



**State Advisory Committee on Juvenile  
Justice and Delinquency Prevention:**  
**2017 Compliance Monitoring**

Annual Report  
Released      2018



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AND DELINQUENCY PREVENTION  
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**Mary Jolls**..... Deputy Director, Corrections Planning & Grant Programs  
**Kimberly Bushard**.....Field Representative, Corrections Planning & Grant Programs  
**Ginger Wolfe**..... Staff Services Manager I, Facilities Standards & Operations

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## **BACKGROUND**

The Board of State and Community Corrections (BSCC) is the State Administering Agency that receives and disburses federal Title II formula grants to support state and local efforts in delinquency prevention and juvenile justice system improvement. To remain eligible for such funds, the BSCC must maintain compliance with the Juvenile Justice and Delinquency Prevention Act (JJJPA) of 2002 (as amended), which is the sponsoring legislation for both the Title II formula grants and the state's juvenile justice advisory group. California's state advisory group is the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP). The SACJJDP is a governor-appointed group of subject matter experts who serve as an Executive Steering Committee to the BSCC.

A requirement for compliance with the JJJPA is submission of an annual report from the state's juvenile justice advisory group to the Governor and Legislature, with recommendations regarding compliance with the first three of the four JJJPA core requirements (those specifically related to compliance monitoring). The fourth core requirement (Reducing Disproportionate Minority Contact) is addressed separately and is not a part of the annual report to the Governor and Legislature.

Pursuant to the JJJPA, 42 U.S.C. 5633 Sec. 223., State plans, Subs. (a)(3)(D)(ii):

In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall...provide for an advisory group, that...shall...submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13) (referred to as "core requirements.")

The JJJPA's core requirements relative to compliance monitoring are:

1. Deinstitutionalization of Status Offenders<sup>1</sup> (DSO)

Prohibits, with specific exceptions, juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders, truants, in-state runaways) from being held in secure detention.

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<sup>1</sup> 42 U.S.C. 5633 Sec. 223., State plans, Subs. (a)(11)

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## 2. Separation<sup>2</sup>

Prohibits youth who are under the jurisdiction of the juvenile court from having sight and/or sound contact with adult inmates while in secure detention.

## 3. Jail Removal<sup>3</sup>

Prohibits the secure detention of youth in a lock-up or jail for longer than six (6) hours.

This report will provide the Governor and Legislature with the most recent data submitted to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), as well as the SACJJDP's recommendations regarding compliance with the core requirements.

### **COMPLIANCE WITH CORE REQUIREMENTS**

BSCC staff monitor nearly 1,200 law enforcement facilities for compliance with the core requirements. Through data collection and inspection, the BSCC annually determines the number of violations of core requirements at these facilities, and in accordance with the JJDP, submits an annual report on compliance to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Attachment A contains the 2017 submission of the BSCC's annual compliance monitoring report for the federal fiscal year reporting period of October 1, 2016 through September 30, 2017; Attachment B is a summary of violations of the core requirements since 2003.

With the exception of the separation core requirement, California is able to maintain compliance with the core requirements so long as the rate of violations does not exceed a "de minimus" number of violations as established in guidance by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). There is no de minimus for the separation core requirement; if there is one violation, the state is out of compliance with that requirement.

California remains in de minimus compliance with the DSO and jail removal core requirements. Since 2003, DSO violations have decreased 82%; violations of jail removal have decreased nearly 31%. There have been violations of the separation requirement over the years; however, the BSCC has determined that each of these incidents were isolated and has provided necessary statements of explanation to OJJDP.

Since 2003, rates of violation have generally decreased; in some cases exponentially (see Attachment B). It should be noted that even with a significant increase in the number

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<sup>2</sup> 42 U.S.C. 5633 Sec. 223., State plans, Subs. (a)(12)

<sup>3</sup> 42 U.S.C. 5633 Sec. 223., State plans, Subs. (a)(13)

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of law enforcement facilities in the compliance monitoring universe, overall rates of violations have continued to decline.

