



JJDPA Compliance Monitoring Manual

2020

Eloisa Tuitama, Compliance Monitor &
Ginger Wolfe, Standards and Compliance Officer

STATE OF CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS

2590 VENTURE OAKSWAY, STE 200 ♦ SACRAMENTO CA 95833 ♦ WWW.BSCC.CA.GOV



Table of Contents

Introduction	1
1. Compliance Monitoring Plan	3
2. Monitoring Authority	4
2.0A California’s Monitoring Authority and Consequences for Noncompliance	5
2.0B Sample Email of Introduction.....	6
3. Key Definitions.....	7
3.0A Key Federal Definitions	8
3.0B Federal vs. California Definitions Chart	13
4. Monitoring Universe	16
4.1 Identification.....	17
4.1A Annual Survey of Law Enforcement Facilities	20
4.1B Annual Survey of Juvenile Detention Facilities.....	21
4.2 Classification.....	22
4.2A Classification Chart	24
4.2B BSCC Classification Flowchart.....	26
4.3 Inspection.....	27
4.3A CM Report Template	31
4.3B Sample CM Report.....	32
4.3C Tool: JJDP A Secure vs. Nonsecure	34
4.3D Tool: JJDP A Compliance in Adult Jails & Lockups.....	35
4.3E Tool: JJDP A Compliance in Juvenile Halls & Camps	36
5. Violation Procedures	37
6. Data Collection and Verification	38

Introduction

“It’s never wrong to do the right thing.”

-B. Brown

The Board of State and Community Corrections (BSCC) is the designated state agency to monitor compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP) within the State of California.¹ The BSCC was established on July 1, 2012 as an entity independent of the Department of Corrections and Rehabilitation. Prior to the BSCC’s formation, the authority rested initially with the Board of Corrections and then the Corrections Standards Authority.

With the creation of the BSCC, California law abolished the Corrections Standards Authority and specifically named the BSCC as the successor entity. Any statutory references made to the Board of Corrections or the Corrections Standards Authority refers to the BSCC, which is now vested with all the prior entity’s rights, powers, authority, and duties.² California law establishes that the BSCC’s authority encompasses all matters related to the JJDP, including grant administration, inspection, and data collection.

The JJDP is the only federal law that focuses on improving juvenile justice systems, while shaping how states deliver juvenile justice to youth and their communities. Among its many key components, the JJDP provides funding to state and local juvenile justice and delinquency prevention programs. The JJDP also establishes federal minimum standards for the protection, safety, care, and treatment of all youth who have contact with juvenile justice systems. These standards are more commonly known as the JJDP’s Core Requirements, which are:

1. Deinstitutionalization of Status Offenders (DSO);
2. Separation;

¹ The full text of the JJDP may be found at <http://www.ojdp.gov/compliance/jjact.pdf>

² Cal. Pen. Code § 6024(a) and (e) (2018).

3. Jail Removal; and
4. Racial and Ethnic Disparities (R.E.D.).³

BSCC's Facility Standards and Operations Division (FSO) monitors law enforcement facilities' compliance with DSO, Separation, and Jail Removal. In carrying out this task, FSO has developed and maintained a system for compliance monitoring.

The purpose of this manual is three-fold. First, the manual is BSCC's policies and procedures for compliance monitoring. Second, it is required by the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP), which is the federal administrative agency that oversees the implementation of the JJDPA. Last, this manual provides clarity on how California ensures compliance with the JJDPA.

Additional information on compliance monitoring may also be found at:

<http://www.bscc.ca.gov/compliancemonitoring/>.

³ R.E.D. is formerly known as Disproportionate Minority Contact (DMC). The BSCC's grants division funds and monitors the R.E.D. programs.

1. Compliance Monitoring Plan

Date Issued: January 2019
Last Reviewed: July 2019
Related OJJDP Regulations: 28 C.F.R. § 31.303 – Substantive requirements
Related California authority (if any): n/a

Policy:

The policies and procedures described in this manual shall constitute the BSCC's compliance monitoring plan for the State of California as required by the JJDPA's Title II State Plan requirements. The manual provides guidance on how the BSCC conducts compliance monitoring. It also incorporates OJJDP's requirements for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that the JJDPA core requirements are met.

Procedures:

1. The BSCC reviews the manual on an annual basis.
2. FSO Division is responsible for the annual review.
3. The Compliance Monitor is responsible for any updates or modifications as needed.
4. FSO Deputy Director retains final review and approval.

2. Monitoring Authority

Date Issued:	January 2019
Last Reviewed:	July 2019
Related OJJDP Regulations:	28 C.F.R. § 31.101 – Designation of state agency
Related California authority (if any):	Cal. Pen. Code § 6024 Cal. Welf. & Inst. Code § 209(f).

Policy:

Pursuant to section 223(a)(2) of the JJDP, each designated state agency must have authority to fully implement its Title II State Plan, including an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that the JJDP core requirements are met.

Procedures:

1. The BSCC is the designated state agency for compliance with the JJDP.
2. Penal Code section 6024 establishes the BSCC as an independent agency and vests the BSCC with all the rights, power, authority, and duties as the successor entity to the abolished Corrections Standards Authority and its predecessor, the Board of Corrections.
3. The rights, power, authority, and duties extend to all matters related to the JJDP, including the power to inspect and collect relevant data from any facility that may be used for the secure detention of minors pursuant to Welfare and Institutions Code section § 209(f).

Attachments:

California's Monitoring Authority and Consequences for Noncompliance
Sample email of introduction

2.0A California's Monitoring Authority and Consequences for Noncompliance

The Board of State and Community Corrections (BSCC) is an independent statutory state agency that provides leadership to local adult and juvenile justice systems.

Among its many responsibilities and duties, the BSCC also has authority regarding the detention of juveniles or minors, such as, but not limited to:

- Developing minimum standards for local juvenile facilities⁴;
- Conducting biennial inspections of jails, juvenile hall, lockups, and special purpose juvenile halls⁵;
- Inspecting any law enforcement facility that contains a lockup for adults and may not be in compliance with section 207.1⁶;
- Collecting and reviewing information on the secure detention of status offenders⁷;
- Inspecting and collecting data from any facility that may be used for the detention of juveniles or minors.⁸

The BSCC also has the authority to inspect and develop minimum standards for local adult detention facilities, which includes the treatment of juveniles or minors held in adult facilities and court holding facilities.⁹

Section 209 of the Welfare and Institution Code addresses the consequences for noncompliance. Generally, if a facility, such as a juvenile hall, special purpose juvenile hall, or lockup that holds juveniles for more than 24 hours, or any law enforcement facility that contains a lockup for adults, is found to be noncompliant with applicable laws and standards, then the BSCC may determine such a facility as unsuitable for the confinement of juveniles, and it must remain closed to juveniles until the operating agency remedies the noncompliance issues and the BSCC conducts a reinspection to determine that the facility is compliant with applicable laws and standards.

⁴ Cal. Welf. & Inst. Code § 209; 210; 210.2; and 885. All statutory references are to the California Welfare & Institution Code unless otherwise noted.

⁵ § 209(a)(3).

⁶ § 209(b)(1).

⁷ § 207(e).

⁸ § 209(f).

⁹ Cal. Pen. Code § 6030(a) and § 6031.

2.0B Sample Email of Introduction

Re: BSCC Inspection Request – JJDP A Compliance Monitoring

Dear [Facility Contact]:

The Board of State and Community Corrections (BSCC) is the designated state agency to monitor compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP A). Cal. Wel. & Inst. Code § 209(f) (2018). I would like to visit the [Facility Name], located at [Facility Address] on [Preferred Date(s)] preferably [Preferred Time or Time Frame].

