

A photograph of the California State Capitol dome, featuring a dark green dome and white classical architecture, set against a clear blue sky with some light clouds. The image is framed by a white curved border at the bottom.

# State Advisory Committee on Juvenile Justice and Delinquency Prevention:

## 2015 Compliance Monitoring

Annual Report  
Released May 2017



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



Annual Report to the Governor and Legislature  
Released May 2017

---

**BOARD OF STATE AND COMMUNITY CORRECTIONS  
STATE ADVISORY COMMITTEE ON JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION  
Executive Steering Committee**

**Carol Biondi**.....**Acting Chair**  
**James Anderson**.....Program Administrator, Anti-Recidivism Coalition  
**The Honorable Brian Back**.....Ventura County Superior Court Judge  
**Reverend Amos Cleophilus Brown**..... Pastor, San Francisco’s Third Baptist Church  
**Probation Chief Michelle Scray Brown**..... San Bernardino County Probation Department  
**Dr. B.J. Davis**..... Adjunct Professor at Alliant International University  
**Dr. Carly Bailey Dierkhising**.....Assistant Professor, California State University, Los Angeles  
**Miguel Garcia**.....Student, University of California  
**Juan Gomez**..... Director, Motivating Individual Leadership for Public Advancement  
**Susan Harbert**.....Legislative Counsel Loyola Law School  
**Gordon Jackson**.....Assistant Superintendent, California Department of Education  
**Sharon King**..... Manager, Walmart  
**Ramon Leija**..... Volunteer Reserve Firefighter, Riverside County Fire Department  
**Police Chief Susan Manheimer**..... City of San Mateo  
**Kent Mendoza**..... Anti-Recidivism Coalition  
**District Attorney Nancy O’Malley**.....Alameda County  
**Winston Peters**..... Los Angeles County Public Defender’s Office  
**Rachel Rios**.....Executive Director at La Familia Counseling Center Inc.  
**Dr. Mimi Silbert**.....President Delancey Street Foundation  
**Dante Williams**..... Youth Advocate Manager Stanford Youth Solutions

**BSCC Staff**

**Kathleen T. Howard**..... Executive Director  
**Tracie Cone**..... Communications Director  
**Mary Jolls**..... Deputy Director, Corrections Planning &Programs  
**Allison Ganter**.....Deputy Director, Facilities Standards & Operations and Research  
**Nicole Woodman**.....Field Representative, Corrections Planning &Programs  
**Ginger Wolfe**..... Associate Governmental Program Analyst

---

---

## **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 Offenders<sup>1</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.

---

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

---

## 2. Separation<sup>2</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>3</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.

### **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 the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Attachment A contains the 2015 submission of the BSCC's annual compliance monitoring report for 2015; 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 40%. 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

---

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

<sup>3</sup> 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 JJDP Act Since 2005

## California Compliance Data Collection - 2015 Summary Report

Metric	Value
<b>Profile</b>	
<b>DSO</b>	
<b>DSO Summary</b>	
Calculated total number of DSO violations adjusting for non-reporting facilities.	16.00
Rate of non-compliance with DSO per 100,000 juvenile population.	0.17
Rate of non-compliance with DSO per 100,000 juvenile population adjusting for non-reporting facilities.	0.17
<b>Separation</b>	
<b>Sight and Sound Separation Summary</b>	
Total number of facilities in which juveniles were detained or confined without sight and sound separation from adult inmates	0
Total number of Juvenile Offenders and Non-Offenders not sight and sound separated from adult inmates in Secure Juvenile Detention and Correctional Facilities, Adult Jails, Lockups, Prisons, Court Holding Facilities, and Non-Secure Facilities	0
<b>Jail Removal</b>	
<b>Facilities at which Juveniles were confined or detained</b>	
Number of Adult Jails and Lockups in which juveniles were detained or confined that meet Removal (Rural) Exception criteria and for which approval has been granted by OJJDP (Section 223(a)(13)(A) of the JJDP Act )	0
<b>Jail Removal Summary</b>	
Total instances of non-compliance with the Jail removal requirement as a result of juveniles detained or confined in Adult Jails and Lockups	117
Total instances in which the state used Removal (rural) Exceptions to detain or confine juveniles in Adult Jails and Lockups	0
Total instances of non-compliance with the Jail removal requirement as a result of juveniles detained or confined in Adult Jails and Lockups adjusting for non-reporting facilities	117.00
Rate of jail removal instances per 100,000 juvenile population at and under the age of juvenile court jurisdiction	1.26
Rate of jail removal instances per 100,000 juvenile population at and under the age of juvenile court jurisdiction adjusting for non-reporting facilities	1.26



**California Violations of JJDPA  
Since 2005**

	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	% Change
DSO JH	16	-60%	40	-7%	43	13%	38	-22%	49	-39%	80	#REF!	75	#REF!	90	70%	53	-47%	100.6	-63%	270	28%	211	-11%	237	
Separation	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)	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	

In 2006, the BSCC (then CSA) 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.