement and detention facilities throughout the state via information available from constituent groups (e.g., California State Sheriff's Association, Chief Probation Officers of California, COPSWEST, USACOPS.com, etc.).

During regularly scheduled monitoring visits, Field Representatives will ensure that each agency's facilities are adequately represented in the Compliance Monitoring Universe.

Pursuant to PC § 6029, the BSCC is also required to review the plans and specifications for any local detention facilities and local juvenile detention facilities for compliance with Minimum Standards. As facilities are planned and constructed, they are appropriately added to the Compliance Monitoring Universe.

**8) Classification of Monitoring Universe.** Many of the facilities in California's Compliance Monitoring Universe are classified according to their definition. Please see BSCC Attachment 3, BSCC Minors in Custody Compliance Monitoring Manual, Attachment A - Definitions.

The classification of the universe is linked to the identification of the universe. As mentioned above, each facility in the universe is annually queried to determine initial classification; classification will be verified during an on-site visit.

- 9) Inspection of Facilities.** Please see BSCC Attachment 1, BSCC Minors in Custody Compliance Monitoring Manual and BSCC Attachment 2, BSCC Monitoring Authority and Violation Procedures. Refer specifically to WIC § 209 and PC § 6031.
- 10) Data Collection and Verification.** Specific detail regarding data collection and verification is included in the description of each core requirement's Strategy for Maintaining Compliance. Each facility identified self-reports annual data relevant to their classification, and if applicable, submits monthly reports relevant to minors in their detention facilities. All self-reported data is reviewed upon receipt and verified by comparing the data with the detention logs or admission records that contain applicable information.





# **COMPLIANCE MONITORING MANUAL**

## **MINORS IN DETENTION**

Board of State and Community Corrections  
2590 Venture Oaks Way, Suite #200  
Sacramento, CA 95833  
916.445.5073

**MONITORING AUTHORITY**

The Board of State and Community Corrections (BSCC) is the Designated State Agency (DSA) to monitor compliance with the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA) within the State of California.

OJJDP distributes local juvenile justice and delinquency prevention monies via Title II Formula Block grants based upon compliance with the four core protections of the JJDPA.

**The four core protections:**

1. **Deinstitutionalization of Status Offenders** (DSO)(no status offenders in secure custody);
2. **Jail Removal** (6 hour rule);
3. **Separation** (sight and sound); and,
4. **Disproportionate Minority Contact** (DMC)

If there are instances of noncompliance with any of the core requirements, California's entire Title II funding stream is in jeopardy. The BSCC reports its compliance monitoring findings to the Office of Juvenile Justice and Delinquency Prevention on a Federal Fiscal Year (FFY) basis. FFY reports capture data from October 1<sup>st</sup>, through September 30<sup>th</sup> of the following calendar year.

California's Welfare and Institutions Code Section 209(f) grants the BSCC authority to inspect and collect relevant data from any facility that *may* be used for the secure detention of minors, in accordance with the federal JJDPA of 2002 (42 U.S.C. Sec. 5601 et seq.). The full text of the JJDPA may be found at the following link:

<http://www.ojjdp.gov/compliance/jjact.pdf>

**STATEMENT OF CERTIFICATION**

All data collected by the BSCC is verified prior to submission to the federal Office of Juvenile Justice Delinquency Prevention (OJJDP).

**DEFINITIONS**

Federal definitions are used for compliance monitoring purposes. Please see **Attachment A** for relevant definitions.

**CLASSIFICATION**

Each facility in the Compliance Monitoring Universe will be classified according to:

1. **BSCC Type** (California Type); and,
2. **Fed Class** (Federal Classification)

<b>BSCC Types</b>		
<b>AS</b>	Administrative Station	Law enforcement facilities that do not have a locked room, cell, or cuffing fixture available.
<b>ASC</b>	Administrative Station with Cuffing Fixture	Law enforcement facilities that do not have a locked room or cell to hold adults, but do contain a cuffing fixture for the secure detention of adults.
<b>LU</b>	Lock Up	A room or secure enclosure (locked room or cell) under the control of the sheriff or other peace officer that is primarily for the secure detention of adults upon arrest. A LU is NOT a local detention facility according to Penal Code Section 6031.4 and does not contain a secure perimeter around the holding area.
<b>JNA</b>	Juvenile No Adults	A law enforcement facility that contains a secure holding area (locked room or cell) for JUVENILES ONLY. There is no secure holding of adults in such facilities.
<b>P78</b>	Pre 78 Temporary Holding Facility	A detention facility that holds prisoners for less than 24 hours, is similar in physical plant layout to a Temporary Holding Facility (contains a secure perimeter) with the exception that it was constructed prior to January 1, 1978.
<b>TH</b>	Temporary Holding Facility	A Temporary Holding Facility that will NOT hold minors in secure detention within the jail facility. These facilities may hold minors in secure detention elsewhere in the building.
<b>THJ</b>	Temporary Holding Facility (Juvenile)	A Temporary Holding Facility that will hold minors in SECURE detention WITHIN the jail facility.
<b>TI</b>	Type I Facility	A Type I Facility that will NOT hold minors in secure detention within the jail facility. These facilities may hold minors in secure detention elsewhere in the building.
<b>TIJ</b>	Type I Facility (Juvenile)	A Type I Facility that will hold minors in SECURE detention WITHIN the jail facility.

Fed Class		
<b>LU</b>	Lock Up	Facility will detain minors in SECURE detention in a locked room, cell, or on a cuffing fixture.
<b>NS-LU</b>	Non Secure Lock Up	Facility will NOT detain minors in secure detention.

