

Introduced by Senator Padilla

February 19, 2010

An act to amend Section 209 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1447, as introduced, Padilla. Juveniles: secure detention facilities.

Existing law requires the annual inspection of any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. Existing law requires the Corrections Standards Authority to establish minimum standards for state and local correctional facilities.

The federal Juvenile Justice and Delinquency Prevention Act of 2002 provides grants to the states to support state and local programs that address juvenile delinquency, as specified. The act requires that a state submit a state plan that meets specified criteria in order to be eligible for those grants. Among other criteria, the state plan must provide that certain juveniles will not be placed in secure detention facilities, must ensure that juveniles will not be detained or confined in any institution in which they have contact with adult inmates, and must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to ensure that these and other criteria set forth in the act are met. The act also requires annual reporting of the results of that monitoring, except as specified.

This bill would require the Corrections Standards Authority to inspect and collect relevant data from any facility that may be used for the secure detention of minors, in accordance with the federal Juvenile Justice and Delinquency Prevention Act of 2002.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 209 of the Welfare and Institutions Code
2 is amended to read:

3 209. (a) The judge of the juvenile court of a county, or, if there
4 is more than one judge, any of the judges of the juvenile court
5 shall, at least annually, inspect any jail, juvenile hall, or special
6 purpose juvenile hall that, in the preceding calendar year, was used
7 for confinement, for more than 24 hours, of any minor.

8 The judge shall promptly notify the operator of the jail, juvenile
9 hall, or special purpose juvenile hall of any observed
10 noncompliance with minimum standards for juvenile facilities
11 adopted by the Board of Corrections under Section 210. Based on
12 the facility's subsequent compliance with the provisions of
13 subdivisions (d) and (e), the judge shall thereafter make a finding
14 whether the facility is a suitable place for the confinement of
15 minors and shall note the finding in the minutes of the court.

16 The Board of Corrections shall conduct a biennial inspection of
17 each jail, juvenile hall, lockup, or special purpose juvenile hall
18 situated in this state that, during the preceding calendar year, was
19 used for confinement, for more than 24 hours, of any minor. The
20 board shall promptly notify the operator of any jail, juvenile hall,
21 lockup, or special purpose juvenile hall of any noncompliance
22 found, upon inspection, with any of the minimum standards for
23 juvenile facilities adopted by the Board of Corrections under
24 Section 210 or 210.2.

25 If either a judge of the juvenile court or the board, after
26 inspection of a jail, juvenile hall, special purpose juvenile hall, or
27 lockup, finds that it is not being operated and maintained as a
28 suitable place for the confinement of minors, the juvenile court or
29 the board shall give notice of its finding to all persons having
30 authority to confine minors pursuant to this chapter and
31 commencing 60 days thereafter the facility shall not be used for
32 confinement of minors until the time the judge or board, as the
33 case may be, finds, after reinspection of the facility that the
34 conditions that rendered the facility unsuitable have been remedied,
35 and the facility is a suitable place for confinement of minors.

1 The custodian of each jail, juvenile hall, special purpose juvenile
2 hall, and lockup shall make any reports as may be requested by
3 the board or the juvenile court to effectuate the purposes of this
4 section.

5 (b) The Board of Corrections may inspect any law enforcement
6 facility that contains a lockup for adults and that it has reason to
7 believe may not be in compliance with the requirements of
8 subdivision (d) of Section 207.1 or with the certification
9 requirements or standards adopted under Section 210.2. A judge
10 of the juvenile court shall conduct an annual inspection, either in
11 person or through a delegated member of the appropriate county
12 or regional juvenile justice commission, of any law enforcement
13 facility that contains a lockup for adults which, in the preceding
14 year, was used for the secure detention of any minor. If the law
15 enforcement facility is observed, upon inspection, to be out of
16 compliance with the requirements of subdivision (d) of Section
17 207.1, or with any standard adopted under Section 210.2, the board
18 or the judge shall promptly notify the operator of the law
19 enforcement facility of the specific points of noncompliance.

