



JJDPA
Compliance Monitoring
Manual

2026

OYCR

Office of Youth and Community Restoration

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1. Introduction

The Office of Youth and Community Restoration (OYCR) is the new designated state agency ([Pursuant to AB 169, Chapter 50 Statutes of 2024](#)) to monitor compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP A) within the State of California.¹ The OYCR was established in July 2021, as part of the California Health and Human Services Agency. Prior to OYCR’s formation, this authority rested with the Board of State and Community Corrections (BSCC).

With the implementation of AB 169 and the CA 2024 Budget Enactment for Juvenile Justice Realignment ([2024 Enactment Budget Summary - Criminal Justice and Judicial Branch \(ca.gov\)](#)) OYCR, became the successor entity of the statutory transfer of the administration and compliance monitoring activities of the Title II Grant Program under the federal JJDP A. Any statutory references made to the BSCC, Board of Corrections, or the Corrections Standards Authority refer to the OYCR, which is now vested with all the prior entity’s rights, powers, authority, and duties.² The OYCR’s authority encompasses all matters related to the JJDP A, including grant administration, inspection, and data collection. This responsibility includes compliance monitoring of all jails and lockups for adults, including court holding facilities, secure detention facilities, and secure correctional facilities.³

Title II, Part B, of the [Juvenile Justice and Delinquency Prevention Act](#) (“JJDP A” or the “Act”) sets out detailed requirements that a state must satisfy in order to be eligible to receive funding under the Act’s Formula Grants Program, including the submission of a state plan that satisfies the requirements set forth at 34 U.S.C. § 11133(a)(1)-(33). Under the Act, “[i]n accordance with regulations which the Administrator shall prescribe, such plan shall,” among other things—

...provide for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual

¹ Cal. Welf. & Inst. Code § 2202; The full text of the JJDP A may be found at [Text - H.R.6964 - 115th Congress \(2017-2018\): An act to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes | Congress.gov | Library of Congress](#)

² Cal. Welf. & Inst. Code § 2202

³ Cal. Welf. & Inst. Code § 209(f).

reporting of the results of such monitoring to the Administrator[.] [34 U.S.C. § 11133(a)(14)]

This manual addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13):

- Deinstitutionalization of Status Offenders (DSO)
- Removal of juveniles from adult jails and lockups (Jail Removal)
- Separation of juveniles from adult inmates in institutions (Separation)
- Removal of Juveniles Prosecuted as Adults from Adult Facilities (Section 223(a)(11)(B))

Detailed information on each of the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13) with direct statutory and regulatory references can be found in section 2, “Compliance with the Core Requirements”.

2. Compliance with the Core Requirements

This section describes the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13).

2-A. Deinstitutionalization of Status Offenders (DSO)

Pursuant to 34 U.S.C. § 11133(a)(11)(A), juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders), shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no such juveniles were placed in secure detention and correctional facilities, or when the state's DSO rate falls below the established threshold.

YOUTH HANDGUN SAFETY EXCEPTION – Under 34 U.S.C. §

11133(a)(11)(A)(i)(I), the DSO requirement does not apply to juveniles charged with or found to have committed a violation of the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or a similar state law, which prohibits a person younger than 18 from possessing a handgun. Such juveniles may be placed in secure detention or secure correctional facilities without resulting in an instance of noncompliance with the DSO requirement.

VALID COURT ORDER EXCEPTION – The Valid Court Order (VCO) exception at 34 U.S.C. § 11133(a)(11)(A)(i)(II) provides that accused or adjudicated status offenders, and juveniles found to have violated a valid court order based on their status as a juvenile, may be placed in a secure juvenile detention or correctional facility. A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply (see Section III.E. Adherence to Federal Definitions for the definition of “valid court order”).

To demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to verify whether court orders used to place status offenders in juvenile detention centers (including juveniles who violate valid court orders related to their status as a juvenile), meet the following requirements (as set forth at 34 U.S.C. § 11133(a)(23)):

a. An appropriate public agency shall be promptly notified that the status offender is held in custody for violating a valid court order.

b. An authorized representative of that agency shall interview within 24 hours, in person, the status offender who is being held.

c. Within 48 hours during which the status offender is held:

- The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender.

- The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation.

- If the court determines that the status offender should be placed in a secure detention facility or correctional facility for violating the court order, (1) the court must issue a written order that:

- Identifies the valid court order that has been violated;

- Specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;

- Includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;

Specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and

May not be renewed or extended; and

(2) The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order.

d. There are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a [valid] court order [described in this section] does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter.

More information on California's process for collecting data for DSO and verifying that valid court orders meet all the statutory requirements can be found in Section 11, Compliance Data Collection and Verification.

INTERSTATE COMPACT ON JUVENILES EXCEPTION – Pursuant to the DSO requirement at 34 U.S.C. § 11133(a)(11)(A)(i)(III), status offenders may be held in accordance with the Interstate Compact on Juveniles, as the state has enacted it. States must verify that all status offenders subject to an out-of-state placement were held pursuant to the Compact. Where the interstate placement of status offenders was not in accordance with the Compact, the state in which the juvenile is placed must report the placement as an instance of noncompliance.

2-B. Removal of Juveniles Prosecuted as Adults from Adult Facilities

Under Section 223(a)(11)(B), on or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below.

A juvenile charged as an adult may be detained in an adult jail or lockup if one of the exceptions at 34 U.S.C. § 11133(a)(13) applies (Six-Hour Exception, Rural Exception,

Travel Conditions Exception, and Conditions of Safety Exception). See Section 2-D. Removal of Juveniles From Adult Jails and Lockups.

In addition, pursuant to section 223(a)(11)(B), a court may determine after a hearing, and in writing, that it is in the interest of justice to permit a juvenile to be detained in a jail or lockup for adults or have sight or sound contact with adult inmates in a secure facility. If the court makes an initial determination that it is in the interest of justice to detain a juvenile under those circumstances, the court must hold a hearing at least every 30 days (at least every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:

1. the age of the juvenile;
2. the physical and mental maturity of the juvenile;
3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
4. the nature and circumstances of the alleged offense;
5. the juvenile's history of prior delinquent acts;
6. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and
7. any other relevant factor(s)

The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility is 180 days, unless the court determines, in writing, that there is good cause for such an extension, or the juvenile expressly waives this 180-day limit.

More information on California's process for collecting data regarding this requirement and verifying that all of the Section 223(a)(11)(B) requirements have been met can be found in Section 11, Compliance Data Collection and Verification.

2-C. Separation of Juveniles from Adult Inmates

Pursuant to 34 U.S.C. § 11133(a)(12), juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.

In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.

JUVENILES WHO ARE TRANSFERRED, CERTIFIED, OR WAIVED TO

CRIMINAL COURT – Juveniles who have been transferred, certified, or waived to criminal court, and are therefore charged as adults, may not be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility, unless it is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B).

However, a court may determine that it would be in the interest of justice to do so consistent with 34 U.S.C. § 11133(a)(11)(B). See Section 223(a)(11)(B) above, which applies to juveniles charged as adults. If a juvenile who has been charged as an adult has been convicted and sentenced for the criminal offense, however, Section 223(a)(11)(B) no longer applies.

JUVENILES WHO REACH THE AGE OF FULL CRIMINAL RESPONSIBILITY

AFTER ARREST OR ADJUDICATION – Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they have reached the state's maximum age of extended juvenile jurisdiction. By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility,

are adult inmates, who must not have sight or sound contact with juvenile detainees.

PROGRAMS IN WHICH JUVENILES HAVE SIGHT OR SOUND CONTACT WITH ADULT INMATES

– Programs in which juveniles have sight or sound contact with adult inmates in an attempt to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the separation (and possibly DSO and jail removal) requirements. Whether these programs result in instances of noncompliance will depend on the specific manner in which the program operates and the circumstances of the juveniles' participation in such a program.

Instances of noncompliance with the separation requirement may only occur if a juvenile's participation in such a program is pursuant to law enforcement or juvenile or criminal court authority. In addition, for violations to occur, the juvenile must not be free to leave or withdraw from participation, even if her/his parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile's participation.

More information on California's process for collecting data regarding this requirement and verifying that all of the separation requirements have been met can be found in Section 11, Compliance Data Collection and Verification.

2-D. Removal of Juveniles from Adult Jails and Lockups

Pursuant to 34 U.S.C. § 11133(a)(13), no juvenile shall be detained or confined in any jail or lockup for adults, with exceptions described below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense, and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in an adult jail or lockup.

The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both

juveniles and adult inmates in colocated facilities to have been trained and certified to work with juveniles:

SIX-HOUR EXCEPTION – The jail removal requirement at 34 U.S.C. § 11133(a)(13)(A) allows the detention or confinement in an adult jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:

- a. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility.
- b. A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.

The following three exceptions allow states to detain or confine juveniles accused of non-status offenses in adult jails or lockups for more than 6 hours while awaiting an initial court appearance and so long as the juveniles do not have sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.

RURAL EXCEPTION – The exception found at 34 U.S.C. § 11133(a)(13)(B)(ii)(I) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available.

TRAVEL CONDITIONS EXCEPTION – Under 34 U.S.C. § 11133(a)(13)(B)(ii)(II), states may detain a juvenile accused of a delinquent offense in an adult jail or lockup, if the facility is located where conditions of distance to be traveled or the lack of highway, road, or transportation does not allow for court appearances

within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable.

CONDITIONS OF SAFETY EXCEPTION – Under 34 U.S.C. §

11133(a)(13)(B)(ii)(III), if the adult jail or lockup is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), a juvenile accused of a delinquent offense may be detained therein and his or her court appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.

More information on California's process for collecting data regarding this requirement and verifying that all jail removal requirements have been met can be found in Section 11, Compliance Data Collection and Verification.

