



**POLICIES AND PROCEDURES MANUAL FOR MONITORING
COMPLIANCE WITH CORE REQUIREMENTS OF THE
FORMULA GRANTS PROGRAM AUTHORIZED UNDER TITLE II,
PART B, OF THE JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ACT**

Revised August 4, 2021

TABLE OF CONTENTS

I. INTRODUCTION	3
A. Program Introduction	3
B. Purpose of Manual	3
II. COMPLIANCE WITH THE CORE REQUIREMENTS	4
A. Deinstitutionalization of Status Offenders (DSO)	4
B. Removal of Juveniles Prosecuted as Adults from Adult Facilities	8
C. Separation of Juveniles From Adult Inmates	10
D. Removal of Juveniles From Adult Jails and Lockups	13
III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING	16
A. Summary of Elements	16
B. Compliance Monitoring Policies and Procedures	17
C. Monitoring Authority	18
D. Violation Procedures	19
E. Adherence to Federal Definitions	22
F. Identification of the Monitoring Universe	29
G. Classification of the Monitoring Universe	31
H. Inspection of Facilities	32
I. Compliance Data Collection and Verification	35
IV. COMPLIANCE MONITORING REPORTING REQUIREMENT	42
APPENDIX A – ONLINE RESOURCES	45
APPENDIX B – FORMS USED BY COMPLIANCE MONITOR	46

I. INTRODUCTION/BACKGROUND

A. Program Introduction

Title II, Part B, of the [Juvenile Justice and Delinquency Prevention Act](#) (“JJDPA” 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, lockups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the Administrator[.] [34 U.S.C. § 11133(a)(14)]

B. Purpose of the Compliance Monitor Manual

The purpose of this manual is twofold. First, it is to inform stakeholders about the core requirements the State of Kansas must address under the JJDPA, and what the JJDPA requires us to include in a state compliance monitoring manual. This manual addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15), is not discussed in this manual because states do not monitor individual facilities for compliance with racial and ethnic disparities. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides information on the racial and ethnic disparities core requirement on the [CCAS information hub](#). All references made to “core requirements” in this manual pertain to requirements found in § 11133(a)(11), (12), and (13).

Second, this manual is designed to give jurisdictions an example of how Kansas conducts its monitoring for compliance with the core requirements. The left-hand column outlines the law-what a state must address in a state’s compliance monitoring manual to adhere to the JJDPA. The right-hand column is where Kansas will insert its corresponding description of how we plan to adhere to the JJDPA. In some places, we provide you with context on what to include in the right-hand column-Kansas description, while in other places we do not. This is due to states being unique and flexibility in how a state describes its compliance monitoring plan is necessary. Overall, the tables are designed to show you all aspects of a monitoring plan Kansas must address in its compliance monitoring manual. We encourage Kansas to use the table format found in this manual to help Kansas align manuals with the statutory and regulatory requirements of the JJDPA. Should you have questions about what to include in Kansas’s description of the state’s plan to adhere to the law, please contact your OJJDP Program Manager.

This manual shall be supplemented by the *Juvenile Justice and Delinquency Prevention Act Reauthorization 2018* and all other related materials provided by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which can be located at the website- <http://ojjdp.gov/compliance>.

II. COMPLIANCE WITH THE CORE REQUIREMENTS

A. Deinstitutionalization of Status Offenders (DSO)

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>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.</p>	<p>In Kansas 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), are not placed in secure detention facilities or secure correctional facilities (Excluding ICJ and VCO Exceptions).</p> <p>While status and non-offenders are not commonly placed in secure detention or correctional facilities, Kansas monitors all facilities classified as secure detention and secure correctional facilities for the DSO core requirement. Kansas verifies the absence of status and nonoffenders through collection of data annually and inspection triennially. Kansas currently has nine secure detention and one secure correctional facility for juveniles. Additionally, Kansas has one hundred and thirty-eight secure detention facilities for adults that also qualify as adult jails. Any juvenile status or non-offender placed in an adult facility will automatically result in violations of the DSO core requirement.</p>

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.

KANSAS PLAN TO USE THE YOUTH HANDGUN

SAFETY EXCEPTION – Kansas does not use this exception. Juveniles caught in possession of a firearm in Kansas are charged criminally. Therefore, Kansas does not use the Youth Handgun Safety Exception [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(I\)](#).

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.

KANSAS PLAN TO USE THE VCO EXCEPTION: Kansas utilizes the Valid Court Order (VCO) Exception on a periodic basis. Although, Kansas has plans to remove the state’s ability to use this exception through legislation.

Information on Kansas process for collecting data for DSO and verifying the Valid Court Order Exception meets all the statutory requirements can be found in *Compliance Data Collection and Verification Section III-I*.

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.

Kansas Plan to Use the 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. Kansas verifies 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, Kansas will report such instance as a violation of DSO.

Contact the Kansas ICJ Coordinator to verify any juvenile status offender held from out of state was in compliance with ICJ at (785) 746-7551.

More information for how Kansas collects and verifies data with this exception may be found under *Data Collection Section III-I*. General information on Kansas ICJ can be found at [Interstate Compact on Juvenile Corrections](#).

B. Removal of Juveniles Charged as Adults from Adult Facilities¹

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>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 II.D. Removal of Juveniles From Adult Jails and Lockups.</p> <p>In addition, 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:</p> <ol style="list-style-type: none"> 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; 	<p>Kansas currently has 138 adult jails. Of the 138, two are utilized for the pre-trial detainment of juveniles charged as adults. The remaining 136 adult jails spread across 105 counties have agreements (MOA's) in place to transfer and hold such juveniles (who are charged as adults) in secure detention facilities for juveniles pending trial. The compliance verifies the absence of juvenile charged as an adult and collects a copy of the facilities MOA upon inspection. Adult jails may certify compliance to the Kansas DSA through the absence of detention for juveniles charged as adults through bi-annual surveys, where the compliance monitor verifies each jail has not had juveniles charged as adults and detained pending trial.</p> <p>Adult jails that do detain juveniles pending trial, the compliance monitor collects data monthly to certify the facility is adhering to the 30/45 (up to 180 days) hearing requirements are not met as it is not codified in Kansas statute. Therefore, any juvenile charged as an adult and detained pending trial in one of Kansas two adult jails, will result in violation of 223 (a)(11)(B), if it is found the facility did not adhere to the hearing requirements. The following resources are designed to assist the compliance monitoring in making these determinations:</p> <ul style="list-style-type: none"> • <u><i>Section 223(a)(11)(B)</i></u> • <u><i>223(a)(11)(B) JJDP Checklist form</i></u> • <u><i>Judge Entry/Magistrate Order On Confinement of Juvenile Charged As An Adult.</i></u> <p>Kansas has planned to amend its state laws to align with the 223 (a)(11)(B) hearing requirements for 30/45 days and beyond.</p> <p>More information on Kansas process for collecting data regarding this requirement and verifying all the 223(a)(11)(B) requirements have been met can be found in <i>Section III-I, Compliance Data Collection and Verification.</i></p>

¹ This section of the manual references a provision of the Act that was codified at 34 U.S.C. § 11133(a)(11)(B). OJJDP refers to the requirement described in that provision as the "Section 223(a)(11)(B)" requirement.

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>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</p> <p>7. any other relevant factor(s)</p> <p>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.</p>	

C. Separation of Juveniles From Adult Inmates

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>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.</p> <p>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.</p>	<p>Accused or adjudicated delinquent offenders, status offenders, and non-offenders (including those who are alleged to be dependent, neglected, or abused), do not have sight or sound contact with adult inmates. (Definition of sight and sound contact may be found under definitions).</p> <p>Under K.S.A. 38-2332, juveniles are required to have sight and sound separation from adult inmates during any period of temporary custody that occurs within an adult jail or lockup.</p> <p>To verify sight and sound separation during an onsite inspection the compliance monitor will:</p> <ul style="list-style-type: none"> • Physically view the area (if juveniles and adult inmates occupy). • Verify the adults and juveniles do not have sight contact. • Go into cells juveniles occupy and have another person go into cells an adult inmate would occupy and verify they do not have sound contact. • Verify the adult and juvenile inmates cannot talk through the vent system. • use the Facility Diagrams and Classification form to help determine separation. <p>As a practical matter, most agencies strive to prevent sight or sound contact. For instance, law enforcement agencies commonly release juveniles on scene to a parent/guardian, transport directly home, or transport directly to a juvenile detention facility.</p> <p>Kansas has 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.</p>
<p>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</p>	<p>Kansas has in effect a state statute where 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:</p> <ul style="list-style-type: none"> • it would be in the interest of justice to do so consistent with 34 U.S.C. § 11133(a)(11)(B) which applies to juveniles charged as adults; or

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B).</p> <p>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.</p>	<ul style="list-style-type: none"> • it is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B). Kansas only uses the six-hour exception. <p>The statute bringing Kansas into compliance with Section 223(a)(11)(B) is 38-2347. This will be sought during Kansas's next legislative session.</p>
<p>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.</p>	<p>Kansas has in effect a state statute whereby juveniles that reach the age of full criminal responsibility only after arrest or adjudication, can remain under juvenile court jurisdiction, are not adult inmates. K.S.A. 38-2304(e)(1)(2). This juvenile will stay in the secure juvenile correctional facility unless the juvenile receives new charges. The juvenile will be tried as an adult only if he/she has reached the age of full criminal responsibility, which in Kansas is 18 years old. Then the juvenile will be transferred to an adult facility.</p> <p>(1) The juvenile offender is sentenced pursuant to K.S.A. 38-2369, and amendments thereto, and the term of the sentence including successful completion of conditional release extends beyond the juvenile offenders 21st birthday but does not extend beyond the overall case length limit; or</p> <p>(2) the juvenile offender is sentenced pursuant to an extended jurisdiction juvenile prosecution and continues to successfully serve the sentence imposed pursuant to the revised Kansas juvenile justice code.</p> <p>Besides the exceptions mentioned above all juveniles reaching their 18th birthday, in Kansas, are isolated from all juvenile's and transferred to a secure adult facility.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>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 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.</p> <p>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.</p>	<p>Under federal statute 34 U.S.C. § 11103 (25) – No jail, lock-up, adult or juvenile detention center, juvenile correctional facility or court holding have programs such as; Scared Straight or shock incarceration.</p> <p>Kansas is compliant with the Sight and Sound core requirement of keeping juveniles and adult inmates separate all times, no exceptions.</p>

D. Removal of Juveniles From Adult Jails and Lockups

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>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.</p> <p>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 collocated facilities to have been trained and certified to work with juveniles:</p>	<p>Kansas works to ensure juveniles are not detained or confined in a jail or lockup for adults, except as allowed by the exceptions below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense (nonoffenders), and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in a jail or lockup for adults</p> <p>Six-Hour Exception. Rural Exception. Travel Conditions Exception. Conditions of Safety Exception.</p> <p>K.S.A. 38-2332- is in place to protect youth in the removal requirement. If a juvenile is kept in an adult jail or lockup for more than 6-hours it is a violation, except under 223 (a)(11)(B).</p> <p>In addition, the Compliance Monitor has developed technical assistance resources, such as posters, to assist and support agencies. Though, as a practical matter, most agencies strive to release juveniles on scene to a parent/guardian, transport directly home, or transport directly to a secure juvenile detention facility.</p>
<p>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:</p> <ol style="list-style-type: none"> 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. 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 	<p>SIX-HOUR EXCEPTION – K.S.A. 38-2332- (b) Upon being taken into custody, a juvenile may be detained temporarily in a jail, in quarters with sight and sound separation from adult prisoners, for the purpose of identifying and processing the juvenile and transferring the juvenile to a juvenile detention facility. If a juvenile is detained in jail under this subsection, the juvenile shall be detained only for the minimum time necessary, not to exceed six hours, and in no case overnight.</p> <p>Kansas 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.</p> <p>The three additional exceptions, noted below, 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</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>noncompliance with the jail removal requirement.</p> <p>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.</p>	<p>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. However, Kansas does not use any of them.</p>
<p>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.</p> <p>OMB maintains a list of metropolitan statistical areas which it periodically updates through the posting of a bulletin on its website. OMB bulletins may be found here. The relevant bulletin will be titled <i>OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas</i>, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of "Metropolitan Statistical Areas" that provides the title of the metropolitan statistical area, the</p>	<p>RURAL EXCEPTION - Kansas does not use the Rural Exception, but the Compliance Monitor must monitor for its unauthorized use. If an incidental violation occurs, the Compliance Monitor must report the violations to OJJDP.</p> <p>If an incidental violation occurs, the Compliance Monitor must report the violations to OJJDP.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>principal city or cities, and the counties included in that area.</p>	
<p>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.</p>	<p>Travel Conditions Exception Kansas does not use the Travel Conditions Exception, but the Compliance Monitor must monitor for its unauthorized use.</p> <p>If an incidental violation occurs, the Compliance Monitor must report the violations to OJJDP.</p>
<p>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.</p>	<p>Conditions of Safety Exception Kansas does not use the Conditions of Safety Exception, but the Compliance Monitor must monitor for its unauthorized use.</p> <p>If an incidental violation occurs, the Compliance Monitor must report the violations to OJJDP.</p>

III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING

A. Summary of Elements

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

The following table provides: (1) a summary of the element in the left-hand column and (2) an opportunity for states to detail their plan to address that element in the right-hand column. When using the table format to address each element, do not leave the right-hand column blank or keep the original notes offered by OJJDP in the right-hand column. It is important that the information in the right-hand column reflect your state’s plan to address the specified element.

B. Compliance Monitoring Policies and Procedures

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to 28 C.F.R. § 31.303(f)(1)(i), one of the required elements of an effective system of monitoring is that states must describe their policies and procedures for monitoring for compliance with the core requirements. The purpose of this manual is to satisfy the policies and procedures element, as well as describe how [Kansas] satisfies the following additional elements required for an effective system of compliance monitoring (see Section III of this manual).</p>	<p>Kansas maintains a manual detailing its policies and procedures for monitoring all jails, lockups, secure detention facilities, and secure correctional facilities. The policies and procedures manual includes the required elements of an effective system of monitoring and is updated annually, as applicable. (<i>Page 89 – Eight Elements of an Effective System of Monitoring</i>).</p> <p>The manual shall also be reviewed annually by the compliance monitor and updated as needed. The manual shall be reviewed for additional modifications after the issuance of any revised regulations or guidelines by the Office of Juvenile Justice and Delinquency Prevention.</p> <p>Manual Locations The electronic file is titled “Kansas Compliance Monitoring Manual” and saved in the <i>KDOC share drive J:</i> in a folder titled “Kansas Compliance Monitoring Manual”.</p> <p>The Compliance Monitor has the responsibility to ensure that all copies are the latest revision. The manual will also be published and made available on the Kansas Department of Juvenile Corrections website at: https://www.doc.ks.gov/facilities.</p>

Date of Last Update or Initial Plan Implementation: 7/28/2022

C. Monitoring Authority

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>States are required under 34 U.S.C. § 11133(a)(1) and (2) 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.</p>	<p>DOC Division of Juvenile Services (formerly Juvenile Justice Authority) - has the oversight authority for the JJRA OF 2018 as the designated state planning agency. K.S.A. 75-7012 addresses the duties and function of Juvenile Services to the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention (KAG). The KAG relies on the compliance monitor to compile data and complete on-site inspections as part of distributing funds from Title II Formula Grant Program.</p> <p>Pursuant to K.S.A. 38-2332(e) - The department of corrections or the department's contractor shall have authority to review secure adult jail and lockup, secure adult detention, secure adult correctional facilities, secure juvenile detention centers and secure juvenile correctional facilities, records to determine compliance with the provisions of this section. Through KDOC, the compliance monitor has authority to monitor all such facilities to fulfill this responsibility. The compliance monitors authority will be sufficiently broad to permit the monitoring agency to inspect and collect data from all facilities in the monitoring universe. The basic authority will permit the compliance monitor, or agency with the responsibility or legal authority, to inspect and review records for all secure facilities that might detain or confine juveniles pursuant to law enforcement or juvenile court authority and to monitor for compliance with the core requirements of the JJDP.</p> <p>K.S.A 75-7001 Juvenile justice authority; commissioner of juvenile justice; powers and duties. The commissioner may appoint staff assistants and employees as are necessary to enable the commissioner to carry out the transfer of powers, duties, and functions of the department of social and rehabilitation services and the secretary of social and rehabilitation services concerning juvenile offenders to the juvenile justice authority and the commissioner of juvenile justice. On and after July 1, 1997, the commissioner of juvenile justice shall be responsible for the care, custody and control of juvenile offenders and will oversee the juvenile justice authority. The juvenile justice authority shall:</p> <p>(a) Control and manage the operation of the state juvenile correctional facilities.</p> <p>The DOC has long demonstrated its ability to effectively collect data from facilities required to report, perform onsite monitoring, and affect positive outcomes when instances of noncompliance are discovered.</p>

Date of Last Update or Initial Plan Implementation: 7/28/2022

D. Violation Procedures

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>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.</p>	<p>The Compliance Monitor must accept complaints from any person or and source with knowledge that a violation of DSO, Removal of Juveniles Charged as Adult from Adult Facilities, Separation of Juveniles from Adult Inmates, and Removal of Juvenile from Adult Jails and Lockups.</p> <p>The Compliance Monitor shall take any report of a violation seriously and work with the appropriate parties to investigate, establish, and absolve the agency that was initially accused of the violation(s). Violations are most often found through a detailed review of facility logs and other data submitted for compliance purposes to the Compliance Monitor. Violations must be confirmed and validated by the Compliance Monitor. All violations must be verified by reviewing applicable data and a documented inspection.</p> <p>The Compliance Monitor is the primary agent to receive, investigate, and respond to alleged compliance violations throughout the state. While there is no formal policy for receiving data, all data obtained of juveniles detained or confined will be reviewed by the Compliance Monitor to determine if there were any instances of noncompliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements. After investigation, any instances of noncompliance will be reported in the annual compliance monitoring report. Kansas will use the <i>Compliance Monitoring Suggested Data Elements (Pages 75 - 76)</i> to determine compliance with the core requirements in each type of facility.</p> <p>Process for violations discovered in data review and/or site visits The process for violations discovered through data review and/or onsite visits includes the following items:</p> <ol style="list-style-type: none"> 1. All alleged reports of compliance violations will be turned over to the Compliance Monitor. 2. Violations are noted in the site visit report (if applicable). 3. The Compliance Monitor and the facility administrator or their designee will discuss the nature of violations and possible remedies. <ol style="list-style-type: none"> a. Should the Compliance Monitor and facility administrator resolve the issues immediately and the possibility of violations no longer exist, no further action will be taken. The Compliance Monitor may schedule additional visits or periodic requests for information. b. If the situation cannot be resolved by both parties the Compliance Monitor will proceed with steps 4 – 6.