20 If either the judge or the board finds after inspection that the
21 facility is not being operated and maintained in conformity with
22 the requirements of subdivision (d) of Section 207.1 or with the
23 certification requirements or standards adopted under Section
24 210.2, the juvenile court or the board shall give notice of its finding
25 to all persons having authority to securely detain minors in the
26 facility, and, commencing 60 days thereafter, the facility shall not
27 be used for the secure detention of a minor until the time the judge
28 or the board, as the case may be, finds, after reinspection, that the
29 conditions that rendered the facility unsuitable have been remedied,
30 and the facility is a suitable place for the confinement of minors
31 in conformity with all requirements of law.

32 The custodian of each law enforcement facility that contains a
33 lockup for adults shall make any report as may be requested by
34 the board or by the juvenile court to effectuate the purposes of this
35 subdivision.

36 (c) The board shall collect biennial data on the number, place,
37 and duration of confinements of minors in jails and lockups, as
38 defined in subdivision (i) of Section 207.1, and shall publish
39 biennially this information in the form as it deems appropriate for

1 the purpose of providing public information on continuing
2 compliance with the requirements of Section 207.1.

3 (d) Except as provided in subdivision (e), a juvenile hall, special
4 purpose juvenile hall, law enforcement facility, or jail shall be
5 unsuitable for the confinement of minors if it is not in compliance
6 with one or more of the minimum standards for juvenile facilities
7 adopted by the Board of Corrections under Section 210 or 210.2,
8 and if, within 60 days of having received notice of noncompliance
9 from the board or the judge of the juvenile court, the juvenile hall,
10 special purpose juvenile hall, law enforcement facility, or jail has
11 failed to file an approved corrective action plan with the Board of
12 Corrections to correct the condition or conditions of noncompliance
13 of which it has been notified. The corrective action plan shall
14 outline how the juvenile hall, special purpose juvenile hall, law
15 enforcement facility, or jail plans to correct the issue of
16 noncompliance and give a reasonable timeframe, not to exceed 90
17 days, for resolution, that the board shall either approve or deny.
18 In the event the juvenile hall, special purpose juvenile hall, law
19 enforcement facility, or jail fails to meet its commitment to resolve
20 noncompliance issues outlined in its corrective action plan, the
21 board shall make a determination of suitability at its next scheduled
22 meeting.

23 (e) ~~Where~~ *If* a juvenile hall is not in compliance with one or
24 more of the minimum standards for juvenile facilities adopted by
25 the Board of Corrections under Section 210, and where the
26 noncompliance arises from sustained occupancy levels that are
27 above the population capacity permitted by applicable minimum
28 standards, the juvenile hall shall be unsuitable for the confinement
29 of minors if the board or the judge of the juvenile court determines
30 that conditions in the facility pose a serious risk to the health,
31 safety, or welfare of minors confined in the facility. In making its
32 determination of suitability, the board or the judge of the juvenile
33 court shall consider, in addition to the noncompliance with
34 minimum standards, the totality of conditions in the juvenile hall,
35 including the extent and duration of overpopulation as well as
36 staffing, program, physical plant, and medical and mental health
37 care conditions in the facility. The Board of Corrections may
38 develop guidelines and procedures for its determination of
39 suitability in accordance with this subdivision and to assist counties
40 in bringing their juvenile halls into full compliance with applicable

1 minimum standards. This subdivision shall not be interpreted to
2 exempt a juvenile hall from having to correct, in accordance with
3 the provisions of subdivision (d), any minimum standard violations
4 that are not directly related to overpopulation of the facility.

5 *(f) In accordance with the federal Juvenile Justice and*
6 *Delinquency Prevention Act of 2002 (42 U.S.C. Sec. 5601 et seq.),*
7 *the Corrections Standards Authority shall inspect and collect*
8 *relevant data from any facility that may be used for the secure*
9 *detention of minors.*