3. Elements of an Effective System of Monitoring

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	34 U.S.C. § 11133(a)(14)
Related California authority (if any):	Welf. § Inst. Code § 2202

States participating in the Formula Grants Program must provide for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that they meet the core requirements, pursuant to the monitoring and reporting requirement at [34 U.S.C. § 11133\(a\)\(14\)](#). The state’s monitoring system, if it is to comply with the statutory and regulatory monitoring requirements, must include all jails, lockups, secure detention facilities, and secure correctional facilities. There are eight elements of an effective system of monitoring. For each of the following elements, the state should include a description of its specific policies and procedures:

1. Compliance Monitoring Policies and Procedures
2. Monitoring Authority
3. Violation Procedures
4. Adherence to Federal Definitions
5. Identification of the Monitoring Universe
6. Classification of the Monitoring Universe
7. Inspection of Facilities
8. Compliance Data Collection and Verification

4. Compliance Policies and Procedures

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	28 C.F.R. § 31.303(f)(1)(i)
Related California authority (if any):	Welf. & Inst. Code § 208.55; Welf. & Inst. Code § 2202

Policy

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)](#), states must describe their policies and procedures for monitoring for compliance with the core requirements. The policies and procedures described in this manual shall constitute the OYCR's compliance monitoring plan for the State of California.

Procedures

1. OYCR reviews the manual on an annual basis each federal fiscal year.
2. OYCR's Compliance Monitoring staff are responsible for the annual review.
3. The Compliance Monitoring staff are also responsible for revising the manual to reflect changes in the JJDPA, federal regulations, OJJDP policy, and relevant changes in state authority.

Additional information on compliance monitoring may also be found at: [Compliance Monitoring - OYCR \(ca.gov\)](#)

5. Monitoring Authority

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	34 U.S.C. § 11133(a)(1) and (2) Cal. Welf. & Inst. Code § 2202; Cal. Pen. Code
Related California authority (if any):	§ 6024 ; § 6030(a) ; Cal. Welf. & Inst. Code § 209(f) ; Welf. & Inst. Code § 208.55

Policy

Pursuant to [34 U.S.C. § 11133\(a\)\(1\) and \(2\)](#), states are required to designate an agency (referred to as the Designated State Agency, or the DSA) and provide satisfactory evidence that the DSA has authority, by legislation, if necessary, to administer the Title II Formula Grants Program, including monitoring for compliance with the deinstitutionalization of status offenders (DSO), Section 223(a)(11)(B), separation, and jail removal requirements.

Procedures

As of July 2024, Office of Youth and Community Restoration (OYCR) is California's Designated State Agency (DSA) for administering the state's Title II Formula Grant Program as well as executing the state's juvenile justice plan. ([Welf. & Inst. Code § 2202 .](#))

OYCR is authorized to monitor local jails, lockups, secure detention, and secure correctional facilities in the state. ([Pen. Code, § 6031](#); [Welf. & Inst. Code, § 209\(a\)\(3\).](#)) These facilities operate within the state's city and county jurisdictions. Regarding compliance with the federal Juvenile Justice and Delinquency Prevention Act, OYCR authority extends to any facility in the state which may detain juveniles. ([Welf. & Inst. Code, § 209\(f\).](#))

As part of the state's commitment to shift treatment and rehabilitative services for juveniles from the state to local counties, all CDCR-operated secure juvenile detention and correctional facilities have closed as of July 1, 2023. ([California Senate Bill 92, Chapter 18, Statutes of 2021.](#))

California has a long-standing prohibition against detaining juveniles in adult state prisons. In 1907, the California Legislature passed a resolution that removed underage youth from state prisons like San Quentin to juvenile reform schools. (California Senate Bill 6, 1907.) Since then, California law has reaffirmed its commitment to juveniles by passing numerous protections and clarifying and expanding juvenile court jurisdiction. Nonoffenders, status offenders, and juvenile offenders remain under juvenile court jurisdiction. (Welf. & Inst. Code, §§ [300](#), [601](#), and [602](#).) Juveniles charged as adults remain in a local juvenile correctional facility even after conviction. ([Welf. & Inst. Code, § 1955.2.](#))

6. Violation Procedures

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	28 C.F.R. § 31.303(f)(1)(iii)
Related California authority (if any):	n/a

Policy

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(iii\)](#), the state must specify how it receives, investigates, and reports complaints of instances of noncompliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements.

Procedures

OYCR detects violations through three main avenues: (1) self-reported violations; (2) violations found on-site during an inspection or verification; and (3) third-party reported violations, such as reports from inmate letters, interviews with juvenile offenders in custody, complaints from families impacted by the juvenile justice system, and from nongovernmental organizations.

A. General Process

The violation procedures are the same for most situations.

1. Staff contacts the agency. If on-site, staff brings the unreported violation to the agency's attention.
2. Staff requests additional information, which at minimum, includes:
 - Type of violation (Specify which core requirement)
 - Date
 - Number of juveniles involved
 - If Jail Removal violation, the length of detention from the log
 - Explanation of why it happened

3. Staff may request additional documentation:
 - The CM Analyst may ask questions remotely.
 - If on-site, the Compliance Monitor may request original documentation or additional records, interview facility staff, or tour the facility.
4. Staff reviews whether an incident is a violation or recording error, or whether there are circumstances that clear or exempt a violation.
5. 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 Analyst
6. Staff discusses findings and provides technical assistance as needed.
7. OYCR does not collect or store original or copied documentation from facilities. OYCR stores its own documents, such as forms and responses, annual surveys, inspection reports, and other information, on site for six years in hard copy or digital form, and then archived off-site for five years.

B. Determination of Violation

The determination of a reported violation depends upon the core requirement. This section will address the determination process for each core requirement.

DSO violations

A. Definition

Nonoffenders or status offenders shall not be detained in secure detention facilities or secure correctional facilities.⁴

B. Exceptions

There are no exceptions to the detention of nonoffenders. For status offenders, the JJDPa provides three exceptions:

1. Youth Handgun Safety Exception

The DSO requirement does not apply to juveniles charged or found to have committed a violation of the Youth Handgun Safety Act or similar state law. **California does not use this exception.**

2. Valid Court Order Exception

Provides that accused or adjudicated status offenders, and juveniles found to have violated a valid court order based on their status as a juvenile, may be placed in a secure juvenile detention or correctional facility. **California does not use this exception.**

3. Interstate Compact Exception

Status offenders may be held in accordance with the Interstate Compact on Juveniles. California participates in the Interstate Compact. OYCR requires probation departments to report incidents where juveniles are held in accordance with the Interstate Compact. Additionally, departments must submit filings with California's Interstate Commission for Juveniles, which is operated by the California Department of Corrections and Rehabilitation⁵.

C. State Plan

⁴ 34 U.S.C. § 11133(a)(11)(A).

⁵ The California Department of Corrections and Rehabilitation, Division of Juvenile Justice, was dissolved effective July 1, 2023, as a response to California's Juvenile Justice Realignment (California Senate Bill 823, Chapter 337, Statutes of 2020.). Interstate Compact for Juveniles is now managed by the Division of Adult Parole Operations, Interstate Commission for Juveniles.

To determine compliance or noncompliance with the DSO requirement, OYCR does the following:

- Collects self-reports from facilities on potential incidents of noncompliance through monthly reports from adult jails or lockups and case-by-case reports from secure juvenile detention or correctional facilities.
 - [Federal Youth Report](#)
 - [Nonoffender and Status Offender Report](#)
 - [Annual Survey](#)
- Conducts follow-up investigations of any self-reported incidents and requests additional information on the status of the juveniles, the underlying reasons for the detention or information on the charges.
- Review documentation, such as the facility's admittance list or records, or intake records.
- If the potential noncompliance occurred in an adult jail or lockup, Compliance Monitors must determine whether the facility is "residential." If so, then must continue to determine if a violation occurred. Otherwise, if a facility is not "residential," then the inquiry ends, and the incident is not reported as a DSO violation.
- To determine if a juvenile charged with a status offense has been detained in accordance with the Interstate Compact for Juveniles, Compliance Monitors must:
 - Review the underlying reason for detention, Date and Time for Entry, Date and Time for Release, and duration for which the out-of-state juvenile was detained.
 - Review whether the probation department filed the requisite forms for Interstate Compact and notified the juvenile's home state.

- Review if the juvenile was released to a parent or guardian or home state.
- If an out-of-state juvenile was not held in accordance with the Interstate Compact, then a noncompliance or violation occurred and must be recorded and reported in the annual compliance monitoring report.

Section 223(a)(11)(B) Violations

A. Definition

A juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility.⁶

B. Exceptions

A court may determine after a hearing, that it is in the interest of justice to detain a juvenile in an adult jail or lockup for adults provided certain requirements are met. See **Section 223(a)(11)(B) of the JJDP A Checklist.**

C. Special note

California uses transfer hearings⁷ to determine whether a juvenile should remain in the juvenile system or be tried as an adult.⁷ California does NOT hold juveniles in adult facilities, even when there is a petition filed to transfer the juvenile to adult court. Like the JJDP A, California law incorporates the seven requisite criteria and requires a written court order that recites the basis for its determination. Youth remain in juvenile detention facilities while they are pending a decision on transfer, youth pending transfer hearings stay in juvenile facilities until the point there is an adjudication that their case should be transferred to adult court, they are found unamenable to juvenile court rehabilitation and are transferred to an adult facility to serve their adult sentence

⁶ Section 223(a)(11)(B).

⁷ Cal. Welf. & Inst. Code § 707.

D. State Plan

California law provides judges with discretion on where to detain an accused juvenile charged as an adult, which includes the possibility of being detained in an adult jail or lockup. However, there is a presumption that such a juvenile remains in a juvenile facility. In California, a juvenile charged as an adult has not been detained in an adult facility in over six years. Even so, OYCR will continue to collect data on the issue and will continue to monitor compliance by doing the following:

- Collect and review data from the OYCR's Jail Profile Survey, which is a long-standing data collection tool that collects data on juveniles charged as adults on a monthly basis.
- Monitor for compliance during on-site inspections by inspecting whether juveniles are detained or confined in an adult jail or lockup.
- Upon detecting that an accused juvenile charged as an adult is so detained, request a written court order.
- Review court order for compliance with the seven requisite criteria.
- Apply the **Section 223(a)(11)(B) of the JJDP A Checklist**, verifying that the Section 223(a)(11)(B) requirements have been met.
- Must report as a violation if the requirements are not met.