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>4. A remedial action plan is developed by the Compliance Monitor and facility administrator. Written verification of the plan is provided to the facility administrator and a copy placed in the facility file.</p> <p>5. The Compliance Monitor will provide technical assistance as needed and follow-up on the progress of the plan.</p> <p>6. If the goals of the action plan are not being met, the Compliance Monitor will continue to pursue additional actions, incentives and/or sanctions. Options available to the Compliance Monitor include:</p> <ul style="list-style-type: none"> a. Additional assistance or training to facility staff; b. Report issues to the KAG, the Department of Juvenile Services Director and the Kansas Juvenile Justice Commission for further action. c. Report issues to OJJDP. <p>Process for Investigating and Responding to Reported Compliance Violations</p> <p>The process to receive, investigate and respond to compliance violation reports includes the following items:</p> <ul style="list-style-type: none"> 1. All reports of violations will be turned over to the Compliance Monitor. The report may be received through an independent source or from another agency. 2. The Compliance Monitor will thoroughly investigate any alleged violation. <ul style="list-style-type: none"> a. The investigation will involve a review of the documentation at the facility to confirm that a violation occurred. b. All violations will be discussed with the facility administrator or contact to explain why they were deemed to be violations. 3. The Compliance Monitor shall complete a Compliance Violation letter/email describing the violation. <ul style="list-style-type: none"> a. A copy will be delivered to the facility administrator or designee. b. A copy of the letter will be placed in the individual facility's file <i>Compliance Violation Letter (Page 64)</i>. 4. The Compliance Monitor will develop a remedial action plan in collaboration with the facility administrator.

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>5. Remedial Action Plans are submitted to the Juvenile Justice Specialist for approval.</p> <p>6. The Compliance Monitor may perform follow-up onsite visits to facilities where compliance is a problem. The purpose of the onsite visits is to:</p> <ul style="list-style-type: none"> a. develop and maintain positive relationships b. review status of progress on the action plan; c. review juvenile holding logs and records; and d. provide training and technical assistance <p>7. If the facility achieves compliance within the agreed upon timeline the Compliance Monitor will provide the facility administrator with written verification.</p> <p>8. If the facility fails to achieve compliance within the agreed upon timeline, the Compliance Monitor will continue to pursue additional actions, incentives and/or sanctions. Options available to the Compliance Monitor include:</p> <ul style="list-style-type: none"> a. Additional assistance to facility staff; b. Funding for equipment or supplies; c. Sanction current or future funding (grants or state funds); d. Report issues to the liability insurance carrier for the jurisdiction; e. Report issues to Kansas Department of Juvenile Corrections Director, Deputy Secretary of Juvenile and Adult Community-Based Services, and the KAG chair for further action <p>Records of all violations, actions, incentives, and sanctions will be permanently maintained in the facility files.</p>

Date of Last Update or Initial Plan Implementation: 8/4/2022

E. Adherence to Federal Definitions

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>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 JJDPa at 34 U.S.C. § 11103 the Formula Grants Program Regulation at 28 C.F.R. § 31.304 and <i>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.</i></p>	<p>When monitoring for compliance with the core requirements, the Kansas compliance monitor uses only the federal definition of any term related to compliance monitoring. Where there is a difference in the definitions, the Kansas compliance monitor uses the federal definition for purposes of JJDPa compliance.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p><i>Federally Defined Terms Relating to Compliance With the Formula Grants Program</i></p>	<p><i>Similar Kansas Definitions, and How They Differ From the Federal Definition²</i></p>
<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>Kansas uses the federal definition of “Adult Inmate” from the Compliance Monitoring TA Tool.</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 abuse treatment needs to be addressed during a youth’s confinement.</p>	<p>ASSESSMENT – 38-2360 - An evaluation and written report by a mental health or a qualified professional stating the psychological or emotional development or needs of the juvenile. The court also may order a report from any mental health or qualified professional who has previously evaluated the juvenile stating the psychological or emotional development needs of the juvenile.</p> <p>(2) A report of the medical condition and needs of the juvenile. The court also may order a report from any physician who has been attending the juvenile, stating the diagnosis, condition and treatment afforded the juvenile.</p> <p>(3) An educational needs assessment of the juvenile from the chief administrative officer of the school which the juvenile attends or attended to provide to the court information that is readily available which the school officials feel would properly indicate the educational needs of the juvenile.</p>

² Although it is not necessary that a state provide citations to local law, it is good practice particularly when during the course of monitoring, designated state agencies identify competing statutes that not only do not align but may even differ from definitions provided by the JJDPA.

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	The state definition of "Assessment" differs from the federal definition. Kansas will use the federal definition.
<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>	Kansas uses the federal definition of "Collocated Facilities" from the Compliance Monitoring TA Tool.
<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>	Kansas uses the federal definition of "Core Requirements" from the Compliance Monitoring TA Tool.
<p>CRIMINAL-TYPE OFFENDER 28 C.F.R. § 31.304(a) – means a juvenile offender who has been charged who 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>	Kansas uses the federal definition of "Criminal-Type Offender" from the Compliance Monitoring TA Tool.
<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>	DETAIN OR CONFINE - § 31.304(b) - State definition same as federal definition.
<p>INSTITUTION Compliance Monitoring TA Tool 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."</p>	<p>INSTITUTION – 21-5914(d)(1) - means any state correctional institution or facility, conservation camp, state security hospital, juvenile correctional facility, community correction center or facility for detention or confinement, juvenile detention facility or jail;</p> <p>The state definition of "institution" differs from the federal definition. Kansas will use the federal definition.</p>
<p>JAIL OR LOCKUP FOR ADULTS 34 U.S.C. § 11103 (22) – means a locked facility that a state,</p>	<p>Adult jail or lockup – 38-2302(m)(1)(2)(A)(B)(C) - a facility in the same building as an adult jail or lockup, unless the</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>unit of local government, or any law enforcement authority uses to detain or confine adult inmates.</p>	<p>facility meets all applicable licensure requirements under law and there is (A) total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.</p> <p>The state definition of “Jail or Lockup” differs from the federal definition. Kansas will use the federal definition.</p>
<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 offender - K.S.A. 38-2302 (s) - means a person who commits an offense while 10 or more years of age but less than 18 years of age which if committed by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-5102, and amendments thereto, or who violates the provisions of K.S.A. 41-727, K.S.A. 74-8810(j) or K.S.A. 2018 Supp. 21-6301(a)(14), and amendments thereto, but does not include:</p> <p>(1) A person 14 or more years of age who commits a traffic offense, as defined in subsection (d) of K.S.A. 8-2117, and amendments thereto;</p> <p>(2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;</p> <p>(3) a person under 18 years of age who previously has been:</p> <p>(A) Convicted as an adult under the Kansas criminal code; (B) sentenced as an adult under the Kansas criminal code following termination of status as an extended jurisdiction juvenile pursuant to K.S.A. 2018 Supp. 38-2364, and amendments thereto; or (C) convicted or</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>sentenced as an adult in another state or foreign jurisdiction under substantially similar procedures described in K.S.A. 2018 Supp. 38-2347, and amendments thereto, or because of attaining the age of majority designated in that state or jurisdiction.</p> <p>The state definition of “Juvenile Offender” differs from the federal definition. Kansas will use the federal definition.</p>
<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>MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION – 38-2304(e) - “Once jurisdiction is acquired by the district court over an alleged juvenile offender, it shall continue beyond the juvenile offenders 21st birthday but no later than the juvenile offenders 23rd birthday.</p> <p>The state definition of “Maximum Age of Extended Juvenile Court Jurisdiction” differs from the federal definition. Kansas will use the federal definition.</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>Kansas uses the federal definition of “Monitoring Universe” from the Compliance Monitoring TA Tool.</p>
<p>NONOFFENDER 28 C.F.R. § 31.304 (j) – 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>Kansas uses the federal definition of “Nonoffender” from the Compliance Monitoring TA Tool.</p>
<p>RESIDENTIAL Compliance Monitoring TA Tool – 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>RESIDENTIAL – 38-2302(D)(dd) - means any home, foster home or structure which provides 24-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.</p> <p>The state definition of “Residential” differs from</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	the federal definition. Kansas will use the federal definition.
<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 – 38-2202(ff)</p> <p>“Secure facility” means a facility, other than a staff secure facility or juvenile detention facility, that is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or that relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.</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 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 CORRECTIONAL FACILITY - § 31.304(m) Definition - State definition same as federal definition.</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>Kansas uses the federal definition of “Secure Detention Facility” from the Compliance Monitoring TA Tool.</p> <p>Secure Care Center -</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<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>Kansas uses the federal definition of “Sight or Sound Contact” from the Compliance Monitoring TA Tool.</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>Kansas uses the federal definition of “State” from the Compliance Monitoring TA Tool.</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>STATUS OFFENDER – 38-2202(7) - State definition same as federal definition.</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>Kansas uses the federal definition of “Twenty-Four Hours” from the Compliance Monitoring TA Tool.</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>Kansas uses the federal definition of “Valid Court Order” from the Compliance Monitoring TA Tool.</p>

Date of Last Update or Initial Plan Implementation: 2/3/2023

More federal definitions:

<https://uscode.house.gov/quicksearch/get.plx?title=34§ion=11103>

F. Identification of the Monitoring Universe

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>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.</p>	<p>It is the duty of the Compliance Monitor to identify and update all facilities in the monitoring universe. A Compliance Monitoring Universe master document is compiled and maintained by the Compliance Monitor. The electronic file titled "Compliance Monitoring Universe" will be saved in the J: drive shared file at KDOC.</p> <p>Facilities in the Monitoring Universe must be classified according to the four types of facilities listed in 34 U.S.C. § 11133(a)(14): adult jails, adult lockups, secure detention facilities, and secure correctional facilities. Facilities in the Monitoring Universe should be included only if they meet the definition of one of those facility types. See <i>Adherence to Federal Definitions Section</i> for a list of all applicable definitions.</p> <p>The monitoring universe includes both residential and nonresidential facilities, as the monitoring requirement <i>under</i> 34 U.S.C. § 11133(a)(14) is not limited to residential facilities.</p> <p>Mental health and substance abuse treatment facilities will not be included in the monitoring universe unless they meet the definition of "secure detention facility" at 34 U.S.C. § 11103(12) or "secure correctional facility" at 34 U.S.C. § 11103(13).</p> <p>States are not required to monitor nonsecure facilities and they are therefore not included in the monitoring universe. In order to ensure that the monitoring universe includes all facilities that meet the statutory definition of "jail or lockup for adults," (34 U.S.C. § 11103(22)) "secure detention facility," (34 U.S.C. § 11103(12)), and "secure correctional facility," (34 U.S.C. § 11103(13)), however, nonsecure facilities will still be visited to monitor for any change from nonsecure to secure. Any public facility owned or operated by the state (or a jurisdiction located in the state) will be included in the monitoring universe.</p> <p>When a state contracts with a private facility within the state's own borders, that facility must be included within the state's monitoring universe.</p> <p>Establishing and Updating the Master List</p> <ol style="list-style-type: none"> 1. Annually an updated Agency Directory will be sent to the compliance monitor by the Central Registry Manager at the Kansas Commission on Peace Officers' Standards and Training (KS-CPOST). 2. The compliance monitor will go through the Agency Director to identify all new facilities and closed facilities.

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>3. The compliance monitor will verify through emails and phone calls these facilities are new or closed.</p> <p>4. If new facilities are identified in the monitoring universe the Compliance Monitor will add the facilities to the master list and include those facilities for future monitoring.</p> <ul style="list-style-type: none"> • The Compliance Monitor will visit new facilities at the earliest possible time to establish classification. • If the Compliance Monitor is unable to visit the facility within a week of notification of the new facility, the local District Liaison will be asked to conduct a visit within the week to establish classification. • A certification for classification form can also be sent to the facility for them to self-report, if a visit cannot be completed in a timely manner. See Page 60 for a sample <i>Classification Certification form</i>. <p>5. The Compliance Monitor will make any updates needed to the monitoring universe</p>

Date of Last Update or Initial Plan Implementation: 8/4/2022

G. Classification of the Monitoring Universe

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>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)).</p>	<p>A Compliance Monitoring Universe master document is compiled and maintained by the Compliance Monitor. The electronic file titled “Compliance Monitoring Universe” will be saved in the share drive J: under “Kansas Monitoring Universe”. Because the monitoring universe is constantly evolving, a copy of the monitoring universe will be included in the Compliance Monitor Manual and updated annually.</p> <p>Facilities must be classified according to the four types of facilities listed in 34 U.S.C. § 11133(a)(14): adult jails, adult lockups, secure detention facilities, and secure correctional facilities. The Compliance Universe must indicate which of the facility types each facility falls within. In addition, each facility will be listed as either residential or nonresidential, and whether the facility is juveniles-only, adults-only, or juveniles and adults.</p> <p>The classification of facilities is an on-going process. Facility classification will be verified through an on-site inspection by the Compliance Monitor to ensure the classification is true and accurate, thereby ensuring an effective system of monitoring. <i>See the Inspection of Facilities section (page 31)</i> of this manual for information on verifying the facility classification.</p> <p>Any new facilities in the monitoring universe will be visited by the Compliance Monitor to establish classification at the earliest possible time. If the Compliance Monitor is unable to visit the facility within a week of notification of the new facility, a <i>Law Enforcement Classification form (Page 61)</i> will be sent to the facility.</p> <p>Reported changes to the classification of existing facilities will be verified by the Compliance Monitor and updated on the Compliance Monitoring Universe as needed.</p> <p>Individual Facility Files</p> <p>The Compliance Monitor shall maintain a Facility File for each facility in the Monitoring Universe. Files will be maintained electronically and may include facility information to help justify their classification, facility layout, holding log information, date of last inspection, and any correspondence with the facility. For classification verification the <i>Kansas Law Enforcement Classification form (Page 63)</i> is used.</p>

