



**State Advisory Committee on Juvenile  
Justice and Delinquency Prevention:**  
**2020 Compliance Monitoring**

Annual Report  
Released July 2021



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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 monitors 1,177 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 data for the 2020 federal fiscal year (FY) reporting period, which runs from October 1, 2019 through September 30, 2020. Attachment B is a summary of the FY 2020 compliance monitoring violations. Attachment C is a summary chart of violations of the core requirements since 2003.

California maintains compliance with the core requirements so long as its 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.

The OJJDP has established the following compliance standards for the FY 2020. Data from the FY 2020 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 2020 Rates</b>
<b>DSO</b>	4.57	0.15
<b>Separation</b>	2.54	0.00
<b>Jail Removal</b>	1.10	0.72

*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). Overall, the total number of violations has reduced from 109 to 75.

<b>Core Requirement</b>	<b>FY 2019 Violations</b>	<b>FY 2020 Violations</b>
<b>DSO</b>	9	13
<b>Separation</b>	0	0
<b>Jail Removal</b>	100	62

In comparing the first core requirement, the number of DSO violations slightly increased by 44 percent from nine to 13 violations. These violations occurred in four local juvenile hall and camp facilities. The most common reasons reported to the BSCC were:

- Holding California runaways; and
- Holding runaways from out of state, where states did not have an Interstate Compact with California.

Whereas detaining runaways was just one of many reasons in the previous year, it is now the sole reason in FY 2020. Taking a deeper look into where and when these DSO incidents occurred revealed that all 13 incidents occurred before a state of emergency was declared in California. That is, these incidents occurred prior to the Covid-19 pandemic. Once a state of emergency was proclaimed, all juvenile detention facilities stopped accepting status offenders and nonoffenders for the remainder of FY 2020.

In FY 2020, Separation violations remained at zero.

Finally, for the last core requirement, the number of Jail Removal violations decreased by 29 percent from 100 to 62 violations. For these violations, the most common reasons reported to the BSCC were:

- Waiting for Live Scan delays;
- Conducting interviews; and
- Holding youth for release

The number of violations due to live scan delays decreased from 33 to 18, and the number of violations due to interviews decreased from over 30 to 12. Live Scan delays remain the source of the largest number of violations from one county. Because the local law enforcement agencies have no control or authority over the live scan process, the delays and thus, the violations will continue to occur. Eight youth were held in excess of six hours while waiting for a parent, guardian, or relative. Normally, waiting to be released to family would qualify as an exception to the core requirement if it is the sole reason for being detained. However, these youth were held and cited for an offense as well.

Overall, California's rates of JJDPA violations have been on a downward trend since 2003. While Jail Removal violations decreased by 28 percent, DSO violations increased by 44 percent. These annual fluctuations occur at a local level and reinforce the notion that continued compliance with the JJDPA requires continued outreach and technical assistance. The BSCC must continue to work with local county and city law enforcement agencies 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 turnover in local correctional staff creates a gap of knowledge with respect to core requirements in some facilities; constant training is required.</b>	<p>During the pandemic, the BSCC observed a greater number of local correctional staff turnover, whether for transfer, retirement, sick leave, or other reason.</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 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>
<b>The addition of new BSCC staff.</b>	<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>The BSCC encourages new staff to observe compliance monitoring inspections as part of the orientation and training process. The opportunity to observe or conduct joint compliance monitoring inspections remains available to current staff.</p>

<p><b>Our state advisory group is composed of subject matter experts from across the state. Members' ability to join and observe compliance monitoring inspections would greatly enhance their understanding of the JJDP and core requirements. Yet there was not a clear process in place for members to learn about upcoming compliance monitoring inspections.</b></p>	<p>The BSCC developed a policy and procedure for SACJJDP to be stay informed of on-going CM inspections and process for members to join and observe them. The implementation was delayed due to the on-going pandemic.</p>
<p><b>The FY2020 data shows increased DSO violations in juvenile halls and camps. Specifically, four counties held runaways securely prior to the pandemic.</b></p>	<p>The BSCC will provide technical assistance and training to the specific facilities in the four counties with higher numbers DSO violations. The BSCC will also inquire how these facilities have modified their practices during the pandemic.</p>
<p><b>The FY 2020 data shows decreased Jail Removal violations during the pandemic. Efforts must be made, and measures put in place to ensure that violations do not sharply increase post-pandemic.</b></p>	<p>The BSCC should collaborate with local juvenile justice commissions to ensure that the number of violations continue to trend downward.</p>
<p><b>OJJDP announced new requirements that apply to court holding facilities, which will apply the Jail Removal core requirement to the secure detention of adjudicated juveniles in court holding facilities. These new requirements will impact our policies and procedures for those facilities.</b></p>	<p>The BSCC must develop a plan to provide outreach and education to counties on the application of core requirement for court holding facilities. The BSCC also must develop a new data collection tool for these facilities and methods of BSCC staff to document reported data.</p> <p>The BSCC will modify its internal training to staff on how this change will impact compliance monitoring inspections for court holding facilities. The BSCC will also seek the input and expertise of the SACJJDP.</p>

## **SACJJDPA RECOMMENDATIONS**

The SACJJDPA 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 SACJJDPA bases its recommendation on the decreasing violation rates and the continuous training and technical assistance BSCC provides to the field.

The SACJJDPA also recommends that BSCC highlight California's effort and commitment to maintaining compliance with the core requirements through outreach and collaboration with state and local entities.

## **ATTACHMENTS:**

- A: OJJDP California Compliance Data Collection FY 2020
- B: OJJDP California Compliance Data Summary Report FY 2020
- C: Summary of California Violations of JJDP Act Since 2003