## **BARRIERS TO COMPLIANCE AND STRATEGIES TO OVERCOME THEM**

- The volume of admissions to juvenile detention facilities, adult jails and lockups makes it difficult for Field Representatives/Consultants to review all appropriate data outside of the biennial inspection cycle.
  - The BSCC has streamlined its data collection material to ensure ease of submission from law enforcement agencies and probation departments.
- The sheer number of facilities in California's universe (nearly 1,200) makes it difficult to verify all appropriate data annually on-site.
  - The BSCC has developed a Compliance Monitoring team to concentrate solely on Compliance Monitoring Inspections.
- The turnover in staff of these facilities creates a gap of knowledge with respect to core requirements 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.

## **SACJJDPA RECOMMENDATIONS**

Based on the pattern of decreasing violations of the JJDP core requirements, continuous training and technical assistance provided to the field, and the maintenance of de minimus compliance, the SACJJDPA recommends that the Governor and Legislature continue to support the BSCC's approach to compliance monitoring, including strategies to overcoming barriers as mentioned above. The SACJJDPA also recommends that California's update to the 3-Year Plan for the application to the OJJDP FY 2018 Title II Formula Grants program highlight the BSCC's efforts to maintain compliance with the core requirements.

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**ATTACHMENTS:**

A: OJJDP California Compliance Data Collection

B: California Violations of JJDP Act Since 2003



## Compliance Monitoring Report Technical Assistance Tool

*This form requests the minimum information required to demonstrate the extent of compliance with Sections 223(a)(11),(12),(13) and (14) of the JJDP Act of 2002. Many of these reporting requirements may be found in 28 C.F.R. 31.303(f)(5): Reporting Requirement. This form is a technical assistance tool and its use is optional. For questions regarding this technical assistance tool, please contact your assigned OJJDP Compliance Analyst. This version is dated January 2018.*

### A. General Information:

1. Federal Fiscal Year of Monitoring Report: 2017
  
2. Name and Address of State Planning Agency:
 

<b>Name of State Agency:</b>	Board of State and Community Corrections		
<b>Address Line 1:</b>	2590 Venture Oaks Way		
<b>Address Line 2:</b>	Suite 200		
<b>City:</b>	Sacramento	<b>State:</b>	California
<b>Zip:</b>	95833		
  
3. Contact person information:
 

<b>Contact Person's Name:</b>	Eloisa Tuitama / Ginger Wolfe		
<b>Contact Phone Number:</b>	916-445-5073		
  
4. During the State's monitoring effort, was the Federal definition or State definition for Criminal Type Offender, Status Offender, or Non-Offender used?
 

Federal Definitions were used in this monitoring report.
  
5. Total juvenile population of the State under age 18 according to the most recent available U.S. Bureau of Census data or population estimates:
 

<b>Population of California Under 18 (Population Data for Reporting Year: Estimate) :</b>	9,092,863
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6. Upper age of original juvenile court jurisdiction (Upper age at which a person is still classified as a juvenile by the state):
 

<b>Upper age of original juvenile court jurisdiction (Upper age at which a person is still classified as a juvenile by the state):</b>	17
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Total juvenile population of the State at and under age 17 according to the most recent available U.S. Bureau of Census data or population estimates:

	9,092,863
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7. Enter the reporting period dates for this Compliance Monitoring Report. Please ensure that all reporting periods are consistent.

Facility Classification	Reporting Period Begins	Reporting Period Ends	Total Months Reporting
Secure Juvenile Detention Facilities	10/1/2016	9/30/2017	12
Secure Juvenile Correctional Facilities	10/1/2016	9/30/2017	12
Adult Jails	10/1/2016	9/30/2017	12
Adult Lockups	10/1/2016	9/30/2017	12

8. Enter the total number of public and private secure facilities, the total number of facilities reporting data, and the number of facilities that received an on-site inspection during the past twelve months. Please attach a master list of your State's monitoring universe.

Facility Classification	Total Number of Facilities	Facilities Reporting Data	Facilities On-Site Inspected
Secure Juvenile Detention Facilities	57	57	4
Secure Juvenile Correctional Facilities	54	54	1
Adult Jails	120	120	14
Adult Lockups	847	847	277
Collocated Facility (Approved)	5	5	4
Collocated Facility (Non-approved)	0	0	0
Facility Classification		Percentage Reporting Data	Percentage Inspected
Secure Juvenile Detention Facilities		100.00%	7.02%
Secure Juvenile Correctional Facilities		100.00%	1.85%
Adult Jails		100.00%	11.67%
Adult Lockups		100.00%	32.70%
Collocated Facility (Approved)		100.00%	80.00%
Collocated Facility (Non-approved)		#N/A	#N/A

Attach a list of all approved collocated facilities. Approved collocated facilities are Secure Juvenile Facilities located within the same building or on the same grounds as an adult jail or lockup and meet the regulatory criteria.