Date of Last Update or Initial Plan Implementation: 8/4/2022

H. Inspection of Facilities

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>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.</p>	<p>The State of Kansas cannot guarantee 100% of secure facilities being inspected in the 3-year period recommended by OJJDP (due to unforeseen obstacles and barriers), but we will strive to meet OJJDP's recommendations.</p> <p><u><i>Procedure</i></u></p> <p>The Compliance Monitor will be responsible for conducting all inspections of facilities, to include adult jails, adult lockups, secure detention facilities, and secure correctional facilities.</p> <p>There are four basic reasons to inspect facilities:</p> <ol style="list-style-type: none"> 1. to develop and maintain positive relationships with facility staff; 2. to confirm the classification; 3. to assess the separation levels at all points in the facility; and 4. to determine if the record keeping system is sufficient to collect the necessary data to determine compliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements. <p><u><i>Guidelines for Determining Facility Inspections</i></u></p> <p>All facilities subject to inspection may be subject to data collection and data verification if juveniles are being detained or confined. All secure facilities will be inspected at least once every three years, with collocated facilities and juvenile detention facilities inspected once a year. Additional inspections may be conducted as the result of an emergent issue requiring verification.</p> <p>The Compliance Monitor will schedule onsite visits directly with facility staff or through District Liaisons. Unscheduled inspections may occur as needed.</p> <p><u><i>Facility Inspection Activities</i></u></p> <p>For all scheduled inspections, the agency administrator will be contacted to schedule an appointment. The inspection process will be explained as well as the reasons behind the core protections.</p> <p>During the on-site inspection, the Compliance Monitor will ask questions to confirm the categories of classification.</p> <ol style="list-style-type: none"> 1. Is the facility a juvenile facility (used exclusively for juveniles), adult facility (used exclusively for adults), or a facility used for both juveniles and adults? 2. Is the facility secure or non-secure (using the federal definition for a secure facility)? 3. Is the facility residential or non-residential (using the federal definition for a residential facility)? <p>The Compliance Monitor will tour the facility to confirm the information given and to verify if there are any secure or residential areas. The Compliance</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>Monitor will walk throughout the facility as if they were a juvenile taken into custody, and ask questions such as:</p> <ul style="list-style-type: none"> • Where do juveniles enter the facility? • Who escorts them? • Is there a non-secure booking area? • Where are other non-secure areas? • How are juveniles processed? • When are adult inmates in this area? • Is time-phasing used? • Where are the secure areas they may be held? • Where are adult inmates held? • Are adult inmates used in or around the facility and if so, for what? <p>In any instance where sight and sound separation may be an issue, the Compliance Monitor will ask someone from the facility to walk into an adjoining area to test for sight and sound. The Compliance Monitor should obtain policies and procedures on how the facility ensures sight and sound separation.</p> <p>After completing the inspection, the Compliance Monitor will explain to the agency administrator how the facility has been classified and fully explain the core protections as they pertain to the facility. Any violations shall be discussed, and remedial action plans developed if needed. The Compliance Monitor shall also ask if the facility has any needs and offer training/technical assistance when applicable.</p> <p><i>See Pages 47 - 53 for an example of all the facility inspection forms.</i></p> <p>Data Collection</p> <p>To determine whether sufficient data is maintained to show compliance with the core requirements, the following information shall be collected on all juveniles detained or confined:</p> <ul style="list-style-type: none"> • Name or Identification Number • Date of Birth • Gender • Race/Ethnicity • Offense (most serious) for which the juvenile is being held • Location being held • Date and time placed IN a secure setting • Date and time taken OUT of a secure setting • Times in and out of a secure setting prior to a court appearance (if applicable) • Times in and out of a secure setting after a court appearance (if applicable) • Person/Agency released to • Valid Court Order (VCO) documentation (if applicable) • Section 223(a)(11)(B) documentation (if applicable)

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>Electronic logs will be collected whenever possible. When no electronic logs are available, a juvenile holding log with the same information requirements will be used to self-report all instances in which a juvenile was detained or confined. Information in the logs will be checked for accuracy by the Compliance Monitor.</p> <p><i>Inspections of Facilities on Native American Reservations</i> The sovereign authority of Native American Tribes with regard to civil and criminal jurisdiction over acts committed on a reservation varies from state to state and, in some states, from tribe to tribe within a state. Where a Native American tribe exercises jurisdiction over juvenile offenders through an established tribal court and operates correctional institutions for juveniles and adults, and these activities are not subject to state law (i.e., the functions are performed under the sovereign authority of the tribal entity), the state cannot mandate tribal compliance with the core protections. Therefore, where the state has no authority to regulate or control the law enforcement activities of a sovereign Native American tribal reservation, facilities located on such reservations are not required to be included in the inspection cycle.</p> <p>However, Native American tribes that receive Formula Grant funds as part of the Native American Pass-Through requirement of the JJDPa must agree to attempt to comply with the Core Protections.</p> <p><i>See Pages 81 - 86 for Protocols for Onsite Inspections.</i></p>

Date of Last Update or Initial Plan Implementation: 8/4/2022

I. Compliance Data Collection and Verification

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>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.</p>	<p>If the facility self-reports compliance data or an agency other than the DSA collects and reports compliance data, the DSA has a documented and traceable process to review a statistical sample of facility admissions records and booking logs (described below) to verify the data is accurate. Data verification is completed through onsite review of records, at least once every three years, unless a special circumstance is presented. In cases of violations, the compliance monitor may schedule a follow-up inspection for the purpose of verification.</p> <p>Procedures</p> <p>Facility administrators determine how records of juveniles detained or confined are kept. The Compliance Monitor gathers, reviews, and verifies records for accuracy. Records for juveniles in secure holding should include:</p> <ul style="list-style-type: none"> • Name or Identification Number • Date of Birth • Gender • Race/Ethnicity • Offense (most serious) for which the juvenile is being held • Location being held • Date and time placed in a secure setting • Date and time taken out of a secure setting • Times in and out of a secure setting prior to a court appearance (if applicable) • Times in and out of a secure setting after a court appearance (if applicable) • Person/Agency released to • Valid Court Order (VCO) documentation (if applicable) • Section 223(a)(11)(B) documentation (if applicable) <p>Data Collection and Verification Process:</p> <ol style="list-style-type: none"> 1. The Compliance Monitor will issue a request for data to all facilities within the monitoring universe after November 1, for data from the prior federal fiscal year. 2. Facilities are to submit data by December 31. The Compliance Monitor may perform an on-site visit to any facility that has not submitted data to gather the needed data. 3. The Compliance Monitor will review data by January 31. At least 10% of the data from electronic logs will be reviewed for accuracy, and at least 50% of data from handwritten logs will be reviewed for accuracy. The Compliance Monitor will:

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>a. clarify any questions with facilities to:</p> <ul style="list-style-type: none"> i. verify data; ii. collect any missing data; and iii. secure proper documentation; <p>b. identify and investigate potential violations; and</p> <p>c. prepare an annual report detailing violations.</p> <p>Data will be collected monthly, bi-annually, and annually depending on the classification of the facility.</p> <ol style="list-style-type: none"> 1. Secure Court Holdings Classified as Jails or Lockups for Adults— bi-annually or annually. 2. Secure Detention Facilities both Juveniles and Adult Inmates – monthly 3. Adult jails and lockups (that hold juveniles) – monthly 4. Secure Adult jails and lockups (do not hold juveniles) - annually <p style="text-align: center;">Data sets to be reviewed are as follows:</p> <p><u>Secure Detention and Correctional Facilities for Juveniles:</u></p> <ol style="list-style-type: none"> 1. Any non-offenders held for <i>ANY</i> period-of-time 2. Any accused status offenders held over 24 hours prior to an initial court appearance 3. Any accused status and nonoffenders held over 24 hours after an initial court appearance 4. Any accused status offenders held for purposes other than processing 5. Any adjudicated status offenders held for any amount of time without VCO 6. Status offenders held for violating a VCO <ol style="list-style-type: none"> a. Use the <u>Valid Court Order Bench Card</u> to verify all requirements governing the use of the VCO were taken. If every step was not taken, it is a violation. b. Complete the <u>Valid Court Order Checklist</u> to determine whether the requirements for using the valid court order exception were met. For those requirements to be met, the answers to all the questions on the VCO checklist must be “Yes”. The Compliance Monitor will verify 100% of cases in which a status offender was detained or confined because of violating a valid court order. Incidents will be verified through review of appropriate court documents including the Order for Detention specific to status offenders. All incidents that cannot be verified as having followed the VCO process will be reported as violations of the DSO.

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>7. Out of state runaways (ICJ)</p> <p>a. <i>Out-of-State Runaways</i> - Interstate Compact on Juveniles Exception: Pursuant to the DSO requirement at <u>34 U.S.C. § 11133(a)(11)(A)(i)(III)</u>, 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 Kansas 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.</p> <p>b. The compliance monitor will use the <i>ICJ Bench Card (Pages 90 - 93)</i> to help determine compliance with this requirement.</p> <p>8. Any sight or sound contact violations</p> <p>9. Youth Handgun Safety Exception - does not apply to juveniles charged with or found to have committed a violation of the Youth Handgun Safety Act. <i>Kansas does not use the Youth Handgun Safety Exception.</i></p> <p>10. <i>Juveniles Held Pursuant to a Contract</i> - The Compliance Monitor collects and reports compliance data on any juveniles detained for their legal status.</p> <p><u>Jails or Lockups for Adults</u></p> <p>1. Any accused status or nonoffenders</p> <p>2. Any adjudicated status or nonoffenders</p> <p>a. 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.</p> <p>b. 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.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>3. Any accused juvenile offenders held over 6 hours</p> <p>a. 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.</p> <p>b. 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-period 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.</p> <p>c. Any detention or confinement not related to processing/transfer/release, or a court appearance is a violation of the Jail Removal core protection.</p> <p>d. 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 kept.</p> <p>4. Any accused juvenile offenders held for purposes other than processing</p> <p>5. Any adjudicated juvenile offenders held over 6 hours awaiting a court appearance</p> <p>6. Any adjudicated juvenile offenders held over 6 hours following a court appearance</p> <p>7. Any adjudicated juvenile offenders held for any time unrelated to a court appearance</p> <p>8. Any sight or sound contact violations</p> <p>9. Any juveniles waived or transferred to adult court</p> <p>Six Hour Exception Kansas utilizes the six-hour exception and will monitor for compliance by reviewing the juvenile holding logs from the jails and lockups for adults (which includes court holding facilities), and verifying records through phone, email, fax, and on-site inspections.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>Rural Exception The exception found in 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. Kansas does NOT utilize the Rural Exception.</p> <p>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. Kansas does NOT utilize the Travel Conditions Exception.</p> <p>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. Kansas does NOT utilize the Conditions of Safety Exception.</p> <p>Removal of juveniles prosecuted as adults from adult facilities, juveniles who are transferred certified, or waived to criminal court. Pursuant to Kansas 38-2347, and 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.</p> <p>In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:</p> <ol style="list-style-type: none"> 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)

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>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—</p> <ul style="list-style-type: none"> 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. <p>Records of placement of a juvenile in adult jails and lockups vary by facility. Jails often maintain booking logs while lockups may use dispatch records or other mechanisms. The Compliance Monitor will review information on-site, or by other electronic methods, and verify accuracy. Verification could include reviewing the arrest information, case file or court file on a sample of entries to determine if the time in and out is correct, and to determine if the most serious charge is listed. Additional sources of information may include probation records.</p> <p>The Compliance Monitor will retain pertinent records for reporting purpose, and they will become part of the individual Facility File. If it is not feasible to collect documents, the Compliance Monitor will collect the information onsite and request the facility archive the logs for one year.</p> <p>No delinquent offenders, status offenders, and non-offenders can be detained for any amount of time in a secure setting or secure section of an adult jail or lockup as a disposition of an offense or as a means of modifying their behavior (e.g., Scared Straight programs).</p> <p>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 the JJDPA section 223(a)(11)(B) will be reported as violations.</p> <p>Adult Correctional Facilities</p> <p>Holding status offenders or non-offenders in an adult correctional facility is an immediate violation of the JJDPA.</p> <p>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.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>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).</p> <p>Collocated Facilities</p> <p>Kansas has one collocated facility the Compliance Monitor will collect and verify data the same as a jail or lockup for adults as noted above. Likewise, the Compliance Monitor will collect and verify data in the secure juvenile detention center the same as above. During the annual verification visit, if the secure juvenile detention center fails to meet the requirements of a secure juvenile detention classification at <u>28 CFR 31.303(e)(3)(i)(C)(1), (2), and (4)</u>; their data will be re-reviewed using the criteria detailed above for a jail or lockup for adults. “Juvenile facilities collocated with adult facilities are considered adult jails or lockups absent compliance with [these] criteria.”</p> <ul style="list-style-type: none"> • Example of <i>Juvenile Detention Log</i> is found in Appendix B • OJJDP’s <i>Suggested Data Elements</i> are found on Pages 75 - 76 <p>During the on-site inspection, the compliance monitor will verify the juvenile secure detention information collected with the information maintained in the facility records. The process for verification will include record or file review of 10% of juveniles detained for the year in review. This process will take place once annually.</p>

Date of Last Update or Initial Plan Implementation: 8/4/2022

IV. COMPLIANCE MONITORING REPORTING REQUIREMENT

COMPLIANCE REPORTING PERIOD	NOTES
<p>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.</p> <p>COMPLIANCE DATA AND SUPPORTING DOCUMENTATION – Compliance data and supporting documentation is submitted annually through OJJDP's Compliance Reporting Tool.</p>	<p>Compliance data and supporting documentation is submitted annually through OJJDP's Compliance Reporting Tool.</p> <p>Kansas Compliance Monitor will, annually, submit compliance data and supporting documentation for the previous federal fiscal year (October 1, to September 30) into OJJDP's Compliance Reporting Tool. If additional time is necessary to submit its report, Kansas will request an extension of the reporting deadline for good cause.</p> <p><i>Procedure</i> To receive its full fiscal year allocation of Formula Grants program funds, a state must first demonstrate compliance with the DSO, section 223(a)(11)(B), separation, and jail removal requirements. Compliance with these requirements is demonstrated through data provided in the state's annual Compliance Monitoring Report, of which all data must be analyzed and verified prior to submission. Compliance with the Racial & Ethnic Disparities requirement is determined by information through evaluation of data and other requirements noted in the Title II solicitation.</p> <p>Plan to Address Compliance Reporting Periods The following timetable delineates activities completed in the annual monitoring cycle, which is based on the federal fiscal year that runs October through September. Certain activities are listed under a given month but may take place before or after the month.</p> <p>Monthly Duties</p> <ol style="list-style-type: none"> 1. Jails, lockups, secure detention, and secure correctional facilities submit log sheets via the postal system or email. 2. Compliance Monitor identifies, classifies, and conducts on-site inspections of jails, lockups, secure detention, and secure correctional facilities 3. The classification of the facilities is verified during on-site inspections; changes are made to the Kansas facility monitoring list, as applicable. 4. Compliance Monitor works with facility administrators, court staff, law enforcement and/or county personnel on any non-compliance incidents, as applicable 5. Compile on-site visit schedules for secure facilities the compliance monitor plans to inspect as well as routes that will be taken to the facilities, go over the on-site visits and routes with the Director of Compliance and Community Support for approval. 6. Update monitoring universe as needed. 7. Provide technical assistance and training to facilities, as requested, or needed.

COMPLIANCE REPORTING PERIOD	NOTES
	<p>8. Receive and investigate compliance violations and initiate corrective action plans.</p> <p>9. Identify and attend national trainings provided by OJJDP and other juvenile justice related agencies.</p> <p>October – December</p> <ol style="list-style-type: none"> 1. Collect secure holding logs containing data for second half of fiscal year from all identified secure facilities. 2. Review compliance monitor policy and procedures manual; state and federal law for any changes within the past federal fiscal year which would affect compliance monitoring activities. Manual will be updated to KDOC website annually. 3. Review and revise, as needed, compliance monitoring packet. 4. Review and revise, as needed, compliance monitoring standard operating procedures (SOP). 5. Review and revise Kansas plan for compliance with the core requirements and the states compliance monitoring plan to be included in Kansas three-year plan and updates. 6. Update the monitoring universe and make a list of facilities which will require an onsite visit during the current fiscal year. <p>January</p> <ol style="list-style-type: none"> 1. Compile and analyze previous federal fiscal year’s data to be included in the Annual Compliance Monitoring Report, to be submitted to OJJDP no later than close of business on the due date. Submission due date for each year will be decided by OJJDP. If an extension is necessary, a valid request with supporting documentation should be forwarded to the OJJDP state compliance analyst for review and approval. 2. Collect all bi-annual requested juvenile detention logs from all identified adult jails and lockups and adult detention centers for first half of fiscal year. 3. Send out surveys for 223(a)(11)(B) data to be collected. Survey is the (11)(B) checklist (Pages 58 - 59). <p>February – May</p> <ol style="list-style-type: none"> 1. Provide required onsite inspections of identified facilities to verify facility reported data and/or classification. <p>June</p> <ol style="list-style-type: none"> 1. Send out surveys for 223(a)(11)(B) data to be collected. Survey is the (11)(B) checklist (Pages 58 - 59).

COMPLIANCE REPORTING PERIOD	NOTES
	<p>August - October</p> <ol style="list-style-type: none"> 1. Collect all annual and bi-annual requested secure holding logs containing data for second half of fiscal year from all identified secure facilities 2. Provide required onsite inspections of identified facilities to verify facility reported data and/or classification. 3. Send Law Enforcement Classification form to all identified secure facilities that will not be inspected in the fiscal year. 4. Send Kansas Department of Corrections Law Enforcement Survey and Law Enforcement Facility Certification of Non-Holding to identified nonsecure facilities to verify classification.