Before the inspection, please email me:

- a copy of your department's policy and procedures on minors in detention. This will expedite the review process.
- Copy of facility layout, such as a fire escape plan.

On the date of the inspection, I will:

- Review detention logs (Specify time frame).
- Review most recent Annual Survey of Law Enforcement Facilities. A blank copy is attached for your convenience.
- Tour relevant areas.
- Discuss your department's practice of minors in detention.

The inspection will not involve any California minimum standards. I will be solely monitoring for compliance with the JJDP A. Attached is a copy of the last inspection to give you a better idea of the scope of the visit.

Sincerely,

[BSCC Signature Block]

3. Key Definitions

Date Issued: January 2019
Last Reviewed: July 2019
Related OJJDP Regulations: 28 C.F.R. §§ 31.303 – 31.304
Related California authority (if any): n/a

Policy:

The JJDPA requires the use of federal definitions for compliance monitoring.

Procedures:

1. The BSCC uses federal definitions in all aspects of its compliance monitoring system.
2. The attachment includes the key federal definitions listed in the annual OJJDP Compliance Monitoring Reporting Tool.
3. The attachment is reviewed annually and updated as needed to reflect any changes implemented through federal law, regulations, or OJJDP policy.

Attachments:

Key Federal Definitions
Federal vs. California Definitions Chart

3.0A Key Federal Definitions

Adult Inmate:

Means an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense.

Adult Jail or Lockup:

Means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults for the following reason:

- Pending the filing of a charge of violating a criminal law
- Awaiting trial on a criminal charge, OR
- Convicted of violating a criminal law

Collocated Facility:

A collocated facility is a juvenile facility located in the same building as an adult jail or lockup, or is part of a related complex of buildings located on the same grounds. A collocated facility must comply with additional separation requirements:

1. Separation between juveniles and adults;
2. Separate programs;
3. Separate staff; and
4. Meet state standards.

Contact:

Means the degree of interaction allowed between juvenile offenders in secure custody and incarcerated adults. As per the 28 C.F.R. § 31.303(d)(1)(i), the term contact is defined to include any physical or sustained sight and sound contact between juveniles in secure custody and incarcerated adults, including inmate trustees. Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is defined as direct oral between incarcerated adults and juvenile offenders.

Court Holding Facility

Means a secure facility other than an adult jail or lockup used to temporarily detain persons immediately before or after detention hearings or other court proceedings. Court holding facilities, which do not detain individuals overnight, are not used for punitive purposes, are not considered adult jails or lockups.

Criminal-type offender:

Means a juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.

Detain or confine:

This phrase is a OJJDP regulatory created definition for the term “placed,” which appears in the DSO requirement. It means to hold, keep, or restrain a person such that he is not free to leave, or such that a reasonable person would believe that he is not free to leave, except that a juvenile held by law enforcement solely for the purpose of returning him to his parent or guardian or pending his transfer to the custody of child welfare or social service agency is not detained or confined within the meaning of this definition.

Facility:

Means a place, institution, building or part thereof, set of buildings, or an area whether or not enclosing a building or set of buildings, which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

Inspection:

The JJDPA requires the inspection of facilities because it is necessary to ensure an accurate assessment of each facility’s classification and recordkeeping. There are two main objectives of a compliance monitoring inspection. The inspection must include a review of the physical accommodations to determine whether it is a secure or nonsecure facility or whether sight and sound separation between juvenile and adult offenders exists. It must also include a review of the recordkeeping system to determine whether sufficient data are maintained to determine compliance with the JJDPA core requirements.

Institution¹⁰:

A secure facility that is used by law enforcement or a juvenile or criminal justice authority to detain or confine juveniles or adult inmates:

Accused of having committed a delinquent or criminal offense
Awaiting adjudication or trial for the delinquent or criminal offense, OR
Found to have committed a delinquent or criminal offense

Juvenile Offender:

¹⁰ Dept. of Justice, Juvenile Justice and Delinquency Prevention Act Formula Grant Program, 82 *Federal Register* 4,787 fn. 4 (Jan. 17, 2017).

Means an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by state law, i.e., a criminal-type offender or a status offender.

Lawful Custody:

Means the exercise of care, supervision, and control over a juvenile offender or nonoffender pursuant to the provisions of the law or a judicial order or decree.

Maximum age of extended juvenile court jurisdiction:

Means the age above which a juvenile court may no longer exercise jurisdiction under state law.

Monitoring Universe:

The phrase “monitoring universe” is a term of art used in the compliance monitoring field that refers to public and private facilities in a state in which law enforcement or juvenile court authority may detain or confine juveniles and/or adult inmates.

Placed or placement:

Refers to what has occurred:

1. When a juvenile charged with a status offense:
 - a. Is detained or confined in a secure correctional facility for juveniles or a secure detention facility for juveniles;
 - (1) For 24 hours or more before an initial court appearance;
 - (2) For 24 hours or more following an initial court appearance; or
 - (3) For 24 hours or more for investigative purposes or identification;
 - b. Is detained or confined in a secure correctional facility for adults or a secure detention facility for adults or with respect to any situations not described in paragraph (1) or (2) of this definition, is detained or confined pursuant to a formal custodial arrangement that a court has ordered or other entity authorized by stated law to make such an arrangement; or
2. When a juvenile who is not charged with any offense, and who is an alien or alleged to be dependent, neglected, or abused, is detained or confined in a secure correctional facility for juveniles of adults or a secure detention facility for juveniles or adults.

Related complex of buildings:

Means two or more buildings that share (1) physical features, such as walls and fences or services beyond mechanical services (heating, air conditioning, water and sewer or (2) specialized services, such as medical care, food service, laundry, maintenance, and engineering.

Residential:¹¹

Means equipped with beds, cots, or sleeping quarters and has the capacity to provide for overnight accommodation for juveniles or adults who are accused of committing or who have committed an offense.

Secure:

Facilities that include construction features designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

Secure Correctional Facility

Facilities that construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility and is used for the temporary placement after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or of any other individual convicted of a criminal offense.

Secure Detention Facility:

Means any public or private residential facility which, includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and is used for the temporary placement of any juvenile who is accused of having committed an offense or of anything other individual accused of having committed a criminal offense

State:

Means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Status Offender:

Means a juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

Twenty-four hours:

Means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days in which the courts in a jurisdiction otherwise are closed.

¹¹ Dept. of Justice, Office of Justice Programs, 61 *Federal Register* 65,132 (Dec. 10, 1996).

Valid court order:

Means a court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.

Verification:

Pursuant to OJJDP policy, verification refers to the on-site and in-person confirmation of what a facility reported is true and accurate. Verification applies to the monitoring of nonsecure facilities.