9. Enter the number of adult jails and lockups that held juveniles during the past twelve months. If your State has received approval from OJJDP to use the Rural Exception, also indicate the number of facilities located outside a Metropolitan Statistical Area which meet this exception.

Facility Classification	Total Number of Facilities Holding Juveniles	Total Number of Facilities Meeting the Rural Exception
Adult Jails	0	0
Adult Lockups	623	0

**B. Section 223(a)(11): Removal of status offenders and non-offenders from secure detention and correctional facilities.**

1. Enter the total number of accused and adjudicated status offenders and nonoffenders, including status offender Valid Court Order violators and out-of-state runaways, securely detained for any length of time in the following public and private facilities:

(Do not include juveniles held in violation of the Youth Handgun Safety Act or similar State law.)

Facility Classification	Accused Number Reported	Adjudicated Number Reported	Total Violations After Adjusting for Non-Reporting Facilities
Adult Jails	0	0	0.00
Adult Lockups	27	0	27.00

2. Enter the total number of accused status offenders securely detained for longer than 24 hours (not including weekends or holidays) in the following public and private facilities:

(Do not include juveniles who have violated a Valid Court Order; juveniles held in violation of the Youth Handgun Safety Act or a similar State law or juveniles held pursuant to the Interstate Compact on Juveniles.):

Facility Classification	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities
Secure Juvenile Detention Facilities	11	11.00
Secure Juvenile Correctional Facilities	0	0.00

3. Enter the total number of adjudicated status offenders, including nonoffenders (*both adjudicated and accused*), securely detained for any length of time in the following public and private facilities:

(Do not include juveniles who have violated a Valid Court Order; juveniles held in violation of the Youth Handgun Safety Act or a similar State law or juveniles held pursuant to the Interstate Compact on Juveniles.):

Facility Classification	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities
Secure Juvenile Detention Facilities	5	5.00
Secure Juvenile Correctional Facilities	0	0.00

**Section 223(a)(11): Total Number of Violations**

**43.00**

**Section 223(a)(11): Rate of status offender and nonoffender detention and correctional institutionalization per 100,000 population under 18:**

**0.47**

4. Enter the total number of status offenders securely detained in the following public and private facilities pursuant to a judicial determination that the juvenile has violated a Valid Court Order:

Facility Classification	Number of VCOs Reported	Total VCOs After Adjusting for Non-Reporting Facilities
Secure Juvenile Detention Facilities	0	0.00
Secure Juvenile Correctional Facilities	0	0.00

5. Enter the total number of juveniles held pursuant to Title 18 U.S.C., Section 922(x) (The Youth Handgun Safety Act), securely detained for any length of time in the following public and private facilities:

Facility Classification	Number of 922(x) Juveniles Reported	Total 922(x) Juveniles After Adjusting for Non-Reporting Facilities
Secure Juvenile Detention Facilities	0	0.00
Secure Juvenile Correctional Facilities	0	0.00
Adult Jails	0	0.00
Adult Lockups	0	0.00

6. Enter the total number of out-of-State runaways (not held pursuant to the Interstate Compact for Juveniles) securely held beyond 24 hours in secure juvenile detention or correctional facilities:

Facility Classification	Out-of-State Runaways	Runaways After Adjusting for Non-Reporting Facilities
Secure Juvenile Detention Facilities	5	5.00
Secure Juvenile Correctional Facilities	0	0.00

**C. Section 223(a)(12): Separation of Juveniles and Adults.**

1. Enter the number of public and private facilities used for secure detention and confinement of both juvenile offenders and adult inmates which did not provide sight and sound separation:

Facility Classification	Number of Facilities That Did Not Provide Sight and Sound Separation of Juveniles
Secure Juvenile Detention Facilities	0
Secure Juvenile Correctional Facilities	0
Adult Jails	0
Adult Lockups	0
Court Holding Facilities	0
Prisons	0

2. Enter the number of juvenile offenders and nonoffenders not sight and sound separated from adult inmates:

Facility Classification	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities
Secure Juvenile Detention Facilities	0	0.00
Secure Juvenile Correctional Facilities	0	0.00
Adult Jails	0	0.00
Adult Lockups	0	0.00
Court Holding Facilities	0	0.00
Prisons	0	0.00

**Section 223(a)(12): Total Number of Violations:**

**0.00**

Total juvenile population of the State at and under the upper age of original juvenile court jurisdiction, according to the most recent available U.S. Bureau of Census data or census estimate. (This was previously reported in the "General Info" section.)