APPENDIX A – ONLINE RESOURCES

Title	Description	
Office of Juvenile Justice and Delinquency Prevention (OJJDP) Webpage	A component of the Office of Justice Programs within the U.S. Department of Justice , OJJDP works to prevent and respond to youth delinquency and protect children. Through its divisions, OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming.	Link
Authorizing Legislation	This OJJDP webpage reviews the authorizing Legislation that Congress enacted in regards to the Juvenile Justice and Delinquency Prevention (JJDP) Act (Pub. L. No. 93-415, 34 U.S.C. § 11101 et seq.) in 1974. This landmark legislation established OJJDP to support local and state efforts to prevent delinquency and improve the juvenile justice system.	Link
Juvenile Justice and Delinquency Prevention Act	This is the text of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.	Link
Redline Version Juvenile Justice and Delinquency Prevention Act as Amended by the Juvenile Justice Reform Act of 2018	This version of the Juvenile Justice and Delinquency Prevention Act (JJDP), includes the amendments made by the Juvenile Justice Reform Act of 2018 (in red).	Link
OJJDP Core Requirements Webpage	The information on this page assists states in monitoring and achieving compliance with the core requirements of the Formula Grants Program, including information on the background of the JJDP, supporting regulations, state compliance with JJDP core requirements, reporting requirements, guidance and resources, and staff contact information.	Link
OJJDP Fact Sheet: Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018	This fact sheet describes several significant amendments to the JJDP made by the JJRA.	Link
National Archives: Code of Federal Regulations for Part 31 – OJJDP Grant Programs	This is the existing regulation implementing the Formula Grants Program authorized under the JJDP.	Link



Scheduling Letter for Inspection

Rev 2/2023

Date: Click or tap to enter a date.

Facility Name: Click or tap here to enter text.

To: Click or tap here to enter text.

My name is **Sabra Loebel**, and I am the Juvenile Justice and Delinquency Prevention Act (JJDP) Compliance Monitor for the state.

As the Compliance Monitor for the State of Kansas, I am required to conduct on-site inspections, per the JJDP and the Department of Justice – Office of Juvenile Justice and Delinquency Prevention (OJJDP), at all adult jails, lockups, adult and juvenile detention facilities and adult court holding throughout the state.

I plan to visit your facility at approximately Select one of the following A.M P.M

On: Click or tap to enter a date.

The purpose of the on-site inspection is:

1. Classification of your facility as secure, non-secure, residential, or non-residential.
2. Reviewing and understanding your departments juvenile custody policy and procedures.
3. Provide updated information and answer questions on the JJDP.

During this visit I will need the following:

1. Visit with you or somebody with authority in juvenile custody procedures.
2. Access to juvenile detention records.
3. Any updates of related juvenile custody policies and procedures.
4. Facility layout.

I appreciate your cooperation in this effort to meet JJDP requirements. It should not take more than 30 – 45 minutes to complete the inspection. If something changes in your schedule, please contact me prior to the inspection so I can re-schedule. If I am going to be late or postpone the visit, I will contact you and schedule a new time or date for the inspection.

If you have any questions or need additional information, please contact me.

Sabra Loebel [KDOC]

Compliance Monitor

Central Office

(785) 746-7642 Desk/(785) 506-7774 Cell/(785) 596-6080 Fax

Email: Sabra.Loebel@ks.gov



Juvenile Facility Inspection Form

Rev 4/2020

Date: Click or tap to enter a date.

Facility Classification:

- Adult Jail/Lockup Adult Detention Juvenile Detention Juvenile Correctional Facility
Court Holding Collocated Facility Secure Nonsecure Residential
 Non-Residential Juvenile Adult Adult/Juvenile

Facility Name: _____

Facility Address: _____

Facility Administrator: _____

Contact Person: _____

Phone: _____ **Fax:** _____ **Email:** _____

Core Requirements that must be met by OJJDP federal standards.

Deinstitutionalization of status offenders (*DSO*) *section 223(a)(11)*

Adult Jails and lockups cannot hold status offenders, non-offenders, or civil-type offenders in a secure manner at any time.

- Yes, meets standards:
 No, does not meet standards:

Sight and Sound (*Separation*) *section 223(a)(12)*

Accused or adjudicated delinquent offenders, status offenders, and non-offenders cannot have contact with adult inmates, including inmate trustees.

- Yes, meets standards:
 No, does not meet standards:

Removal of Juveniles from Adult Jails and Lockups (*Jail Removal*) *section 223(a)*

The JJRA states that “no juvenile shall be detained or confined in any jail or lockup for adults...” There are two exceptions, used by Kansas, to this requirement:

- **A 6-hour holding exception for alleged delinquent offenders.**
- **An exception for juveniles waived or transferred to a criminal court.**

- Yes, meets standards:
 No, does not meet standards:

An "X" will be placed where applies:

Intake & Assessments: Yes No

Explain: _____

Non-Secure Holding Areas: Yes No

Explain: _____

Were any accused status offenders (excluding juveniles under an Interstate Compact agreement) detained or confined at this facility, during the last program year, for over 24 hours prior to or immediately following an initial court appearance? Yes No If Yes, please explain how, when or why the incident(s) occurred. Click or tap here to enter text.

Were any status offenders picked up on a warrant for violating a Valid Court Order (VCO) detained or confined, during the last program year, for over 48 hours prior to being seen in court? Yes No If Yes, please explain how, when, or why the incident(s) occurred. Click or tap here to enter text.

Intoxilizer: Yes No

Explain: _____

Intoxicated Youth: Yes No

Explain: _____

Juvenile Records: Yes No

Explain: (Admittance/Release)

Detention Log: Yes No

Explain: _____

Inmate Maintenance/lawn care: Yes No

Explain: _____

TWC Juveniles: Yes No

Explain: _____

Concerns: _____

Follow-up: _____

I attest that ALL breaches of sight and sound separation between juveniles and adult inmates or trustees will be reported when it occurs to the JJDPa Compliance Monitor at DCJ. Any incidents of a status offender being detained or confined over 24 hours (or 48 hours if it involves a violation of a VCO) prior to a court appearance, or a non-offender being held for any length of time will be documented and reported to the DCJ Compliance Monitor.

Inspection Completed with: _____

(Name of Person accommodating inspection)



Court Holding Facility Inspection Form

Rev 1/2022

Date: Click or tap to enter a date.

Facility Name and Address: _____

Contact Person: _____

Phone: _____

Fax: _____

Email: _____

Classification of Facility:

- Adult Jail/Lock-up Adult Detention Facility Juvenile Detention Facility
- Court Holding Collocated Facility Secure Nonsecure Residential
- Non-Residential Juvenile Adult Adult/Juvenile Other

This secure court holding area is located where?

- Adult Jail or Lockup,
- Courthouse/Court building
- Justice Center
- Other

Non-Secure Holding: Interview room Lobby Other _____

Sight and Sound Separation: Structural Time-Phased Other _____

Frequency of Document sent to Compliance Monitor: Monthly Annually Bi-Annually

Court Holding Policies and Procedures: HAS THEIR OWN ON FILE DOES NOT HAVE OWN

Violations: No Violations JO (over 6 hours) Sight and Sound Other: _____

Were any juveniles held securely in your court holding facility for the purpose of punishment ordered by a court official or law enforcement officer? Yes No

Description of Violations/Concerns: _____

Other Notes: Click or tap here to enter text.

Copy of Court Holding Policy and Procedure received: **Yes No**

Inspection Completed with: _____
(Name of Person accommodating inspection)



Collocated Facilities Inspection Form

A Collocated Facility means a juvenile facility located in the same building or are part of a related complex of buildings located on the same grounds of a facility for adults. A related complex of buildings is two or more buildings that share physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water, sewer); or the specialized services such as medical care, food service, laundry, maintenance, engineering services, etc. A collocated facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides a full range of separate program services. Juveniles and adult inmates may share no program activities. Time phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns.

Name and Address of Facility: Click or tap here to enter text.

Contact Person: Click or tap here to enter text.

Phone: _____ **Fax:** _____ **Email:** _____

Facility Classification:

- Secure Nonsecure Residential Non-Residential
- Juvenile Adult Adult/Juvenile Adult Jail/Lock-up Adult Prison
- Juvenile Detention Facility Juvenile Correctional Facility Court Holding Collocated Facility

A. Initial Facility Review 28 CFR § 31.303(e)(3)(ii)

Did the state agency conduct an onsite review to determine compliance with the four criteria of the collocated facility regulation? **Yes** **No**

Date of state determination: Click or tap to enter a date.

B. Collocated Definition 28 CFR § 31.303(e)(3)(i)(a)

Are the two facilities located in the same building? **Yes** **No**

Describe what physical features the two buildings share or what services two programs share. _____

Collocated Criteria 28 CFR § 31.303(e)(3)(i)(C) and JJRA of 2018

1. Separation Between Juveniles and Adults 28 CFR § 31.303(e)(3)(i)(C)(1)

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | A legible floor plan for the proposed facility is provided. |
| <input type="checkbox"/> | <input type="checkbox"/> | All relevant areas of the physical plant are clearly labeled. |
| <input type="checkbox"/> | <input type="checkbox"/> | The floor plan, as well as other documents listed below, clearly the total spatial separation in the residential areas (e.g. sleeping, bathrooms, lavatories) of the respective facilities? |

The floor plan or policies and procedures clearly indicate either total spatial separation or time-phased use of the following areas.

	<u>Time-Phased</u>	<u>Separate</u>
Entrance	<input type="checkbox"/>	<input type="checkbox"/>
Intake/Processing	<input type="checkbox"/>	<input type="checkbox"/>
Dining	<input type="checkbox"/>	<input type="checkbox"/>
Indoor Recreation	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>
Counseling	<input type="checkbox"/>	<input type="checkbox"/>
Medical	<input type="checkbox"/>	<input type="checkbox"/>
Religious Services	<input type="checkbox"/>	<input type="checkbox"/>
Visitation	<input type="checkbox"/>	<input type="checkbox"/>

Yes **No**
 Supporting documentation clearly describes resident movements, both scheduled and emergency?
Note: Separation requirements may be suspended in emergencies.

List supporting documentation: _____

2. **Separate Programming 28 CFR § 31.303(e)(3)(i)(C)(2)**
 Total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities.

Yes **No**
 The facility has provided a complete, narrative description of all programs that will be available for juveniles, and where the programs will be conducted?
 Juvenile and adult residents do not share any program activities, including but not limited to those cited in the standard above?
 There is an independent and comprehensive operational plan for the juvenile detention center which provides for a full range of separate program service.

3. **Staff Requirements:**
 There is a JJDP requirement that if this facility uses the same staff to serve both the adult and juvenile populations those staff must be trained and certified to work with juveniles.

Yes **No**
 The juvenile facility's organizational chart and/or other documentation, clearly indicate a permanent, full-time manager or superintendent for the juvenile facility (this manager or superintendent may report to the sheriff or jail administrator)?
 Do you have separate staff for your adult holding and juvenile holding areas in the facility?
 Are all staff that work or might work with your juvenile population specifically trained to work with juveniles (or P.O.S.T. certified)?
 The juvenile facility's organizational chart and/or other documentation, clearly indicate the adult residents (trustees) will never be permitted to supervise or provide direct services for juvenile residents (e.g. serving meals, dispensing reading materials, etc.)?

4. Licensing 28 CFR § 31.303(e)(3)(i)(C)(4)

In states having established state standards or licensing requirements for secure juvenile detention facilities, the juvenile facility meets the standards and is licensed as appropriate.

Yes **No**

 Juvenile detention centers must comply with established state standards in order to operate? Must be licensed to operate?

 If the answer is “Yes”, states approval clearly indicates that it’s Contingent upon the juvenile facility being found in compliance with the state standards and, if applicable, being licensed by the state to operate as a juvenile detention center?

 Compliance with standards already documented.

 Licensing already documented.

5. Annual Onsite Review 28 CFR § 31.303(e)(3)(iv)

I agree that the 4 criteria required to operate a collocated facility have been met (initial if true).

A. Additional Information or Comments:

B. CERTIFICATION: This form must be signed by the facility Administrator (or designated appointee), and in signing this form, he or she is certifying the accuracy of the information for the previous program year (October through September). If any of the above information changes, please contact the DOC Compliance Monitor, Sabra Loebel, at the DOC via email (Sabra.Loebel@ks.gov), as soon as possible, for DOC to update their facility records.

On-site visit date: [Click or tap to enter a date.](#)

Compliance Monitor

Inspection Completed with: _____
(Name of Person accommodating inspection)

Rev 2/2023



Adult Facility Inspection Form

Rev 1/2022

Date: [Click or tap to enter a date.](#)

Facility Name and Location: _____

Title of Contact Person: Sheriff Undersheriff Chief JA Other-Explain: _____

Contact Person: _____

Phone: _____ **Fax:** _____ **Email:** _____

Facility Classification:

- Adult Jail/Lock-up Adult Detention Adult Prison Court Holding Collocated Facility
 Secure Nonsecure Residential Non-Residential Juvenile Adult Adult/Juvenile

Location Non-Secure Holding: Interview Room Lobby Other-Explain: _____
(Applies to status offenders and CINC)

Location of Secure Holding for Juvenile's: Cell Intake Room Interview Room
 Other-Explain: _____

Are these Juveniles: Delinquent Offenders Criminal Offenders Combative Status Offenders

Sight and Sound Separation: Structural Time Phased None

Intoxilizer: Yes No

Intoxilizer Location: Booking Room Other Area None

Juvenile Records/Original Data Source: Electronic Paper None

Frequency sent to Compliance Monitor: Monthly Bi-Monthly Annually

Do You Have Policies and Procedures for Juveniles entering your facility: Yes No

Copy Provided: Yes No

If "No": Leave copy of JJDPA as template.

Violations: Yes Violation(s) No Violation(s)

If Violation(s), What Type? Sight and Sound Status Offender Held past 6 hours
 Other Concerns-Explain

Details of Violations/Concerns: _____

Other Notes: _____

Inspection Completed with: _____

(Name of Person accommodating inspection)

**Status of Secure, Non-holding Law Enforcement Facility –
Certification of Compliance with JJDP/JJRA**

To ensure proper classification of law enforcement facilities for the purpose of compliance monitoring under the Juvenile Justice and Delinquency Prevention Act of 2002 and the Juvenile Justice Reform Act of 2018, the Division of Criminal Justice (DCJ) requests this agency complete this form. Please submit your completed form and policy stating "...does not confine or detain juveniles at any time", to Sabra.Loebel@ks.gov.

Law Enforcement Agency: [Click or tap here to enter text.](#)

County: [Click or tap here to enter text.](#)

Contact Person and Title: [Click or tap here to enter text.](#)

Contact Phone: [Click or tap here to enter text.](#)

Contact E-Mail Address: [Click or tap here to enter text.](#)

Agency Address: [Click or tap here to enter text.](#)

Facility Name: [Click or tap here to enter text.](#)

Check all applicable responses below for The State of Kansas to determine the appropriate classification of the facility listed above.

1. Within this facility, adults may be securely held, but juveniles are NOT detained and/or confined?
 True False

2. Within this facility, there are *(Choose all that apply below)*, but they are never used to detain and/or confine juveniles (only adults):
 secure holding cells
 locked interview office/room, and/or
 cuffing benches or rings, or other stationary objects used for secure cuffing purposes.

3. This agency has policies or procedures that clearly state that juveniles will never be securely detained and/or confined at this facility unless the juvenile poses a risk of harm to self or others. Yes No
Please submit a copy of these policies, procedures, and required information when you return this form.

4. This agency has a written description or diagram of where juveniles are taken once they enter this facility that is/are non-secure, and sight and sound separated from the secure areas within the facility. Yes No

When juveniles are brought into the facility, where are they taken? [Click or tap here to enter text.](#)

5. This agency will complete this certification form on an annual basis to confirm that the facility is still operating under the same "secure, non-holding" premises. Yes No

In the event a juvenile is held detained or confined at this facility, the agency must submit to the Compliance monitor, within 3 days, the reason that this juvenile was securely detained or confined. Please include the date and time (in and out), the juvenile's I.D. #, how or where the juvenile was held, and why the juvenile was held.

CERTIFICATION: This form must be signed by the Chief of Police, Sheriff, or signature authority, and in signing the form, this person is certifying the accuracy of the information provided above and agrees to all stated requirements. If any of this information changes, please contact the State of Kansas Compliance Monitor, Sabra Loebel, via email using Sabra.Loebel@ks.gov, immediately to review the status of this facility's classification.

Name: [Click or tap here to enter text.](#)
(Print)

Signature: [Click or tap here to enter text.](#)

Certification Regarding Detention of Juveniles in Court Holding Facilities

On behalf of Click or tap here to enter text. [INSERT NAME OF STATE/TERRITORY], I certify under penalty of perjury to the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs (OJP), U.S. Department of Justice (“Department”), that the following is true and correct:

- (1) I have the authority to make the following representations on behalf of myself and Click or tap here to enter text. [INSERT NAME OF STATE/TERRITORY]. I understand that these representations will be relied upon as material, with respect to the fiscal year (“FY”) 2021 compliance data that supports the FY 2022 Title II Formula Grants Program award application submitted by Click or tap here to enter text. [INSERT NAME OF DSA];
- (2) That judges and court personnel within Click or tap here to enter text. are aware that court holding facilities fall under the definition of “jail or lockup for adults” under 34 U.S.C. § 11133(22);
- (3) That judges and court personnel within Click or tap here to enter text. [INSERT NAME OF STATE/TERRITORY] are aware of the “separation” and “jail removal” requirements at 34 U.S.C. § 11133(a)(12) and (13).
- (4) That I am not aware of any instances of noncompliance with the jail removal requirement in court holding facilities within Click or tap here to enter text. [INSERT NAME OF STATE/TERRITORY] during FY 2021.
- (5) That I took the following steps to obtain information to support this certification (e.g., conducted a survey of court holding facilities to query whether any instances of noncompliance with the jail removal requirement occurred therein during the pertinent period) [INSERT STEPS TAKEN].

