

A photograph of the California State Capitol dome, featuring a large black dome with a white base and columns, set against a blue sky with some clouds. The image is framed by a white curved border.

State Advisory Committee on Juvenile Justice and Delinquency Prevention:

2016 Compliance Monitoring

Annual Report
Released May 2017



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STATE ADVISORY COMMITTEE ON JUVENILE JUSTICE
AND DELINQUENCY PREVENTION
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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 Offenders¹ (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.

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

2. Separation²

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 Removal³

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 JJDPA, submits an annual report on compliance to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Attachment A contains the 2016 submission of the BSCC's annual compliance monitoring report for the federal fiscal reporting period of October 1, 2015 through September 30, 2016; 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 93%; violations of jail removal have decreased nearly 30%. 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

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

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

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 makes it difficult to verify all appropriate data annually on-site.
 - The BSCC has developed three Compliance Monitoring Consultant positions 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 2017 Title II Formula Grants program highlight the BSCC's efforts to maintain compliance with the core requirements.

ATTACHMENTS:

- A: OJJDP California Compliance Data Collection
- B: California Violations of JJDPA Since 2005

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: **2016** Sup: Reviewer:

Juvenile Population: # Under 18: **9120916** State Age of Majority: **18** # by State Def: **9120916**

Section 223(a)(11) DSO Current Dates (Start/End)
10/01/15 **09/30/16**

Number of VCOs: **1**

	Accused	Adjudicated	Total
Totals			
Secure Juvenile Detention Facilities	15	5	20
Secure Juvenile Correctional Facilities	0	0	0
Adult Jails	0	0	0
Adult Lockups	37	0	37
ONA	0	0	0

Out of State Runaways: **0**

Section 223(a)(12) Separation Current Dates (Start/End)
10/01/15 **09/30/16**

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

Section 223(a)(13) Removal Current Dates (Start/End)
10/01/15 **09/30/16**

Facilities				Criminal Type Offenders				# SO		Total # Held	# Exceptions Held	
# Jails	# Holding	# Lockups	# Holding	# Accused		# Adjudicated		in Jail	In LU			
122	0	843	489	0	0	76	0	0	0	37	113	0

California Violations of JJCPA Since 2003

	2016	% change	2015	% change	2014	% change	2013	% change	2012	% change	2011	% change	2010	% change	2009	% change	2008	% change	2007	% change	2006	% change	2005	% change	2004	% change	2003	
DSO JH	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	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)	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	0.71	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	-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)	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)	37	-64%	103	-18%	125	23%	102	-35%	156	24%	126	30%	97.12	-16%	115	-1%	116	-25%	154.22									
Jail Removal Rate	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.