Sight or Sound Separation Violations

A. Definition

The Sight or Sound Separation requirement states that nonoffenders, status offenders, and accused juvenile delinquent offenders may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.

B. Training and Certification

To comply with the Sight or Sound Separation requirement, states must have in effect a policy that requires individuals who work with both juvenile and adult inmate populations, including in collocated facilities, to have been trained and certified to work with juveniles. California satisfies this requirement because California law requires individuals who work with both juvenile and adult inmate populations to have been trained and certified to work with juveniles.⁸

C. Exceptions

None.

D. Note on Juveniles charged as adults

California law prohibits sight or sound contact between juveniles and adult inmates.⁹ Cal. Pen. Code § 208.55 describes “*Juvenile*” means a person who meets any of the following criteria:

(A) *A person under 18 years of age.*

(B) *A person under the maximum age of juvenile court jurisdiction who is not currently an incarcerated adult as defined by this section.*

(C) *A person whose case originated in the juvenile court and is subject to (Cal.Pen. Code) Section 208.5.”*¹⁰

E. Note on Juveniles who reach the age of full criminal responsibility

The age of full criminal responsibility in California is 18 years of age. If an individual reaches the age of 18 after arrest or adjudication, but remains under juvenile court jurisdiction, they are not considered adult inmates and need not be separated until they reach the state’s maximum age of extended juvenile court jurisdiction.

F. Note on transitional-aged youth subject to concurrent jurisdiction

⁸ See Pen. Code § 830 *et seq.*; Gov. Code § 1029 *et seq.*; Welf. & Inst. Code § 207.1(f)(4); Cal. Code Regs., tit. 15, § 131.

⁹ Pen. Code § 208.55

¹⁰ See [Sight- -Sound-Separation-WIC-208.55-FINAL-7-21-2023.pdf \(ca.gov\)](#) for most recent ‘Sight and Sound’ decision tree provided by the prior Designated State Agency, Board of State and Community Corrections.

The term “juvenile” is defined in California Welfare and Institutions Code section 208.55 as a person who meets any of the following criteria: (A) a person under 18 years of age; (B) a person under the maximum age of juvenile court jurisdiction who is not currently an incarcerated adult; or (C) a person whose case originated in the juvenile court and is subject to Welfare and Institutions Code section 208.5 (i.e., a juvenile court case transferred to adult court). Thus, transitional-aged youth do not require sight and sound separation from juveniles within a juvenile facility. Consequently, OYCR will monitor compliance in adherence to section 208.55, and California will not report instances involving concurrent jurisdiction as violations of the JJDP A Sight and Sound Separation requirement.

G. Scared Straight Programs

California does not operate any Scared Straight or other shock incarceration programs.

H. State Plan

California law prohibits sight or sound contact between juveniles and adult inmates with very limited exceptions. Compliance Monitors must do the following:

- Review a facility’s policies and procedures prior to inspection
- Conduct on-site walkthrough of facilities in the monitoring universe to identify the likelihood of sight or sound contact issues.
- Interview facility staff to assess whether practice is consistent with its policies.
- Review and investigate reports of noncompliance or violations
 - Reports may be self-reported by facilities either to FSO staff or via FSO’s online reporting tool, or come from third parties
- For potential violations, Compliance Monitors should document:
 - Date of the incident
 - Number of juveniles and adult inmates involved

- Where the incident occurred
 - Whether the area was dedicated solely to juveniles
 - What kind of contact was involved?
 - Whether the encounter was brief, accidental, or inadvertent
- Provide technical assistance as needed or upon request

Jail Removal Violations

A. Definition

The Jail Removal requirement states that no juvenile shall be detained or confined in any jail or lockup for adults with exceptions.¹¹ Certain types of juveniles may not be detained or confined for any length of time in adult jail or lockup: juveniles who are not accused of any offense, juveniles accused of status offenses, and adjudicated delinquent offenders. The detention or confinement of these kinds of juveniles results in noncompliance or violations.

B. Exceptions

For accused juvenile delinquent offenders only, the JJDPa provides four statutory exceptions:

1. Six-Hour Exception

May be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility.

2. Rural Exception

May be detained for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance when the jail or lockup is outside a

¹¹ 34 U.S.C. § 11133(a)(13).

metropolitan area and no existing acceptable alternative placement is available.

California does not use the Rural exception.

3. Travel Conditions Exception

May detain in an adult jail or lockup if the facility is located where conditions of distance to be traveled or the lack of highway, road, or transportation does not allow court appearances (excluding Saturdays, Sundays, and legal holidays) so that a brief delay is excusable (not to exceed an additional 48 hours).

4. Conditions of Safety Exception

If an adult jail or lockup is located where conditions of safety exist, such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel, a juvenile may be detained therein and their court appearance may be delayed until 24 hours after time that such conditions allow for reasonably safe travel.

C. Training and Certification

The Jail Removal exceptions are available because California law requires individuals who work with both juveniles and adult inmates, including collocated facilities, to have been trained and certified to work with juveniles.

D. Note on Court Holding Facilities

An accused juvenile delinquent offender may be detained in a court holding facility no more than six hours so long as they do not have sight or sound contact with adult inmates. The time spent in a courtroom or nonsecure area of the courthouse does not count toward the six-hour limit.

E. State Plan

Compliance Monitors should review records on-site, such as the detention logs, check the Date and Time for Entry against the Date and Time for Exit or Release. If the total time exceeds six hours, the Compliance Monitor may request further additional records for review and interview officers or staff. The incident must be documented in the compliance monitoring report and reported to the Lead Compliance Monitor, who may

conduct additional review and follow-up. If no exception applies, the violation will be recorded and reported in the annual compliance monitoring report to OJJDP.

7. Key Definitions

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	34 U.S.C. § 11103; 28 C.F.R. §§ 31.303 – 31.304
Related California authority (if any):	Cal. Welf. & Inst. Code § 208.55

Policy

Definitions that states use for key juvenile and criminal justice terms sometimes differ from the “federal” definitions. The federal definitions, for purposes of compliance monitoring, are only those provided in the JJDP Act at [34 U.S.C. § 11103](#) the Formula Grants Program Regulation at [28 C.F.R. § 31.304](#) and [An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance With the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act](#).

California will document and ensure that all state definitions that differ from federal definitions have been identified and addressed in the monitoring process. While monitoring for compliance with the core requirements, federal definitions will be used in any instance in which state definitions differ from federal definitions.

Procedures

1. The OYCR must use federal definitions in all aspects of its compliance monitoring system. Where the state definitions of a term differ from the federal definition, the OYCR will apply the federal definition. Where there is no federal definition, the OYCR will apply a state definition.
2. The attachment includes the key federal definitions provided in the OJJDP’s Annotated Manual and key state definitions applied in Welfare and Institutions Code §208.55.
3. The attachment is reviewed annually and updated as needed to reflect any changes implemented through federal law, regulations, OJJDP policy, and relevant changes in state authority.

Attachment

[Key Federal Definitions vs. California Definitions Chart](#)

Key Federal Definitions vs. California Definitions Chart

Federal Definition	California similarity or difference
<p>ADULT INMATE 34 U.S.C. § 11103 (26) – 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, and does not include an individual who (1) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable state law; and (2) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable state law.</p>	<p>INCARCERATED ADULT For the purposes of separation only, Cal. Welf. & Inst. Code § 208.55 – means a person who is 18 years of age or older, not subject to the jurisdiction of the juvenile court, and has been arrested and is in custody for, or awaiting trial on, a criminal charge, or has been convicted of a criminal offense, and is not a juvenile defined under subparagraph (C) of paragraph (1).</p> <p>Similar to the federal definition of an adult inmate, the state’s definition of an incarcerated adult does not apply to persons who remain under the jurisdiction of the juvenile court, including those that are 18 years of age or older but under the maximum age of extended juvenile jurisdiction particularly if they are subject to concurrent jurisdiction.</p> <p>The OYCR monitors compliance with the sight and sound core requirement according to the state definition while educating stakeholders on the similarities and differences between state and federal terms.</p>
<p>ASSESSMENT 34 U.S.C. 11103(38) – includes, at a minimum, an interview and review of available records and other pertinent information – (A) by an appropriately trained professional who is licensed or certified by the applicable state in the mental health, behavioral health, or substance abuse fields; and (B) which is designed to identify significant mental health, behavioral health, or substance</p>	<p>There is no comparable state term.</p>

<p>abuse treatment needs to be addressed during a youth’s confinement.</p>	
<p>COLLOCATED FACILITIES 34 U.S.C. § 11103 (28) – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.</p>	<p>California law essentially mirrors the federal definition. Cal. Welf. & Inst. Code § 207.1(f).</p>
<p>CORE REQUIREMENTS 34 U.S.C. § 11103 (30) – means the requirements described at 34 U.S.C. § 11133(11), (12), (13), and (15).</p>	<p>There is no comparable state term like ‘core requirements’ as used in the federal statute. While versions of the core requirements are codified in California, the actual phrase is not used.</p> <p>The OYCR uses the phrase “core requirements” in this manual and its compliance monitoring process.</p>
<p>CRIMINAL-TYPE OFFENDER 28 C.F.R. § 31.304(a) – 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.</p>	<p>There is no comparable state term.</p> <p>California law addresses minors whose cases may be transferred from juvenile court to a court of criminal jurisdiction. Cal. Welf. & Inst. Code § 707. These proceedings are commonly referred to as “fitness hearings,” where the judge determines whether the juvenile’s case is fit to remain in juvenile court jurisdiction.</p>
<p>DETAIN OR CONFINE 28 C.F.R. § 31.304 (b) – means to hold, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition.</p>	<p>There is no comparable state term.</p> <p>California law uses the terms “detain,” “held,” “securely detained,” and “secure detention,” and “secure custody” interchangeably to denote a person is detained or confined. Cal. Welf. & Inst. Code § 207.1; see also 15 C. C. R. Art. 9, § 1145, §1146.</p>
<p>INSTITUTION</p>	<p>There is no state counterpart.</p>

[Compliance Monitoring TA Tool](#); Dept. of Justice, Juvenile Justice and Delinquency Prevention Act Formula Grant Program, 82 *Federal Register* 4,787 fn. 4 (Jan. 17, 2017). means “a secure facility that law enforcement or a juvenile or criminal court authority uses to detain or confine juveniles or adults (1) accused of having committed a delinquent or criminal offense, (2) awaiting adjudication or trial for the delinquent or criminal offense, or (3) found to have committed the delinquent or criminal offense.”