3.0B Federal vs. California Definitions Chart

Federal Term	Federal Citation	California Comparable terms and citations
Adult Inmate	34 U.S.C. § 11103(26)	
Adult Jail	28 C.F.R. § 31.304(m)	An adult jail is a type of local detention facility in California. Specifically, an adult jail is defined as a Type II facility, which is used for persons pending arraignment, during trial, or awaiting sentencing, or as a Type III facility, which is used for persons convicted and sentenced. Pen. Code § 6031.4; 15 C.C.R. § 1006.
Adult Lockup	28 C.F.R. § 31.304(n)	In contrast to a jail, a lockup facility is a type of law enforcement facility, which has a locked room or secure enclosure under the control of a peace officer. WIC § 207.1(d)(3); 15 C.C.R. § 1006.
Court Holding Facility	Policy Guidance for Nonsecure Custody of Juveniles in Adult Jails and Lockups, 53 Fed. Reg. 44,367 - 68 (Nov. 2, 1988).	A court holding facility is a type of local detention facility that is within a court holding after 1978 and used for the confinement for a court appearance. Pen. Code § 6031.4; 15 C.C.R. § 1006.
Collocated Facility	28 C.F.R. § 31.303(e)(3)	California law essentially mirrors the JJDPA's four criteria. WIC § 207.1(h) (requiring 1) separation; 2) separate programming; 3) separate staffing; and 4) compliance with state minimum standards).
Deinstitutionalization of Status Offenders (DSO)	34 U.S.C. § 11133(a)(11)	California law prohibits the secure detention of minors, victims, dependents, and other nonoffenders, as well as status offenders. WIC § 206; § 207.
Jail Removal	34 U.S.C. § 11133(a)(13)	California law prohibits the detention of juveniles exceeding 6 hours. WIC § 207.1(d).

Federal Term	Federal Citation	California Comparable terms and citations
Juvenile		The age of majority in California is 18 years old. Counties determine whether transitional aged youth are housed with juveniles based on many factors. California law allowed five specific counties to establish a pilot program and operate as colocated facilities, where young adults, age 18 – 20, could be housed and receive services in the juvenile hall if the young adult met specific requirements.
Juvenile accused	28 C.F.R. § 31.304(d)	California law establishes that any juvenile between ages 12 and 17 who violates any law other than curfew ordinances based on age is under the jurisdiction of the juvenile court. This section does not apply to juveniles who commit serious juvenile offenses unless the juvenile is under 12 years of age.
Juvenile adjudicated	28 C.F.R. § 31.304(e)	Same as juvenile accused.
Nonoffender	28 C.F.R. § 31.304(i)	In California, a nonoffender is any minor described in WIC section 300, such as a dependent of the court.
Nonsecure	Policy Guidance for Nonsecure Custody of Juveniles in Adult Jails and Lockups, 53 Fed. Reg. 44,367 (Nov. 2, 1988).	Nonsecure means that a juvenile's freedom of movement in a law enforcement facility is controlled by staff AND 1) under direct visual observation; 2) not locked in a room or enclosure; and 3) not physically secured to a cuffing rail or other stationary object. 15 C.C.R. § 1006.
Secure	28 C.F.R. § 31.304(b)	Secure means that a juvenile is held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object. 15 C.C.R. § 1006.

Federal Term	Federal Citation	California Comparable terms and citations
Secure Juvenile Correctional Facility	34 U.S.C. § 11103(13)	A juvenile camp is a type of juvenile facility for post-adjudicated youth, and it can mean a camp, ranch, forestry camp or boot camp. WIC § 881; 15 C.C.R. § 1302.
Secure Juvenile Detention Facility	34 U.S.C. § 11103(12)	<p>A juvenile hall is a type of juvenile facility for the reception and care of wards or dependent children under juvenile court. WIC § 850; 15 C.C.R. § 1302.</p> <p>A special purpose juvenile hall is a type of juvenile facility for the temporary confinement of a youth, not to exceed 96 hours, prior to transfer to a juvenile hall or release.</p>
Separation	34 U.S.C. § 11133(a)(12); 28 C.F.R. 31.303(d)(1)(i)	<p>California law also prohibits contact between juveniles and adults. WIC § 208. Regulations define contact as any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults, whereas sight contact is clear visual contact and sound contact is direct oral communication. 15 C.C.R. § 1006.</p> <p>Regulation requires facilities to develop policy and procedures regarding separation. 15 C.C.R. § 1144.</p>
Status Offender	28 C.F.R. 31.304(h)	A status offender is a juvenile between ages 12 and 17, who has committed offenses such truancy or curfews. WIC § 601.
Valid Court Order	28 C.F.R. § 31.304(o)	California law prohibits status offenders, who are found in contempt of court, from being placed in secure detention. See Senate Bill 1296; Cal. Code Civ. Pro. § 1219(c); WIC § 601(b).

4. Monitoring Universe

“My universe is my eyes and my ears. Anything else is hearsay.”

- D. Adams

The phrase “monitoring universe” is a term of art commonly used in the compliance monitoring field. It refers to all the facilities in a state or territory in which law enforcement or juvenile court authority may detain juveniles and/or adult inmates. It takes many skilled individuals working closely together to properly identify, classify, and inspect and verify whether a facility belongs in the monitoring universe, especially for California’s vast monitoring universe.

This section of the manual describes the BSCC’s process of identifying, classifying, and inspecting facilities within California’s monitoring universe.

4.1 Identification

Date Issued: January 2019
Last Reviewed: July 2019
Related OJJDP Regulations: 28 C.F.R. § 31.303(f)(1)(i)(A)
Related California authority (if any): n/a

Policy:

OJJDP requires that states identify all facilities that might detain juveniles and adult inmates pursuant to law enforcement or juvenile court authority.

Procedures:

A. Many BSCC staff are involved in the identification of facilities.

1. Deputy Director:

Oversees all aspects of the Facility Standards and Operations Division (FSO), which is responsible for establishing minimum standards for local adult and juvenile detention facilities, conducting biennial inspections pursuant to state standards, providing technical assistance to state and local agencies, conducting compliance monitoring pursuant to the JJDP, and collecting relevant data from law enforcement facilities.

2. Standards and Compliance Officer/Staff Manager:

Manages all aspects of the collection and analysis of compliance monitoring data. Supervises and oversees the retired annuitants and analysts. Supervises the annual update of the Compliance Monitoring Universe in January of each year; in February, annually updates list of facilities BSCC does not have monitoring authority for (group homes, youth correctional facilities, adult prisons) by contacting responsible agencies (California Department of Corrections and Rehabilitation, California Department of Social Services). Assists in the preparation and submission of the CM Plan and CM Data to OJJDP, as well as the Annual SACJJDP Report to the Governor and Legislature.

3. Compliance Monitor:

Assists in the preparation and submission of OJJDP applications. Develop, maintain, and revise the CM Plan and Policy and Procedures Manual. Compile and analyze data for CM data submission to OJJDP. Conduct compliance monitoring inspections and verifications. Provide training and technical assistance as needed.

4. Retired Annuitant(s) (RA):

Function as additional compliance monitors.

5. Field Representatives:

Assigned to certain populations and counties. Primarily conduct on-site inspections pursuant to state law and state regulations. Conduct compliance monitoring of applicable facilities within their assigned counties.

6. Compliance Monitoring Analyst (CM analyst):

Collects and enters data of annual survey responses and monthly reports. Maintains the CM database, as well as physical files. Annually updates the Compliance Monitoring Universe by way of the Annual Survey of Law Enforcement Facilities, distributed to every local law enforcement agency (except juvenile probation) in the state of California in January of each year. Updates Compliance Monitoring Universe as needed throughout the year when facility updates become known through Compliance Monitors, Field Representatives, facility staff, etc. Communicates with reporting facilities as necessary. Assists in the preparation of federal and state reports. Communicates with reporting facilities as necessary.

7. Status Offenders and Federal Youth Analyst (SOFY analyst):

Collects and analyzes data related to status offenders and federal youth. Develops and maintains electronic records and tracking of all local juvenile and adult facilities. Annually updates the Compliance Monitoring Universe by way of the Detention of Non-Delinquents in Juvenile Detention Facilities Calendar Year Annual Survey, distributed to California's local juvenile detention agencies in January of each year. Updates Compliance Monitoring Universe as needed throughout the year when facility updates become known through Compliance Monitors, Field Representatives, facility staff, etc. Assists in the preparation of federal and state reports. Communicates with reporting facilities as necessary.