Click or tap here to enter text.

- (6) Therefore, to the best of my knowledge and belief, during FY 2021 no juveniles were detained within court holding facilities in Click or tap here to enter text. [INSERT NAME OF STATE/TERRITORY] unless pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(A) or (B).

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and also may subject me and the State of Click or tap here to enter text. [INSERT NAME OF STATE/TERRITORY] to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by the Department, including by OJP and by the Department’s Office of the Inspector General.

Click or tap here to enter text.
Signature of Certifying Official
(Head of Designated State Agency or
Management Official Designee)

Click or tap here to enter text.
Printed Name and Title of Certifying Official

Click or tap here to enter text.
Name of Designated State Agency

Click or tap here to enter text.
Date

10-19-2021

**JUDGMENT ENTRY/MAGISTRATE ORDER ON CONFINEMENT OF
JUVENILE CHARGED AS AN ADULT**

IN THE Click or tap here to enter text. **COURT OF** Click or tap here to enter text. **COUNTY**

STATE OF Click or tap here to enter text.

THE STATE OF

Click or tap here to enter text.

vs.

Click or tap here to enter text.

:
:
:
:
:

CASE NO.

Click or tap here to enter text.

The Court, having determined that the above-named juvenile charged as an adult should remain in confinement, now must determine the appropriate facility in which that confinement should occur. Pursuant to section 223(a)(11)(B) of the Juvenile Justice and Delinquency Prevention Act (JJDP A) (see 34 U.S.C. § 11133(a)(11)(B)), a juvenile who is charged as an adult must not be held in an adult jail or lockup, nor have sight or sound contact with adult inmates, unless the Court determines that it is in the interest of justice, by making certain findings. (Failure to comply with this requirement will result in an instance of noncompliance with the statutory requirement and may affect [STATE’S] ability to receive its full Formula Grants Program funding under Title II, Part B, of the JJDP A.)

The Court therefore determines the following:

1. The Court has conducted a hearing on this matter, on the record, with the juvenile charged as an adult participating and represented by counsel.
2. The Court determines that it **is** **is not** in the interest of justice to confine the juvenile in an adult jail or lockup.
3. In making this decision, the Court has considered each of the following factors:
 - a. The age of the juvenile: Click or tap here to enter text.
 - b. The physical and mental maturity of the juvenile.
 - c. The nature and circumstances of the alleged offense.
 - d. The juvenile's prior delinquent acts: Click or tap here to enter text.
 - e. The current mental state of the juvenile.
 - f. The juvenile **does** **does not** pose an imminent risk of harm to themselves.
 - g. The available juvenile detention facilities **can** **cannot** meet the needs of the juvenile and protect public safety and other detained youth.

10-19-2021

- h. The available adult facilities **can** **cannot** meet the needs of the juvenile and protect public safety;
- i. The following other relevant factors:

Based upon these findings the Court determines that **it is** **is not** in the interest of justice for the juvenile to be held in an adult jail or lockup. (Insert following paragraphs only if determination is made to detain juvenile in an adult facility)

It **is** **is not** in the interest of justice to keep the juvenile sight and sound separated from adult inmates.

Pursuant to the JJDPA at 34 U.S.C. § 11133(a)(11)(B), the Court must hold a hearing and review this confinement order at least every 30 days (45 days in rural jurisdictions). This matter shall come before the Court for review of this confinement determination on Click or tap to enter a date.

(Insert following paragraph only if juvenile is detained in an adult facility more than 180 days)

Pursuant to the provisions of the JJDPA, a juvenile charged as an adult may not be held in an adult jail or lockup or without sight and sound separation from adult inmates for more than 180 days unless certain findings are made, in writing, by the Court. The juvenile in this matter has now been held in an adult facility/without sight or sound separation from adult inmates for 180 days. The Court determines, in writing, that continued confinement is appropriate based upon the following:

- The juvenile has expressly waived the 180-day limit
- The Court finds the following good cause for the continued confinement:

Click or tap here to enter text.

Date: Click or tap to enter a date.

Click or tap here to enter text.

JUDGE/MAGISTRATE

CC: Juvenile and Counsel
Prosecutor
Victim Advocate
Adult Jail/Detention Center

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 IOJ Requirement

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 IOJ Requirement
 No ----- Noncompliance with IOJ Requirement



State of Kansas

Law Enforcement Facility Classification Certification

To ensure the proper classification of Kansas law enforcement facilities for the purposes of monitoring compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP), KDOC Division of Juvenile Services requests completion of this form.

Law Enforcement Agency; _____

County: _____

Agency address: _____

Contact Person and Title: _____

Phone: _____ Fax: _____ Email: _____

Mark each item below as **YES** or **NO**. Accurate responses are an essential part of the statewide compliance effort.

Secure Areas:

YES NO

- Does this building have a secure perimeter **WITHOUT** emergency egress options?
- Are there one or more secure holding cells?
- Are there one or more locked interview rooms?
- Are there construction fixtures designed to physically restrict the movements and Activities of persons in custody? Example: Cuffing bench, rail, restraint chair, etc.

Non-Secure Areas:

YES NO

- Is there an area where a person is placed which is an unlocked, multipurpose location not used as a secure area? (Interview room, conference room, lobby, etc.).
- Does this area allow for persons to be physically secured?
- Is the use of the area limited to providing non-secure custody for the purpose of release and/or transfer? (Holding in a non-secure area waiting or waiting for transport to another facility).
- Is this area designed or intended to be used for residential purposes?
- Does an officer or facility staff continually supervise the person while in custody? (Sits with juvenile until a decision is made on where to take youth, home, JDC, etc.).

Certification: This form must be signed by the Chief of Police, Deputy, or office administrator. In signing this form, you are certifying the accuracy of the information provided.

Electronic Signature: _____

Date: Click or tap to enter a date.

Rev 2/2023

Please email or fax completed form to:
Sabra Loebel [KDOC] email: Sabra.Loebel@ks.gov * 714 SW Jackson, Ste #300, Topeka, KS 66603
785-746-7642 desk/785-506-7774 cell/785-596-6080 fax



**KANSAS DEPARTMENT OF CORRECTIONS FEDERAL FISCAL
YEAR 2020 LAW ENFORCEMENT SURVEY
PER FEDERAL OJJDP REQUIREMENTS**



Facility Name: _____
 Address: _____ County: _____
 City/Zip: _____ Phone: _____
 Chief/Sheriff Name: _____ Date: _____
 Chief/Sheriff Email: _____ Fax: _____
 Completed By: _____ Title: _____

The purpose of this survey is to collect data on juveniles “detained or confined” (including juveniles charged as adults) within a jail or lockup for adults, secure detention facility, or secure correctional facility during the reporting period of **October 1, 2022 through September 30, 2023**. Please read the survey carefully and answer the questions. *For more information on the federal requirements and regulations regarding this form, please email Sabra Loebel at the address listed at the bottom of this page.*

“Detained or Confined” 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. Youth placed into a cell, placed into a locked or *lockable room*, secured to an immovable cuffing object, or placed into a room with an immovable cuffing object are considered “detained or confined”. **Be advised that youth held for their own safety in *Non-Secure* areas of jails or lockups and pending reunification with a parent or guardian or pending transfer to a child welfare or social service agency, are NOT considered detained or confined within the meaning of the JJDP Act.**

Please review (and attach as necessary) log sheets, admission records, etc. to answer the following:

Section A: Juveniles Detained and Confined Securely within Adult Jails and Lockups

- 1) **During the survey period was your facility used to “Detain or Confine” ANY juvenile offenders?**
Not included are youth held in non-secure areas for their own safety. Yes No
 If “Yes” attach the agency’s juvenile holding log sheet(s) for this survey period. *Please ensure no personally identifying information is included.*

- 2) **During the survey period were any juveniles NOT held sight and sound separate from adult inmates while detained or confined within the facility?** Yes No
 If “Yes”, indicate each youth on the facility log sheet(s) and describe the circumstances here: _____

Section B: Secure Holding Capability for Adults and Juveniles

- 1) **Has the department added or removed any secure holding capability since the previous reporting period?**
 Yes No
 If “Yes”, please describe: _____

- 2) **Is your facility residential? (i.e. “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.”)**
 Yes No

- 3) **Maximum time an individual may be detained? Less than 24 hrs. 24 hrs. to 364 days Over 1 Year**

Completed surveys and log sheets (if applicable) must be returned no later than **October 15, 2023**. Blank surveys and log sheets are available by contacting Sabra.Loebel@ks.gov.

Submit completed surveys to: Sabra Loebel, Compliance Monitor Or Email: Sabra.Loebel@ks.gov
 Kansas Department of Corrections
 714 SW Jackson St., Suite 300 Or Fax: (785) 596-6080
 Topeka, KS 66603

If you have questions, the Juvenile Justice Compliance Monitor may be reached with above information or call (785) 746-7642.



FACILITY RE-CLASSIFICATION FORM

8/2020

Facility Name: [Click or tap here to enter text.](#)

Facility Address: [Click or tap here to enter text.](#)

Facility Administrator: [Click or tap here to enter text.](#)

Contact Person: [Click or tap here to enter text.](#)

Phone: [Click or tap here to enter text.](#) **Fax:** [Click or tap here to enter text.](#) **Email:** [Click or tap here to enter text.](#)

Prior Facility Classification:

- Adult Jail Adult Lock-up Juvenile Detention Facility Court Holding
 Collocated Facility Other: [Click or tap here to enter text.](#)
 Secure Nonsecure Residential Non-Residential
 Juvenile Adult Adult/Juvenile

Dates of Prior Classification:

From: [Click or tap to enter a date.](#)

To: [Click or tap to enter a date.](#)

Current Facility Classification:

- Adult Jail Adult Lock-up Juvenile Detention Facility Court Holding
 Collocated Facility Other: [Click or tap here to enter text.](#)
 Secure Nonsecure Residential Non-Residential
 Juvenile Adult Adult/Juvenile

Date of Re-Classification:

Current Re-Classification Start Date: [Click or tap to enter a date.](#)

Electronic Signature: _____

Date: [Click or tap to enter a date.](#)



Law Enforcement Facility Certification of Non-Holding

Facility Name: _____

Facility Address: _____

Reporting Person and Title: _____

Phone: _____ Email: _____

IN THE ABOVE-MENTIONED LAW ENFORCEMENT FACILITY BETWEEN 10/1/2022 AND 9/30/2023, I CERTIFY BY SIGNING BELOW NO JUVENILES WERE PHYSICALLY DETAINED OR CONFINED IN A LOCKED ROOM, CELL OR HANDCUFFED TO A STATIONARY OBJECT.

JUVENILE JUSTICE DELIQUENCY PREVENTION ACT (JJPA) ALLOWS ADULT JAILS/LOCK-UPS TO HOLD JUVENILES (WITH DELIQUENT OR CRIMINAL OFFENSES) UP TO 6-HOURS FOR THE PURPOSES OF PROCESSING OR RELEASE, WHILE AWAITING TRANSFER TO A JUVENILE FACILITY. ANY JUVENILE HELD OVER 6-HOURS IS A VIOLATION OF THE JAIL REMOVAL CORE REQUIREMENT [34 U.S.C. § 11133\(a\)\(13\)](#).

Electric Signature: _____

Date: _____

Signature: _____

Date: _____

Note: The JJRA of 2018 does not apply to juvenile formally waived or transferred to criminal court and who against criminal charges have been filed.

Please email or fax this form to:

Sabra Loebel, Compliance Monitor
714 SW Jackson, Ste #300
Topeka, KS 66603
(785) 746-7642 Desk/(785) 506-7774 Cell/(785) 596-6080 Fax
Email: Sabra.loebel@ks.gov

Rev 2/2023

714 S.W. Jackson St., Suite 300
Topeka, KS 66603



Phone: (785) 296-3317
Fax: (785) 296-0014
kdocpub@ks.gov
www.doc.ks.gov

Jeff Zmuda, Secretary

Laura Kelly, Governor

Kansas Division of Criminal Justice JJDP Act Compliance Letter

Date: Click or tap to enter a date.

Name: _____

Address _____

City, State: _____

Dear _____

Kansas receives federal grant funds under the Juvenile Justice and Delinquency Prevention Act (JJDP). The programs provide approximately half a million dollars annually for local juvenile justice and delinquency prevention programs operated by counties, tribes and nonprofit organizations.

To qualify for the funds, the State must collect data and monitor all facilities that may securely hold juveniles under public authority. The purpose of this work is to ensure that Kansas facilities comply with requirements within the JJDP regarding the confinement of juveniles. A summary of the regulations is attached.

In addition to the maintaining the funds that come into the state we are committed to assuring that all youth in our collective care are getting the services and placements they need.

Attached please find the 20XX violations by Judicial District. If a facility has too many violations or found out of compliance, their county/judicial district becomes ineligible to apply for federal funds.

We are pleased to report the _____ is compliant in 20XX.

It is the policy of the Kansas Advisory Group (KAG) to allow individual judicial districts an opportunity to address the compliance issues before imposing funding restrictions. If any given judicial district is out of compliance for two consecutive years, programs in that judicial district will not be eligible to apply for Title II funding until the district gets back into compliance.

Please let us know if we can help by providing more information or a technical assistance visit. You can contact Sabra Loebel, our compliance monitor, at (785) 746-7642, Sabra.Loebel@ks.gov, or (Appointed JJ Specialist), our Juvenile Justice Specialist at (phone number). (Appointed JJ Specialist's email)

Sincerely yours,

Megan Milner
Director of Community Based Services, Division of Juvenile Services

Hope Cooper, Deputy Secretary of Juvenile & Adult Community-Based Services

DATA COLLECTION AND VERIFICATION

Date Issued:	August 16, 2020
Last Review:	1/2022
Related OJJDP Regulations:	JJDP Act 1996 OJJDP Consolidated Regulation OJJDP Compliance Monitoring Guidance Manual

Statement of Purpose:

It is necessary to check each facility's admission and release records to obtain accurate information to determine compliance with sections 34 U.S.C. § 11133(a)(11), (12) and (13) of the JJDP Act. On-site data collection can be easily verified and increases the accuracy of the data. For continuity and clarification, the DCJ compliance monitor will note on the Facility Information Form how the data is being collected at the agency.

Policy:

The compliance monitor will be responsible for collecting and verifying data on every youth held in those facilities subject to inspections following OJJDP rules and regulations on data collection. Data on all juveniles held securely will be obtained within three months of the close of the monitoring year. The fiscal year, July 1 through June 30, will be used for each annual monitoring cycle. The following data sets will be obtained:

1. Data sets to be reviewed during collection/verification. (28 C.F.R. § 31.303(f)(1)(D) and (5)),

A. Juvenile Detention or Correctional Facilities

1. *Juveniles who are not charged with an offense and who are aliens or alleged to be dependent, neglected, or abused.*
 - a. Placement results in an instance of noncompliance with the DSO requirement.
2. *Accused status offenders.*
 - a. Placement results in an instance of noncompliance with the DSO requirement, unless one of the exceptions at 34 U.S.C. § 11133(a)(11)(A) applies. If none of the exceptions apply, accused status offenders may be detained or confined for not more than 24 hours (excluding public holidays, weekends, or days on which the courts in a jurisdiction are otherwise closed): (1) before an initial court appearance, (2) following an initial court appearance, or (3) for investigative purposes or identification.
3. *Adjudicated status offenders*
 - a. Placement results in an instance of noncompliance with the DSO requirement unless one of the exceptions at 34 U.S.C. § 11133(a)(11)(A) applies. If none of the exceptions apply, adjudicated status offenders may be detained or confined for 24 hours or less (excluding public holidays, weekends, or days on which the courts in a jurisdiction are otherwise closed) following an initial court appearance.
4. *Status offenders held pursuant to a violation of a Valid Court Order.*
 - a. Pursuant to 34 U.S.C. § 11133(a)(23), accused status offenders charged with violating a valid court order must be interviewed by an appropriate public agency

within 24 hours of being placed in a secure detention or correctional facility. The court must receive an assessment from the public agency and the juvenile must have a reasonable cause hearing within 48 hours (excluding weekends and holidays). If these requirements are not met, placement results in an instance of noncompliance with the DSO requirement.

5. *Status offender adjudicated as having violated a valid court order.*
 - a. As long as the requirements of 34 U.S.C. § 11133(a)(23) were met, placement does not result in an instance of noncompliance with the DSO requirement.
6. *Accused or adjudicated juvenile delinquent.*
 - a. The DSO requirement does not apply.
7. *Juvenile transferred to criminal court and charged with or convicted of a misdemeanor or a felony.*
 - a. The DSO, separation, and jail removal core requirements do not apply.

