

Overview of BSCC Compliance Monitoring for Juvenile Justice and Delinquency Prevention Act (JJDP)

*The Disproportionate Minority Contact core requirement is monitored on its own.*

	Juvenile Detention Facility	Jail	Lockup
<p><b>Deinstitutionalization of Status Offenders</b>  <i>Status offenders (WIC 601) and non offenders (WIC 300) may not be held in secure detention.</i></p> <p><b>Current Rate of Violation: .62</b>  <b>Federal De Minimis: 9.89</b></p> <p><i>CA Law: WIC 206 and 207</i></p>	<ul style="list-style-type: none"> <li>• Applies</li> <li>• <u>Exceptions</u>: <ul style="list-style-type: none"> <li>○ Status offenders may be held 24 hours prior to, and 24 hours following detention hearing.</li> <li>○ Out of state runaways with Interstate Compact.*</li> <li>○ When a status offender has violated a valid court order.**</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Applies</li> <li>• No exceptions</li> </ul>	<ul style="list-style-type: none"> <li>• Applies</li> <li>• No exceptions</li> </ul>
<p><b>Jail Removal</b>  <i>Juveniles shall not be held more than six hours in secure detention (in an adult facility).</i></p> <p><b>Current Rate of Violation: 1.24</b>  <b>Federal De Minimis: 8.94</b></p> <p><i>CA Law: WIC 207.1(d)2</i></p>	<ul style="list-style-type: none"> <li>• Does not apply.</li> </ul>	<ul style="list-style-type: none"> <li>• Applies</li> <li>• Secure detention must be for the purpose of processing, transfer to a juvenile detention facility or release.</li> </ul>	<ul style="list-style-type: none"> <li>• Applies</li> <li>• Secure detention must be for the purpose of processing, transfer to a juvenile detention facility or release.</li> </ul>
<p><b>Separation</b>  <i>Juveniles and adult inmates must not have contact, includes sight and/or sound contact.</i></p> <p><b>Current Rate of Violation: 0</b></p> <p><i>CA Law: WIC 208</i></p>	<ul style="list-style-type: none"> <li>• Applies</li> <li>• Persons who are under the jurisdiction of the adult court and who turn 18 while in custody may remain in contact until they reach state’s age of majority.</li> </ul>	<ul style="list-style-type: none"> <li>• Applies</li> <li>• No exceptions</li> </ul>	<ul style="list-style-type: none"> <li>• Applies</li> <li>• No exceptions</li> </ul>

*\*This exception will be limited to 15 days and must be in the best interest of the juvenile in recently passed House proposal.*

*\*\*This exception is proposed for phase out and eventual elimination by 2020 in recently passed House proposal.*

## Annual Compliance Monitoring Tasks

**Identification:** Identify what law enforcement facilities must be included in “compliance monitoring universe.” Currently over 1,200.

**Classification:** Are facilities holding adults and/or juveniles? In secure or nonsecure detention? Are they residential or not? Public or private?

**Inspection:** Annual inspection of all facilities holding adults and youth in secure detention. Triennial inspection of others.

**Data Collection:** Annual surveys for identification and classification; monthly data collection for numbers and types of violations.

### Definitions, for purposes of Compliance Monitoring

**Adult Inmate:** An individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense.

**Juvenile Offender:** A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

**Status Offender:** A juvenile 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.

**Non Offender:** Juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes or as an alien juvenile, for reasons other than legally prohibited conduct of the juvenile.

**Secure Detention:** A means of custody by being physically secured to a stationary object, such as a cuffing rail, or in a locked room or enclosure.

**Non Secure Detention:** A means of custody where the individual has freedom of movement. Juveniles will have constant direct visual observation by staff.

**Juvenile Detention Facility:** In California, a juvenile hall, special purpose juvenile hall or camp.

**Jail:** 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. In California, a Type II, III or IV facility.

**Lockup:** A locked facility that is used by a state, unit of local government, or any law enforcement authority to detain or confine adults. Similar to an adult jail, except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged. In California, generally a police department lockup, city jail or sheriff’s substation.