**9,092,863**

**Section 223(a)(12): Separation rate per 100,000 juveniles at and under the upper age of original juvenile court jurisdiction:**

**0.00**

**D. Section 223(a)(13): Removal of juveniles from adult jails and lockups.**

1. Enter the total number of accused juvenile criminal-type offenders held securely in adult jails, lockups, and non-approved collocated facilities in excess of six (6) hours:

(Include juveniles held longer than six hours pursuant to the rural, travel conditions, or safety exceptions.)

	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities
Adult Jails	0	0.00
Adult Lockups	73	73.00

2. Enter the total number of accused juvenile criminal-type offenders held securely in adult jails, lockups, and non-approved collocated facilities for less than six (6) hours for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody:

	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities
Adult Jails	0	0.00
Adult Lockups	0	0.00

3. Enter the total number of adjudicated juvenile criminal-type offenders held securely in adult jails and lockups for any length of time:

	Number Reported	Total Violations After Adjusting for Non-Reporting Facilities
Adult Jails	0	0.00
Adult Lockups	0	0.00

4. If your State has received approval from OJJDP to use the Rural Exception, enter the total number of juveniles accused of a criminal-type offense who were held in excess of six hours but less than forty-eight hours awaiting an initial court appearance in areas meeting the Rural Exception, provided there was no contact with adult inmates.

	Number Reported	Total After Adjusting for Non-Reporting Facilities
Adult Jails	0	0.00
Adult Lockups	0	0.00

5. Enter the total number of juveniles accused of a criminal-type offense who were held in excess of forty-eight hours but less than an additional forty-eight hours awaiting an initial court appearance due to conditions of distance or lack of ground transportation, provided there was no contact with adult inmates.

	Number Reported	Total After Adjusting for Non-Reporting Facilities
Adult Jails	0	0.00
Adult Lockups	0	0.00

6. Enter the total number of juveniles accused of a criminal-type offense who were held in excess of twenty-four hours but not more than an additional twenty-four hours after the time such safety conditions as adverse weather allow for reasonably safe travel, provided there was no contact with adult inmates.

	Number Reported	Total After Adjusting for Non-Reporting Facilities
Adult Jails	0	0.00
Adult Lockups	0	0.00

**Section 223(a)(13): Jail Removal Violations:**

Total Jail removal violations listed above in numbers 1-3

Subtract total Jail Removal Exceptions reported above in numbers 4-6

Add accused and adjudicated status offenders held securely in adult jails and lockups reported in DSO worksheet

**TOTAL NUMBER OF JAIL REMOVAL VIOLATIONS:**

Total juvenile population of the State at and under the upper age of original juvenile court jurisdiction, according to the most recent available U.S. Bureau of Census data or census estimate. (This was previously reported in the "General Info" section.)

**Section 223(a)(13): Rate of jail removal violations per 100,000 population at and under the upper age of original juvenile court jurisdiction:**

	73.00
	0.00
	27.00
<b>TOTAL NUMBER OF JAIL REMOVAL VIOLATIONS:</b>	<b>100.00</b>
Total juvenile population of the State at and under the upper age of original juvenile court jurisdiction, according to the most recent available U.S. Bureau of Census data or census estimate. (This was previously reported in the "General Info" section.)	9,092,863
<b>Section 223(a)(13): Rate of jail removal violations per 100,000 population at and under the upper age of original juvenile court jurisdiction:</b>	<b>1.10</b>

# California Compliance Monitoring Report

## Federal Fiscal Year Compliance Monitoring Report Checklist

Please include the following information with the State's Compliance Monitoring Report:

A copy of this Compliance Monitoring Report, this checklist, and the OJJDP Worksheet page.

Not applicable.

A master list of your State's monitoring universe. This Master List should include: each facility identified that might hold juveniles pursuant to public authority; each facility classified according to OJJDP regulation; the date of last inspection; and relevant information on data collection/data verification.

