

CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS MONTHLY REPORT ON THE DETENTION OF MINORS – CALENDAR YEAR 2021 INSTRUCTIONS

(Definitions are included following these instructions)

GENERAL INSTRUCTIONS

The federal Juvenile Justice and Delinquency Prevention Act (JJDP A)¹ and Welfare and Institutions Code (WIC) §209(f) require the Board of State and Community Corrections (BSCC) to monitor facilities that hold minors in detention for compliance with three core requirements:

- 1. Deinstitutionalization of Status Offenders** (JJDP A Section 223 (a) [11])
Minors who are charged with only a status offense (WIC §601) or who are nonoffenders (WIC §300/ WIC §5150) **must not** be held in secure detention.
- 2. Separation** (JJDP A Section 223 (a) [12])
Minors held in secure detention **must not** come into sight or sound contact with adult offenders.
- 3. Jail Removal** (JJDP A Section 223 (a) [13])
Delinquent minors (WIC §602) **must not** be held in secure or nonsecure detention for more than **six (6) hours** pending investigation, processing, and release.

In accordance with the JJDP A, the BSCC is required to submit the number of minors held in secure and nonsecure detention over six (6) hours and the number of status offenders and nonoffenders (WIC §601, §300, and §5150) held in secure detention annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Additionally, WIC §209 and §210.2 mandate the BSCC to conduct surveys of law enforcement agencies on the processing of minors to ensure compliance with WIC §207.1(d) and applicable Title 15 minimum standards.

Law enforcement facilities that hold both adults and minors in secure custody will need to complete and submit the Monthly Report on the Detention of Minors – Calendar Year 2021 for each month in 2021. This will assist the BSCC with data collection and submission requirements.

- Please complete and return the monthly form to the BSCC by the 10th of the following month. A form must be completed for each month, even if no minors were detained.
- In Section III and IV, an amount must be entered on all lines requesting detention numbers. If the number is zero (0) or does not apply, **enter zero (0)**. **PLEASE DO NOT LEAVE ANY BOXES BLANK.**
- In the spaces provided at the bottom of the form (Section V), provide the name, title, telephone number, e-mail, and date for **both** the reporting person and the facility administrator.
- Forms may be downloaded from our website at: https://www.bscc.ca.gov/s_fsoservices/, under the *Youth in Adult Facilities* button. An online reporting system is forthcoming and will be made available at the above web address. Completed forms may be:

e-mailed: analyst@bscc.ca.gov

faxed: (916) 322-2461

mailed: Board of State and Community Corrections
Attn: Compliance Monitor Analyst
2590 Venture Oaks Way, Ste. 200
Sacramento, CA 95833

¹ Pub. L. No. 93-415 (1974), 34 U.S.C. 5601. For more information on the JJDP A and compliance monitoring, please visit: <https://www.ojjdp.gov/compliance/index.html>.

- If you have any questions regarding the **Monthly Report on the Detention of Minors – Calendar Year 2020**, please contact the compliance monitor analyst at analyst@bscc.ca.gov or (916) 323-8621.

INSTRUCTIONS FOR INDIVIDUAL SECTIONS

SECTION I

Agency Name: Please enter the name of the reporting agency.
Facility Name: Enter the name of your detention facility.
Facility Street Address: Enter the *physical* address of your facility, including city and zip code.
County: Enter the county in which your facility resides.

SECTION II

Please check the month that is being reported; **only check one month** per report.

If you have not held any minors in detention during a particular month, PLEASE ENTER ZEROS (0) in appropriate sections and submit the report.

SECTION III

For this section, please document the number of delinquent minors (WIC §602) held in either secure or nonsecure detention during each month for each time frame. **Do not include status offenders (WIC §601) or nonoffenders (WIC §300 or WIC §5150) in this section; see Section IV.**

Number of minors held six (6) hours or less: In the spaces provided to the right, please enter the number of minors that were held in your facility for six (6) hours or less for the reporting month, for both secure and nonsecure detention.

Number of minors held over six (6) hours: In the spaces provided to the right, please enter the number of minors that were held in your facility for over six (6) hours for the reporting month, for both secure and nonsecure detention. *If minors were held in your facility over six (6) hours, please briefly explain the reason for the six-hour rule violation in the space provided.*

References: JJDPA Section 223 (a) [13], WIC §207.1(d)(1)(B), Title 15-Section 1150

SECTION IV

Please note, the JJDPA and WIC §206 and §207 prohibit the secure detention of status offenders and nonoffenders.

Please indicate the number of status offenders (WIC §601) and nonoffenders (WIC §300 or WIC §5150) held in **secure detention** in your facility during each month. The BSCC is required to report the number of status offenders (WIC §601) and nonoffenders (WIC §300 and WIC §5150) **in secure detention** to the OJJDP. *If status offenders or nonoffenders were securely detained in your facility, please briefly explain the reason for the violations in the space provided.* **Do NOT include NONSECURE detention of these minors in your count.**

If you have either a status offender (WIC §601) or a nonoffender (WIC §300 or WIC §5150) who ALSO has a criminal charge, count that minor ONLY ONCE and for the most serious charge; in this instance, you would report the minor ONLY as a delinquent minor (WIC §602) in Section III and NOT as a status offender (WIC §601) or a nonoffender (WIC §300 or WIC §5150) in Section IV.

References: *JJDPA Section 223 (a) [11], WIC §206, WIC §207*

SECTION V

This section requires the information for both the reporting person **and** the facility administrator. Type or print both names, including each person's title, telephone number, e-mail address, and date.

DEFINITIONS

Delinquent Minor: A minor who has committed a crime pursuant to WIC §602.

Lockup: A room or secure enclosure under the control of a sheriff or other peace officer that is primarily for the temporary confinement of adults upon arrest. A minor may be securely confined in a lockup only as provided in WIC §207.1(d).

Minor: A person under 18 years of age.

Nonoffender: A minor who is considered a dependent of the court. WIC §300 defines nonoffenders. According to the JJDPA and WIC §206, nonoffenders must not be held in secure detention in a jail or lockup.

Nonsecure Detention: Occurs when a minor's freedom is controlled by the staff of the facility, and: 1) the minor is under constant personal visual observation and supervision by staff of the law enforcement facility; 2) the minor is not locked in a room or enclosure; and, 3) the minor is not physically secured to a cuffing rail or other stationary object.

Secure Detention: Occurs when a minor is locked in a room/enclosure and/or secured to a cuffing fixture or other stationary object while in custody in a law enforcement facility (which includes police or sheriff's stations) for any length of time.

Status Offender: A minor who has committed an act that would not be considered criminal had it been committed by an adult. Status offenders are defined by WIC §601 and include acts such as: disobeying parents, violating curfew, truancy, and running away. A minor may be in violation of a municipal code that establishes curfew; such a violation would be considered a status offense. According to the JJDPA and WIC §207, status offenders must not be held in secure detention in a jail or lockup.

Temporary Holding Facility: 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.

Type I Facility: A local detention facility used for the detention of persons for not more than 96 hours, excluding holidays, after booking. 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.