B. Adult Jails and Lockups

1. *Accused Status offender, adjudicated status offender, or Juvenile who is not charged with an offense and who is an alien or alleged to be dependent, neglected or abused.*
 - a. Detention or confinement would result in an instance of noncompliance with the jail, removal requirement.
 - b. Detention or confinement such that the juvenile has contact with an adult inmate would result in an instance of noncompliance with the separation requirement.
 - c. In adult jails or lockups that also meet the definition of a secure detention or correctional facility, placement of a status offender or juvenile who is not charged with an offense and who is an alien or alleged to be dependent, neglected, or abused for any length of time would result in an instance of noncompliance with the DSO requirement
2. *Juveniles accused of non-status (delinquent) offenses.*
 - a. Detention or confinement is limited to a cumulative total of 6 hours for processing or release, while awaiting transfer to a juvenile facility or during which the juvenile makes a court appearance.
 - b. Juveniles accused of non-status (delinquent) offenses may also be detained or confined pursuant to the rural exception, the travel conditions exception, or the conditions of safety exception found at 34 U.S.C. § 11133(a)(13)(B).
 - c. Juveniles must be sight and sound separated from adult inmates, so as not to incur a separation violation. In addition, the state must have a policy in effect that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, have been trained and certified to work with juveniles. 34 U.S.C. § 11133(a)(12).
3. *Adjudicated juvenile delinquents.*
 - a. Detention or confinement results in an instance of noncompliance with the jail removal requirement.
4. *Juvenile transferred to criminal court and charged with or convicted of a misdemeanor or a felony.*

- a. The DSO, separation, and jail removal core requirements do not apply.
- 5. **Court Holding Facility** – Fall under the JJDPa definition of “jail or Lockup for adults” at 34 U.S.C. § 11103(22).
 - a. Juveniles accused of or adjudicated as having committed a status offense
 - 1. Juveniles must be sight and sound separated from adult inmates.
 - b. Status offender accused of or adjudicated as having committed a violation of a valid court order.
 - 1. Juveniles must be sight and sound separated from adult inmates.
 - c. Accused or adjudicated juvenile delinquent.
 - 1. Juveniles must be sight and sound separated from adult inmates.
 - d. Juvenile transferred to criminal court and charged with or convicted of a misdemeanor or a felony.
 - 1. The core requirements do not apply.

C. Secure Adult Detention or Correctional Facilities

- 1. *Juveniles who are not charged with an offense and who are aliens or alleged to be dependent, neglected, or abused.*
 - a. Placement results in an instance of noncompliance with the DSO requirement and with the separation requirement, if the juvenile has contact with an adult inmate.
 - b. If the facility also meets the definition of a jail or lockup for adults, detention also results in an instance of noncompliance with the jail removal requirement.
- 2. *Accused status offender.*
 - a. Placement results in an instance of noncompliance with the DSO requirement and with the separation requirement, if the juvenile has contact with an adult inmate.
 - b. If the facility also meets the definition of a jail or lockup for adults, detention also results in an instance of noncompliance with the jail removal requirement.
- 3. *Adjudicated status offender.*
 - a. Placement results in an instance of noncompliance with the DSO requirement and with the separation requirement, if the juvenile has contact with an adult inmate.
 - b. If the facility also meets the definition of a jail or lockup for adults, detention also results in an instance of noncompliance with the jail removal requirement.
- 4. *Status offender accused of violating or adjudicated as having violated a valid court order.*
 - a. Placement results in an instance of noncompliance with the DSO requirement and with the separation requirement, if the juvenile has contact with an adult inmate.
 - b. If the facility also meets the definition of a jail or lockup for adults, detention also results in an instance of noncompliance with the jail removal requirement.
 - c. It is important to note that the VCO exception applies only in secure juvenile detention and secure juvenile correctional facilities and if the statutory requirements are met, pursuant to 34 U.S.C. §11133(a)(23).

5. *Accused juvenile Delinquent.*
 - a. Detention or confinement results in an instance of noncompliance with the jail removal requirement, if the facility also meets the definition of a jail or lockup for adults, and if the juvenile is not detained pursuant to the exceptions at 34 U.S.C. § 11133(a)(13)(B).
 - b. If the accused delinquent offender has contact with an adult inmate, this would result in an instance of noncompliance with the separation requirement.
6. *Adjudicated juvenile delinquent.*
 - a. Detention or confinement results in an instance of noncompliance with the jail removal requirement if the facility also meets the definition of a jail or lockup for adults.
 - b. If the adjudicated delinquent offender has contact with an adult inmate, this would result in an instance of noncompliance with the separation requirement.
7. *Juvenile transferred to criminal court and charged with or convicted of a misdemeanor or a felony*
 - a. The DSO, separation, and jail removal core requirements do not apply.

D. Other Facilities

1. *Juveniles accused of or adjudicated as having committed a status offense.*
 - a. Shelter, Group Home, Nonsecure Law Enforcement Facility, or Other Nonsecure or Staff Secure Facility - DSO, separation, and jail removal requirements do not apply in a nonsecure facility.
 - b. Secure Mental Health Facility - Status offenders may not be placed in a secure mental health facility that meets the definition of a secure detention or secure correctional facility (unless it is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(11)(B)). In a facility meeting one of these definitions, juveniles must be sight and sound separated from adult inmates.
2. *Status offender accused of or adjudicated as having committed a violation of a valid court order.*
 - a. Shelter, Group Home, Nonsecure Law Enforcement Facility, or Other Nonsecure or Staff Secure Facility - DSO, separation, and jail removal requirements do not apply in a nonsecure facility.
 - b. Secure Mental Health Facility - Status offenders may not be placed in a secure mental health facility that meets the definition of a secure detention or secure correctional facility. In a facility meeting one of these definitions, juveniles must be sight and sound separated from adult inmates.
3. *Accused or adjudicated juvenile delinquent.*
 - a. Shelter, Group Home, Nonsecure Law Enforcement Facility, or Other Nonsecure or Staff Secure Facility – DSO separation and jail removal requirements do not apply in a non-secure facility.
 - b. Secure Mental Health Facility – Juveniles must be sight and sound separated from adult inmates.
4. *Juvenile transferred to criminal court and charged with or convicted of a misdemeanor or a felony.*

- a. **Shelter, Group Home, Nonsecure Law Enforcement Facility, or Other Nonsecure or Staff Secure Facility** – The DSO, separation, and jail removal requirements do not apply.
- b. **Secure Mental Health Facility** – The DSO, separation, and jail removal requirements do not apply.

DATA COLLECTION AND VERIFICATION PROCESS

Date Issued:	August 16, 2020
Last Review:	1/2022
Related OJJDP Regulations:	JJDP Act 1996 OJJDP Consolidated Regulation OJP Compliance Monitoring Guidance Manual

Statement of Purpose:

It is necessary to check each facility's admission and release records to obtain accurate information to determine compliance with sections 223 (11), (12), and (13) of the JJDP Act. On-site data collection can be easily verified and increases the accuracy of the data. For continuity and clarification, the DCJ compliance monitor will note on the Facility Information Form how the data is being collected at the agency.

Policy:

The compliance monitor will be responsible for collecting and verifying data on every youth held in those facilities subject to inspections following OJJDP rules and regulations on data collection. Data on all juveniles held securely will be obtained within three months of the close of the monitoring year. The fiscal year, July 1 through June 30, will be used for each annual monitoring cycle. The following data sets will be obtained:

1. Data sets to be reviewed during collection/verification. (28 C.F.R. § 31.303(f)(1)(D) and (5)),
 - A. Juvenile Detention Centers - 34 U.S.C. § 11133(a)(11) and (14)
 1. Accused status offenders held for more than 24 hours (excluding weekends and holidays), *prior to an initial court appearance*, excluding those held pursuant to a Valid Court Order, out of state runaways held pursuant to the Interstate Compact and those held pursuant to the Youth Handgun Safety Act or a similar state law. *(These juveniles are violations of the DSO core requirement).*
 2. Accused status offenders held for more than 24 hours (excluding weekends and holidays), *immediately following an initial court appearance* excluding those held pursuant to a Valid Court Order, out of state runaways held pursuant to the Interstate Compact and those held pursuant to the Youth Handgun Safety Act. *(These juveniles are violations of the DSO core requirement).*
 3. Adjudicated status and non-offenders held for any length of time. *(Any nonoffender sentenced to detention, or any status offender held without benefit of the Valid Court Order, are violations).*
 4. Status offenders held pursuant to a violation of a Valid Court Orders. *(These juveniles are not violations of the DSO core requirement, but you must verify that the VCO was followed and report on the total number to OJJDP).*

5. Out-of-State runaways held over the 24-hour reporting exception.
(If held pursuant to the Interstate Compact rules and regulations they do not count as violations. Verify the Interstate Compact was used with ICJ).
6. Federal wards held over the 24-hour reporting exception.
(OJJDP excludes them if the allowable rate is exceeded).
7. Nonoffenders held secure for any period of time.
(All nonoffenders held securely are violations).
8. Total number of juvenile offenders held pursuant to the Youth Handgun Safety Act or similar state law.
(These juveniles are not violations, but the total number is reported in the annual monitoring report).
9. Separation violations.
(They are violations of the Separation core requirement).

B. Adult Jails and Adult Lockups - 34 U.S.C. § 11103(22)

1. Accused status and non-offenders held for any period of time.
(They are violations of the DSO and Jail Removal core requirements, therefore, if a status offender or non-offender is held securely for any period of time they count as two violations, once under DSO and once under Jail Removal).
2. Adjudicated Status and non-offenders held for any length of time (including VCO's).
(Again, they are violations of the DSO and Jail Removal core requirements and are counted as two violations, once under DSO and once under Jail Removal).
3. Separation violations.
(They are violations of the Separation core requirement).
4. Juveniles waived to adult court on criminal felony charges.
(This information is collected but not reported to OJJDP).
5. Accused juvenile criminal-type offenders held in excess of six hours.
(They are counted as Jail Removal violations).
6. Adjudicated juvenile criminal-type offenders held in excess of six hours prior to or following a court appearance, or for any period of time not related to a court appearance. These are juveniles who are sentenced to an adult jail or lockup.
(They are violations of the Jail Removal core requirement).
7. Number of accused juvenile criminal-type offenders held for less than 6 hours for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody.
(These are violations of the Jail Removal core requirement).
8. Juveniles held in an adult jail or lockup pursuant to public authority as a disposition or as a means of correcting their behavior and in sight and sound

contact with incarcerated adults. Commonly referred to as Shape Up or Scared Straight.
(Violation of Sight and Sound Separation and possibly DSO and jail Removal).

C. Adult Correctional Facilities - 34 U.S.C. § 11133(a)(11)

1. Any juvenile brought inside an adult correctional facility pursuant to public authority as a disposition or as a means of correcting their behavior. Commonly referred to as Shape Up or Scared Straight.
(Violation of Sight and Sound Separation and possibly DSO and jail Removal).

Procedures:

1. Adult Jails and Adult Lockups

- A. During on-site inspections the compliance monitor will collect and verify data on juveniles held securely. The information is transferred to the Monthly Log of Juveniles Held which is located in the Facility File. It is copied onto the same form and retained in the compliance monitor's notebook for ease of tabulating yearly information.
 1. Inspections will be scheduled to accommodate a timely capture of juveniles held. Inspections are usually scheduled at facilities that frequently hold juveniles in January (to capture data from July 1 through December 31) and in July (to capture data from January 1 through June 30).
 2. Final annual inspections will be scheduled no earlier than June 1 and no later than June 30. The monitoring year is July 1 - June 30. This of course is contingent upon your OJJDP Compliance Monitoring Report due date.
- B. Juvenile Holding Cell logs, see attachment, will be reviewed at each inspection and should document each juvenile that is securely held.
 1. Juvenile Holding Cell logs should be filled out each time a juvenile is placed in a secure area or cuffed to a stationary object. The compliance monitor will review the logs on-site and verify them for accuracy. Verification includes reviewing the arrest jacket or case file on a sample of entries to determine if the time in and out of the cell is correct and to determine if the most serious charge is listed.
- C. Information on juveniles held as adults should be kept by the facility and collected by the compliance-monitor. The Compliance Monitor will send [34 U.S.C. § 11133\(a\)\(11\)\(B\)](#) (Interest of Justice survey bi-annually to all adult jails and lock ups that might hold such a juvenile.
- D. In cases where additional information is required, the compliance monitor will verify the log entries against individual case files at the facility or at the court. Additional sources of information may include the Department of Human Services and Probation.
- E. The compliance monitor will retain the Juvenile Holding Cell logs for reporting purposes and they will become part of the individual Facility File for one year. In some cases it is not cost effective to copy the Juvenile Holding Cell logs as there are hundreds of pages of individual entries. If it is not feasible to collect the logs then the compliance monitor will collect the information onsite and request the facility archive the logs for one year.

F. On or before December 1 of each year, all secure and non-secure law enforcement facilities will receive a year-end report on the status of compliance with the JJDP Act. This is accompanied with a letter of thanks for allowing the compliance monitor access to records and for their cooperation throughout the year with the JJDP Act requirements.

G. Court Holdings are classified as adult jail and lockup.

2. Juvenile Detention and Correctional Facilities

A. The compliance monitor will collect data as outlined under the “data sets” of this policy for those facilities that qualify as a juvenile detention or juvenile correctional facility. The compliance monitor contacts the Research Division of the Division of Youth Corrections and asks them to query Trails based on the OJJDP data sets. An excel spreadsheet is produced and given to the compliance monitor no later than September 20 of each year. The compliance monitor has access to Trails and can “look up” cases based on their Trails ID number to determine if the offense was a status or non-offense and the docket number and Judge’s name in the event it was a Valid Court Order.

B. These facilities will receive inspections for data verification annually. Once the data is collected, the compliance monitor will schedule on-site visits to verify the data if needed. Individual case files are pulled from records, in the case of a status offender who has been sentenced to detention, the court docket number and Judge/Magistrate’s name will be recorded so that VCO’s may be verified with the court records.

C. On or before December 1 of each year, the Juvenile Detention Center Directors, the Regional Directors, the Director and the Chief Juvenile Court Judge will receive a year end report on the status of compliance with the JJDP Act. This is accompanied with a letter of thanks for allowing the compliance monitor access to records and for cooperation throughout the year with the JJDP Act requirements.

3. District Courts to verify the Valid Court Order

A. Once the docket number and Judge/Magistrate name is obtained on status offenders who have been sentenced to Juvenile Detention Centers, the compliance monitor will schedule a records review through the Office of Judicial Administration (OJA), with the District Court clerk.

B. Individual case files must be reviewed to ensure that the VCO is followed. 100% of VCO’s should be verified. If a file is missing, then projections are based on the number of violations on files that were reviewed. The compliance monitor determines a) if the First VCO was issued and is in the file, and notes the date; b) if a Written Report was submitted to the court before the sentencing hearing and if it is in the file; and c) if the Second VCO was issued, dated on or before the sentencing date and is in the file. If one of those items is missing it is a violation.

4. Other Facilities

A. The term “other secure facilities” refers to secure facilities that do not meet the definition of “jail or lockup for adults,” “secure detention facility,” “secure correctional facility,” or an “institution.” In these “other secure facilities,” the JJDP core requirements would not apply. Examples of other secure facilities include secure mental health and secure substance abuse

treatment facilities that are used not for detention or correctional purposes, but instead to provide mental health or substance abuse treatment for juveniles, generally, including those not under court jurisdiction. These facilities do not meet the definition of a secure detention or secure correctional facility and need not be monitored for compliance with the DSO requirement.

5. Non-Secure Facilities

- A. The term nonsecure law enforcement facilities refers to facilities, such as police administrative offices, that are administered by a law enforcement entity but do not have cells, cuffing rails, cuffing benches, or other construction fixtures designed to securely detain individuals. The nonsecure portions of a police station or other law enforcement building that include an adult jail or lockup would also be classified as a nonsecure law enforcement facility. Because nonsecure law enforcement facilities do not meet the definition of a secure detention or secure correctional facility, an institution, or a jail or lockup for adults, the DSO, separation, and jail removal requirements do not apply.
- B. Nonsecure facilities in which juveniles may be detained or confined pursuant to law enforcement or juvenile court authority must be included in the monitoring universe and periodically spot checked to verify the facility's continued nonsecure status. In the event that such a facility becomes secure (e.g., through the addition of cells, cuffing rails, cuffing benches, or other construction fixtures designed to securely detain individuals), the facility must be reclassified and monitored as an adult jail or lockup, institution, and/or secure detention or correctional facility, as applicable.
- C. The compliance monitor will utilize the *Law Enforcement Facility Certification, Secure, Non-Holding Survey* and *Kansas Dept. of Public Safety Survey* by sending to all nonsecure facilities to determine they are nonsecure and the facilities classification has not changed.