### **CLASSIFICATION VIA REPORTING**

- ☐ If a facility reports that they will hold minors in SECURE detention on the Annual Survey of Law Enforcement Facilities, they will initially be classified as LU, or SECURE Lock Up.
- ☐ If a facility reports that they will not hold minors in secure detention on the Annual Survey of Law Enforcement Facilities, they will initially be classified as NS-LU, or NONSECURE Lock Up.
- ☐ Currently, all facilities in the BSCC universe are classified as 'public'. Verification of the public vs. private classification occurs annually.

### **DATA COLLECTION**

- ☐ Facility information will be recorded in the Compliance Monitoring Database by the Compliance Monitoring Analyst.
- ☐ Facility information must be verified by the Compliance Monitor when conducting on-site inspection or verification and shall be recorded on the JJCPA Compliance Monitoring Inspection/Verification Report.
- ☐ The Compliance Monitor must make record of a facility's BSCC Type or Fed Class change on the inspection report and/or by notifying the Compliance Monitoring Analyst.
- ☐ The Compliance Monitoring Analyst will update the Compliance Monitoring Database to reflect current classification.

### **MONITORING TIMETABLE**

- ☐ Compliance Monitors will inspect and/or verify facilities in the Compliance Monitoring Universe on-site annually or triennially, depending on the type of facility. Monitoring is conducted using Calendar Years.
- ☐ Compliance Monitors must consult the Compliance Monitoring MID Tracking Database to determine the priority of inspections and verifications.
- ☐ Inspection reports are submitted to the inspected facility and the Compliance Monitoring Analyst upon completion.

## **ANNUAL FACILITY INSPECTIONS**

The following types of facilities will be inspected ANNUALLY:

- ☐ Facilities that are classified as LU and report that they intend to hold minors in secure detention on the BSCC Annual Survey of Law Enforcement Facilities during the most recent calendar year.
- ☐ Law Enforcement Facilities (LEF) that contain lockups that submit data on minors in secure detention, regardless of classification.

## **TRIENNIAL INSPECTIONS**

The following types of facilities will be inspected TRIENNIALY:

- ☐ Facilities that are classified as NS-LU.
- ☐ LEF that contain lockups and report they will not hold minors in secure detention on the BSCC Annual Survey of Law Enforcement Facilities during the most recent calendar year.

It is expected that each facility in the Compliance Monitoring Universe will be inspected and/or verified once every three years.

## **INSPECTION OF FACILITIES**

### **PREPARATION**

1. Notify the agency of intention to inspect.
  - ☐ *Contact information is located on the Compliance Monitoring Database.* At least two (2) week's advance notice should be given.
  - ☐ Request the facilities policy and procedure for the secure detention of minors for review prior to inspection, or request that it is available at the time of inspection.
  - ☐ Confirm by e-mail or telephone. It is not necessary to send a formal notice of inspection via snail mail.
2. Review the previous year and current year's Annual Survey of Law Enforcement Facilities to verify information.

***Data is located on the Compliance Monitoring Database on the "Inspection Dates and Surveys" tab. Survey is marked in orange when received (blue if missing); Current data is on tab marked "Dates & Reports" and survey is in green when received (blue if missing).***

  - ☐ Transfer relevant information onto the JJDPa Compliance Monitoring Inspection Report. (Be sure to include BSCC Type, if known, and Fed Class).
  - ☐ Make a note of any missing Annual Surveys.
  - ☐ Print a copy of the previous year's Annual Survey to take with you on inspection day (optional)
3. Review previous year and current year's submitted data for SECURE detentions, including WIC 601 and WIC 300s.

***This information is located on the Compliance Monitoring Database on the "Secure Over 6", "Secure Under 6", "601 Secure" and "300 Secure" tabs. Current data is on tab marked "Dates and Reports."***

- ☐ Make a note of any missing monthly data that has not been reported and excessive violations of secure detention and separation rules.

### ON-SITE PROCEDURES

1. Review data on the JJDPa Compliance Monitoring Inspection Report.
  - ☐ Complete contact information if not already done so.
2. Confirm receipt of the Annual Survey and Certification for Law Enforcement Facilities.
  - ☐ Request copy of most recent completed Annual Survey for Law Enforcement Facilities if one has NOT already been received.
  - ☐ Provide copy to Compliance Monitoring Analyst, if necessary.
3. Review minors in custody data; if missing data was noted during pre-inspection review, verify and report to CM Analyst.
4. Review physical plant to determine where minors may be held in secure detention.
  - ☐ Indicate location on JJDPa Compliance Monitoring Inspection/Verification Report.
5. Review policy and procedures specific to the secure detention of minors.
6. Review previous year and current year's Secure Detention of Minors documentation.
  - ☐ **Charge**
    - If a 601/Status Offense is the only charge, this is a VIOLATION of the DSO core requirement. Record in appropriate month/year.
    - If "WIC777", "Probation Violation" or "Warrant" is the only charge, determine what the underlying offense is. If it is not a 602/Criminal Offense, this is a VIOLATION of the DSO core requirement. Record in appropriate month/year.
  - ☐ **Location of detention**
    - If minors are regularly held where adult inmates are held, there is potential for violation of the Separation Core Requirement. Review physical plant and policies related to the separation of minors and adult inmates to verify actual practice.
  - ☐ **Length of detention**
    - If detention is over six (6) hours, this is a VIOLATION of the Jail Removal core requirement. Record in appropriate month/year.
7. Review findings of inspection with contact person and/or Agency Head.
  - ☐ Inform the agency if there is any corrective action required and the due date for such corrective action.