JAIL OR LOCKUP FOR ADULTS

[34 U.S.C. § 11103 \(22\)](#) – means a secure facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adult inmates. Per the 2018 reauthorization, jail or lockup for adults includes court holding facilities.

California has several types of detention facilities that may qualify as a “jail or lockup for adults.”

A Type I facility is generally a city jail or lockup that detains or confines persons for not more than 96 hours after booking. A Type II facility is a county jail or lockup that detains or confines persons pending arraignment, during trial, or awaiting sentencing. A Type III facility is a jail used for persons convicted and sentenced. [Cal. Pen. Code § 6031.4](#); [15 C.C.R. § 1006](#).

A law enforcement facility is an adult lockup that detains or confines persons in a locked room or secure enclosure under the control of a peace officer. [Cal. Welf. & Inst. Code § 207.1\(d\)\(3\)](#); [15 C.C.R. § 1006](#).

A court holding facility is an adult jail or lockup that is used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours. [Cal. Pen. Code § 6031.4](#); [15 C.C.R. § 1006](#). A court holding facility does not include an area within a courtroom or a public area in the courthouse.

<p>JUVENILE OFFENDER 28 C.F.R. § 31.304 (d) – 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).</p>	<p>JUVENILE The age of majority in California is 18 years old. California law defines a minor as a person under 18 years of age. Section 602 of the Welfare and Institution Code establishes which persons may fall within the juvenile court jurisdiction and thus, who may be determined as wards of the court.</p> <p>For the purposes of separation only, Cal. Welf. & Inst. Code § 208.55 – means a person who meets any of the following criteria:</p> <ul style="list-style-type: none"> (A) a person under 18 years of age; (B) a person under the maximum age of juvenile court jurisdiction who is not currently an incarcerated adult as defined by this section; or (C) a person whose case originated in juvenile court and is subject to Cal. Welf. & Inst. Code § 208.5.
<p>MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION Compliance Monitoring TA Tool by OJJDP – means the age above which a juvenile court may no longer exercise jurisdiction under state law.</p>	<p>A juvenile court may exercise extended jurisdiction over a person until they attain the age of 21, 23, or 25 years depending on the offenses and aggregate sentence length. Cal. Welf. & Inst. Code § 208.5 and § 607.</p>
<p>MONITORING UNIVERSE Compliance Monitoring TA Tool – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.</p>	<p>There is no comparable state term.</p> <p>The OYCR uses the federal term in its compliance monitoring system.</p>
<p>NONOFFENDER 28 C.F.R. § 31.304 (i) – means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.</p>	<p>There is no direct state counterpart.</p> <p>However, the federal meaning is analogous to the state’s definition of “dependent children.” Cal. Welf. & Inst. Code § 300 (describes situations when a child is under juvenile court jurisdiction and a dependent).</p>

<p>RESIDENTIAL Compliance Monitoring TA Tool; Dept. of Justice, Office of Justice Programs, 61 <i>Federal Register</i> 65,132 (Dec. 10, 1996). means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.</p>	<p>There is no state counterpart. By operation of law, California defines local detention facilities as places constructed for the non-temporary use of confinement of juveniles or adult inmates. Accordingly, local detention facilities must comply with specific building codes and minimum standards that relate to the federal term of “residential,” such as sleeping areas, living areas, health, sanitation, and the like.</p> <p>Accordingly, in California, adult jails, secure juvenile detention facilities, and secure juvenile correctional facilities are residential. In contrast, adult lockups are generally not residential. During on-site inspections, Compliance Monitors assess whether a lockup displays certain features that may qualify it as “residential” under the JJDP.</p>
<p>SECURE as defined under 28 C.F.R. § 31.304 (m) and used to define a detention or correctional facility – includes residential 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.</p>	<p>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.</p> <p>The California definition is like the federal definition because both require a construction feature or physical structure that physically restrains a person’s movement or activity. Whereas the federal definition expressly states that the use of staff supervision alone is not “secure,” California law implies it.</p>
<p>SECURE CORRECTIONAL FACILITY 34 U.S.C. § 11103 (13) – means any public or private residential facility which—(1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the</p>	<p>In California, a juvenile camp or a secure youth treatment facility constitute a secure juvenile correctional facility under the JJDP. A camp can mean a camp, ranch, forestry camp, or boot camp. All are secure correctional facilities for post-adjudicated youth. Cal. Welf. & Inst. Code §§ 875 & 881; 15 C.C.R. § 1302.</p>

<p>placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.</p>	
<p>SECURE DETENTION FACILITY 34 U.S.C. § 11103 (12) – means any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.</p>	<p>California has two main types of detention facilities that meet the federal definition of a “secure detention facility.”</p> <p>A juvenile hall is a secure juvenile detention facility used for the reception and care of wards or dependent children under juvenile court. Cal. Welf. & Inst. Code § 850; 15 C.C.R. § 1302.</p> <p>A special purpose juvenile hall is a secure juvenile detention facility used for the temporary confinement of a youth, not to exceed 96 hours, prior to transfer to a juvenile hall or release. <i>Id.</i></p>
<p>SIGHT OR SOUND CONTACT 34 U.S.C. § 11103 (25) – means any physical, clear visual, or verbal contact that is not brief and inadvertent.</p>	<p>California law prohibits contact between juveniles, as defined by Cal. Welf. & Inst. Code § 208.55, and incarcerated adults with limited exceptions. 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>OYCR applies the federal definition while educating stakeholders on the similarities and differences between state and federal terms.</p>
<p>STATE 34 U.S.C. § 11103(7)– 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.</p>	<p>Unlike the federal definition, California defines “state” as “the State of California and any of its agencies or departments.” Cal. Const. art. 1, § S 19.</p> <p>OYCR adheres to the federal definition in its compliance monitoring system.</p>

<p>STATUS OFFENDER 34 U.S.C. § 11103(42) – means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.</p>	<p>California defines “status offender” as a juvenile between the ages of 12 and 17 years, who has committed offenses such as truancy or curfew violations. Cal. Welf. & Inst. Code § 601.</p>
<p>TWENTY-FOUR HOURS Compliance Monitoring TA Tool – means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.</p>	<p>There is no state counterpart. OYCR adheres to the federal definition in its compliance monitoring system.</p>
<p>VALID COURT ORDER 34 U.S.C. § 11103(16) – 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.</p>	<p>California prohibits status offenders who are found in contempt of court from being detained or confined in a secure detention or correctional facility with limited exceptions. California Senate Bill 1296; Cal. Code Civ. Pro. § 1219(c); Cal. Welf. & Inst. Code § 601(b).</p>

8. Identification of the Monitoring Universe

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	34 U.S.C. § 11133(a)(14)
Related California authority (if any):	n/a

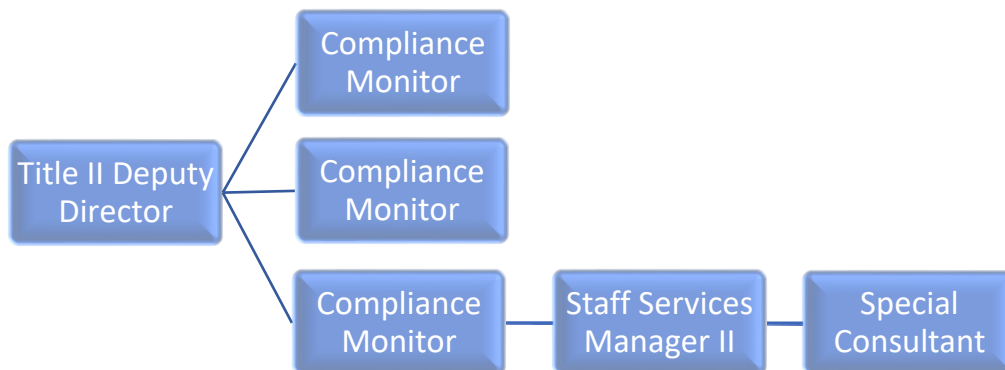
Policy

The reporting of instances of noncompliance with the core requirements is facility-based and therefore the “monitoring universe” includes all facilities within the state (public and private) that are jails and lockups for adults (including court holding facilities), secure detention facilities, and secure correctional facilities (including adult prisons), as listed at [34 U.S.C. § 11133\(a\)\(14\)](#). These are the facilities in which instances of noncompliance with the core requirements may occur. States must ensure that they identify and include all of these facilities as part of the monitoring universe.

Procedures

A. The Compliance Monitoring Unit

OYCR’s Compliance Monitoring Unit is responsible for the inspection and identification processes. Staff shown in the below chart participate in the identification and maintenance of the monitoring universe.



1. Title II Deputy Director:

Oversees all aspects of the Operations and Support Division, including Title II. Oversees Compliance Monitoring, which is responsible for establishing minimum standards for secure facilities, conducting state inspections, conducting compliance monitoring inspections, collecting data, and providing technical assistance to law enforcement agencies.

2. Compliance Monitors/Analysts (3 positions):

Full-time staff serve as compliance monitors. Additionally, one special consultant serves as an additional compliance monitor. Compliance monitors conduct on-site compliance monitoring inspections of facilities. Collects, reviews, and records data from annual surveys, monthly reports, inspections, and other reporting tools from all facilities in the monitoring universe. Manages and updates the electronic database and physical files related to the monitoring universe. revising the compliance monitoring manual, serving as liaison to OJJDP, and providing internal training and technical assistance.

3.

B. Sources for Identification

The OYCR's compliance monitoring system uses four sources for the annual and ongoing identification of facilities for the monitoring universe.

