



# CARE

*Community Awareness,  
Response, & Engagement*

*Demystifying*  
**THE DEPARTMENT OF JUSTICE**  
*A Quarterly Series*

**What is the Bureau of  
Children's Justice?**

# Today's Agenda

- What is the Bureau of Children's Justice (BCJ)?
- What Does BCJ do?
- How Can You Help?
- Questions?



State of California Department of Justice

 **ROB BONTA**  
*Attorney General*

HOME ABOUT MEDIA CAREERS REGULATIONS RESOURCES PROGRAMS

## Bureau of Children's Justice

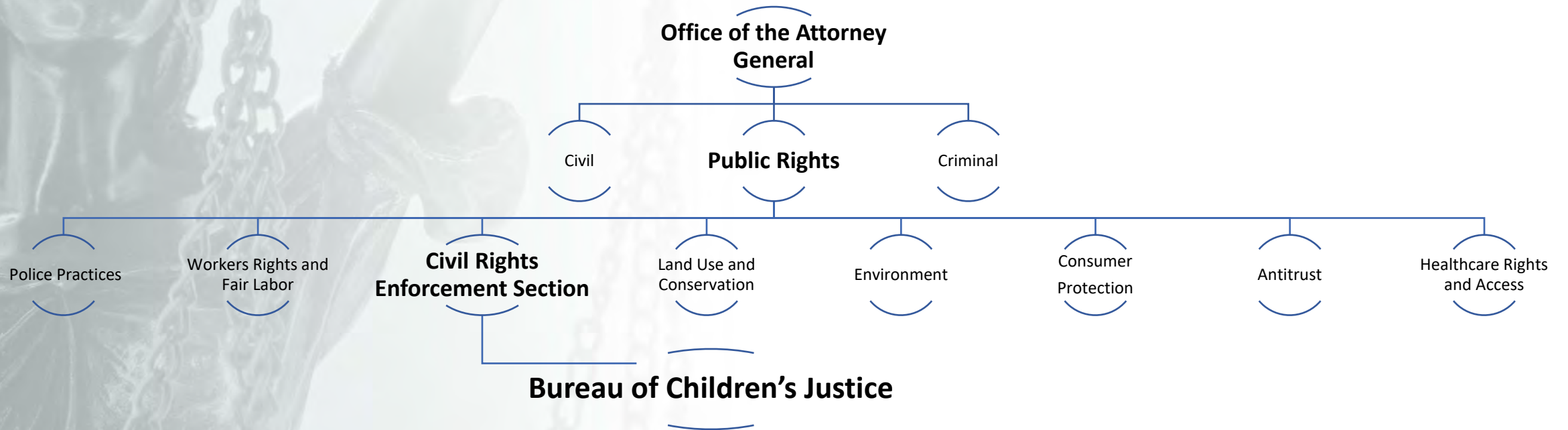
Home / Civil Rights / Bureau of Children's Justice

The Bureau of Children's Justice (BCJ) was formed within the Civil Rights Enforcement Section in 2011 to ensure every child in the State of California can meet their full potential. BCJ's investigative work addresses...