### FOLLOW UP ACTIVITIES

- ☐ Compliance Monitors will complete inspection reports and save in applicable format.
- ☐ JJDPa Compliance Monitoring Inspection Reports must be reported to the agency within sixty (60) days of inspection.
- ☐ If re-inspection or verification is needed, arrange details with agency.

- ☐ If there is question about the type of facility, or if there are concerns with Title 15 or WIC Code compliance, the Compliance Monitor should contact the assigned Field Representative for guidance and appropriate follow up.

### DISTRIBUTION OF REPORTS

1. JJDPa Compliance Monitoring Inspection/Verification Reports shall be saved as a PDF and e-mailed to the Agency Head and/or agency contact.
  - ☐ If the agency requests a hard copy, notify the Compliance Monitoring Analyst.
2. A final PDF copy of the JJDPa Compliance Monitoring Inspection/Verification Report will be e-mailed to the Compliance Monitoring Analyst. The Compliance Monitoring Analyst will save the e-copy in the appropriate folder on the P Drive.
  - ☐ If there are changes to the number of violations, inform CM Analyst.

### IDENTIFICATION OF MONITORING UNIVERSE

The Compliance Monitoring Universe is continually updated. The Universe is formally updated once a year; a survey is distributed to all law enforcement agencies and probation departments at the beginning of each calendar year and facilities must respond relative to their classification. Moreover, identification occurs by comparing law enforcement and detention facilities throughout the state via information available from constituent groups (e.g., California State Sheriff's Association, Chief Probation Officers of California, COPSWEST, USACOPS.com, Department of Social Services [Group homes] etc.).

During regularly scheduled monitoring visits, Field Representatives and Consultants will ensure that each agency's facilities are adequately represented in the Compliance Monitoring Universe.

Pursuant to PC §6029, the BSCC is also required to review the plans and specifications for any local detention facilities and local juvenile detention facilities for compliance with Minimum Standards. As facilities are planned and constructed, they are appropriately added to the Compliance Monitoring Universe.

Many of the facilities in California's Compliance Monitoring Universe are classified according to their definition. The classification of the universe is linked to the identification of the universe. As mentioned above, each facility in the universe is annually queried to determine initial classification; classification will be verified during an on-site visit.

- ☐ The Compliance Monitoring Analyst is responsible for maintaining the Compliance Monitoring Databases.
- ☐ The Compliance Monitoring Analyst is responsible for receiving Annual Surveys of Law Enforcement Facilities and the Monthly Reports on the Detention of Minors.
- ☐ The Compliance Monitors will be responsible for contacting agencies to request missing surveys on a regular basis, as determined by the Compliance Monitoring Analyst.



- ☐ The Compliance Monitoring Analyst will provide the Compliance Monitors with information relative to missing data.
- ☐ The Compliance Monitors will report findings to the Compliance Monitoring Analyst, who will update relevant information in the Compliance Monitoring Database(s).

## CALIFORNIA'S MONITORING AUTHORITY AND VIOLATION PROCEDURES

### California Statutory References

#### **Welfare and Institutions Code Section 207 (Excerpt).** *Status Offenders in Detention*

(e) Every county shall keep a record of each minor detained under subdivision (b), the place and length of time of the detention, and the reasons why the detention was necessary. Every county shall report this information to the Board of Corrections on a monthly basis, on forms to be provided by that agency.

The board shall not disclose the name of the detainee, or any personally identifying information contained in reports sent to the Youth Authority under this subdivision.

#### **Welfare and Institutions Code Section 209.** *BSCC Inspections and Suitability*

(a) The judge of the juvenile court of a county, or, if there is more than one judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor.

The judge shall promptly notify the operator of the jail, juvenile hall, or special purpose juvenile hall of any observed noncompliance with minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210. Based on the facility's subsequent compliance with the provisions of subdivisions (d) and (e), the judge shall thereafter make a finding whether the facility is a suitable place for the confinement of minors and shall note the finding in the minutes of the court.

The Board of Corrections shall conduct a biennial inspection of each jail, juvenile hall, lockup, or special purpose juvenile hall situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. The board shall promptly notify the operator of any jail, juvenile hall, lockup, or special purpose juvenile hall of any noncompliance found, upon inspection, with any of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210 or 210.2.

**Consequences for noncompliance.** If either a judge of the juvenile court or the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for the confinement of minors, the juvenile court or the board shall give notice of its finding to all persons having authority to confine minors pursuant to this chapter and commencing 60 days thereafter the facility shall not be used for confinement of minors until the time the judge or board, as the case may be, finds, after reinspection of the facility that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors.

The custodian of each jail, juvenile hall, special purpose juvenile hall, and lockup shall make any reports as may be requested by the board or the juvenile court to effectuate the purposes of this section.

(b) The Board of Corrections may inspect any law enforcement facility that contains a lockup for adults and that it has reason to believe may not be in compliance with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2. A judge of the juvenile court shall conduct an

annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility that contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor. If the law enforcement facility is observed, upon inspection, to be out of compliance with the requirements of subdivision (d) of Section 207.1, or with any standard adopted under Section 210.2, the board or the judge shall promptly notify the operator of the law enforcement facility of the specific points of noncompliance.