B. The BSCC's compliance monitoring system uses four sources for the annual and ongoing identification of facilities that might detain or confine juveniles:

1. Annual Survey:

The Monitoring Universe is formally updated once a year through the distribution of annual surveys to all law enforcement agencies and probation departments. Surveys are distributed in January each year. The analysts review submitted surveys, compare to past data and inspection reports, update facility information, and if needed, contact facility reporter or Compliance Monitor to determine if a change in classification is necessary. Under California law, facilities must participate and respond relative to their classification.

2. On-site inspections:

FSO learns of facilities that might detain or confine juveniles from information observed, gathered, or found from on-site inspections conducted by the Compliance Monitor, Retired Annuitants, and Field Representatives. Additionally, pursuant to PC §6029, BSCC Field Representatives are required to review plans and specifications for secure facilities for compliance with Minimum Standards. As facilities are planned and constructed, they are appropriately added to the Compliance Monitoring Universe.

3. Plan Review:

The BSCC is responsible for review and approval of all local adult and juvenile detention facility construction, reconstruction, remodeling, or repair project plans that exceed a cost of \$15,000 (Cal. Pen. Code § 6029). Occasionally, FSO may learn of new or remodeled facilities during plan review, either from an internal process or from BSCC's County Facilities Construction (CFC) Division, which works in collaboration with state and local government agencies in administering financing for local adult and juvenile detention facility construction projects.

4. Law Enforcement Associations:

FSO may learn of new or remodeled facilities from BSCC's participation in various law enforcement associations, such as the California State Sheriff's Association, Chief Probation Officers of California, COPSWEST, USACOPS.com, Department of Social Services, and so forth.

Attachments:

Sample Annual Survey of Law Enforcement Facilities
Sample Annual Survey of Juvenile Detention Facilities

4.1A Annual Survey of Law Enforcement Facilities

**CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS
ANNUAL SURVEY OF LAW ENFORCEMENT FACILITIES – CALENDAR YEAR 2019**

Please see Monitoring Authority on reverse side

THIS IS A REQUIRED SUBMISSION DUE MARCH 31, 2019

SECTION I. Facility Identification

Agency Name:		Date:	
Facility Name:			
Facility Street Address:			
City:		Zip:	County:

SECTION II. Facility Operation

Adult Detention	1. Will ADULTS be <u>securely</u> held in this facility?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If YES, check ALL that apply:		
	<input type="checkbox"/> Locked Room	<input type="checkbox"/> Cell	<input type="checkbox"/> Cuffing Fixture <input type="checkbox"/> Other, explain _____

Juvenile Detention	2. Will JUVENILES be held in this facility?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If YES, check ALL that apply:		
	<input type="checkbox"/> Nonsecure	<input type="checkbox"/> Secure:	<input type="checkbox"/> Locked Room <input type="checkbox"/> Cell <input type="checkbox"/> Cuffing Fixture <input type="checkbox"/> Other, explain _____

Certification	If YES to Questions 1 AND 2 above (shaded areas), AND adults in detention are held in 1) Locked Room, 2) Cell, and/or 3) an area within secure perimeter, you must submit the Monthly Report on the Detention of Minors – Calendar Year 2019 each month AND check the box below.		
	<input type="checkbox"/>	By checking this box, the sheriff or chief of police certifies that the facility is in conformity with the regulations adopted by the Board of State and Community Corrections under WIC §210.2(a). (California Code of Regulations, Title 15, Article 9, Minors in Temporary Custody in a Law Enforcement Facility.)	

SECTION III. Contact Information

Name and Title of Reporting Person	Phone:	Date:
	E-Mail:	
Name and Title of Facility Administrator	Phone:	Date:
	E-Mail:	

Submit completed form **by email:** analyst@bscc.ca.gov
by fax: (916) 322-2461
by mail: Board of State and Community Corrections
 ATTN: Compliance Monitor Analyst
 2590 Venture Oaks Way, Ste. 200
 Sacramento, CA 95833

Questions? analyst@bscc.ca.gov or (916) 323-8621

This form may be downloaded at: http://www.bscc.ca.gov/s_fsoservices.php
 under the *Youth in Adult Detention Facilities* button.

4.1B Annual Survey of Juvenile Detention Facilities

	CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS DETENTION OF NON-DELINQUENTS IN JUVENILE DETENTION FACILITIES 2019 CALENDAR YEAR ANNUAL SURVEY
---	--

THIS IS A ONCE PER CALENDAR YEAR SURVEY AND IS DUE BY February 28, 2019
PLEASE COMPLETE ALL SECTIONS

SECTION I. Facility Information

Facility Name:	
County:	
Type of Facility:	<input type="checkbox"/> Juvenile Hall <input type="checkbox"/> Camp <input type="checkbox"/> Special Purpose Juvenile Hall

SECTION II. Status Offenders

PLEASE CHECK THE APPROPRIATE BOX FOR YOUR FACILITY:

YES*	NO	Please check "Yes" or "No" for the following question regarding status offenders as defined in Section 601, WIC:
<input type="checkbox"/>	<input type="checkbox"/>	This facility may hold status offenders, as defined in Section 601 WIC or non offenders during the calendar year 2019.

*If **YES**, please submit, upon the individual's release, a Status Offender and Non Offender Detention Report to the Board of State and Community Corrections (BSCC) for each status offender or non offender held. If a youth is detained for subsequent weekends, **please submit a separate report for each detention period.** Please notify the BSCC if your facility changes how it will handle status offenders during the 2019 calendar year.

If you are not sure that you will be holding status offenders or non offenders, but the potential exists, please indicate YES above. When such an individual is released, please submit a Status Offender and Non Offender Detention Report.

SECTION III. Federal Youth

PLEASE CHECK THE APPROPRIATE BOX FOR YOUR FACILITY:

YES*	NO	Please check the appropriate box for the following questions regarding youth held for the Federal Government:
<input type="checkbox"/>	<input type="checkbox"/>	This facility may hold Federal Youth during the calendar year of 2019.

*If **YES**, please submit, upon the individual's release, a Federal Youth Detention Report to the BSCC for each "Federal Government hold" youth. Please notify the BSCC if your facility changes how it will handle federal youth during the 2019 calendar year.

If you are not sure that you will be holding federal youth, but the potential exists, please indicate YES above. When a federal youth is released, please submit a Federal Youth Detention Report.

SECTION IV. Contact Information

PLEASE COMPLETE ALL OF THE FOLLOWING INFORMATION

Name and Title of Reporting Person	Phone: <input style="border: 1px solid red;" type="text"/>	Date: <input type="text"/>
	E-Mail: <input type="text"/>	
Name and Title of Facility Administrator	Phone: <input type="text"/>	Date: <input type="text"/>
	E-Mail: <input type="text"/>	

Submit completed form:

email: analyst@bscc.ca.gov
 fax: (916) 322-2461
 mail: Board of State and Community Corrections
 ATTN: FSO Report Analyst
 2590 Venture Oaks Way, Suite 200
 Sacramento, CA 95833

This form may be downloaded by clicking the
 Expand Button "Status Offenders and Federal Youth" at
http://www.bscc.ca.gov/s_fsoservices.php

Questions?