<i>Federal Classification</i>	<i>Annual Survey</i>	<i>Inspection</i>
<i>Adult jail</i>	X	X
<i>Adult lockup</i>	X	X
<i>Court holding facilities</i>	X	X
<i>juvenile detention facilities</i>	X	X
<i>Juvenile correctional facilities</i>	X	X

**State
correctional
facilities**

The California Department of Corrections and Rehabilitation (CDCR) operates state facilities. CDCR maintains a [current list of all adult](#) and [juvenile correctional facilities](#) on its website. Additionally, in cooperation with CDCR, the BSCC collects data, conducts inspections, spot-checks and provides technical assistance to the state juvenile facilities. The non-secure facilities receive annual surveys and OYCR will conduct spot-checks.

**Private
facilities**

This OYCR authority may extend to any facility that detains or confines persons under contract on behalf of a city, county, or city and county.¹²

1. Annual Survey:

The Compliance Monitor updates the monitoring universe annually from data collected by the various annual surveys based on the federal classification:

- [Adult jails and lockups](#), which include [Court holding facilities](#)
- [Secure Juvenile Detention and Correctional facilities](#)
 - The OYCR's survey does not include state prisons.

The CM Analyst distributes the surveys in the beginning of the calendar year. Then the analyst collects and reviews survey responses, requests clarification if needed, and updates the database for the monitoring universe.

2. Inspections:

The Compliance Monitoring Unit learns of secure facilities that should be added to the compliance monitoring universe from inspections. The monitoring universe may be updated based on the information observed, collected, and discovered during inspections. As new facilities are planned and constructed, they are appropriately added to the monitoring universe.

3. Law Enforcement Associations:

¹² [Cal. Pen. Code § 6031.4.](#)

Lastly, the Compliance Monitoring Unit may learn of new or remodeled facilities from OYCR's participation in meetings involving various law enforcement associations, such as, but not limited to: [California State Sheriffs' Association](#), [Chief Probation Officers of California](#), and the California Police Chiefs' Association. Additionally, the Operations and Support/Title II Deputy Director may designate a staff member to attend meetings or participate in workgroups on behalf of the OYCR.

9. Classification of the Monitoring Universe

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	34 U.S.C. § 11103(22); 34 U.S.C. § 11103(12); 34 U.S.C. § 11103(13); 28 C.F.R. § 31.303(f)(1)(i)(B)
Related California authority (if any):	n/a

Policy

States are required under [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(B\)](#) to classify each facility in the monitoring universe to specify whether it is a (1) a jail or lockup for adults ([34 U.S.C. § 11103\(22\)](#)); (2) secure detention facility ([34 U.S.C. § 11103\(12\)](#)); or (3) secure correctional facility ([34 U.S.C. § 11103\(13\)](#)).

Procedures

OYCR's Compliance Monitoring Unit staff reviews the federal classification of all facilities in its monitoring universe on an annual and on-going basis. Per the JJDPA, facilities must be classified in one of the following classifications:

- Adult jail or lockup, which includes court holding facilities
- Secure detention facility, which can be juvenile or adult
- Secure correctional facility, which can be juvenile or adult

The federal classification of a facility involves two steps: (1) whether a facility is "secure" as defined under the JJDPA and (2) determination of the target population.

A. Determination of whether a facility is secure

To determine whether a facility is secure, compliance monitors must identify and document the presence of construction that can be used to restrain or limit the movements of a person in custody. Some examples of such construction features are a cell, locked room, cuffing bench, cuffing fixture, and other secured enclosures.

OYCR's Compliance Monitoring Unit relies on two tools to make the determination: annual survey and inspection.

- Annual Survey: Facilities must report whether they have the capacity to detain or confine and then specify what construction features are present within the facility in the annual survey. The CM Analyst will record a facility's response to an annual survey in the database for the monitoring universe.
- Inspection: Then, a compliance monitor will inspect the facility. If a facility has any of these construction features, then it means the facility can detain or confine an adult inmate. If they can detain or confine an adult inmate, then they can also detain or confine a juvenile. Therefore, the compliance monitor will classify the facility as secure.

Once a compliance monitor determines that a facility is secure and belongs in the monitoring universe, the next step is to properly classify it. The federal classification of a facility depends on many factors, such as whether a facility confines juveniles, adult inmates, or both populations and whether a facility meets the federal definition of residential or nonresidential.

B. Determination of a facility's target population

The state must provide that, for each facility in the monitoring universe, it indicates whether the facility is juveniles-only, adults-only, or juveniles and adults. To determine a facility's target population, the Compliance Monitoring Unit relies upon three sources of information:

- Law: State law generally defines the target population of a secure facility. For example, adult jails are generally city jails and county jails. State law prohibits city and county jails from detaining or confining juveniles. (Welf. & Inst. Code § 602; Cal. Code of Regs. Tit. 15 §1148)
- Annual Survey: Facilities must complete an annual survey from the OYCR. The CM Analyst will record a facility's response to an annual survey in the database for the monitoring universe. A facility's response informs a facility's initial classification.

- Inspection: Then compliance monitors will either confirm or update a facility's target populations through an on-site inspection. A compliance monitor will conduct a visual confirmation, as well as review of a facility's records.

The last step involves determining whether a facility is residential as defined in the JJDPA. "Residential" means that a facility is equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused or who have committed an offense.

To determine whether a facility is residential, the Compliance Monitoring Unit relies on two sources:

- Law: Under state law, certain facilities may be "residential" because they must comply with building codes that govern capacity for overnight accommodations. For example, city jails, county jails, juvenile detention facilities, and juvenile correctional facilities qualify as "residential" under the JJDPA because state law requires these facilities to comply with minimum standards over bed size, access to water and bathrooms, and other features that relate to providing overnight or longer-term accommodations. (See Minimum standards for construction and operation of adult and juvenile facilities, Cal. Code of Reg. Title 24)
- Inspection: Additionally, staff can confirm whether a facility has certain features and possesses capacity that meet the federal definition of "residential" during inspection.

It is important to note that the lead Compliance Monitor makes the final determination on the federal classification of a facility.

10. Inspection of Facilities

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	28 C.F.R. § 31.303(f)(1)(i)(C)
Related California authority (if any):	n/a

Policy

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(C\)](#), inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping.

OJJDP recommends that states inspect 100% of all secure facilities in a state's monitoring universe within a three-year period.

Procedures

A. Primary Objectives of Inspection

1. Confirmation of federal classification.
2. Review of a facility's record keeping system.
 - Federal regulation requires states to 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. California law requires facilities to capture such information.
3. Monitor compliance with the core requirements.

B. Inspection Process

The inspection process for compliance monitoring is similar for all facilities, with some modification made for the applicable core requirements, which depends upon the federal classification.

Prior to Inspection

1. Compliance Monitors will contact the facility to schedule an on-site compliance monitoring inspection, request current policies and procedures on juveniles, and answer questions on the monitoring process.
2. Compliance Monitors will review any data, reports, and survey responses received from a facility prior to inspection and may verify such data during inspection.
3. Compliance Monitors will review any reports from third parties if any.
4. Compliance Monitors will confirm the date of inspection, the presence of certain parties for interviews, and access to certain records.

During the Inspection

5. Compliance Monitors will review records, such as detention logs or admittance records, for inconsistencies with what was reported to the OYCR.
6. At all inspections, Compliance Monitors will confirm, update, or revise the federal classification of a facility.
7. Compliance Monitors will use the JJDP A Inspection Report form during the inspection to determine and document any instances of potential or unreported violations of the core requirements.
8. At the close of the inspection, Compliance Monitors should meet with the facility's leadership or designated contact person to discuss findings and observations, recommendations, and technical assistance and address any questions regarding compliance monitoring.

Following the Inspection

9. Within 60 days after the inspection, Compliance Monitors will complete the compliance monitoring report and share a final copy with the CM Analyst for proper record keeping. Compliance Monitors must share the report with the agency's contact and agency head.

C. Applicable Core Requirements

The inspection process will vary slightly depending on what core requirements are applicable.

Adult jails or lockups

California law prohibits nonoffenders, status offenders, and juvenile offenders from being detained or confined in adult jails with limited exceptions.¹³ In tandem with the state inspections, Compliance Monitors inspect for the following:

- Whether the facility detains or confines juveniles at all
- Whether the facility detains or confines juveniles within the jail
- Whether the facility detains or confines accused juveniles tried as adults
- If an adult jail has detained or currently detains a juvenile, staff must obtain the requisite information, document the situation, and notify the lead Compliance Monitor and Compliance Officer.
- Staff must assess and document whether an adult lockup meets the federal definition of “residential.”
 - Does it have the capacity to detain a juvenile overnight?
 - Is there a bed or other sleeping quarters?
 - If a lockup qualifies as “residential,” then staff must determine compliance with the DSO Requirement.
- Whether a facility has construction features or fixtures designed to physically restrict the movement and activities of persons
 - Examples: lock on door whether the door is actually locked, cuffing rail, or bench
- Whether the facility has adequate features or practices in place to provide adequate sight or sound separation.
 - Must conduct a walkthrough and document areas observed.
 - Should interview agency staff and officers.

- Where are juveniles confined? Where are adults confined?
- How is sight or sound separation maintained? What policies and practices are in place? Is practice consistent with policy?
- If their safeguards adequate?
- If a lockup detains juveniles, then staff must review records, such as detention logs, to determine compliance with the Jail Removal Requirement.
 - Review the Entry Date and time and the Release Date and Time. The total time should not exceed 6 hours.
 - Review the reasons for detention and any charges listed. Status offenders and nonoffenders should not be detained or confined for any length of time. Ideally, status offenders and nonoffenders should be observed in a nonsecure area instead.
 - Review whether the entries are complete. A facility's record keeping system must be adequate and record enough information for determination of compliance with the core requirements.

Court holding facilities

In California, court holding facilities are not “residential” under the JJDPA, and accordingly, the DSO Requirement does not apply. Compliance Monitors should inspect for the Sight or Sound Separation and Jail Removal core requirements in the same manner as for adult jails or lockups. It is important to note that the Jail Removal requirement does not apply to the courtroom or nonsecure areas of the courthouse. Consequently, time spent in the courtroom or in a public or nonsecure area of the courthouse, such as a lobby, does not count toward the six-hour limit.