**Consequences for noncompliance.** If either the judge or the board finds after inspection that the facility is not being operated and maintained in conformity with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2, the juvenile court or the board shall give notice of its finding to all persons having authority to securely detain minors in the facility, and, commencing 60 days thereafter, the facility shall not be used for the secure detention of a minor until the time the judge or the board, as the case may be, finds, after reinspection, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for the confinement of minors in conformity with all requirements of law.

The custodian of each law enforcement facility that contains a lockup for adults shall make any report as may be requested by the board or by the juvenile court to effectuate the purposes of this subdivision.

**(c)** The board shall collect biennial data on the number, place, and duration of confinements of minors in jails and lockups, as defined in subdivision (i) of Section 207.1, and shall publish biennially this information in the form as it deems appropriate for the purpose of providing public information on continuing compliance with the requirements of Section 207.1.

**Welfare and Institutions Code Section 210.** *BSCC Minimum Standards for Operation of Juvenile Halls*

The Board of Corrections shall adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors.

**Welfare and Institutions Code Section 210.2.** *BSCC Minimum Standards for Minors in Lockups*

(a) The Board of Corrections shall adopt regulations establishing standards for law enforcement facilities which contain lockups for adults and which are used for the temporary, secure detention of minors upon arrest under subdivision (d) of Section 207.1. The standards shall identify appropriate conditions of confinement for minors in law enforcement facilities, including standards for places within a police station or sheriff's station where minors may be securely detained; standards regulating contact between minors and adults in custody in lockup, booking, or common areas; standards for the supervision of minors securely detained in these facilities; and any other related standard as the board deems appropriate to effectuate compliance with subdivision (d) of Section 207.1.

(b) Every person in charge of a law enforcement facility which contains a lockup for adults and which is used in any calendar year for the secure detention of any minor shall certify annually that the facility is in conformity with the regulations adopted by the board under subdivision (a). The certification shall be endorsed by the sheriff or chief of police of the

jurisdiction in which the facility is located and shall be forwarded to and maintained by the board. The board may provide forms and instructions to local jurisdictions to facilitate compliance with this requirement.

**Penal Code 6030. (Excerpt) *BSCC Minimum Standards for Adult Detention Facilities***

(a) The Corrections Standards Authority shall establish minimum standards for state and local correctional facilities. The standards for state correctional facilities shall be established by January 1, 2007. The authority shall review those standards biennially and make any appropriate revisions.

**Penal Code 6031. *BSCC Inspection of Adult Detention Facilities***

(a) The Board of Corrections shall inspect each local detention facility in the state biennially.

(b) This section shall become operative on July 1, 1997.

**California Regulatory References**

**Title 15, Minimum Standards for Juvenile Facilities, Section 1342, Population Accounting**

Each juvenile facility shall submit required population and profile survey reports to the Board within 10 working days after the end of each reporting period, in a format to be provided by the Board.

Note: Authority cited: Sections 210 and 885, Welfare and Institutions Code. Reference: Section 209, Welfare and Institutions Code.

**Title 15, Minimum Standards for Adult Detention Facilities, Section 1040, Population Accounting**

Except in court holding and temporary holding facilities, each facility administrator shall maintain an inmate demographics accounting system which reflects the monthly average daily population of sentenced and non-sentenced inmates by categories of male, female and juvenile. Facility administrators shall provide the Corrections Standards Authority with applicable inmate demographic information as described in the Jail Profile Survey.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, Penal Code.

2018 Compliance Monitoring Plan  
**Compliance Monitoring Definitions**

ATTACHMENT 3

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
<p><u>Secure - 31.304(b):</u></p> <p>As used to define a detention or correctional facility this term includes residential facilities which include construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.</p>		<p><u>Secure Detention:</u></p> <p>Means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object.</p>
<p><u>Non-Secure Custody (11/2/88 <i>Federal Register</i>):</u></p> <p>The following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in a building that houses an adult jail or lockup facility: (1) the area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room which is not designated, set aside or used as a secure detention area or is not a part of such an area, or, if a secure area, is used only for processing purposes; (2) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility; (3) the use of the area(s) is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parent, or arranging transfer to an appropriate juvenile facility or to court; (4) in no event can the area be designed or intended to be used for residential purposes; and (5) the juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.</p>		<p><u>Non-secure custody</u></p> <p>Means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and</p> <ul style="list-style-type: none"> <li>(1) the minor is under constant direct visual observation by the staff;</li> <li>(2) the minor is not locked in a room or enclosure; and,</li> <li>(3) the minor is not physically secured to a cuffing rail or other stationary object.</li> </ul>

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
<p><u>Adult Jail - 31.304(m):</u></p> <p>A locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.</p>	<p><u>Local Detention Facility - PC§ 6031.4:</u></p> <p>For the purpose of this title, "local detention facility" means any city, county, city and county, or regional facility used for the confinement for more than 24 hours of adults, or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors.</p> <p>(b) In addition to those provided for in subdivision (a), for the purposes of this title, "local detention facility" also includes any city, county, city and county, or regional facility, constructed on or after January 1, 1978, used for the confinement, regardless of the length of confinement, of adults or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors.</p> <p>(c) "Local detention facility" also includes any adult detention facility, exclusive of any facility operated by the California Department of Corrections or any facility holding inmates pursuant to Section 2910.5, Chapter 4 (commencing with Section 3410) of Title 2 of, Chapter 9.2 (commencing with Section 6220) of Title 7 of, Chapter 9.5 (commencing with Section 6250) of Title 7 of, or Chapter 9.6 (commencing with Section 6260) of Title 7 of, Part 3, that holds local prisoners under contract on behalf of cities, counties, or cities and counties. Nothing in this subdivision shall be construed as affecting or authorizing the establishment of private detention facilities.</p> <p>(d) For purposes of this title, a local detention</p>	<p><u>Local detention facility:</u></p> <p>Means any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.</p> <p><u>Jail:</u></p> <p>As used in Article 8, means a Type II or III facility as defined in the "Minimum Standards for Local Detention Facilities."</p> <p><u>Temporary Holding Facility:</u></p> <p>Means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.</p> <p><u>Type I facility:</u></p> <p>Means a local detention facility used for the detention of persons for not more than 96 hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform</p>