Contact Tameka Shedwin at analyst@bscc.ca.gov or
 (916) 323-9704

4.2 Classification

Date Issued:	January 2019
Last Reviewed:	July 2019
Related OJJDP Regulations:	28 C.F.R. § 31.303(f)(1)(i)(B)
Related California authority (if any):	n/a

Policy:

OJJDP requires each state to determine the federal classification of all facilities in its monitoring universe.

Procedures:

1. CM staff determines and reviews the federal and BSCC classification of all facilities in its monitoring universe on an annual and on-going basis.
2. The BSCC classification of local detention and law enforcement facilities is determined by California law and regulation. The attached BSCC California Classification Flowchart provides an overview of state's classification system.
3. Pursuant to the JJDPA and its regulations, the federal classification system involves four categories:
 - 1) Public versus private facility:
 - The BSCC is vested with power, authority, and duties over local adult and juvenile detention facilities, and law enforcement facilities,¹² which does not include private facilities.
 - 2) Serves juveniles or adults, or both populations;
 - 3) Residential versus nonresidential; and
 - 4) Secure versus nonsecure.
4. To determine whether a facility serves juveniles, adults, or both populations, CM staff relies upon three avenues of information:
 - 1) Law: Type I facilities are city adult facilities and Type II are county adult facilities, which both do not hold juveniles securely by operation of law.

¹² Cal. Welf. & Inst. Code § 209; 210; 210.2; and 885 (juvenile facilities); Cal. Penal. Code § 6030(a) and § (6031) (adult facilities).

- 2) Annual Survey: Staff may also initially classify a facility based on their response to the BSCC's Annual Survey of Law Enforcement Facilities.
 - 3) Inspection: Staff may confirm or update the population(s) served in facility through on-site inspection or verification.
5. To determine whether a facility is residential, staff relies on two sources:
 - 1) Law: Type I and II adult facilities, and Juvenile Halls and Camps are legally defined as residential facilities.
 - 2) Inspection: For all other law enforcement facilities, staff may confirm or update whether a facility is residential through on-site inspection or verification.
6. Last, to determine whether a facility is secure or nonsecure, staff will rely on two avenues:
 - 1) Annual Survey: Staff may initially classify a facility based on its response:
 - (1) If a facility reports that they will hold minors in SECURE detention, staff will initially classify it as a Secure Lock Up or "LU."
 - (2) If a facility reports that they will not hold minors in secure detention, staff will initially classify it as a Nonsecure Lock Up or "NS-LU."
 - (3) If a facility reports that they do not hold minors in any capacity, staff will initially classify it as a Nonsecure Lock Up or "NS-LU."
 - 2) Inspection: Staff will conduct an on-site inspection or verification of a facility to confirm or update the initial classification. For information on which facilities are subject to inspection or verification and how often, see **Section 4.3 Inspection**.
7. Final federal classification is at the discretion of the Compliance Monitor or Deputy Director.

Attachments:

Classification Chart
BSCC Classification Flowchart

4.2A Classification Chart

Each facility in the Compliance Monitoring Universe will be classified according to:

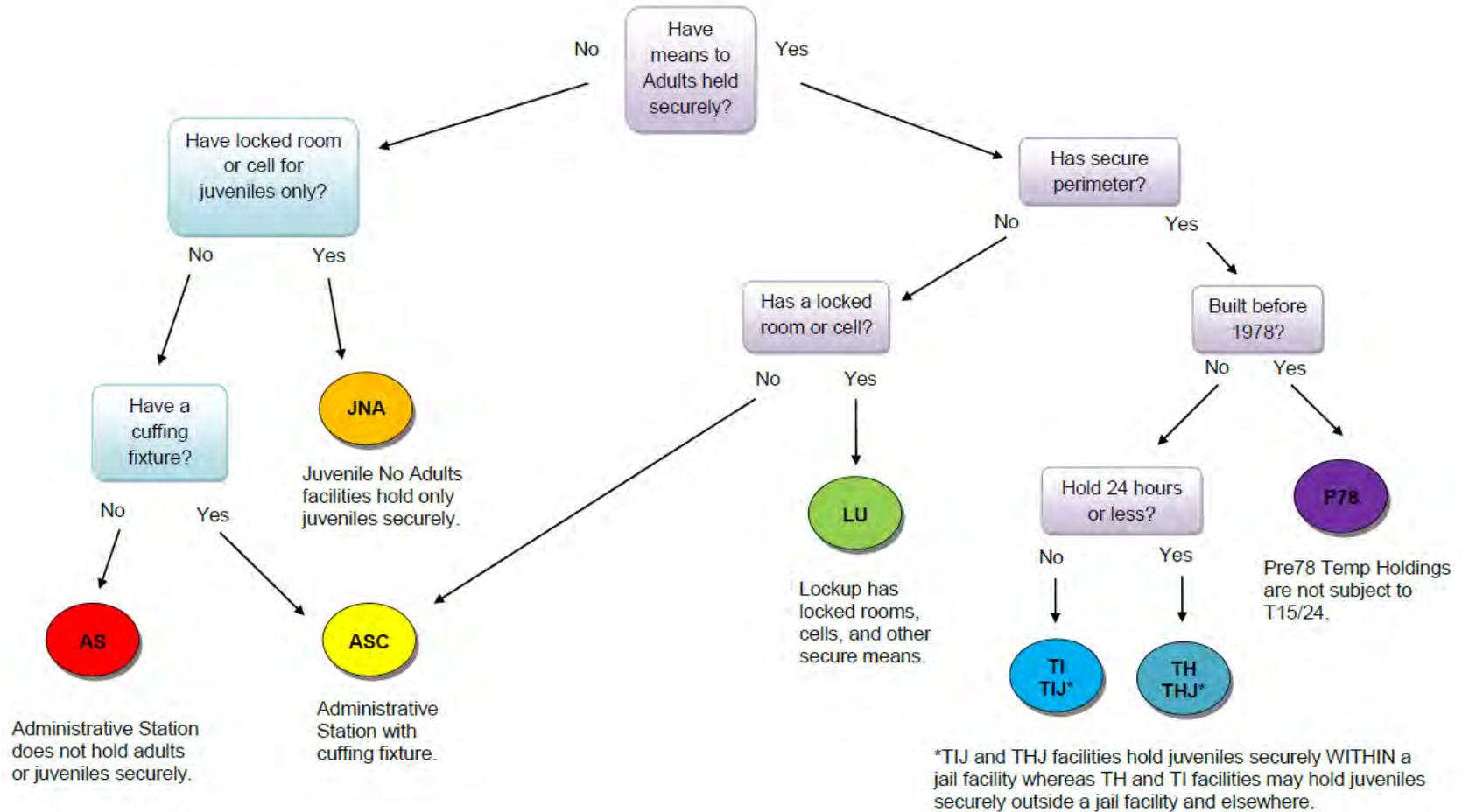
1. **BSCC Type** (California Type); and
2. **Fed Class** (Federal Classification)

BSCC Types		
AS	Administrative Station	Law enforcement facilities that do not have a locked room, cell, or cuffing fixture available.
ASC	Administrative Station with Cuffing Fixture	Law enforcement facilities that do not have a locked room or cell to hold adults, but do contain a cuffing fixture for the secure detention of adults.
LU	Lock Up	A room or secure enclosure (locked room or cell) under the control of the sheriff or other peace officer that is primarily for the secure detention of adults upon arrest. A LU is NOT a local detention facility according to Penal Code Section 6031.4 and does not contain a secure perimeter around the holding area.
JNA	Juvenile No Adults	A law enforcement facility that contains a secure holding area (locked room or cell) for JUVENILES ONLY. There is no secure holding of adults in such facilities.
P78	Pre 78 Temporary Holding Facility	A detention facility that holds prisoners for less than 24 hours, is similar in physical plant layout to a Temporary Holding Facility (contains a secure perimeter) with the exception that it was constructed prior to January 1, 1978.
TH	Temporary Holding Facility	A Temporary Holding Facility that will NOT hold minors in secure detention within the jail facility. These facilities may hold minors in secure detention elsewhere in the building.
THJ	Temporary Holding Facility (Juvenile)	A Temporary Holding Facility that will hold minors in SECURE detention WITHIN the jail facility.