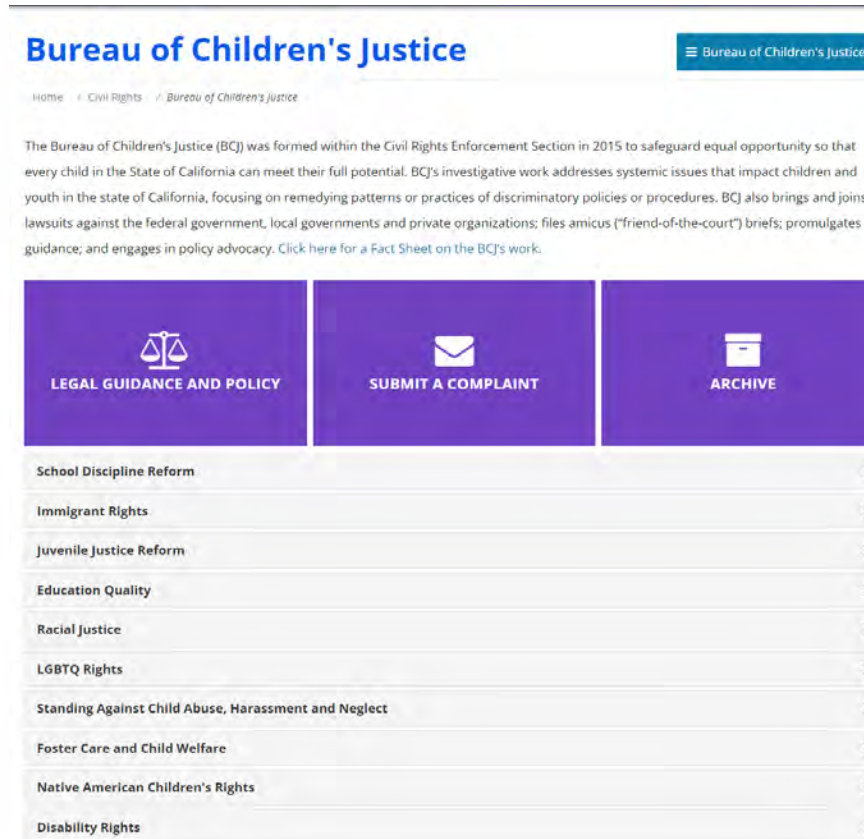


# What is the Bureau of Children's Justice?



# What Does BCJ Do?

- Began in 2015 by then-Attorney General Kamala Harris to address systemic issues and protect the civil rights of children and youth
- Investigations
- Litigation
- Policy and Guidance



The screenshot shows the website for the Bureau of Children's Justice. At the top, the title "Bureau of Children's Justice" is displayed in blue. Below the title, there is a navigation menu with "Home", "Civil Rights", and "Bureau of Children's Justice". The main content area features a paragraph describing the bureau's mission: "The Bureau of Children's Justice (BCJ) was formed within the Civil Rights Enforcement Section in 2015 to safeguard equal opportunity so that every child in the State of California can meet their full potential. BCJ's investigative work addresses systemic issues that impact children and youth in the state of California, focusing on remedying patterns or practices of discriminatory policies or procedures. BCJ also brings and joins lawsuits against the federal government, local governments and private organizations; files amicus ('friend-of-the-court') briefs; promulgates guidance; and engages in policy advocacy. Click here for a Fact Sheet on the BCJ's work." Below this text are three purple buttons: "LEGAL GUIDANCE AND POLICY" (with a scales icon), "SUBMIT A COMPLAINT" (with an envelope icon), and "ARCHIVE" (with a folder icon). Underneath these buttons is a list of topics, each with a right-pointing arrow: School Discipline Reform, Immigrant Rights, Juvenile Justice Reform, Education Quality, Racial Justice, LGBTQ Rights, Standing Against Child Abuse, Harassment and Neglect, Foster Care and Child Welfare, Native American Children's Rights, and Disability Rights.

# What Does BCJ Do?

## Investigations

- The Attorney General has broad authority to investigate violations of California law
- BCJ's investigations focus on systemic issues and patterns or practices of discrimination
- Investigations are confidential. Some resolutions are made public when filed in court or when an agreement is reached to resolve.



# What Does BCJ Do?

## Investigations

- Review publicly available information: news articles, social media, videos of and documents from public meetings
- Subpoena documents: e.g., emails, written policies, and data
- Interview witnesses, including under oath (oral examinations) and go to the site of the allegations to assess in person
- Hire experts to conduct analysis and assess the issues

# What Does BCJ Do?

## Investigations

- At the conclusion of the investigation:
  - Reach confidential findings as to whether laws or regulations have been violated and assess what is needed to remedy the violations.
- If violations are found, next steps can include:
  - Negotiating a stipulated judgment – an agreement filed in court with force of law and oversight by the court; OR
  - Filing and litigating a lawsuit in court.