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
	<p>facility does not include those rooms that are used for holding persons for interviews, interrogations, or investigations, and are either separate from a jail or located in the administrative area of a law enforcement facility.</p> <p><u>Jail - WIC § 207.1 (i)(1):</u></p> <p>As used in this chapter, means a locked facility administered by a law enforcement or governmental agency, the purpose of which is to detain adults who have been charged with violations of criminal law and are pending trial, or to hold convicted adult criminal offenders sentenced for less than one year.</p>	<p>designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week.</p> <p><u>Type II facility:</u></p> <p>Means a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.</p> <p><u>Type III facility:</u> means a local detention facility used only for the detention of convicted and sentenced persons.</p> <p><u>Type IV facility:</u></p> <p>Means a local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code Section 1208 for work/education furlough and/or other programs involving inmate access into the community.</p>
<p><u>Adult Lockup - 31.304(n):</u></p> <p>Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.</p>	<p><u>Law enforcement facility – WIC § 207.1 (d)(3):</u></p> <p>As used in this subdivision, includes a police station or a sheriff's station, but does not include a jail, as defined in subdivision (i).</p> <p><u>Lockup-WIC § 207.1 (i)(1):</u></p> <p>As used in this chapter, means any locked room or <b>secure</b> enclosure under the control of a sheriff or other peace officer that is primarily for the temporary confinement of adults upon arrest.</p>	<p><u>Local detention facility:</u></p> <p>Means any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.</p>



Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
		<p><u>Temporary Holding Facility:</u></p> <p>Means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.</p> <p><u>Type I facility:</u></p> <p>Means a local detention facility used for the detention of persons for not more than 96 hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week.</p> <p><u>Lockup:</u></p> <p>Means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently been arrested; sentenced prisoners who are inmate workers may reside in the facility to carry out appropriate work.</p>

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
		<p><u>Law enforcement facility:</u></p> <p>Means a building that contains a Type I Jail or Temporary Holding Facility. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.</p>
<p><u>Court Holding Facility -</u></p> <p>A court holding facility is a secure facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after detention hearing, or other court proceedings. Court holding facilities, where they do not detail individuals overnight (i.e., are not residential) and are not used for punitive purposes or other purposes unrelated to a court appearance, are not considered adult jails or lockups for purposes of section 223 (a)(14) of the JJDP Act. However, such facilities remain subject to the section 223 (a)(13)(42 U.S.C. 5633 (a)(13)) separation requirement of the Act.</p>	<p><u>Local Detention Facility - PC§ 6031.4:</u></p> <p>For the purpose of this title, "local detention facility" means any city, county, city and county, or regional facility used for the confinement for more than 24 hours of adults, or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors.</p> <p>(b) In addition to those provided for in subdivision (a), for the purposes of this title, "local detention facility" also includes any city, county, city and county, or regional facility, constructed on or after January 1, 1978, used for the confinement, regardless of the length of confinement, of adults or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors.</p> <p>(c) "Local detention facility" also includes any adult detention facility, exclusive of any facility operated by the California Department of Corrections or any facility holding inmates pursuant to Section 2910.5, Chapter 4 (commencing with Section 3410) of Title 2 of, Chapter 9.2 (commencing with Section 6220) of</p>	<p><u>Court Holding facility:</u></p> <p>Means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.</p>

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
	<p>Title 7 of, Chapter 9.5 (commencing with Section 6250) of Title 7 of, or Chapter 9.6 (commencing with Section 6260) of Title 7 of, Part 3, that holds local prisoners under contract on behalf of cities, counties, or cities and counties. Nothing in this subdivision shall be construed as affecting or authorizing the establishment of private detention facilities.</p> <p>(d) For purposes of this title, a local detention facility does not include those rooms that are used for holding persons for interviews, interrogations, or investigations, and are either separate from a jail or located in the administrative area of a law enforcement facility.</p>	
<p><u>Collocated Facility - 31.303 (e)(3)(l)(c)(1)-(4):</u></p> <p>Collocated facilities are facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.</p> <p>A related complex of buildings is two or more buildings that share physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or the specialized services such as medical care, food service, laundry, maintenance, engineering services, etc.</p> <p>1. Separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults. Separation can be achieved architecturally or through time phasing of common use nonresidential areas and;</p>	<p><u>Collocated Facility – WIC § 207.1(h):</u></p> <p>No part of a building or a building complex that contains a jail may be converted or utilized as a secure juvenile facility unless all of the following criteria are met:</p> <p>(1) The juvenile facility is physically, or architecturally, separate and apart from the jail or lockup such that there could be no contact between juveniles and incarcerated adults.</p> <p>(2) Sharing of nonresidential program areas only occurs where there are written policies and procedures that assure that there is time-phased use of those areas that prevents contact between juveniles and incarcerated adults.</p> <p>(3) The juvenile facility has a dedicated and separate staff from the jail or lockup, including management, security, and direct care staff. Staff who provide specialized services such as food, laundry, maintenance, engineering, or medical services, who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of</p>	