TI	Type I Facility	A Type I Facility that will NOT hold minors in secure detention within the jail facility. These facilities may hold minors in secure detention elsewhere in the building.
TIJ	Type I Facility (Juvenile)	A Type I Facility that will hold minors in SECURE detention WITHIN the jail facility.

Fed Class		
LU	Lock Up	Facility will detain minors in SECURE detention in a locked room, cell, or on a cuffing fixture.
NS-LU	Non Secure Lock Up	Facility will NOT detain minors in secure detention.

4.2B BSCC Classification Flowchart



4.3 Inspection

Date Issued:	January 2019
Last Reviewed:	July 2019
Related OJJDP Regulations:	28 C.F.R. § 31.303(f)(1)(i)(C); § 31.303(e)(3)(iv)
Related California authority (if any):	n/a

Policy:

OJJDP requires that states describe its procedures for conducting compliance monitoring inspections. It also requires the use of the Federal Fiscal Year, which runs from October 1st through September 30th of the following year.

Procedures:

There are three primary objectives of a compliance monitoring inspection:

1. Staff confirms or updates the federal classification of a facility.
2. Staff reviews a facility's record keeping system.
 - Federal regulation requires each state review record keeping systems based on whether it maintains sufficient data to determine compliance. OJJDP policy requires, at minimum, that the system record: Name or ID number, gender, date of birth, most serious charge, Date/Time of entry, and Date/Time of exit or release.
3. Staff determines compliance with the JJDP core requirements.

The frequency of inspection is based on the federal classification of a facility:

1. Adult Jails and Lockups are classified as secure lockups or "LU." Staff should aim to inspect LUs biennially.
2. Staff must inspect juvenile detention and correctional facilities biennially.
3. The Compliance Monitor must inspect collocated facilities annually.
4. Nonsecure facilities are classified as nonsecure lockups or "NS-LU." OJJDP does not consider NS-LU facilities a part of the monitoring universe. Staff may

use their discretion in sampling NS-LU facilities for verification; however, staff should not select the same facilities in consecutive years.

- A verification of a “NS-LU” facility consists of an on-site and in-person verification of what a facility reported as true and accurate.
- Verification conducted ***solely*** by phone is not sufficient.

5. The following chart summarizes the frequency of inspections and verifications:

Federal classification	Comparable BSCC Type	Rate	Within Three Years
Collocated Facilities	Same	100% required annually	N/A
Juvenile Detention Facilities	juvenile halls or special purpose juvenile halls	BSCC inspects biennially	% TBD by OJJDP
Juvenile Correctional Facilities	camp and state facilities	BSCC inspects biennially	% TBD by OJJDP
Jail or lockups	TI, TIJ TH, THJ P78s	BSCC inspects biennially	% TBD by OJJDP
Court Holdings	CH	BSCC inspects biennially	% TBD by OJJDP
Non-secure	AS ASC	Verification via sampling	N/A

The process of conducting a compliance monitoring inspection is illustrated below:

	Adult Jails & Lockups	Juvenile Halls & Camps	Collocated Facilities
Who is responsible?	Assigned Field Representative or Compliance Monitor	Field Representative	Compliance Monitor
How do I prepare?	<p>Review copy of policy and procedures on the detention of minors, most recent MID survey, current classification, and any reported violations</p> <p>See Tool: JJDPA Compliance in Adult Jails & Lockups</p>	<p>Review relevant sections of policy and procedures on the detention of status offenders and nonoffenders, most recent SOFY survey, and any reported incidents.</p> <p>See Tool: JJDPA Compliance in Juvenile Halls & Camps</p>	<p>Review sections of policy and procedures on separation, facility layout, most recent SOFY survey, and any reported incidents related to separation.</p>
What do I inspect?	<p>In any order:</p> <ol style="list-style-type: none"> 1. Explain purpose of JJDPA compliance monitoring and core requirements. 2. Conduct a walk-through facility to detect any separation issues and confirm classifications. 3. Review records and verify information reported to the BSCC. 4. Discuss any issues, findings, or technical assistance as needed. 		
What do I do after?	<p>Following an inspection:</p> <ol style="list-style-type: none"> 1. Submit report to the appropriate analyst. 2. If applicable, submit to the analyst, a copy of survey completed on-site. 3. If needed, schedule a follow-up inspection. 		
Which analyst can help me?	MID Analyst (Tina)	SOFY Analyst (Tameka)	SOFY Analyst (Tameka)

Attachments:

CM Report Template

Sample CM Report

Tool: JJDPa Secure vs. Nonsecure detention

Tool: JJDPa Compliance in Adult Jails & Lockups

Tool: JJDPa Compliance in Juvenile Halls & Camps

4.3A CM Report Template



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
Executive Director

STATE OF CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS
2590 VENTURE OAKS WAY, SUITE 200 SACRAMENTO CA 95833 916.445.5073 BSCC.CA.GOV



GAVIN NEWSOM
Governor

Juvenile Justice and Delinquency Prevention Act Compliance Monitoring Inspection / Verification Report																
Inspection Date:							County:									
Agency Name:							BSCC #:									
Facility Name:							MID #:									
Address:				City:				Zip:								
Facility Phone:				Facility Fax:												
Facility Contact:				Title:				Email:								
Agency Head:				Title:				Email:								
Type of Secure Detention (for juveniles): <input type="checkbox"/> None <input type="checkbox"/> Cell <input type="checkbox"/> Locked Room <input type="checkbox"/> Cuffing Fixture <input type="checkbox"/> Other <input type="checkbox"/>																
Location for Secure Detention (for juveniles):																
Policy and Procedure: <input type="checkbox"/> Meets requirements of the JJDPA <input type="checkbox"/> Available onsite																
Inspection/Verification Comments																
Core Requirements				Unreported Violations												
Code Section/Description				Year	J	F	M	A	M	J	J	A	S	O	N	D
34 USC § 11133(a)(11) Deinstitutionalization of Status Offenders Status offenders, non-offenders, alien and civil-type minors are not to be held in secure detention.				2018												
				2019												
34 USC § 11133(a)(12) Separation Minors may not be confined or detained in any facility in which they have contact with adult prisoners.				2018												
				2019												
34 USC § 11133(a)(13) Jail Removal (6-hour hold exception) Minors are securely detained for a period not to exceed six hours.				2018												
				2019												
Explanation for Violations Not Reported to BSCC																
Corrective Action Plan (Indicate if none needed)																
Follow Up Information																
Compliance Monitor:				Phone:				Email:								
Date Report Sent:				Corrective Action Due:												
BSCC Use Only																
BSCC Build Type: <input type="checkbox"/> AS <input type="checkbox"/> ASC <input type="checkbox"/> LU <input type="checkbox"/> P78 <input type="checkbox"/> TH <input type="checkbox"/> THJ <input type="checkbox"/> TI <input type="checkbox"/> TIJ							Fed Type: <input type="checkbox"/> S <input type="checkbox"/> NS <input type="checkbox"/> JNA									
Distribution: <input type="checkbox"/> Analyst <input type="checkbox"/> E-file <input type="checkbox"/> Agency <input type="checkbox"/> Field Representative <input type="checkbox"/> Retired Annuitant																
ANALYST: <input type="checkbox"/> No Changes <input type="checkbox"/> Violation Changes <input type="checkbox"/> Other Changes: <input type="checkbox"/>																