Secure Juvenile Correctional or Detention Facility

Compliance Monitors monitor for compliance with the DSO Requirement. The facility should not detain or confine nonoffenders or status offenders. Even though these facilities are intended for juveniles, Compliance Monitor should monitor for the Sight or Sound Separation Requirement and confirm no “adult inmate” is admitted and may

inquire whether adult inmates are present for other reasons, such as delivering meals or providing laundry service.

Secure Adult Correctional Facility

Compliance Monitors should confirm that accused juveniles under adult court are not detained or confined in the facility absent a court order.

Collocated Facility

California law requires individuals who work with both juvenile and adult inmate populations to have been trained and certified to work with juveniles.¹⁴ Compliance Monitors must inspect collocated facilities annually for compliance with the Sight or Sound Separation requirement and additional requirements.

- Compliance Monitor must document what records were reviewed during the inspection and from what time period.
- Must document what areas were observed and assessed
- Must address whether a facility has adequate mechanisms, practices, and policies in place to maintain sight or sound separation
- Must assess whether a facility meets the additional requisite separateness as defined in federal regulations. 28 C.F.R. § 31.303(e)(3):
 - No sustained sight or sound contact between juveniles and adult inmates.
 - Is it achieved through architecture? Designated separate areas? Modifications? Or time-phasing of common use nonresidential areas?
 - Separate juvenile and adult programs.
 - No programs may be shared.
 - Is there an independent and comprehensive operational plan?
 - Is there time-phase of common use nonresidential areas?
 - Is there shared equipment? Any security or safety concerns?

¹⁴ Pen. Code § 830 *et seq.*; Gov. Code § 1029 *et seq.*; Welf. & Inst. Code § 207.1(f)(4); Cal. Code Regs., tit. 15, § 131.

- Does the facility meet state minimum standards?

Minors Not Being Held in Detention Facilities

For facilities stating they do not detain or hold minors and be removed from the Compliance Monitoring site inspections, the following procedure must be followed:

- Written confirmation minors are not detained at your facility
 - *If the facility serves as a **Court Holding Facility**, OYCR must be notified minors are not held at the facility and all hearings for minors are conducted at an alternative location.*
- Copy of facilities' procedure outlining minors are not detained at said facility
- Written confirmation from the facility that they will notify OYCR of any changes to this policy.
 - *If at any point there are changes to the facility's policy regarding the detaining of minors, OYCR will reconduct an annual site inspection of the facility.*
 - *Facilities stating to not detain minors are still required to submit their Annual Data Reporting.*

D. Charts on the frequency of inspections and inspection process.

Federal classification	Frequency	Percentage Inspected Within Three Years
Collocated Facilities	100% annually	N/A
Secure Juvenile Detention Facilities	biennially	OJJDP recommends 100%
Secure Juvenile Correctional Facilities	biennially	OJJDP recommends 100%

Jail or lockups for adults, including Court Holdings¹⁵	biennially or triennially	OJJDP recommends 100%
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The Compliance Monitoring Inspection Process

Who is responsible?	Adult jail or lockup → Compliance Monitor (Facility with or without OYCR number) Secure juvenile detention or correctional facility → Compliance Monitor Collocated Facility → Compliance Monitor
How do I prepare?	1. Request and review policy and procedures on juveniles. 2. Review facility's response to annual survey. 3. Review if facility self-reported any violations.
What to do?	
DSO	<ul style="list-style-type: none"> Review records, such as detention logs. Are there nonoffenders or status offenders? Are there incidents of warrant or probation violations? <ul style="list-style-type: none"> If so, what is the underlying delinquent offense. Otherwise, it could be violation.
Section 223(a)(11)(B)	<ul style="list-style-type: none"> Are there accused juveniles charged as adults detained in an adult facility per a written court order? Are all section 223(a)(11)(B) requirements met?
Sight or Sound Separation	<ul style="list-style-type: none"> Conduct a walkthrough. Interview staff. Where are juveniles confined? In what manner? Is it the same area or near where adults may be confined? How does the facility maintain sight or sound separation? Are separation measures adequate?
Jail Removal	<ul style="list-style-type: none"> Review records. Note the Entry Date and Time and the Release Date and Time. The total time should not exceed 6 hours. For court holding facilities, time spent in the courtroom, or a public area of the court does not count toward the cap.
What next?	A. Submit completed report to appropriate analyst.

¹⁵ Effective FY 2021, court holding facilities are considered secure facilities within the definition of an adult jail or lockup. States must inspect court holding facilities for compliance with the Jail Removal Requirement in addition to the existing Sight or Sound Separation requirement.

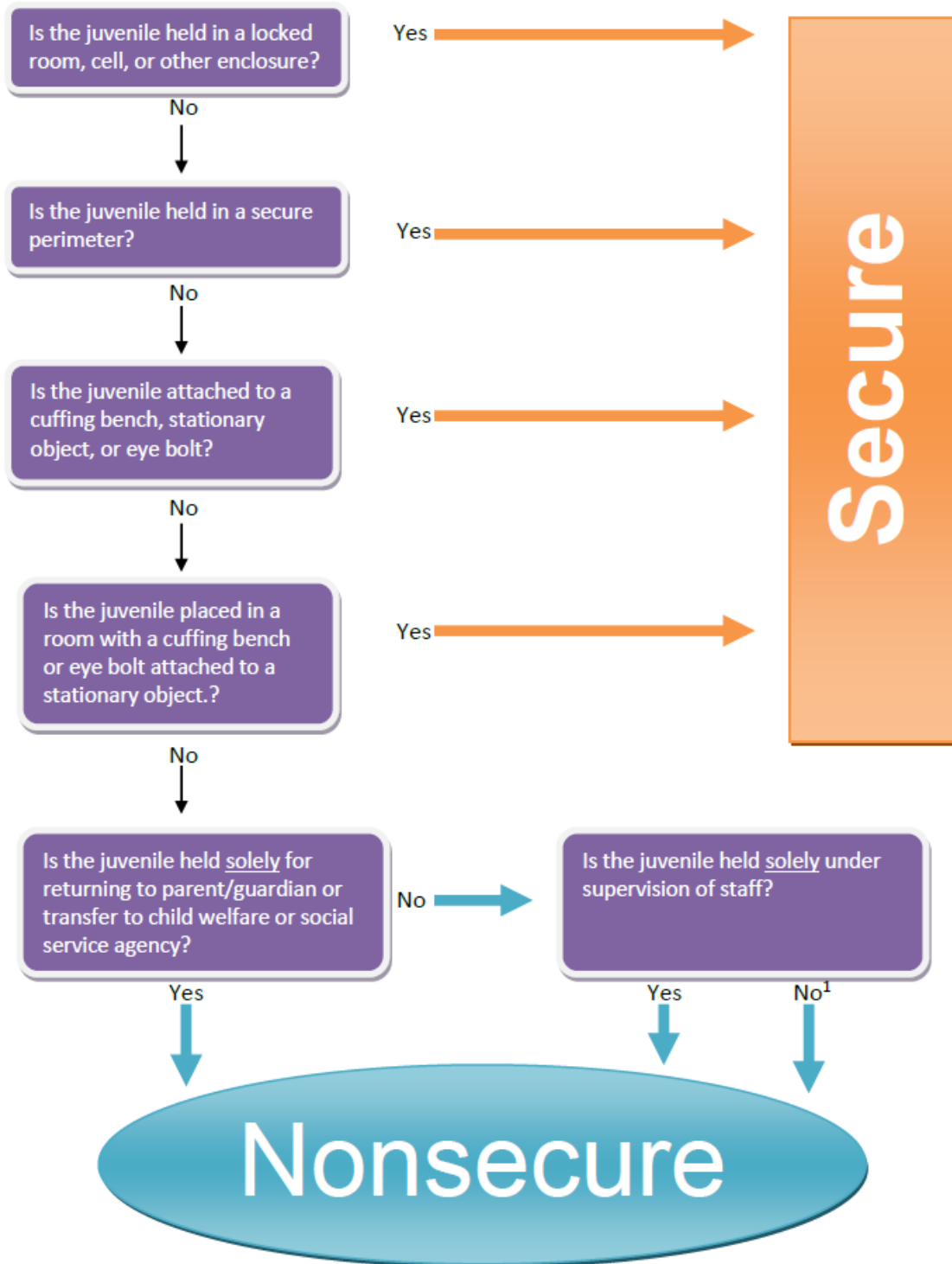
B. If facility did not respond to survey, submit a completed survey to the appropriate analyst.

Attachments

[JJDPA Secure vs. Nonsecure](#)

[JJDPA Core Requirements Chart](#)

JJDPA Secure vs Nonsecure



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

JJDP Core Requirements Chart

	PROHIBITS	FACILITIES	EXCEPTIONS
DSO 34 U.S.C. § 11133(a)(11)(A)	Status Offenders and Nonoffenders ¹⁶ From being placed in	a secure detention facility OR secure correctional facility	Unless the juvenile falls under the Interstate Compact Exception or the VCO Exception. Note: There are no exceptions for nonoffenders. Placement is a violation.
Section 223(a)(11)(B)	Accused juvenile offenders charged as adults From being placed in	a jail or lockup for adults	Unless in the interest of justice consistent with 34 U.S.C. § 11133(a)(11)(B). See also OJJDP's (11)(B) Requirement Checklist.
Sight or Sound Separation 34 U.S.C. § 11133(a)(12)	Delinquent Offenders, Status Offenders, and Nonoffenders From being detained or confined in	ANY Institution (i.e., secure facility) in which they have sight or sound contact with adult inmates	Brief and inadvertent sight or sound contact between juveniles and adult inmates in secure areas of a facility that are not dedicated to juvenile use and are nonresidential, would not constitute "contact." But any contact in a designated juvenile area, including any residential area, is a violation. 28 CFR 31.303(d)
Jail Removal 34 U.S.C. § 11133(a)(13)	Delinquent Offenders Status Offenders Nonoffenders From being detained or confined in	an adult jail or lockup, including a court holding facility	Except accused juvenile offenders not to exceed 6 hours for (1) processing or release; (2) transfer to a juvenile facility; or (3) in which period such juveniles make a court appearance. The three statutory exceptions are not applicable in California. Note: These exceptions do not apply to nonoffenders, status offenders, and adjudicated delinquent offenders. These juveniles cannot be detained or confined for any length of time.