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
<p>2. The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides a full range of separate program services. No program activities may be shared by juveniles and adult inmates. Time phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and</p> <p>3. If the state will use the same staff to serve both the adult and juvenile populations, there is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles; and</p> <p>4. In states that have established standards or licensing requirements for secure juvenile detention facilities, the juvenile facility meets the standards and be licensed as appropriate. If there are no state standards or licensing requirements, OJJDP encourages states to establish administrative requirements that authorize the state to review the facility's physical plant, staffing patterns, and programs in order to approve the collocated facility based on prevailing national juvenile detention standards.</p>	<p>juveniles and adults, may serve both populations.</p> <p>(4) The juvenile facility complies with all applicable state and local statutory, licensing, and regulatory requirements for juvenile facilities of its type.</p>	
<p><u>Sight and Sound Separation - 31.303 (d)(I)(I):</u></p> <p>Secure custody status is when a juvenile offender is physically detained or confined in a locked room or area. Secure detention or</p>	<p><u>Contact – WIC § 208.</u></p> <p>(a) When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to</p>	<p><u>Contact:</u></p> <p>“Contact” means any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear</p>

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
<p>confinement may result either from being placed in such a room or area and/or being physically secured to a cuffing rail or other stationary object. Separation must be accomplished architecturally or through policies and procedures in all secured areas. Sight contact is when a juvenile has clear visual contact with an incarcerated adult within close proximity. Sound contact is when a juvenile can have direct oral communication with an incarcerated adult. In accordance with OJJDP policy the state must assure that no juvenile offender shall enter, under public authority, for any amount of time, into a secure setting or secure section of any jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior.</p>	<p>permit such person to come or remain in contact with such adults.</p> <p>(b) No person who is a ward or dependent child of the juvenile court who is detained in or committed to any state hospital or other state facility shall be permitted to come or remain in contact with any adult person who has been committed to any state hospital or other state facility as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6, or with any adult person who has been charged in an accusatory pleading with the commission of any sex offense for which registration of the convicted offender is required under Section 290 of the Penal Code and who has been committed to any state hospital or other state facility pursuant to Section 1026 or 1370 of the Penal Code.</p> <p>(c) As used in this section, "contact" does not include participation in supervised group therapy or other supervised treatment activities, participation in work furlough programs, or participation in hospital recreational activities which are directly supervised by employees of the hospital, so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized associations.</p> <p>(d) This section shall be operative January 1, 1998.</p>	<p>visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders. <b><i>(This regulation was recently amended to comport with federal requirements. The final regulation is pending Office of Administrative Law approval and will be effective January 1, 2009).</i></b></p> <p><u>§1144. Contact Between Minors and Adult Prisoners.</u></p> <p>The facility administrator shall establish policies and procedures to restrict contact, as defined in Section 1006, between detained minors and adults confined in the facility.</p> <p>In situations where brief or accidental contact may occur, such as booking or facility movement, facility staff (trained in the supervision of inmates) shall maintain a constant, side-by-side presence with the minor or the adult to prevent sustained contact. <b><i>(This regulation was recently amended to comport with federal requirements. The final regulation is pending Office of Administrative Law approval and will be effective January 1, 2009).</i></b></p>

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
<p><u>Secure Juvenile Detention Center or Correctional Facility – OJP GM p19</u></p> <p>Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders. Many states use the term “training school” for juvenile correctional facilities.</p>	<p><u>Juvenile Ranch, Camp or Forestry Camp WIC § 881:</u></p> <p>The board of supervisors of any county may, by ordinance, establish juvenile ranches, camps, or forestry camps, within or without the county, to which persons made wards of the court on the ground of fitting the description in Section 602 may be committed. As far as possible, the provisions of this chapter relating to commitments to the probation officer shall apply to commitments to those juvenile facilities, except that where any ward proves to be unfit to remain in any facility, in the opinion of the superintendent or director thereof, the superintendent or director shall make a recommendation to the probation department for consideration for other commitment. Complete operation and authority for the administration shall be vested in the county.</p>	<p><u>Juvenile facility:</u></p> <p>Means a juvenile hall, juvenile home, ranch or camp, forestry camp, regional youth education facility, boot camp or special purpose juvenile hall.</p> <p><u>Juvenile hall:</u></p> <p>Means a county facility designed for the reception and temporary care of minors detained in accordance with the provisions of this subchapter and the juvenile court law.</p> <p><u>Camp:</u></p> <p>Means a juvenile camp, ranch, forestry camp or boot camp established in accordance with Section 881 of the Welfare and Institutions Code, to which minors made wards of the court on the grounds of fitting the description in Section 602 of the Welfare and Institutions Code may be committed.</p>
<p><u>Secure Detention Facility – JJDP Act §103 (12)(A)(B):</u></p> <p>The term "secure detention facility" means any public or private residential facility which:</p> <p>A. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.</p>	<p><u>Juvenile Hall – WIC § 850:</u></p> <p>The board of supervisors in every county shall provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court or in counties having more than one judge of the juvenile court, by the presiding judge of the juvenile court, a suitable house or place for the detention of wards and dependent children of the juvenile court and of persons alleged to come within the jurisdiction of</p>	<p><u>Juvenile facility:</u></p> <p>Means a juvenile hall, juvenile home, ranch or camp, forestry camp, regional youth education facility, boot camp or special purpose juvenile hall.</p> <p><u>Juvenile hall:</u></p> <p>Means a county facility designed for the reception and temporary care of minors detained in accordance with the provisions of this subchapter and the juvenile court law.</p>