For more information on JJDPA Compliance Monitoring visit <http://www.bscc.ca.gov/compliancemonitoring/>

4.3B Sample CM Report



LINDA M. PENNER
Chair
KATHLEEN T. HOWARD
Executive Director

STATE OF CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS
2590 VENTURE OAKS WAY, SUITE 200 • SACRAMENTO CA 95833 • 916.445.5073 | BSCC.CA.GOV



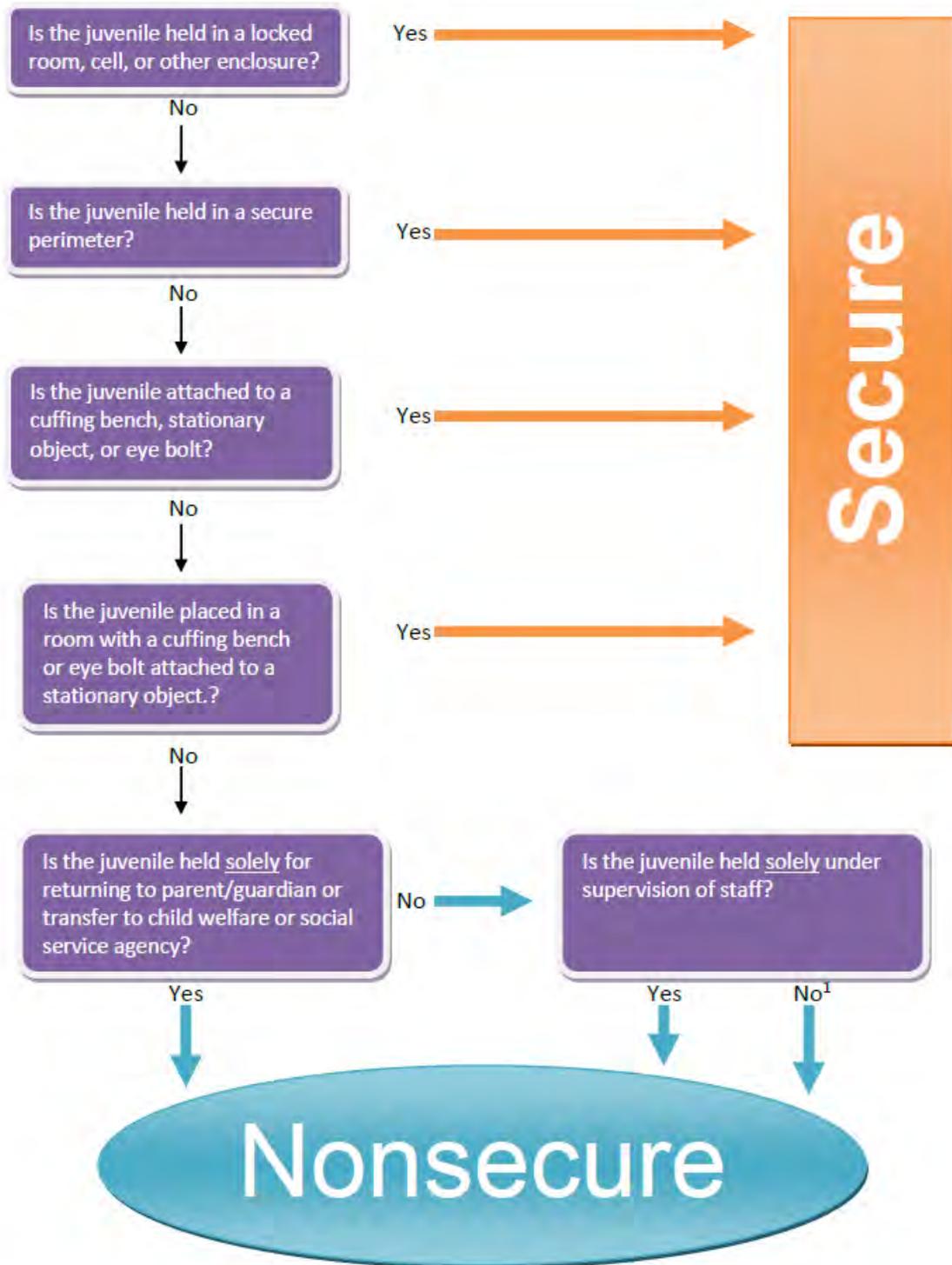
GAVIN NEWSOM
Governor

Juvenile Justice and Delinquency Prevention Act Compliance Monitoring Inspection / Verification Report													
Inspection Date: March 29, 2019						County: Rainbow							
Agency Name: Hometown Police Department						BSCC #: N/A							
Facility Name: Hometown Police Department						MID #: 8765							
Address: 123 Street				City: Hometown				Zip: 54321					
Facility Phone: (000) 867-5309						Facility Fax: None							
Facility Contact: Bob Burger				Title: Sergeant			Email: bburger@hometown.org						
Agency Head: Louise Burger				Title: Chief of Police			Email: lburger@hometown.org						
Type of Secure Detention (for juveniles): <input type="checkbox"/> None <input type="checkbox"/> Cell <input checked="" type="checkbox"/> Locked Room <input type="checkbox"/> Cuffing Fixture <input type="checkbox"/> Other <input type="checkbox"/>													
Location for Secure Detention (for juveniles): The department holds adults and minors securely. There are four (4) locked rooms in a secured holding area for adults. Outside the secured area and in a different part of the facility are two rooms dedicated to minors. One room can be locked while the other room is a soft room.													
Policy and Procedure: <input type="checkbox"/> Meets requirements of the JJDP A <input type="checkbox"/> Available onsite													
Inspection/Verification Comments													
I met with Sergeant Burger who provided me with a tour of the facility, including the areas described above. The facility has the capacity to hold adults and juveniles securely.													
Sergeant Burger provided me with a copy of the department's policy and procedures on the temporary detention of minors before the inspection. I reviewed Policy 321, which addresses the three core requirements of the JJDP A: 1) Deinstitutionalization of Status Offenders, which mandates that minors charged with only a status offense or committed no offense must not be held in secure detention; 2) Separation, which prohibits sight and sound contact between juveniles and adult offenders; and 3) Jail Removal, which establishes that a minor must be removed from facility within 6 hours of secure detention.													
I reviewed the detention logs for the past 12 months. My review confirmed that the department held nine (9) minors in secure detention. However, of those incidents, I determined that one constitutes a violation of the Jail Removal requirement: February 2019. The time of exit was incorrectly calculated and exceeded 6 hours. There were no other violations of the JJDP A.													
Core Requirements Code Section/Description	Unreported Violations												
	Year	J	F	M	A	M	J	J	A	S	O	N	D
34 USC § 11133(a)(11) Deinstitutionalization of Status Offenders Status offenders, non-offenders, alien and civil-type minors are not to be held in secure detention.	2018				0	0	0	0	0	0	0	0	0
	2019	0	0	0									
34 USC § 11133(a)(12) Separation Minors may not be confined or detained in any facility in which they have contact with adult prisoners.	2018				0	0	0	0	0	0	0	0	0
	2019	0	0	0									
34 USC § 11133(a)(13) Jail Removal (6-hour hold exception) Minors are securely detained for a period not to exceed six hours.	2018				0	0	0	0	0	0	0	0	0
	2019	0	1	0									
Explanation for Violations Not Reported to BSCC													
Recording error.													