¹⁶ The JJDP defines nonoffender as a juvenile who is not charged with any offense AND is either an alien OR alleged to be dependent, neglected, or abused.

11. Compliance Data Collection and Verification

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	28 C.F.R. § 31.303(f)(1)(i)(D); § 31.303(f)(5)
Related California authority (if any):	n/a

Policy

Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(D) and (5), the state must collect and verify data from all adult jails, adult lockups, secure detention facilities, and secure correctional facilities for the 12-month federal fiscal year (FY) reporting period, to determine whether the facilities are in compliance with the applicable requirements of DSO, Section 223(a)(11)(B), separation, and jail removal. The federal fiscal year is October 1 to September 30. States that are unable to report data for 100% of facilities must report data for at least 85% of facilities within the state that are required to report.

Procedures

OYCR has two internal programs to collect and verify data: Minors¹⁷ 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 and the sheer number of detention facilities and law enforcement facilities in California. There are over 900 facilities in California's compliance monitoring universe, not including nonsecure facilities.

The MID and SOFY programs both collect and verify data on the juveniles, but from different kinds of facilities. The MID program collects data from adult jails or lockups, which includes court holding facilities, whereas the SOFY program collects data from juvenile detention and correctional facilities. The MID and SOFY programs collect and verify data in a similar manner but use different forms and involve different database systems.

¹⁷ California uses the term "minor" to refer to persons under the age of majority. To minimize confusion among California's 58 counties, the term is on data collection tools.

A. Adult jails or lockups

Collection

The CM Analyst collects data remotely from adult jails and lockups through annual surveys and monthly reports on the detention of juveniles. The analyst also collects data from the inspection documented in compliance monitoring reports from Compliance Monitors and Field Representatives.

Data will be collected on the following:

1. Accused status and non-offenders detained or confined for any period of time. Adult jails and lockups cannot detain or confine status offenders, non-offenders, or alien juveniles at any time. These juveniles may be in a non-secure area of an adult jail or lockup for processing, while awaiting transportation to a non-secure shelter care facility or a juvenile detention center, or while awaiting release to a parent or guardian.

Adult jails and lockups should keep records of every juvenile who enters the facility. For status offenders, non-offenders, and alien juveniles, the records should indicate if the juvenile was detained or confined in a secure or a non-secure area. If such a juvenile is detained or confined at any time, this hold would count as a violation of both DSO and Jail Removal. If detained or confined and not sight and sound separated from adult inmates, the result would be a violation of DSO, Separation, and Jail Removal.

2. Juveniles accused of non-status offenses detained for more than 6 hours. The JJDPA allows for the detention in an adult jail or lockup of those juveniles accused of committing non-status offenses (i.e., offenses that would be a criminal offense if committed by an adult) for the purposes of processing or release, while awaiting transfer to a juvenile facility, or during which period they make a court appearance. Any holding of juveniles should be limited to the absolute minimum time necessary to complete these purposes, not to exceed 6 hours. Any juveniles held over 6 hours are violations of the Jail Removal core requirement.

Once the juvenile has been detained or confined and the 6-hour period has begun, the facility cannot temporarily take the juvenile out and begin the 6-hour time again. However, the time during which a juvenile is detained in a courtroom does not count toward the 6-hour limit, because a courtroom is not a jail or lockup for adults. Any detention or confinement not related to processing/transfer/release, or a court appearance is a violation of the Jail Removal core protection.

Further, the juvenile cannot have sight or sound contact with adult inmates during the time the juvenile is detained or confined. The location of where the juvenile is held should be noted to help ensure sight and sound separation was maintained.

Rural Exception: **California will not be using this Exception**

3. Adjudicated juveniles detained or confined for any length of time. Placement of adjudicated status offenders, in an adult jail or lockup would result in an instance of noncompliance with the jail removal requirement.

The statutory exceptions to the jail removal requirement do not apply to juveniles who have been adjudicated as delinquent. Detention or confinement in an adult jail or lockup for any length of time of these juveniles will result in a jail removal violation.

4. Separation violations. Separation of juveniles from adult inmates must be achieved in all secure areas of the facility. Sight and Sound contact is defined as any physical, clear visual, or verbal contact that is not brief and inadvertent.¹⁸

Sight and sound separation may be accomplished architecturally or through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by juveniles and adults. Brief and inadvertent contact between juvenile offenders detained or confined and adult inmates in secure nonresidential areas of the facility do not count as violations.

¹⁸ Cal. Pen. Code § 208.55; [Sight- -Sound-Separation-WIC-208.55-FINAL-7-21-2023.pdf \(ca.gov\)](#)

Pursuant to Cal. Pen. Code § 208.55, “(b) *The following shall apply to persons detained in a juvenile facility as it relates to sight or sound contact:*

(1) A juvenile may have sight or sound contact with other juveniles.

(2) An incarcerated adult who is detained in a juvenile facility shall not have sight and sound contact with juveniles under 18 years of age.

(3) For the purposes of clarification only, a juvenile who is still under the jurisdiction of the juvenile court and who participates in the Pine Grove Youth Conservation Camp pursuant to Section 1760.45 shall be considered a juvenile if returned to a local juvenile facility.”

5. *Removal of juveniles prosecuted as adults from adult facilities, juveniles who are transferred certified, or waived to criminal court. Pursuant to the JJDPa section 223(a)(11)(B), unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility shall not have sight or sound contact with adult inmates, and may not be held in any jail or lockup for adults.*

In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:

- a. the age of the juvenile;
- b. the physical and mental maturity of the juvenile;
- c. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
- d. the nature and circumstances of the alleged offense;
- e. the juvenile’s history of prior delinquent acts;
- f. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and

g. any other relevant factor(s)

If a court determines under clause (i) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—

a. the court shall hold a hearing not less frequently than once every 30 days, or in the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and

b. the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation.

The Compliance Monitor will review all cases in which a juvenile was housed in an any jail or lockup for adults to determine if the requirements of section 223(a)(11)(B) were followed in their entirety. Incidents will be verified through review of appropriate court documents including the Order for Detention and minutes of relevant review hearings. All incidents that cannot be verified as having followed the process outlined in JJDPa section 223(a)(11)(B) will be reported as violations.

Holding status offenders or non-offenders in an adult correctional facility is an immediate violation of the JJDPa.

No delinquent offenders, status offenders, or juvenile non-offenders can be detained or confined for any amount of time in a secure adult facility as a disposition of an offense or as a means of modifying their behavior (e.g., Scared Straight programs). A Separation violation occurs if a juvenile who is detained in a secure adult facility has sight or sound contact with an adult inmate.

The only juveniles allowed to be placed in adult correctional facilities without a violation of the core protections would be juveniles who have been sentenced pursuant to adult criminal court jurisdiction under section 223(a)(11)(B).

Verification

The CM Analyst receives data from these sources and reviews them for accuracy and completeness. If needed, the analyst will contact jails or lockups for additional clarification. If needed, the analyst may request assistance from the lead Compliance Monitor. In the end, the analyst will update the dedicated adult jails and lockup database of the monitoring universe. Information on court holding facilities is part of this database.

B. Secure Juvenile Detention and Correctional Facilities

Collection

The CM Analyst also collects data remotely from juvenile detention and correctional facilities through the annual survey and Sight or Sound Separation incident reports if any. The analyst also collects data documented from the annual inspections of collocated facilities.

Data will be collected on the following:

1. Accused status offenders held for more than 24 hours (excluding Saturdays, Sundays, and holidays) prior to and/or immediately following an initial court appearance, and out of state runaways held pursuant to the Interstate Compact. JJDPa regulations allow an accused status offender to be placed in a secure juvenile detention facility for up to 24 hours (exclusive of Saturdays, Sundays, and legal holidays) prior to an initial court appearance, and for an additional 24 hours (exclusive of Saturdays, Sundays, and legal holidays) immediately following an initial court appearance. Any status offender held beyond the 24 hours are violations of DSO.
2. Adjudicated status and non-offenders held for any length of time. Any non-offender sentenced to detention, are violations of DSO.
3. Out-of-State Runaways Interstate Compact on Juveniles Exception: Pursuant to the DSO requirement at 34 U.S.C. § 11133(a)(11)(A)(i)(III), status offenders may be

held in accordance with the Interstate Compact on Juveniles, as the state has enacted it. The Compliance Monitor will verify with the Interstate Compact Coordinator that all status offenders subject to an out-of-state placement were held pursuant to the Compact. Where the interstate placement of status offenders was not in accordance with the Compact, the state in which the juvenile is placed must report the placement as an instance of noncompliance.

4. Juveniles Held Pursuant to a Contract: The Compliance Monitor must collect and report compliance data on any juveniles detained pursuant to a contract with a federal agency and/or another state.

Verification

The CM Monitor receives data from these sources and reviews them for accuracy and completeness. If needed, the analyst will contact juvenile probation departments for additional clarification. If needed, the analyst may request guidance from the lead Compliance Monitor. In the end, the analyst will update the dedicated juvenile detention and correctional facility database of the monitoring universe.

C. Note on the Section 223(a)(11)(B) Requirement – Juveniles charged as adults

Collection

OYCR collects data on juveniles charged as adults primarily through inspections. The inspection forms require Compliance Monitors to address juveniles in general.

The California Office of Attorney General is statutorily charged with collecting, compiling, and reporting data on the administration of juvenile justice from county probation departments. It maintains a Juvenile Court and Probation database that contains information, such as a juvenile's progress from probation to final disposition, and on juveniles charged as adults.

Verification

If an accused juvenile charged as an adult is ordered by the court to be detained or confined in a jail or lockup for adults, OYCR will contact the originating juvenile probation department and the local county juvenile court for additional information and request the written court order. Compliance Monitors will follow and apply the JJDP A Section 223(a)(11)(B) Checklist tool developed by OJJDP, verifying that the Section 223(a)(11)(B) requirements have been met and that the court order considered the seven requisite factors for the basis of its determination.