A list of all approved

Not applicable.

Not applicable.

Not applicable.

Not applicable.

Not applicable.

Please print and submit this Monitoring Report Data Worksheet with your Annual Compliance Monitoring Report. It is used by OJJDP to track States' compliance. DO NOT MAKE ANY CHANGES TO THIS WORKSHEET.

## Monitoring Report Data Worksheet

State: **California**      FY: **2017**      Sup:      Reviewer:

Juvenile Population: **# Under 18: 9092863**      State Age of Majority: **18**      # by State Def: **9092863**

**Section 223(a)(11) DSO**      Current Dates (Start/End)  
**10/01/16**      **09/30/17**  
 Number of VCOs:      **0**

	Accused	Adjudicated	Total
Totals			
Secure Juvenile Detention Facilities	11	5	16
Secure Juvenile Correctional Facilities	0	0	0
Adult Jails	0	0	0
Adult Lockups	27	0	27
ONA	0	0	0

Out of State Runaways:      **0**

**Section 223(a)(12) Separation**      Current Dates (Start/End)  
**10/01/16**      **09/30/17**

	# Facilities w/o Sep	# of Juveniles
Current		
Jails + Other	0	0
Lockups	0	0

**Section 223(a)(13) Removal**      Current Dates (Start/End)  
**10/01/16**      **09/30/17**

Facilities				Criminal Type Offenders				# SO			#	
#	#	#	#	# Accused		# Adjudicated		# SO			#	
Jails	Holding	Lockups	Holding	# Exceptions	in Jail	in LU	In Jail	in LU	in Jail	In LU	Total # Held	Exceptions Held
<b>120</b>	<b>0</b>	<b>847</b>	<b>623</b>	<b>0</b>	<b>0</b>	<b>73</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>100</b>	<b>0</b>



California Violations of JJDPA Since 2003

	2017	% change	2016	% change	2015	% change	2014	% change	2013	% change	2012	% change	2011	2010	2009	% Change	2008	% Change	2007	% Change	2006	% Change	2005	% Change	2004	% Change	2003		
DSO JH	16	7%	15	-6%	16	-60%	40	-7%	43	13%	38	-22%	49	-39%	80	-20%	75	11%	90	70%	53	-47%	100.6	-63%	270	28%	211	-11%	237
DSO LOCKUPS	27	-27%	37	0%	37	-31%	54	20%	45	-48%	87	43%	61	177%	22	-12%	25	-38%	40	-13%	46	n/a							
DSO TOTAL (JH + LU)	43	-17%	52	-2%	53	-44%	94	7%	88	-30%	125	14%	110	8%	102.00	2%	100	-23%	130	31%	99.37	-1%	100.6	-63%	270	28%	211	-11%	237
DSO TOTAL RATE	0	-100%	0.71	0%	0.71	-30%	1.01	6%	0.95	-29%	1.34	14%	1.18	8%	1.09	2%	1.07	-23%	1.39	36%	1.02	-2%	1.04	-64%	2.86	28%	2.23	-11%	2.51
Separation	0	0%	0	0%	0	-100%	1	100%	0	-100%	2	200%	0	0%	0	-100%	1	0%	1	0%	1	-97%	33	-25%	44	100%	0	0%	0
Jail Removal Total (6 hr Rule)	73	-4%	76	15%	66	-7%	71	25%	57	-17%	69	6%	65	-13%	75	-17%	90	18%	76.21	-29%	107	-52%	225	185%	79	0%	79	-25%	106
Jail Removal Rate																						-100%	2.33	177%	0.84	0%	0.84	-25%	1.12
Jail Removal (total with SO)	100	-12%	113	10%	103	-18%	125	23%	102	-35%	156	24%	126	30%	97.12	-16%	115	-1%	116	-25%	154.22								
Jail Removal Rate	0	-100%	1.24	12%	1.11	-17%	1.34	22%	1.1	-35%	1.68	24%	1.36	32%	1.03	-16%	1.23	-1%	1.24	-22%	1.59								

In 2006, we increased our lockup universe and also began to clean up status offender reporting methods and training. In 2007, we began reporting status offenders held in lockups, therefore increasing the DSO TOTAL and the JAIL REMOVAL TOTAL numbers. In 2016 the reporting period changed from a 12-month calendar year to a 12-month federal fiscal year beginning October 1st and ending September 31st.