# What Does BCJ Do?

## Investigations

### Stockton Unified School District

- Three-year investigation to address the School-to-Prison Pipeline
- School-related law enforcement practices
- Reviewed and analyzed all law enforcement incidents from 2013-2015



Stipulated Judgment, Case No. 34-2019-00248766 (Sac. Sup. Ct. 2019).



# What Does BCJ Do?

## Investigations

### Stockton Unified School District

- A sample of findings related to students with disabilities:
  - **Criminalization of behavior** that resulted from a student's disability
  - **Law enforcement referrals** resulted in students with disabilities being subjected to interrogation, use of force, and/or arrests for conduct resulting from disabilities
  - **Lack of** qualified, unbiased sign language interpreters in investigations for students with hearing disabilities
- Findings also for students of color, including disproportionate, discriminatory arrests

# What Does BCJ Do?

## Investigations

### Stockton Unified School District

2019 Stipulated judgment (five-year reform plan) includes:

- Independent monitor and trained disability coordinator
- Policy changes
- Restorative justice and positive behavioral support strategies
- Community Advisory Committee
- Monthly review of key disaggregated data indicators

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11 COUNTY OF SACRAMENTO  
12

13  
14 THE PEOPLE OF THE STATE OF CALIFORNIA, EX. REL. XAVIER BECERRA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,  
15  
16 Plaintiff,  
17  
18 v.  
19 STOCKTON UNIFIED SCHOOL DISTRICT,  
20 Defendant.  
21

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2019 FEB 19 AM 9:01  
SACRAMENTO COURTS  
DEPT. #54

Case No. 34-2019-00248766  
~~PROPOSED~~ FINAL JUDGMENT

Stipulated Judgment, Case No. 34-2019-00248766 (Sac. Sup. Ct. 2019).



# What Does BCJ Do?

## Investigations

### Los Angeles County Juvenile Halls

- Investigation began in 2018
- Site visits
- Interviewed more than 80 witnesses
- Reviewed thousands of pages of documents
- Hired experts to conduct analysis



Barry J. Nidorf Juvenile Hall

Stipulated Judgment, Case No. 34-2019-00248766 (Sac. Sup. Ct. 2019).



# What Does BCJ Do?

## Investigations

### Los Angeles County Juvenile Halls

A sample of what we found:

- Unlawful use of room confinement
- Failure to provide legally required education and adequately support transition from the hall to community
- Use of O.C. spray on youth with developmental disabilities or mental health conditions
- No career-technical education or vocational training
- Failure to provide instructional services to some youth with disabilities, as required by their IEPs
- Failure to provide adequate medical/mental health care
- Failure to provide an effective method for redress of complaints

# What Does BCJ Do?

## Investigations

### Los Angeles County Juvenile Halls

2021 Stipulated Judgement (minimum four-year reform plan) includes:

- **Hire independent monitor, education expert and behavioral health expert**
- Implement positive, trauma-informed, incentive-based **behavior management system**
- Create plan to provide **timely medical and mental health care**
- **Implement data tracking system** to ensure prompt school enrollment, access to required services, and to provide education or compensatory services.
- Implement policies and training to **ensure services in IEP and/or IPP** continue without interruption
- **Compensatory services to youth denied education services** from Jan. 1, 2018 until date of entry of Stip. Judgment, etc.
- Development of **preliminary education plan, joint transition plan, and career exploration curriculum**
- **School attendance and enrollment report** provided monthly to LA County Board of Ed. and others

# What Does BCJ Do?

## Litigation

To protect children's civil rights, BCJ:

- Files lawsuits against:
  - The federal government
  - Local governments
  - Private organizations
- Files amicus (“friend-of-the-court”) briefs

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

STATE OF TENNESSEE, et al.,  
Plaintiff-Appellees,  
  
v.  
  
