



**State Advisory Committee on Juvenile  
Justice and Delinquency Prevention:**  
**2019 Compliance Monitoring**

Annual Report  
Released **TBD** 2020



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- Ricardo Goodridge** ..... Deputy Director, Corrections Planning & Grant Programs
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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 (JJDP) of 1974 (as amended in 2002 and 2018), which is the enabling legislation for both the Title II formula grants and the state's juvenile justice advisory group.<sup>1</sup> 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.

A requirement for compliance with the JJDP 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 JJDP core requirements (those specifically related to compliance monitoring).<sup>2</sup> The fourth core requirement (Racial and Ethnic Disparities) is addressed separately and is not a part of the annual report to the Governor and Legislature.

The core requirements relative to compliance monitoring are:

1. Deinstitutionalization of Status Offenders<sup>3</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.

2. Separation<sup>4</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>5</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.

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<sup>1</sup> 34 U.S.C. §§ 11131-11134.

<sup>2</sup> 34 U.S.C. § 11133(a)(3)(D)(ii).

<sup>3</sup> 34 U.S.C. § 11133(a)(11).

<sup>4</sup> *Id.* at (a)(12).

<sup>5</sup> *Id.* at (a)(13).

## **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 OJJDP.

Attachment A contains the BSCC's annual compliance monitoring report for the 2019 federal fiscal year reporting period, which runs from October 1, 2018 through September 30, 2019. Attachment B is a summary of violations of the core requirements since 2003.

California maintains compliance with the core requirements so long as the rate of violations does not exceed the "de minimus" number of violations as established by OJJDP. OJJDP recalculates standards for compliance annually using a process described in federal regulation. States that report a rate at or below the standard are in compliance. States that report a rate exceeding the year's standards are out of compliance.

Data from the 2019 reporting period verifies that California remains in de minimus compliance with all three core requirements.

<b>Core Requirement</b>	<b>Federal Standard</b>	<b>California 2019 Rates</b>
<b>DSO</b>	4.87	0.10
<b>Separation</b>	2.56	0.00
<b>Jail Removal</b>	5.40	1.10

*Note: OJJDP develops standard rates of compliance per 100,000 juvenile population.*

California has remained in compliance because its number of JJDP violations decreased from the previous year (see Attachment B). In comparing the 2018 and 2019 reporting periods, DSO violations decreased by 70 percent from 30 violations to nine. This sharp decrease occurred in local juvenile hall and camp facilities. For the nine DSO violations that did occur, the most common reasons reported to the BSCC were:

- Holding California runaways;
- Holding youth who posed a danger to self or others; and
- Applying 5150 holds.

In fact, these three most common reasons were also reported to the BSCC in the previous year. Taken together, the continued occurrence of DSO violations in juvenile halls for these reasons indicate the local need for training and technical assistance on dealing with youth who are California runaways or who pose a danger to themselves or others.

In FY 2019, Separation violations remained zero.



Between FY 2018 and FY 2019, the number of Jail Removal violations decreased by 3 percent; specifically, by 3 violations from 103 to 100. There were 80 violations that occurred in adult jails and lockup facilities. For these violations, the most common reasons reported to the BSCC were:

- Waiting for Live Scan delays;
- Conducting extensive interviews; and
- Holding youth who posed a danger to self or others.

A closer look at these violations show that there were 33 jail removal violations due to Live Scan delays in a single county whereas over 30 violations were due to extensive interviews in two other counties. Put differently, three counties accounted for most of the Jail Removal violations in the whole state. The consistent occurrence of violations indicates the need for specific and targeted training and technical assistance for agencies in the three counties.

Overall, California's rates of JJDPa violations have been on a downward trend since 2003. DSO violations have decreased by 86 percent and Jail Removal violations by 25 percent, whereas Separation violations remain isolated incidents with zero occurrences since 2014. (see Attachment B). Even as the number of law enforcement facilities continues to increase each year, the rates continue to decline. Nevertheless, the BSCC must continue its efforts to maintain compliance.

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

To maintain compliance, the BSCC identifies barriers to compliance and develops strategies on an on-going and annual basis.

<b>Barrier</b>	<b>Strategy</b>
<b>The volume of admissions to juvenile detention facilities, adult jails and lockups makes it difficult for the BSCC to review all appropriate data outside of the biennial inspection cycle.</b>	The BSCC reviews and improves its data collection process on an annual basis.
<b>The sheer number of facilities in California (nearly 1,200) makes it difficult to verify all appropriate data annually on-site.</b>	The SACJJDP approved an increase in funds allocated to compliance monitoring and the BSCC hired an additional retired annuitant to conduct compliance monitoring.
<b>The turnover in local correctional staff creates a gap of knowledge with respect to core requirements in some facilities; constant training is required.</b>	<p>Because of the BSCC's strategies from the previous year, some local agencies have taken the initiative to inform the BSCC when local staff changes and have supplied BSCC with updated contact information.</p> <p>The BSCC continues to provide on-going technical assistance to law enforcement agencies and probation departments, both general and targeted.</p> <p>The BSCC staff continues to staff provide 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.</p>



<p><b>The addition of new BSCC staff</b></p>	<p>The BSCC continues to provide general and tailored training to FSO staff, focusing on the applicability of core requirements at different facilities.</p> <p>BSCC revises its compliance monitoring manual on an annual and on-going basis.</p> <p>BSCC formalized its policy and procedures regarding collocated facilities.</p> <p>BSCC formalized an enhanced inspection process.</p>
<p><b>The FFY 19 data shows decreased DSO violations in juvenile halls and camps. However, many runaway youth and youth who posed a danger to self and others were still held securely.</b></p>	<p>The BSCC should provide technical assistance to juvenile facilities dealing with youth who are California runaways or who pose a danger to themselves or others.</p> <p>While the BSCC does not have authority over local alternatives to secure detention, the BSCC should collaborate with subject matter experts, including its SACJJDP, to determine useful training tools for juvenile facility staff and possible alternatives to holding youth securely, as well as other strategies.</p>
<p><b>The FFY 19 data shows increased Jail Removal violations of status offenders and nonoffenders in lockups and continued violations in three counties</b></p>	<p>The BSCC should provide specific and targeted technical assistance to the three counties that continue to violate core requirements.</p> <p>The BSCC should collaborate with local juvenile justice commissions.</p>

## **SACJJDP RECOMMENDATIONS**

The SACJJDP recommends that the Governor and Legislature continue to support the BSCC's approach to compliance monitoring, including strategies to overcome the barriers mentioned above. The SACJJDP bases its recommendation on the decreasing violation rates and the continuous training and technical assistance BSCC provides to the field.

The SACJJDP also recommends that BSCC update the 3-Year Plan for the application of the federal Title II Formula Grants program, highlighting California's effort and commitment to maintaining compliance with the core requirements.

## **ATTACHMENTS:**

- A: OJJDP California Compliance Data Collection FFY 2019
- B: Summary of California Violations of JJDPA Since 2003

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