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
<p>B. Is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, or of any other individual accused of having committed a criminal offense.</p>	<p>the juvenile court. Such house or place shall be known as the "juvenile hall" of the county. Wherever, in any provision of law, reference is made to detention homes for juveniles, such reference shall be deemed and construed to refer to the juvenile halls provided for in this article.</p>	<p><u>Special purpose juvenile hall:</u></p> <p>Means a county facility used for the temporary confinement of a minor, not to exceed 96 hours, prior to transfer to a full service juvenile facility or release.</p>
<p><u>Secure correctional facility - JJDPA Act §103 (13)(A)(B):</u></p> <p>The term "secure correctional facility" means any public or private residential facility which:</p> <p>A. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.</p> <p>B. Is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense.</p>	<p><u>Juvenile Ranch, Camp or Forestry Camp WIC § 881:</u></p> <p>The board of supervisors of any county may, by ordinance, establish juvenile ranches, camps, or forestry camps, within or without the county, to which persons made wards of the court on the ground of fitting the description in Section 602 may be committed. As far as possible, the provisions of this chapter relating to commitments to the probation officer shall apply to commitments to those juvenile facilities, except that where any ward proves to be unfit to remain in any facility, in the opinion of the superintendent or director thereof, the superintendent or director shall make a recommendation to the probation department for consideration for other commitment. Complete operation and authority for the administration shall be vested in the county.</p> <p><u>Juvenile Hall – WIC § 850:</u></p> <p>The board of supervisors in every county shall provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court or in counties having more than one judge of the juvenile court, by the presiding judge of the juvenile court, a suitable</p>	<p><u>Juvenile facility:</u></p> <p>Means a juvenile hall, juvenile home, ranch or camp, forestry camp, regional youth education facility, boot camp or special purpose juvenile hall.</p> <p><u>Juvenile hall:</u></p> <p>Means a county facility designed for the reception and temporary care of minors detained in accordance with the provisions of this subchapter and the juvenile court law.</p> <p><u>Camp:</u></p> <p>Means a juvenile camp, ranch, forestry camp or boot camp established in accordance with Section 881 of the Welfare and Institutions Code, to which minors made wards of the court on the grounds of fitting the description in Section 602 of the Welfare and Institutions Code may be committed.</p>



Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
	<p>house or place for the detention of wards and dependent children of the juvenile court and of persons alleged to come within the jurisdiction of the juvenile court. Such house or place shall be known as the "juvenile hall" of the county. Wherever, in any provision of law, reference is made to detention homes for juveniles, such reference shall be deemed and construed to refer to the juvenile halls provided for in this article.</p> <p><u>DJJ Institutions WIC § 1000:</u></p> <p>Commencing July 1, 2005, any reference to the Department of the Youth Authority refers to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, which has jurisdiction over all educational training and treatment institutions now or hereafter established and maintained in the state as correctional schools for the reception of wards of the juvenile court and other persons committed to the department</p>	
<p><u>Status Offender - 31.304(h):</u></p> <p>A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. (Status offenses include truancy, violations of curfew, runaway, underage possession of alcohol or tobacco, underage alcohol offenses).</p>	<p><u>Status Offender – WIC § 601:</u></p> <p>(a) Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian, or custodian, or who is beyond the control of that person, or who is under the age of 18 years when he or she violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of</p>	<p><u>Status offender:</u></p> <p>Means a minor alleged or adjudged to be a person described in Section 601 of the Welfare and Institutions Code.</p>

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
	<p>the court.</p> <p>(b) If a minor has four or more truanancies within one school year as defined in Section 48260 of the Education <b>Code</b> or a school attendance review board or probation officer determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or to correct the minor's persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities, or if the minor fails to respond to directives of a school attendance review board or probation officer or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. However, it is the intent of the Legislature that no minor who is adjudged a ward of the court pursuant solely to this subdivision shall be removed from the custody of the parent or guardian except during school hours.</p> <p>(c) To the extent practically feasible, a minor who is adjudged a ward of the court pursuant to this section shall not be permitted to come into or remain in contact with any minor ordered to participate in a truancy program, or the equivalent thereof, pursuant to Section 602.</p> <p>(d) Any peace officer or school administrator may issue a notice to appear to a minor who is within the jurisdiction of the juvenile court pursuant to this section.</p>	
<p><u>Non-Offender - 31.304(l):</u></p> <p>A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons</p>	<p><u>Dependent - WIC § 300 (Excerpt):</u></p> <p>Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to</p>	

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
<p>other than legally prohibited conduct of the juvenile.</p>	<p>be a dependent child of the court: (a) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian.</p> <p>(b) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse.</p> <p>(c) The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care.</p> <p>(d) The child has been sexually abused, or there is a substantial risk that the child will be sexually abused, as defined in Section 11165.1 of the Penal <b>Code</b>, by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably</p>	

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
	<p>should have known that the child was in danger of sexual abuse.</p> <p>(e) The child is under the age of five years and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the child.</p> <p>(f) The child's parent or guardian caused the death of another child through abuse or neglect.</p> <p>(g) The child has been left without any provision for support; physical custody of the child has been voluntarily surrendered pursuant to Section 1255.7 of the Health and Safety <b>Code</b> and the child has not been reclaimed within the 14-day period specified in subdivision (e) of that section; the child's parent has been incarcerated or institutionalized and cannot arrange for the care of the child; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful.</p> <p>(h) The child has been freed for adoption by one or both parents for 12 months by either relinquishment or termination of parental rights or an adoption petition has not been granted.</p> <p>(i) The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the child was in danger of being subjected to an act or acts of cruelty.</p> <p>(j) The child's sibling has been abused or</p>	