DEPARTMENT OF EDUCATION, et al.,  
Defendant-Appellants.

On Appeal from the United States District Court  
for the Eastern District of Tennessee

No. 3:21-cv-00308  
Charles E. Atchley, Jr., Judge

**BRIEF OF AMICI CURIAE CALIFORNIA, COLORADO,  
CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA,  
HAWAII, ILLINOIS, MAINE, MARYLAND, MASSACHUSETTS,  
MICHIGAN, MINNESOTA, NEVADA, NEW JERSEY, NEW  
MEXICO, NEW YORK, OREGON, RHODE ISLAND, AND  
WASHINGTON IN SUPPORT OF NEITHER PARTY**



# What Does BCJ Do?

## Litigation

### **Flores Settlement Agreement – Treatment of Children in Immigration Custody**

- Governed treatment of children in custody since 1997
  - Requires unaccompanied children in non-secure facilities that are state-licensed to care for dependent children
  - Requires children to be released to sponsors without unnecessary delay
- Trump Administration rule eliminated several critical protections
  - Including provision that would have hamstrung or eliminated state licensing of facilities housing migrant children
- California and other states sued the Trump Administration in 2019
  - DHS: responsible for apprehension and short-term detention of migrants
  - HHS: responsible for ensuring appropriate longer-term placement of UAC

# What Does BCJ Do?

## Litigation

### Flores - Treatment of Children in Immigration Custody

- After the change in federal administrations, CRES reached settlements with the Biden Administration
  - HHS: agreed to adopt regulations cementing the protections of the *Flores* consent decree
    - CRES led a multistate group commenting on HHS proposed regulations
    - Currently assessing final regulations
  - DHS: agreed to issue policy guidance to CBP about children's protections when they are being held at border facilities

# What Does BCJ Do?

## Litigation

### ***People v. Chino Valley Unified School District – Forced Outing Policies***

- CVUSD Board Policy 5020.1: Forced disclosure of transgender students, even if it will harm the student and if they expressly request nondisclosure
- BCJ Filed Complaint and Application for Temporary Restraining Order August 28, 2023





# What Does BCJ Do?

## Litigation

### ***People v. Chino Valley Unified School District – Forced Outing Policies***

- September 6, 2023: temporary restraining order granted
- October 19, 2023: preliminary injunction issued



*The People v. Chino Valley Unified School District*, Case No. CIVSB2317301 (San Bernardino Sup. Ct. August 28, 2023).




# What Does BCJ Do?

## Guidance

- Guidance
- Legal Alerts
- Law Enforcement Bulletins

Xavier Becerra, Attorney General

California Department of Justice <b>DIVISION OF LAW ENFORCEMENT</b> Kevin Gardner, Chief		<b>INFORMATION BULLETIN</b>
<i>Subject:</i> Law enforcement obligations for implementing Senate Bill 1322 and protecting commercially sexually exploited children	<i>No.:</i> DLE-2017-01	<i>Contact for information:</i> AMANDA PLISNER Deputy Attorney General

TO: All California State and L

This Bulletin provides a summar became effective January 1, 201 prostitution charges to minors. a

California Department of Justice Office of the Attorney General		<b>Legal Alert</b>
<i>Subject:</i>	<i>No.:</i> OAG-2024-02	<i>Contact for information:</i> LegalAlerts@doj.ca.gov
	<i>Date:</i> 01/11/2024	



State of California  
 Office of the Attorney General

**ROB BONTA**  
 ATTORNEY GENERAL

September 26, 2023

**SENT VIA EMAIL**

To: School District Superintendents and Members of Boards of Education

RE: Guidance Regarding Forced Disclosure Policies Concerning Gender Identity

Dear School District Superintendents and Members of Boards of Education:

On September 6, 2023, the San Bernardino Superior Court issued a temporary restraining order in *The People of the State of California v. Chino Valley Unified School District* (Case No. CIV-SB-2317301). In that order, the Court enjoined and restrained the Chino Valley Unified

arter School Administrators, County Office. School interested parties

ues this legal alert to remind all school boards that ch target transgender and gender nonconforming isclose a student's gender identity or gender he student's express consent—violate state law.1

is" refers to policies that require schools to inform parents a student requests to use a name or pronoun different from i when the student does not consent. Such policies also ities or participate in school programs that do not align with





# What Does BCJ Do?

## Guidance

### School Closures



State of California  
Office of the Attorney General

**ROB BONTA**  
ATTORNEY GENERAL

April 11, 2023

SENT VIA EMAIL

RE: Guidance Regarding Laws Governing School Closures and Best Practices for Implementation in California

Dear School District Superintendents and Members of Boards of Education:

As some school districts in California experience declining enrollment, our communities may be faced with the prospect of school closures, mergers, and consolidations. For families, students, and staff, losing a beloved neighborhood school can be heartbreaking and scary, and students may have difficulty transitioning to a new school community. Affected families who must drive further may not be able to afford the change and children may travel on longer and less safe public transportation routes. These impacts are serious and can cause educational harm. When these harms affect one group of students more than others, they may also be unlawful.

# What Does BCJ Do?

## Guidance

### School Closures Legal Obligations

- Assembly Bill 1912 (financially distressed districts only)
- Must alleviate school segregation *McKinny v. Oxnard Union High School Dist. Bd. of Trustees* (1982) 31 Cal.3d 79, 92–93
- Cannot have disproportionate and adverse impacts on students based on race, color, national origin, disability, gender, or sexual orientation Ed. Code 200 et seq.
- Cannot “discriminate[] on the basis of the wealth of a district and its residents.” *Serrano v. Priest* (1971) 5 Cal.3d 584, 604

# What Does BCJ Do?

## Guidance

### School Closures Best Practices

- Closure process as a racial equity effort
  - Form a district advisory committee
  - Regular public meetings and solicit public feedback
- Post-closure school assignment (must alleviate segregation)
  - Drawing new catchment boundaries
  - Berkeley Unified School District: dividing the city into zones
  - Santa Monica Malibu Unified School District: PTA central fund



## How Can You Help?

- Anyone can file a tip or complaint about a systemic issue or problem (an issue impacting a number of children or youth)
- In as much detail as possible, describe the potentially unlawful activity, the identity of the entity that is engaged in this activity, and contact information for an attorney to follow up
- Does not need to include legal analysis

## How Can You Help?

- BCJ generally will not investigate isolated legal violations (impacting just one child or youth) or out-of-state conduct
  - For individual matters, please submit a complaint with California's Civil Rights Department
- BCJ cannot represent individuals or provide legal advice
- BCJ cannot provide ongoing updates about the status of an investigation or litigation

# Contact Us

Online complaint form: [oag.ca.gov/bcj/complaint](https://oag.ca.gov/bcj/complaint)

Email at [bcj@doj.ca.gov](mailto:bcj@doj.ca.gov)

More information: <https://oag.ca.gov/bcj>



# Questions



*Demystifying*  
**THE DEPARTMENT OF JUSTICE**

# Info for the upcoming Office of CARE events

## CARE Community Briefing: 2023 Annual Hate Crime Report

- Please join us on **Tuesday, July 9, 2024 at 1:00 PM** for a community briefing on the 2023 Annual Hate Crime Report presented by CA DOJ experts. This briefing will also feature a presentation of the CA vs. Hate program by the CA Civil Rights Department.

Register at our website: [oag.ca.gov/care](https://oag.ca.gov/care)

## Demystifying the DOJ 2024. Topics include:

- Third quarter: Racial Justice Bureau (September 18<sup>th</sup>)
- Fourth quarter: Office of Community Awareness, Response, and Engagement (December 11<sup>th</sup>)

Registration information for upcoming DTDOJ presentations will be available on our website at [oag.ca.gov/care](https://oag.ca.gov/care) in the coming months – please save the dates!