Corrective Action Plan (Indicate if none needed)		
N/A		
Follow Up Information		
Compliance Monitor:	Phone:	Email:
Date Report Sent:	Corrective Action Due:	
BSCC Use Only		
BSCC Build Type: <input type="checkbox"/> AS <input type="checkbox"/> ASC <input checked="" type="checkbox"/> LU <input type="checkbox"/> P78 <input type="checkbox"/> TH <input type="checkbox"/> THJ <input type="checkbox"/> TI <input type="checkbox"/> TIJ		Fed Type: <input checked="" type="checkbox"/> S <input type="checkbox"/> NS <input type="checkbox"/> JNA
Distribution: <input checked="" type="checkbox"/> Analyst <input type="checkbox"/> E-file <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Field Representative <input type="checkbox"/> Retired Annuitant		
ANALYST: <input type="checkbox"/> No Changes <input checked="" type="checkbox"/> Violation Changes <input type="checkbox"/> Other Changes: <input type="text"/>		

For more information on JJDPa Compliance Monitoring visit <http://www.bscc.ca.gov/compliancemonitoring/>

4.3C Tool: JJDPA Secure vs. Nonsecure



¹ Note: California law has requirements for the supervision of nonsecure detentions.

4.3D Tool: JJDP A Compliance in Adult Jails & Lockups

	Requirement	Exceptions (NOT Violations)
DSO	<p>Juveniles who commit only status offenses or no offense at all must not be placed in secure detention.</p> <p><i>Note: Status offense, WIC777, Probation violation, or Warrant cannot be the only reason documented, must include underlying offense. Otherwise, it is a violation.</i></p>	<p>A status offender may be held securely if:</p> <ul style="list-style-type: none"> • 24 hours before and after initial hearing; OR • Out-of-state-runaway held pursuant to Interstate Compact; OR <p>There are no exceptions for nonoffenders. A nonoffender in secure detention is ALWAYS a violation.</p>
Separation	<p>Separation must be maintained between juveniles and adult inmates.</p>	<ul style="list-style-type: none"> • Ambient sound is NOT a violation. • Brief and inadvertent or accidental contact is NOT a violation UNLESS the contact occurred in area designated for juveniles only.
Jail Removal	<p>Juveniles cannot be held securely in adult jails and lockups for more than 6 hours.</p> <p><i>Note: There is no pausing. Clock starts the moment they enter the facility and ends upon release.</i></p>	<p>It would not be a violation to hold the youth longer than 6 hours if the ONLY reason is:</p> <ul style="list-style-type: none"> • Transfer or • release or • reunification

4.3E Tool: JJCPA Compliance in Juvenile Halls & Camps

	Requirement	Exceptions (NOT Violations)
DSO	<p>Juveniles who commit only status offenses or no offense at all must not be placed in secure detention.</p> <p><i>Note: Status offense, WIC777, Probation violation, or Warrant violations cannot be the only thing documented. Must include underlying offense. Otherwise, it is a violation.</i></p>	<p>A status offender may be held securely if:</p> <ul style="list-style-type: none"> • 24 hours before and after initial hearing; OR • Out-of-state-runaway held pursuant to Interstate Compact; OR • Violation of Valid Court Order (VCO) ONLY if specific criteria are met <p>There are no exceptions for nonoffenders. A nonoffender in secure detention is ALWAYS a violation.</p>
Separation	<p>Separation must be maintained between juveniles and adult inmates.</p>	<ul style="list-style-type: none"> • Ambient sound is NOT a violation. • Brief and inadvertent or accidental contact is NOT a violation UNLESS contact occurred in area designated for juveniles only. • If under Juvenile Court, a youth may remain in a juvenile facility beyond 18 years of age. • If under Adult court BUT under 18, a youth is not yet an “adult inmate.” • If under Adult Court, a young adult may remain in a juvenile detention facility after he or she turns 18 years old so long as the person turned 18 while in custody and was not transferred out of the facility.
Jail Removal	<i>Not applicable</i>	<i>Not applicable</i>

5. Violation Procedures

Date Issued:	January 2019
Last Reviewed:	July 2019
Related OJJDP Regulations:	28 C.F.R. § 31.303(f)(1)(iii)
Related California authority (if any):	n/a

Policy:

The JJDPA requires that state establish written procedures for handling violations of the JJDPA's core requirements, including receiving, reviewing, and reporting violations.

Procedures:

The BSCC detects violations through three main sources: (1) self-reported violations; (2) third-party reported violations; and (3) Violations found on-site during an inspection or verification. The violation procedures are the same for each scenario.

1. Staff contacts the agency. If on-site, staff brings the unreported violation to the agency's attention.
2. Staff requests additional information:
 - The CM or SOFY analyst may ask questions and request copies of documentation remotely.
 - If on-site, the Compliance Monitor(s) or Field Representative may request original documentation or additional records, interview facility staff, or tour the facility.
3. Staff reviews whether an incident is a violation or recording error, or whether there are circumstances that clear or exempt a violation.
4. Staff documents the determination.
 - If it is not a violation, staff should document the reasoning.
 - If it is a new, unreported violation, staff should note the month and year of the violation.
 - Inform the CM or SOFY analyst.
5. Staff discusses findings and provides technical assistance as needed.

6. Data Collection and Verification

Date Issued:	January 2019
Last Reviewed:	July 2019
Related OJJDP Regulations:	28 C.F.R. § 31.303(f)(1)(i)(D); § 31.303(f)(5)
Related California authority (if any):	n/a

Policy:

OJJDP requires states describe its procedures for data collection and data verification, as well as collect data from a minimum of 85% of facilities in the monitoring universe.

Procedures:

The BSCC created two internal programs to collect and verify data: Minors in Detention program (MID) and Status Offenders, Nonoffenders, and Federal Youth program (SOFY). The MID and SOFY programs are essential because of the total area of California, as well as the sheer number of local detention facilities and law enforcement facilities in California. There are almost 1,200 facilities in California's compliance monitoring universe.

The MID and SOFY programs both collect and verify data on the secure detention of juveniles, but from different kinds of facilities. The MID program focuses on law enforcement facilities, such as Type I adult jails, Court Holding Facilities, Temporary Holding Facilities, and lockup facilities, whereas the SOFY program focuses on local juvenile detention facilities, such as juvenile halls, juvenile camps, and special purpose juvenile halls. Both programs collect and verify data in a similar manner, but use different forms and involve different record systems for their respective facilities.

1. The MID and SOFY Programs primarily collect data:
 - Remotely through annual surveys, monthly reports from adult jails and lockups, and incident reports from juvenile detention and correctional facilities; and
 - On-site through in-person inspections and verifications.
2. The analyst documents the facility information in the appropriate database.

3. The assigned Compliance Monitor or Field Representative verifies the facility's information during an on-site inspection or verification, and documents any observations, unreported violations, findings, and technical assistance.
4. The Compliance Monitor or Field Representative submits the report to the appropriate analyst.
5. The analyst updates the respective database on an on-going basis.

Note: All forms used to collect information about minors in detention in adult jails and lockups and minors in juvenile halls and camps are available at:

<http://www.bscc.ca.gov/compliancemonitoring/>.