Compliance Monitoring Suggested Data Elements

Facility Type	DSO Applicable Requirement	Removal Applicable Requirement	Separation Applicable Requirement	Section 223(a)(11)(B) of the JJDP Act Applicable Requirement
Secure: JUVENILE Detention Facilities	yes	no	yes	no
Secure: JUVENILE Correction Facilities	yes	no	yes	no
Secure: ADULT Correction Facilities (Prisons)	yes	yes	yes	yes
Secure: ADULT Jails*	yes**	yes	yes	yes
Secure: ADULT Lockups*	yes**	yes	yes	yes

* **NOTE:** Court Holding Facilities that are used to detain adult inmates must be classified as either “Adult Jail” or “Adult Lockup” pursuant to the definition of “Jail or Lockup for Adults” at 34 U.S.C. § 11103(22).

** **NOTE:** The DSO requirement applies only in secure detention or secure correctional facilities (i.e., secure facilities that are *residential*). Therefore, in order for DSO to apply in an adult jail or adult lockup, the facility must be residential (and thus, also meet the definition of “secure detention facility” at 34 U.S.C. § 11103(12) or “secure correctional facility” at 34 U.S.C. § 11103(13)).

Secure Facilities Suggested Data Sources: Admission Records, Court Intakes, Logbooks, Transportation Logs, Case Management System, Daily Population Census, Daily Lockup List, and Unit/Building Assignments

Suggested Data from Agencies With Arresting Authorities

OJJDP recommends that the Compliance Monitor request the following data from their state’s agencies with arrest authority:

Unique Identifier	DOB	Race/Ethnicity
Gender	Arrest Time	Arrest Date
Time juvenile arrived at the processing location	Arrest or booking number	Location where the youth was processed after arrest
Time juvenile placed in secured environment/cell	Time-released from processing	Charge(s)
Location where juvenile was transferred after processing (Released To)	“Released To” Relationship (i.e., Mother, Probation Officer, etc.)	Status Offender Charge Only Indicator (Y/N)
	Release Time	

10/25/2021

Compliance Monitoring Suggested Data Elements

Suggested Data from Juvenile Detention And Correctional Facilities

OJJDP recommends that Compliance Monitors request the following data from all Juvenile Detention and Correctional facilities:

Unique Identifier	DOB	Race/Ethnicity
Gender	Arrest Time	Arrest Date
Court Case/Docket Number	Arrest or Booking Number	Admission Date/Time
Time juvenile arrived at the processing location	Time-released from processing	Charge(s)
Current Placement Location and Unit Assignment	Referred from (Court, Probation, etc.)	Release (Date/Time)
"Released To" Relationship (i.e., Mother, Probation Officer, etc.)	Adjudication Status (Awaiting adjudication, Awaiting disposition, Committed, etc.)	Initial Placement Location / Unit Assignment
	Status Offender Charge Only Indicator (Y/N)	*See Suggested Data Elements for Court with Juvenile Jurisdiction

Suggested Data from Adult Jails or Lockups

OJJDP recommends that Compliance Monitors request the following data from adult jails, or adult lockups and request the following data from secure facilities that traditionally detain or confine adults (e.g., court holding facilities):

Unique Identifier	Race/Ethnicity	Unit/Cell Assignment
DOB	Gender	Status Offender Charge Only Indicator (Y/N)
Release Date/Time	Intake Date/Time	Charge(s)
Time Juvenile placed in secured environment/cell	"Released To" Whom	Unit/Cell Assignment (Court Holding Facility)
Initial Disposition Status of juvenile before hearing (Court Holding Facility)	Court Disposition After Hearing (Court Holding Facility)	
Adjudication Status (Court Holding Facility)	Status Offender Charge Only Indicator (Court Holding Facility)	

Suggested Data request from the Court with Juvenile Jurisdiction

OJJDP recommends that Compliance Monitors request the following data from the courts with juvenile jurisdiction:

Unique Identifier	Adjudication Date	Status (Awaiting adjudication, Awaiting disposition, Committed, etc.)
Gender	Disposition Decision	Placement Decision/Location
Case/docket number	Disposition Date	Charge(s)
DOB	Court Case/Docket Number	Intake Date/Time
Referred from (Court, Probation, JPC, etc.)	Admission Date/Time	Petition/Filing Date
Release Date/Time	Status Offender Charge Only Indicator (Y/N)	

10/25/2021

BENCH CARD on the Requirements Governing the Use of the Valid Court Order (VCO) Exception to the Deinstitutionalization of Status Offenders (DSO) Requirement

Including Amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act Made by the Juvenile Justice Reform Act (JJRA) of 2018 Bench Card Series

Purpose

One of the core aims of the Formula Grants Program, authorized under Title II, Part B, of the JJDP Act (1974) is to reduce or eliminate the institutionalization of status offenders. In order to be eligible for Formula Grants Program funding, a state must meet 33 statutory eligibility requirements, one of which is to provide that juveniles charged with status offenses will not be placed in secure detention facilities or secure correctional facilities, with certain exceptions. One of these exceptions is for a status offender who has violated a valid court order (VCO) issued in connection with the status offense. See 34 U.S.C. § 11133(a)(11)(A). This document outlines the requirements that must be met for states to use the VCO exception (34 U.S.C. 11133(a) (23)), including requirements that were added by the Juvenile Justice Reform Act (JJRA) of 2018.

As statutorily defined, “valid court order” means “a court order given by a juvenile court judge to a juvenile . . . (A) who was brought before the court and made subject to such order; and (B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States” (34 U.S.C. § 11103(16)).

Assessing Immediate Needs of the Status Offender

For the VCO exception to apply, the JJDP Act requires that the following actions occur when a status offender is taken into custody and accused of violating a VCO:

- An appropriate public agency shall be promptly notified that the status offender is held in custody for violating such order;
- Not later than 24 hours during which the juvenile is so held, an authorized representative of the agency shall interview, in person, such status offender; and
- Not later than 48 hours during which the status offender is so held the representative shall submit an assessment to the Court that issued the order, regarding the immediate needs of the status offender.

The JJDP Act, as amended by the JJRA, now provides a definition of assessment: “The term ‘assessment’ includes, at a minimum, an interview and review of available records and other pertinent information... 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 which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement” (34 U.S.C. § 11103(3)).

While requiring an assessment of a status offender taken into custody is not new, the fact that it now must be conducted by a professional who is licensed or certified in mental health, behavioral health or substance abuse fields is a notable change.

Court Hearing Requirements

The Court must conduct a hearing on the record at which the juvenile has the right to counsel. The Court must determine whether there is reasonable cause to believe that the status offender violated the order and the appropriate placement of the status offender pending disposition of the alleged violation.

Additionally, pursuant to changes to the requirements made by the JJRA, if the Court determines the status offender should be placed in a secure detention or correctional facility for violating the order, the Court shall 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;
- Includes a plan for the status offender’s release from such facility; and
- Provides that the order may not be renewed or extended.

Subsequent Violations

The maximum period of confinement for a status offender on a VCO is now 7 days. That period of confinement may not be renewed, and the status offender may not be confined again, unless there is a second or subsequent violation of another VCO, after the issuance of the order above.

Procedures to Ensure Custody Does Not Exceed 7 Days

Procedures must now be in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order **does not remain in custody longer than 7 days or the length of time authorized by the Court, whichever is shorter.**

Valid Court Order Exception Checklist

One of the core aims of the Formula Grants Program, authorized under Title II, Part B, of the Juvenile Justice and Delinquency Prevention Act (1974) is to reduce or eliminate the institutionalization of status offenders. In order to be eligible for Formula Grants Program funding, a state must meet 33 statutory eligibility requirements, one of which is to provide that juveniles charged with status offenses will not be placed in secure detention facilities or secure correctional facilities, with certain exceptions. One of these exceptions is for a status offender who has violated a valid court order (VCO) issued in connection with the status offense. See 34 U.S.C. § 11133(a)(11)(A). This document outlines the requirements that must be met for states to use the VCO exception (34 U.S.C. 11133(a)(23)), including requirements that were added by the Juvenile Justice Reform Act of 2018.

Request a copy of the valid court order and attach it to this form.

Complete this form in order to determine whether the requirements for using the valid court order exception were met. In order for those requirements to be met, the answers to all of the following questions must be "yes":

Relevant Statutory Definitions

- “The term ‘**valid court order**’ means a court order given by a juvenile court judge to a juvenile-- (A) who was brought before the court and made subject to such order; and (B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States” (34 U.S.C. § 11103(16)).
- “The term ‘**status offender**’ means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult” (34 U.S.C. § 11103(42)).
- “The term ‘**assessment**’ includes, at a minimum, an interview and review of available records and other pertinent information...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 which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement” (34 U.S.C. § 11103(38)).

1. Was there a valid court order?

- Was the court order given to a juvenile who was brought before a juvenile court judge and made subject to such order?
- Did the court order regulate future conduct of the juvenile?
- Did the juvenile receive the full due process rights guaranteed by the Constitution of the United States?

11/3/2021

Valid Court Order Exception Checklist

2. Were the following requirements met after the juvenile was taken into custody for violating a valid court order issued for committing a status offense?

- Was an appropriate public agency promptly notified that the status offender was held in custody for violating a valid court order?
- Not later than 24 hours during which the status offender was held, did an authorized representative interview, in person, the status offender?
- Not later than 48 hours during which the status offender was held –
 - Did the representative submit an assessment to the court that issued such order, regarding the immediate needs of the status offender?
 - Did the court conduct a hearing to determine whether there was reasonable cause to believe that the juvenile violated the court order?
 - During the hearing, did the court determine the appropriate placement of the status offender, pending disposition of the violation alleged?

3. If the court determined that the status offender should be placed in a secure detention facility or secure correctional facility for violating a valid court order, did the court 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 the valid court 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?
- May not be renewed or extended?

4. Are there procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a valid court order does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter? Yes No

CONCLUSION:

If the answers to all of the above questions are "yes," the juvenile may be placed in a secure juvenile detention or secure juvenile correctional facility, for no more than 7 days, but may not be detained in a secure adult facility, for any length of time. Because the valid court order exception applies only when a juvenile is taken into custody for having violated a valid court order issued for committing a status offense, a nonoffender, such as a dependent or neglected child, cannot be placed in a secure detention or correctional facility without it resulting in a Deinstitutionalization of Status Offenders violation.

[Clear Checklist](#)

On-site Visits Protocol for Juvenile Detention and Correctional Facilities

Pre-Visit Activities:

Schedule an appointment with Facility Administrator. Explain the purpose of the visit as well as the needs during the on-site visit. This On-site inspection happens once annually.

Purpose:	On-site review is required to classify the facility per the JJRA OF 2018, collect and or verify information on juveniles held securely, determine separation levels from incarcerated adults that may be in or around the facility, understand the facilities policies, procedures, and practices, check detention logs to address any potential violations in the facility, update facility on any federal changes and answer questions and problem-solve concerns.
Needs:	Access to juvenile records, detention logs and facility staff.
Provide:	A list of juvenile records (potential violations – secure holding of status offenders in detention facilities) needing review and verification.

On-site Activities:

Phase I

Review facility classification, administrator/staff information, facility address, phone number, fax number, ask all question on Juvenile Detention and Correctional Facilities On-site Inspection form. Collect any updated policies and procedures and update facility lay-out (if needed).

Phase II

Review the provided list of juvenile files and potential concerns to assure and verify the accuracy of the data submitted; assure collection of the most relevant information.

Phase III

Tour the facility to review conditions of confinement, separation levels from incarcerated adults, services offered, and to allow input from staff and youth.

Phase IV

Conduct a brief exit interview with the Facility Administrator. Share findings and any violations derived from the data review and verification process. Provide information on the JJRA OF 2018 and related findings. Solicit questions and feedback.

Post-Visit Activities

Send a follow-up letter to address areas of concern; recommend changes and a detailed report of violations recorded. Offer additional support and technical assistance.

On-site Visits Protocol for Collocated Juvenile Facilities

Pre-Visit Activities:

Schedule an appointment with Facility Administrator. Explain the purpose of the visit as well as the needs during the on-site visit. This On-site inspection happens once annually.

Purpose:	On-site review is required to classify the facility per the JJRA OF 2018, collect and or verify information on juveniles held securely, determine separation levels from incarcerated adults that may be in or around the facility, understand the facilities policies, procedures, and practices, check detention logs to address any potential violations in the facility, update facility on any federal changes and answer questions and problem-solve concerns.
Needs:	Access to juvenile records, detention logs and facility staff. Copy of policies and procedures or changes to
Provide:	A list of juvenile records (potential violations - secure holding of status offenders) needing review and verification.

On-site Activities:

Phase I

Review facility classification, administrator/staff information, facility address, phone number, fax number, ask all question on Collocated Facilities On-site Inspection form (verify staff is trained per policy to only supervise juveniles and juvenile staff does not supervise adult inmates). Collect any updated policies and procedures and update facility lay-out (if needed).

Phase II

Review the provided list of juvenile files and potential concerns to assure and verify the accuracy of the data submitted; assure collection of the most relevant information.

Phase III

Tour the facility to review conditions of confinement, separation levels from incarcerated adults, services offered, and to allow input from staff and youth.

Phase IV

Conduct a brief exit interview with the Facility Administrator. Share findings and any violations derived from the data review and verification process. Provide information on the JJRA OF 2018 and related findings. Solicit questions and feedback.

Post-Visit Activities

Send a follow-up letter to address findings and provide a copy of the collocated facility checklist; recommend changes and a detailed report of violations recorded. Offer additional support and technical assistance.

On-site Visits Protocol for Adult Jails and Lockup Facilities

Pre-Visit Activities:

Schedule an appointment with Sheriff, Chief or Jail Administrator. Explain the purpose of the visit as well as the needs during the on-site visit. This On-site inspection happens once every 3-years.

- Purpose: On-site review is required to classify the facility per the JJRA OF 2018, determine DSO, sight or sound contact, and jail removal, collect and or verify information on juveniles held securely, understand the facilities policies, procedures, and practices, check detention logs to address any potential violations in the facility, update facility on any federal changes and answer questions and problem-solve concerns.
- Needs: Access to juvenile and adult records and facility staff.
Copy of related juvenile custody policies and procedures, and a floor plan/layout of the facility.
- Provide: A list of juvenile records needing review and verification.

On-site Activities:

Phase I

Review facility classification, administrator/staff information, facility address, phone number, fax number, ask all question on Adult Jails and Lockup Facilities On-site Inspection form. Collect any updated policies and procedures and update facility lay-out (if needed). Collect information for the "Interest of Justice" - 34 U.S.C. §11133(a)(11)(B), if facility is holding a juvenile treated as an adult.

Phase II

Ask for a walk through the facility as if you were a juvenile entering the facility. If facility policy and procedures say, "do not securely hold juveniles", verify through a year of detention logs, re-classify facility as "Secure Non-Holding Facility" (if no juveniles were held in the year) and ask for procedure on how they handle out-of-control juveniles. Verify no status offenders were held securely.

Determine sight or sound contact levels, including how time phasing is used in all areas where juveniles may be placed or held. Ask what steps are taken to assure separation of juveniles from adult trustees allowed to work within the facility.

Review designated non-secure areas where juveniles may be placed. Assure that juveniles in the area are free to leave, unrestricted by hardware and comply with the non-secure custody guidelines.

Phase III

Conduct a brief exit interview with the Sheriff, Chief or Facility Administrator. Share findings and any violations derived from the data review and verification process. Provide information on the JJRA OF 2018 and related findings. Solicit questions and feedback.

Post-Visit Activities:

Send a follow-up letter to address positive findings, areas of concern and recommend changes and a detailed report of violations recorded. Offer additional support and technical assistance.

On-site Visits Protocol for Court Holding Facilities

Pre-Visit Activities:

Schedule an appointment with Facility Administrator. Explain the purpose of the visit as well as the needs during the on-site visit. This On-site inspection happens once every 3-years.

- Purpose: On-site review is required to classify the facility per the JJRA OF 2018, collect and or verify information on juveniles held securely, determine separation levels and jail removal from incarcerated adults that may be in or around the facility, understand the facilities policies, procedures, and practices, check court hold/transportation logs to address any potential violations in the facility and answer questions and problem-solve concerns.
- Needs: Access to facility staff and records, copy of Court Holding policies and procedures; and a floor plan/layout of the facility.

Because all court holding facilities meet the definition of a jail or lock-up, states must also ensure that there is sight and sound separation between detained juveniles and adult inmates, including when the juveniles and adults are moved within a court holding facility - 34 U.S.C. § 11103(22).

On-site Activities:

Phase I

Review facility classification, administrator/staff information, facility address, phone number, fax number, ask all question on Court Holding On-site Inspection form. Address any jail removal concerns (from reviewing juvenile/adult logs or transport logs to assure accuracy with the data that has been submitted) and collect any updated policies and procedures and update facility lay-out (if needed).

Phase II

Tour the facility understand sight or sound contact practices and levels. Verify if court holding is secure or nonsecure.

Determine sight or sound contact levels, including how time phasing is used in all areas where juveniles may be placed or held. Ask what steps are taken to assure separation of juveniles from adult trustees allowed to work within the court facility.