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
	neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions.	
<p><u>Juvenile who is accused of having committed an offense - 31.304(d):</u></p> <p>A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal type offender or a status offender and no final adjudication has been made by the juvenile court.</p>	<p><u>Juvenile Delinquent WIC § 602:</u></p> <p>(a) Except as provided in subdivision (b), any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.</p>	
<p><u>Juvenile who has been adjudicated as having committed an offense - 31.304(e):</u></p> <p>A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal type offender or a status offender.</p>	<p><u>Juvenile Delinquent WIC § 602:</u></p> <p>(a) Except as provided in subdivision (b), any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.</p>	

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
<p><u>Adult Inmate JJDP Act §103 (26)(A)(B):</u></p> <p>The term “adult inmate” means an individual who –</p> <p>(A) has reached the age of full criminal responsibility under applicable State law; and</p> <p>(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense;</p>		
		<p><u>Temporary custody:</u></p> <p>Means that the minor is not at liberty to leave the law enforcement facility.</p>
	<p><u>Waived to Adult Court (Direct File) - WIC § 602:</u></p> <p>(b) Any person who is alleged, when he or she was 14 years of age or older, to have committed one of the following offenses shall be prosecuted under the general law in a court of criminal jurisdiction:</p> <p>(1) Murder, as described in Section 187 of the Penal <b>Code</b>, if one of the circumstances enumerated in subdivision (a) of Section 190.2 of the Penal <b>Code</b> is alleged by the prosecutor, and the prosecutor alleges that the minor personally killed the victim.</p> <p>(2) The following sex offenses, if the prosecutor alleges that the minor personally committed the offense, and if the prosecutor alleges one of the circumstances enumerated in the One Strike law, subdivision (d) or (e) of Section 667.61 of the Penal <b>Code</b>, applies:</p> <p>(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal</p>	

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
	<p><b>Code.</b></p> <p>(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal <b>Code</b>.</p> <p>(C) Forcible sex offenses in concert with another, as described in Section 264.1 of the Penal <b>Code</b>.</p> <p>(D) Forcible lewd and lascivious acts on a child under the age of 14 years, as described in subdivision (b) of Section 288 of the Penal <b>Code</b>.</p> <p>(E) Forcible sexual penetration, as described in subdivision (a) of Section 289 of the Penal <b>Code</b>.</p> <p>(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal <b>Code</b>, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.</p> <p>(G) Lewd and lascivious acts on a child under the age of 14 years, as defined in subdivision (a) of Section 288, unless the defendant qualifies for probation under subdivision (c) of Section 1203.066 of the Penal <b>Code</b>.</p> <p><u>Waived to Adult Court (Found Unfit)- WIC § 707 (excerpt):</u></p> <p>(a) (1) In any case in which a minor is alleged to be a person described in Section 602 (a) by reason of the violation, when he or she was 16 years of age or older, of any criminal statute or ordinance except those listed in subdivision (b), upon motion of the petitioner made prior to the attachment of jeopardy the court shall cause the probation officer to investigate and submit a</p>	



Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
	<p>report on the behavioral patterns and social history of the minor being considered for a determination of unfitness. Following submission and consideration of the report, and of any other relevant evidence which the petitioner or the minor may wish to submit, the juvenile court may find that the minor is not a fit and proper subject to be dealt with under the juvenile court law if it concludes that the minor would not be amenable to the care, treatment, and training program available through the facilities of the juvenile court, based upon an evaluation of the following criteria . . .</p> <p><u>Waived to Adult Court (Found Unfit) – WIC § 707.1</u></p> <p><b>707.1.</b> (a) If the minor is declared not a fit and proper subject to be dealt with under the juvenile court law, or as to a minor for whom charges in a petition or petitions in the juvenile court have been transferred to a court of criminal jurisdiction pursuant to Section <b>707.01</b>, the district attorney, or other appropriate prosecuting officer may file an accusatory pleading against the minor in a court of criminal jurisdiction. The case shall proceed from that point according to the laws applicable to a criminal case. If a prosecution has been commenced in another court but has been suspended while juvenile court proceedings are being held, it shall be ordered that the proceedings upon that prosecution shall resume.</p>	

Federal	State-Statutory	State-Regulatory (California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities and Juvenile Facilities)
<p><u>Valid Court Order - 31.304(o):</u></p> <p>The term means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word "valid" permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States.</p>	<p><u>Welfare and Institutions Code Section Pertinent to Contempt of Court</u></p> <p><b>§213.</b> Any willful disobedience or interference with any lawful order of the juvenile court or of a judge or referee thereof constitutes a contempt of court.</p> <p><u>Code of Civil Procedure Section Pertinent to Contempt of Court</u></p> <p>§1218. (a) Upon the answer and evidence taken, the court or judge shall determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he or she is guilty of the contempt, a fine may be imposed on him or her not exceeding one thousand dollars (\$1,000), payable to the court, or he or she may be imprisoned not exceeding five days, or both.</p> <p>See Attached CA Court of Appeals Case: In re Michael G. (1988) 44 Cal.3d 283, 747 P.2d 1152; 243 Cal.Rptr. 224)</p>	