



**U.S. Department of Justice**

Office of Justice Programs

*Office of Juvenile Justice and Delinquency Prevention*

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*Office of the Administrator*

*Washington, D.C. 20531*

August 12, 2020

Kathleen Howard  
Executive Director  
California Board of State and Community Corrections  
2590 Venture Oaks Way  
Sacramento, CA 95833

Dear Ms. Howard:

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of California's federal fiscal year 2020 Compliance and Racial and Ethnic Disparities (RED) Plans, and its compliance data and supporting documentation covering the federal fiscal year 2019 reporting period. OJJDP conducted the review to determine (1) whether California has described an effective system of monitoring, and (2) the extent of California's compliance with the four core requirements pursuant to Section 223(a)(11), (12), (13), and (15) of the Juvenile Justice and Delinquency Prevention Act (the Act) as amended.

Based on our review and analysis of your 2020 compliance plan in the category 1 submission and your compliance monitoring report in the category 2 submission, OJJDP has determined that California has provided for an effective system of monitoring. This is not a determination that California, in fact, has an effective system of monitoring, which can be determined only through an onsite audit, but indicates that the state has described an effective system of monitoring, pursuant to section 223(a)(14), including the submission of compliance data for at least 85% of facilities in the State required to report data. (*See* 28 C.F.R. § 31.303(f)(5)).

California is hereby advised, however, that on the basis of the onsite compliance audit conducted from May 13 to 17, 2019 (still under review), a determination has not yet been made whether the State had an adequate system of monitoring at the time of the audit, which conclusion may adversely affect any determination that the State currently has provided for an effective system of monitoring for purposes of the FY 2020 award.

Based on our review and analysis of the federal fiscal year 2019 Compliance Monitoring Report and the 2020 RED Plan, OJJDP has determined:

- California is in compliance with Section 223(a)(11) of the Act (the deinstitutionalization of status offenders or DSO requirement).

- California is in compliance with Section 223(a)(12) of the Act (the separation requirement).
- California is in compliance with Section 223(a)(13) of the Act (the adult jail and lockup removal requirement).
- California is in compliance with Section 223(a)(15) of the Act (the racial and ethnic disparities or RED requirement).

Under the Title II Formula Grants Program of the Juvenile Justice and Delinquency Prevention Act, as amended (34 U.S.C. §§ 11131-11133), each eligible state receives 20 percent of its total fiscal year allocation and an additional 20 percent for each of the four core requirements with which the state has demonstrated compliance. OJJDP has determined that California is eligible to receive 100 percent of the fiscal year 2020 allocation related to participation in the Title II Formula Grants Program and compliance with Sections 223(a)(11), (12), (13), and (15) of the Act (34 U.S.C. § 11133(a)(11), (12), (13), and (15)). The enclosure summarizes the basis for the final compliance determination for each core requirement.

We are available to help California achieve and maintain compliance with all of the requirements of the Title II Formula Grants Program. If you have any questions, please contact your OJJDP State Relations and Assistance Division Program Manager, Ricco Hall at (202) 616-3807 or [Ricco.Hall@usdoj.gov](mailto:Ricco.Hall@usdoj.gov).

Sincerely,

Caren Harp  
OJJDP Administrator

cc: Rachel R. Rios  
State Advisory Group Chairperson

Timothy J. Polasik  
Juvenile Justice Specialist/ RED Coordinator

Eloisa R. Tuitama  
Compliance Monitoring Coordinator

Enclosure

## **STATUS OF COMPLIANCE**

### **Juvenile Justice and Delinquency Prevention Act, as amended**

#### **Section 223(a)(11)**

Pursuant to the requirements of Section 223(a)(11) of the Act (deinstitutionalization of status offenders), OJJDP has determined that California has an institutionalization rate of .10 status offenders and nonoffenders held per 100,000 persons under the age of 18. This is consistent with the established standard of a rate not in excess of 4.87 per 100,000 persons under the age of 18. Based on federal fiscal year 2019 data that California has provided, OJJDP has determined that California is in compliance with the requirements of Section 223(a)(11) of the Act, which requires that states not place (with certain exceptions) status offenders and nonoffenders in secure detention and correctional facilities.

#### **Section 223(a)(12)**

Pursuant to the requirements of Section 223(a)(12) of the Act (separation), OJJDP has determined that California has a rate of 0.00 juveniles per 100,000 juvenile population who were detained or confined in institutions in which they had contact with adult inmates. This is consistent with the established standard of a rate not in excess of 2.56 per 100,000 juvenile population. Based on federal fiscal year 2019 data that California has provided, OJJDP has determined that California is in compliance with Section 223(a)(12), which requires that states not detain or confine juveniles in any institution in which they have contact with adult inmates and that the state has a policy in effect requiring individuals who work with both juvenile and adult inmates, including in collocated facilities, to be trained and certified to work with juveniles.

#### **Section 223(a)(13)**

Pursuant to the requirements of Section 223(a)(13) of the Act (jail removal), OJJDP has determined that California has a rate of 1.10 juveniles detained or confined in adult jails or lockups per 100,000 juvenile population. This is consistent with the established standard of a rate not in excess of 5.40 per 100,000 juvenile population. Based on federal fiscal year 2019 data that California has provided, OJJDP has determined that California is in compliance with Section 223(a)(13), which requires that states not detain or confine (with certain exceptions) juveniles in adult jails and lockups and that the state has a policy in effect requiring individuals who work with both juvenile and adult inmates, in collocated facilities, to be trained and certified to work with juveniles.

#### **Section 223(a)(15)**

OJJDP has determined that California is in compliance with section 223(a)(15) of the Act (racial and ethnic disparities). The summary of activities described in its federal fiscal year 2020 state plan indicates that California is addressing racial and ethnic disparities within its juvenile justice system.