Phase III

Conduct a brief exit interview with the Facility Administrator to share classification and general findings. Provide information on the JJRA OF 2018. Solicit questions and feedback

Post-Visit Activities - If necessary, send a follow-up letter to address findings, areas of concern and recommend changes.

On-site Visits Protocol for Adult Prison Facilities

Pre-Visit Activities:

Schedule an appointment with Facility Administrator. Explain the purpose of the visit as well as the needs during the on-site visit. Kansas will spot check an Adult Prison if, reported possible violations have occurred.

- | | |
|----------|--|
| Purpose: | On-site review is required to classify the facility per the JJRA OF 2018, determine sight or sound contact levels; collect and/or verify information on juveniles held securely; understand the facilities policies, procedures, and practices; and answer questions and problem-solve concerns. |
| Needs: | Access to records and facility staff.
Copy of related custody policies and procedures and a floor plan/layout of the facility. |
| Provide: | A list of TWC juveniles records needing review and verification. |

On-site Activities:

Phase I

Review facility classification, administrator/staff information, facility address, phone number, fax number, ask all question on Adult Prison Facilities On-site Inspection form. Collect policies and procedures and facility lay-out (if accessible).

Tour the facility understand sight or sound contact practices and levels.

Phase II

Review TWC juvenile records to assure proper procedure.

Phase III

Conduct a brief exit interview with the Facility Administrator. Share findings and any violations concerns. Provide information on the JJRA OF 2018 and related findings. Solicit questions and feedback.

Post-Visit Activities

Send a follow-up letter to address positive findings, areas of concern and recommend changes.

On-site Visits Protocol for Non-Secure Facilities

Pre-Visit Activities:

Schedule an appointment with Facility Administrator. Explain the purpose of the visit as well as the needs during the on-site visit. Kansas will spot check a Nonsecure facility if, reported possible violations have occurred or fixtures such as addition of cells, cuffing rails, cuffing benches, or other construction fixtures designed to securely detain individuals or a nonsecure facility has changed address (moved). The facility must be reclassified and monitored as an adult jail or lockup, institution, and/or secure detention or correctional facility, as applicable.

- Purpose: On-site review is required to classify the facility per the JJRA OF 2018, determine DSO, sight or sound contact, and jail removal, collect and or verify information on juveniles held securely, understand the facilities policies, procedures, and practices, check detention logs to address any potential violations in the facility, update facility on any federal changes and answer questions and problem-solve concerns.
- Needs: Access to juvenile and adult records and facility staff.
Copy of related juvenile custody policies and procedures, and a floor plan/layout of the facility and a list of all changes to the facility, if any.
- Provide: A list of juvenile records needing review and verification.

On-site Activities:

Phase I

Review facility classification, administrator/staff information, facility address, phone number, fax number, ask all question on Nonsecure Facilities Inspection form. Collect any updated policies and procedures and update facility lay-out with list of added securing equipment (if needed).

Phase II

Review the provided list of juvenile files and potential concerns to assure and verify the accuracy of the data submitted; assure collection of the most relevant information.

Phase III

Tour the facility to review conditions of confinement, separation levels from incarcerated adults, services offered, and to allow input from staff and youth.

Phase IV

Conduct a brief exit interview with the Facility Administrator. Share findings and any violations derived from the on-site inspection, data review and verification process. Provide information on the JJRA OF 2018 and related findings. Complete Re-classification Form (if needed). Solicit questions and feedback.

Post-Visit Activities

Send a follow-up letter to address findings and provide a copy of the nonsecure or secure facility checklist; recommend changes and a detailed report of violations recorded. Offer additional support and technical assistance.

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.**

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

Eight elements for an Effective System of Monitoring

<p>① Policies and Procedures</p> <p>28 CFR §31.303(f)(1)(i)</p>	<p>A state must provide a written plan and procedures for annually monitoring jails, lockups, detention facilities, and correctional facilities. The plan must detail the state's implementation of key monitoring system elements.</p>
<p>② Monitoring Authority</p> <p>34 USC §11133(a)(2)</p>	<p>Provides the designated state agency with the authority to execute the state's plan, which may include granting an individual or a specific agency the ability to inspect and collect data from facilities in the monitoring universe.</p>
<p>③ Violation Procedures</p> <p>28 CFR §31.303(f)(1)(iii)</p>	<p>A state's monitoring system must describe established procedures for receiving, investigating, and reporting alleged violations of deinstitutionalization of status offenders (DSO), separation, and jail removal. This description should include any existing legislative and administrative procedures and sanctions.</p>
<p>④ Federal Definitions</p> <p>28 CFR §31.303(f)(1)(iii) and 28 CFR §31.304</p>	<p>States must indicate that where their definitions differ from federal definitions, they will apply federal definitions during the compliance monitoring process.</p>
<p>⑤ Identification of the Monitoring Universe</p> <p>28 CFR §31.303(f)(1)(i)(A)</p>	<p>Every facility that might securely detain or confine juveniles pursuant to law enforcement or juvenile court authority, whether publicly or privately owned and operated, must be included.</p>
<p>⑥ Classification of the Monitoring Universe</p> <p>28 CFR §31.303(f)(1)(i)(B)</p>	<p>States must classify all facilities in the monitoring universe by facility type (e.g., secure detention or correctional facility [juvenile or adult], adult jail, adult lockup, or other secure facility).</p>
<p>⑦ Inspection of Facilities</p> <p>28 CFR §31.303(f)(1)(i)(C)</p>	<p>States must inspect facilities to verify classification and to confirm that they maintain adequate sight and sound separation between juvenile detainees and adult inmates. The inspection process also reviews recordkeeping systems to ensure that facilities are maintaining sufficient data and policies to determine compliance with the core requirements.</p>
<p>⑧ Data Collection, Verification, and Analysis</p> <p>28 CFR §31.303(f)(1)(i)(D)</p>	<p>States must collect data and periodically verify it on-site to determine whether facilities are in compliance with the applicable requirements of DSO, separation, and jail removal. On-site data verification involves the review of data that a facility self-reports, including a review of the facility's original admissions records and booking logs.</p>

Bench Card: **Return of Runaways, Probation/Parole Absconders, Escapees & Accused Delinquents**



The **Interstate Compact for Juveniles (ICJ)** is a legislatively-adopted contract between the states that provides for supervision and return of juveniles who:

- ◆ Have run away from home and left their state of residence;
- ◆ Are on probation, parole, or other supervision, or have escaped to another state; and/or
- ◆ Have been accused of an offense in another state.

The **Compact** is authorized by the Compact Clause of the U.S. Constitution and the Crime Control Act, 4 USC § 112 (1965). The Compact specifically requires all courts and executive agencies to enforce the Compact and to take necessary actions to effectuate its purpose. The ICJ and ICJ Rules have the full force and effect of federal law.

ICJ Triggered When Runaway is Detained

Anytime a juvenile has run away and crossed state lines without the permission of a parent or guardian, the state ICJ Office may become involved. Requirements for returns differ based on whether the juvenile is (1) a non-delinquent juvenile or (2) a probation/parole absconder, escapee or accused delinquent.

1) A “non-delinquent juvenile” is any person who has not been adjudged or adjudicated delinquent.

ICJ Rule 1-101

◆ A non-delinquent runaway may be released to a legal guardian or custodial agency within the first 24 hours of detainment (excluding weekends and holidays) without applying the Compact, unless there is a suspicion of abuse or neglect.

◆ After 24 hours, the state ICJ Office shall be notified and the Compact shall be applied. *ICJ Rule 6-101*

◆ Runaways and accused status offenders who are a danger to themselves or others shall be held in secure facilities until returned. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.

ICJ Rules 6-102 and 6-103

2) Probation/parole absconders, escapees or accused delinquents (those “charged with an offense that, if committed by an adult, would be a criminal offense”) who have an active warrant or who have been taken into custody on a warrant shall be detained in secure facilities until returned. If there is no active warrant, the holding state has discretion regarding where to hold the juvenile. *ICJ Rules 6-102 and 6-103A*

The Juvenile Justice Delinquency Prevention Act (JJDP), which limits detention of “status offenders,” specifically allows detention of minors pursuant to the ICJ. *34 U.S.C. 11133 (a) 11(A)(i)*

Basic Guidelines For Returns

Voluntary Returns

◆ When the Compact is applied, the juvenile appears in court and is asked whether s/he will agree to voluntarily return to the home state. *ICJ Rule 6-102*

◆ The court in the holding state shall inform the juvenile of his/her due process rights and may use the ICJ Juvenile Rights Form. The court may appoint counsel or a guardian ad litem to represent the juvenile. *ICJ Rule 6-102*

◆ If the juvenile agrees to return voluntarily, s/he shall sign the Form III Consent for Voluntary Return of Out-of-State Juveniles in the presence (physical or electronic) of the court, who shall also sign the form. *ICJ Rule 6-102*

◆ If the juvenile agrees, s/he shall be returned to the home state within 5 business days. This time period may be extended up to an additional 5 business days with approval from both ICJ Offices. *ICJ Rule 6-102*

Non-Voluntary Returns

◆ A “requisition” is a written demand for the return of a non-delinquent runaway, probation or parole absconder, escapee or accused delinquent. *ICJ Rule 6-101*

◆ If the juvenile does not agree to return voluntarily, the legal guardian, custodial agency or other authority in the home/demanding state shall file a requisition for the return. The home/demanding state’s ICJ Office submits the requisition packet through the national data system to the ICJ Office in the holding state (where the juvenile is located). *ICJ Rules 6-103 and 6-103A*

◆ The ICJ Office in the holding state forwards the requisition to the appropriate court and requests that a hearing be held within 30 days. This time period may be extended with the approval from both ICJ Offices. The purpose of the hearing is to determine proof of entitlement for the return of the juvenile. *ICJ Rules 6-103 and 6-103A*

◆ Juveniles may be held in detention up to 90 days pending a non-voluntary return. Juveniles shall be returned by the home/demanding state within 5 business days of receipt of the order granting the requisition. This time period may be extended up to an additional 5 business days with approval from both ICJ Offices. *ICJ Rules 6-103 and 6-103A*

Transportation

The home state is responsible for making transportation arrangements and for the costs of transportation. The home state determines appropriate measures and arrangements to ensure safety based on assessments of the juvenile. *ICJ Rules 7-101 and 7-102*

◆ If the return is voluntary, the juvenile may be allowed to travel unaccompanied, unless considered a risk to harm him/herself or others. *ICJ Rule 7-102*

◆ If the return is non-voluntary, the juvenile shall be accompanied in his/her return unless both ICJ Offices determine otherwise. *ICJ Rule 6-103*

◆ Transportation may be by ground or air. Duly accredited officers of any compacting state are permitted to transport juveniles through other states. *ICJ Rule 7-106*

◆ If an unaccompanied juvenile is transported by air and has a layover at an intermediate airport, the home state contacts the state in which the intermediate airport is located to arrange supervision during the layover. *ICJ Rule 7-107*

◆ Juveniles are not permitted to travel with any personal belongings that could jeopardize the health, safety or security of the juvenile or others (examples: weapon, cigarettes, medication, lighters, change of clothes or cell phone). Such items are returned to the legal guardian. *ICJ Rule 7-106*



Charges Pending in the Holding State

When pending charges exist in the holding state, the juvenile shall be returned only after charges are resolved, unless consent is given by the holding and demanding states' courts and ICJ Offices. *ICJ Rule 7-103*

Reports of Abuse or Neglect

When there is reason to suspect abuse or neglect by a person in the home state, the holding state's ICJ Office shall notify the home state's ICJ Office. The home/demanding state's ICJ Office works with the appropriate authority and/or court of competent jurisdiction in the home/demanding state to affect the return.

Allegations of abuse or neglect do not alleviate a state's responsibility to return a juvenile within the mandatory time frames. *ICJ Rule 6-105*

Human Trafficking

Although ICJ does not specifically address human trafficking, juveniles who run away are at extremely high risk of becoming victims of human trafficking. Therefore, in many cases, ICJ provides the legal structure for returning trafficking victims to their home states.

Interstate Commission for Juveniles

The Interstate Commission for Juveniles is the governing body for the ICJ, collectively formed by Commissioners from each member state and territory, including all 50 states, the District of Columbia, and the U.S. Virgin Islands.

The Commission works to preserve child welfare and promote public safety by providing – Enhanced Accountability, Enforcement, Visibility, Communication, and Dispute Resolution among the states in the return of juveniles who have left their state of residence without permission. Moreover, the ICJ maintains the cooperative supervision of delinquent juveniles who travel or relocate across state lines.

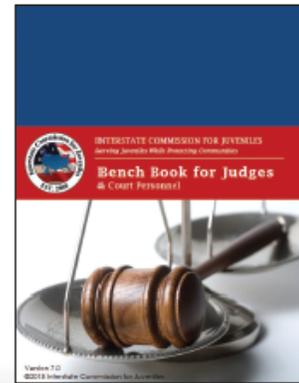


Additional Resources

The Interstate Commission for Juveniles provides a wide range of resources, which can be accessed at www.juvenilecompact.org. Resources specifically designed for judges and others implementing the Compact include:

- ◆ Bench Book for Judges and Court Personnel
- ◆ Bench Card on Transfer of Supervision
- ◆ Online Toolkit for Judges
- ◆ Legal Advisory Opinions
- ◆ On Demand and Instructor-Led Trainings
- ◆ A wide range of other training resources.

State and/or National ICJ personnel are also available to provide training, upon request. To request training or for more information about ICJ implementation in your state, contact your state's ICJ Office or visit <https://www.juvenilecompact.org/directory-list>



ICJ Distinguished From Interstate Compact on the Placement of Children (ICPC)

The ICPC is a separate contract between the states, which governs services to juveniles who are placed across state lines for foster care or adoption. Information regarding the ICPC is available at <https://aphsa.org/AAICPC>.

ICPC applies in 4 types of situations:

- 1 Placement preliminary to an adoption;
- 2 Placement into foster care, including foster homes, group homes, residential treatment facilities and institutions;
- 3 Placements with parents and relatives when a parent or relative is not making the placement;
- 4 Placements of adjudicated delinquents in institutions.

ICJ recognizes the authority of ICPC and supports its authority to return ICPC juveniles who have run away from their out-of-state placement. However, if an out-of-state runaway is held in a secure facility beyond 24 hours (excluding weekends and holidays), ICJ Rules must be applied. **ICJ Rule 6-104**

“Best Practice Guide for ICJ and ICPC Dual Jurisdiction Cases” provides guidance on cases with dual jurisdiction. It is available online at www.juvenilecompact.org/resources/training/best-practices.



For resources and contact information for state ICJ Offices: www.juvenilecompact.org
For Interstate Commission for Juveniles National Office: (859) 721-1062.

Juveniles Charged as Adults Decision Tree Section 223(a)(11)(B)

A juvenile charged as an adult shall not be held in an adult jail or lockup nor shall they have sight or sound contact with adult inmates, *unless* . . . — 223(a)(11)(B)(i)(I-II)

. . . the court finds after a hearing and in writing that it is in the interest of justice to do so.

In making that decision, the Court shall consider:

- the **age** of the juvenile
- the **physical and mental maturity** of the juvenile
- the **present mental state** of the juvenile, including whether the juvenile represents a risk of imminent harm to themselves
- the nature and circumstances of the alleged offense



- the juvenile's **prior delinquent acts**
- the ability of the available juvenile and adult facilities to **meet the needs** of the juvenile and protect public safety and other detained youth
- any other **relevant factor**

— 223(a)(11)(B)(ii)(I-VII)

IF the Court determines it is in the interest of justice to hold the juvenile in an adult jail or lockup, then:

— 223(a)(11)(B)(iii)

The Court shall hold a review hearing at least every 30 days (45 for rural jurisdictions) to determine whether it is still in the interest of justice to hold the juvenile in an adult jail or lockup and/or without sight or sound separation from adult inmates.
— 223(a)(11)(B)(iii)(I)

and

The juvenile **shall not be held in an adult jail or lockup** or in sight or sound contact with adult inmates for more than 180 days *unless* . . . — 223(a)(11)(B)(iii)(II)

The Court **finds good cause**, in writing.

or

The juvenile expressly **waives 180-day limit**.

“Adult Inmate” Decision Tree (Section 103 (26))

An ‘adult inmate’ is:

- 1 A person who has reached the state’s age of full criminal responsibility 
- and
- 2 Has been arrested for, is awaiting trial on, or has been convicted of a criminal offense 

and is not:

- 3 A person who at the time of the [delinquent] offense was **younger than the State’s maximum age** at which a youth can be held in a juvenile facility 
- and
- 4 Was committed to the care, custody, or supervision of a juvenile correctional agency 

For example:

A 16-year-old who commits a delinquent offense, and is sentenced to a juvenile facility is not an adult inmate, and does not become an adult inmate simply by reaching the state’s age of full criminal responsibility. He meets criteria (3) and (4) above because he was sentenced to the facility as a juvenile and may remain there up to the state’s age of extended juvenile jurisdiction (unless he commits a subsequent criminal offense after reaching the age of full criminal responsibility).

10/15/2021