The lead Compliance Monitor is responsible for final verification of data submitted to OJJDP as detailed in Section 5 of this manual on violation procedures and in Section 7 on annual reporting requirements. All forms used to collect information about juveniles detained or confined in adult jails, adult lockups, juvenile detention facilities, and juvenile correctional facilities are available at: [Compliance Monitoring - OYCR \(ca.gov\)](#).

Attachment

[Section 223\(a\)\(11\)\(B\) of the JJDP A Checklist](#)

Section 223(a)(11)(B) of the JJDPA Checklist



Section 223(a)(11)(B) of the JJDPA Checklist

Please note that use of this form is not required. It is intended to be a tool to assist in determining whether an instance of noncompliance with Section 223(a)(11)(B) of the JJDPA has occurred.

Complete this form for **each instance** occurring on or after December 21, 2021, in which a **juvenile is charged as an adult and detained in an adult jail or lockup** while awaiting trial or other legal process.

Section I

Answer "Yes" or "No" to each of the following questions:

- ① Was the juvenile sight and sound separated from adult inmates? Yes No
- ② Do any of the following exceptions apply? Yes No
- a. The juvenile was detained for a period that did not exceed six hours **for processing or release;**
 - b. The juvenile was detained for a period that did not exceed six hours **while awaiting transfer to a juvenile facility;**
 - c. The juvenile was detained for a period that did not exceed six hours **during which period the juvenile made a court appearance;**
 - d. The juvenile was detained for no more than 48 hours **while awaiting an initial court appearance in a jail or lockup that was outside a metropolitan statistical area** (as defined by the Office of Management and Budget), and the state had no existing acceptable alternative placement available;
 - e. The juvenile was detained in an adult jail or lockup **located where conditions of distance to be traveled or the lack of highway, road, or transportation did not allow for a court appearance within 48 hours** (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay was excusable; or
 - f. The juvenile was detained in an adult jail or lockup **located where conditions of safety existed (such as severely adverse, life-threatening weather conditions that did not allow for reasonably safe travel)** and the court appearance was delayed until no more than 24 hours after the time that such conditions allowed for reasonably safe travel.

If the answers to **both** of the questions in Section I is "yes," there is compliance with section 223(a)(11)(B) of the JJDPA. **Skip to Section III.**

If the answer to either of the questions in Section I is "no," **proceed to Section II.**

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Section II

Answer “Yes” or “No” to each of the following questions:

- ① Was there a court hearing to consider whether it was in the interest of justice to detain the juvenile in an adult jail or lockup or such that he has contact with adult inmates? Yes No
- ② Is there a written court order following the hearing to determine that it is in the interest of justice to detain the juvenile in an adult jail or lockup or such that he has contact with adult inmates? Yes No
- ③ Does the order indicate that the court considered the following factors? Yes No
 - a. The **age** of the juvenile;
 - b. The **physical and mental maturity** of the juvenile;
 - c. The **present mental state** of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
 - d. The **nature and circumstances** of the alleged offense;
 - e. The juvenile’s **history** of prior delinquent acts;
 - f. The relative ability of the available adult and juvenile detention facilities to not only **meet the specific needs** of the juvenile but also to **protect the safety** of the public as well as other detained youth; and
 - g. **Any other** relevant factor.
- ④ Following the initial hearing and court order, was there a court hearing at least every 30 or (in the case of a rural jurisdiction) 45 days, that the individual has been detained in the adult jail or lockup or such that he has sight or sound contact with adult inmates, to review whether it is still in the interest of justice to permit the juvenile to be so detained? Yes No
- ⑤ If the individual has been detained in a jail or lockup for adults, or such that he has sight or sound contact with adult inmates, for more than 180 days, is there a written court order that articulates the court’s finding of good cause for an extension, or documentation of a waiver by the juvenile? Yes No

Proceed to Section III.

Section III

Are the answers to **both questions** in Section I “**yes**”?

Yes ————— **Compliance** with Section 223(a)(11)(B) of the JJDP

If the answer to **one or both** of the questions in Section I is “**no**,” are the answers to **all** of the questions in Section II “**yes**”?

Yes ————— **Compliance** with Section 223(a)(11)(B) of the JJDP

No ————— **Noncompliance** with Section 223(a)(11)(B) of the JJDP

10/21/2021

12. Compliance Monitoring Annual Reporting Requirement

Date Issued:	October 2024
Last Reviewed:	October 2024
Related OJJDP authority:	28 C.F.R. § 31.303(f)(5)
Related California authority (if any):	n/a

Policy

Under [28 C.F.R. § 31.303\(f\)\(5\)](#), annual compliance monitoring reports must cover the previous federal fiscal year, except that the OJJDP Administrator may grant an extension of the reporting deadline, for good cause, upon a state's request.

Procedures

The submission of the annual reporting requirements for compliance monitoring involves advance preparation by the CM Analyst under the supervision of the Compliance Officer, as well as the lead Compliance Monitor. Working closely together, the OYCR submits the following each year to OJJDP via the [OJJDP Compliance Monitoring Tool online](#):

A. General Components

1. State compliance data for the core requirements and supporting documentation
2. Requisite certification forms
 - Training Policy Certification
 - Compliance Monitoring Data Certification
 - Compliance Plans and Resources Certification
 - Note: The Rural Removal Exception Certification is not applicable.
3. Plan for Compliance Monitoring
 - States are allowed to submit their Compliance Monitoring Manual
4. Compliance Monitoring Universe
5. Special note on R/ED:
 - As previously stated, R/ED is not part of compliance monitoring; however, R/ED materials must be submitted annually via the OJJDP Compliance Monitoring Tool.

- Compliance Monitor should obtain R/ED materials from the R/ED Coordinator in the OYCR's grants unit.

B. General Process

The annual Title II Solicitation provides a complete list of materials due. Additional requirements may vary each year.

1. State compliance data for the core requirements

The preparation of the compliance monitoring data is the most time-consuming part of the process. It requires a command of the core requirements, attention to detail, and close collaboration among the lead Compliance Monitor, Compliance Officer, and the CM Analyst.

a. The Monitoring Analyst Must Finalize the Databases

The analyst is responsible for maintaining the adult jail and lockup database and the juvenile detention and correctional database for the monitoring universe throughout the year. Once the Federal Fiscal Year ends on September 30th, the analyst has until January to finalize the databases for that Federal Fiscal Year. That is the analyst has 3 to 4 months to analyze the databases to ensure that any still outstanding monthly reports or survey responses are received, and that data is as complete and accurate as possible. If inaccurate data or facility information is identified the analyst will assess the issue and contact the reporting facility to make all necessary corrections. If additional support is needed, the analyst must inform the Compliance Officer.

b. The Compliance Officer Reviews the Databases

The Compliance Officer must review the respective databases to ensure their accuracy and completeness. The Compliance Officer will ensure that data is accurate and complete and seek additional reviews from the analyst if necessary.

c. The Compliance Monitor Analyzes the Databases

A Step-by-Step guide for analyzing the databases is available to the Compliance Monitor. However, it is too lengthy to be included in this guide. To summarize, the Compliance Monitor reviews each reported or detected violation separately by reading monthly reports, incident reports, and inspection reports. For each incident, the Compliance Monitor will contact the respective agencies for additional information. If needed, the Compliance Monitor may schedule additional meetings with the agencies involved. After considering all the available information, the Compliance Monitor will determine whether there is a violation as stated in Section 5 of this manual. In the end, the Compliance Monitor will produce a summary of JJDP violations that will be reported.

d. The Staff Services Manager II Performs an Independent Analysis

Following the same step-by-step guide, the Compliance Officer will perform an independent analysis and share their results with the Compliance Monitor.

e. The Compliance Monitor Performs a Reconciliation

The Compliance Monitor will compare results. If needed, the Compliance Monitor will review any discrepancies and reconcile them. The Compliance Monitor finalizes the monitoring data and submits it online to OJJDP. The Compliance Monitor must download a PDF copy of the submitted data for Executive Management Review, as well as upload the PDF as an attachment to OJJDP.

2. Requisite certification forms

OJJDP requires the submission of certain certification forms each year. The Director is the appropriate person to sign the certification forms. The lead Compliance Monitor should prefill the forms for signature and submit them to the Executive Assistant in advance. The Compliance Monitor must attach finalized copies of the data and the manual for the ED's review. The ED will contact the Compliance Monitor if there are any questions. The Executive Assistant will obtain the signatures and return the original, signed certifications to the Compliance Monitor.

3. Plan for Compliance Monitoring

In lieu of a plan, the OYCR submits a copy of the Compliance Monitoring Manual. The lead Compliance Monitor is responsible for reviewing and revising the manual each year. Prior to submission, the Compliance Monitor should create internal deadlines to provide Executive Management or Counsel adequate time to review and provide feedback on the manual. While the Compliance Monitor revises the manual, it is expected that the Compliance Officer review, provide input, or propose specific revisions as needed.

4. Compliance Monitoring Universe

The Compliance Monitoring Universe is a list of all the secure facilities in the universe by federal classification. The CM Analyst is responsible for producing the monitoring universe. The Compliance Officer is responsible for reviewing the universe, providing feedback or direction to analyst, and ensuring the universe is accurate, complete, and updated.

C. Good Cause Extension

OJJDP recognizes that states may have good cause for more time to complete the annual reporting requirements. In these situations, OJJDP allows states and territories with good cause to submit a request for a 30-day extension for compliance data and R.E.D. data submission. The extension is not available for other Title II requirements. If OYCR has good cause and would benefit from an extension, the Compliance Monitor must first discuss such a request with the Operations and Support/Title II Deputy Director. If Executive Management approves of submitting a request, the lead Compliance Monitor must:

- Write on official OYCR letterhead
- Address to the OJJDP Administrator
- Provide justification as to why an extension is needed
- Submit via email to the designated STRAD Program Manager

Hard copies and e-copies of the request and email should be stored appropriately.