

CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS

(formerly Corrections Standards Authority)

MONTHLY REPORT ON THE DETENTION OF MINORS – 2013

Instructions

(Definitions are included following these instructions)

GENERAL INSTRUCTIONS

The Federal Juvenile Justice and Delinquency Prevention Act (JJDPA)¹ and Welfare and Institutions Code (WIC) Section 209 (f) requires the BSCC to monitor facilities that hold minors in detention for compliance with three core requirements:

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

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

Additionally, WIC Sections 209 and 210.2 mandate the BSCC to conduct surveys of law enforcement agencies on the processing of minors to ensure compliance with WIC Section 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 a Monthly Report on the Detention for Minors–2013 for each month in the calendar year 2013. 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 each 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 or does not apply, **please enter zero (0). 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: <http://www.bscc.ca.gov/programs-and-services/fso/services>
- Completed forms may be:
 - **e-mailed to:** analyst@bscc.ca.gov
 - **faxed to:** 916.322.2461 (or 916.327.3317)
 - **mailed to:** Board of State and Community Corrections
Attn: Report Analyst
600 Bercut Drive, Suite A
Sacramento, CA 95811
- If you have any questions regarding the **Monthly Report on the Detention of Minors – 2013**, please contact Peg Symonik, Analyst, by phone at 916.323.9704 or by e-mail at peg.symonik@bscc.ca.gov

¹ Pub. L. No. 93-415 (1974), 42 U.S.C. 5601. For more information on the JJDPA and compliance monitoring, please visit: <http://www.ojjdp.ncjrs.gov/compliance/index.html>

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 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 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 WIC5150) in this section; see Section IV.**

Number of minors held 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 non secure detention.

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

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

SECTION IV

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

Please indicate the number of status offenders (WIC 601) and nonoffenders (e.g., 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 & WIC 5150) **in secure detention** to the Federal Office of Juvenile Justice and Delinquency Prevention. *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 NON SECURE detention of these minors in your count.

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

SECTION V

This section requires the information for both the reporting person **and** the facility administrator. 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 Welfare and Institutions Code (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 Section 207.1(d) WIC.

Minor: A person under 18 years of age.

Nonoffender: A minor who is considered a dependent of the court. Welfare and Institutions Code (WIC) Section 300 defines nonoffenders; according to the Juvenile Justice and Delinquency Prevention Act and WIC Section 206, nonoffenders must not be held in secure detention in a jail or lockup.

Non Secure 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 which 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 Juvenile Justice and Delinquency Prevention Act (JJDP) 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.