



**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**

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I. INTRODUCTION/BACKGROUND

A. Program Introduction

Title II, Part B, of the [Juvenile Justice and Delinquency Prevention Act](#) ("JJDP" 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 JJDP, and what the JJDP 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). 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 JJDP. The right-hand column is where Kansas will insert its corresponding description of how we plan to adhere to the JJDP. 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 JJDP. 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 Deinstitutionalization of Status Offenders (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 Interstate Compact for Juveniles (ICJ) and Valid Court Order (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 Deinstitutionalization of Status Offenders (DSO) core requirement. Kansas verifies the absence of status and non-offenders through collection of data annually and inspection triennially. Kansas currently has nine secure detention and one secure correctional facility for juveniles. Additionally, Kansas has 141 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 non-offender 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*.

<p>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.</p>	<p>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 (i.e. through that of receipt of ICJ Form). Where the interstate placement of status offenders was not in accordance with the Compact. Kansas will report such instance as a violation of DSO.</p> <p>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 or KDOC_Kansas_ICJ@ks.gov.</p> <p>More information for how Kansas collects and verifies data with this exception may be found under <i>Data Collection Section III-I</i>. General information on Kansas ICJ can be found at Interstate Compact for Juveniles.</p>
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Date of Last Update or Initial Plan Implementation: 12/12/2024

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; 	<p>Kansas currently has 141 adult jails. Of the 141, two are utilized for the pre-trial detainment of juveniles charged as adults. The remaining adult jails spread across 105 counties have agreements, Memorandum of Agreement (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 monitor verifies the absence of juvenile charged as an adult and may collect a copy of the facility's MOA upon inspection. Adult jails may certify compliance to the Kansas Designated State Agency (DSA) through the absence of detention for juveniles charged as adults through semi-annual surveys (a.k.a. checklist), 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 either monthly, quarterly, semi-annually and/or annually to certify the facility is adhering to the 30/45 (up to 180 days) hearing requirements are met as it is not codified in Kansas statute. Therefore, any juvenile charged as an adult and detained pending trial in one of Kansas adult jails will result in violation of Section 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>Section 223(a)(11)(B)</u> • <u>223(a)(11)(B) JJDPa Checklist form</u> • <u>Judge Entry/Magistrate Order On Confinement of Juvenile Charged As An Adult.</u> <p>Kansas has planned to amend its state laws to align with the section 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</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
<ol style="list-style-type: none"> 5. the juvenile's history of prior delinquent acts; 6. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and 7. any other relevant factor(s) <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>	<p>223(a)(11)(B) requirements have been met can be found in <i>Section III-I, Compliance Data Collection and Verification</i>.</p>

Date of Last Update or Initial Plan Implementation: 12/12/2024

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 colocated 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 colocated 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. It is highly recommended that facilities (and state) follow and adhere to the Prison Rape Elimination Act (PREA) standards which offer additional protections for youthful inmates in adult facilities.</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 K.S.A. 38-2347; for the exception of review hearings occurring within at least every 30 days and a good cause hearing at 180 days. 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 juveniles 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>Guidelines regarding tours of law enforcement facility to non-offenders:</p> <p>The requirement found at section 223(a)(13) prohibits the detention or confinement of juveniles in jails or lockups for adults (minus certain exceptions). Juveniles may participate in tour programs provided that the jail can certify to the DSA that the juveniles were free to leave at any time and were not required to participate</p>	<p>Under federal statute <u>34 U.S.C. § 11103 (25)</u> – 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>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>as a condition of his or her diversion or probation. If any juvenile were to be held, kept, or restrained while inside of the jail or lockup, such that a reasonable person would believe they were <u>not</u> free to leave, then they have become detained or confined, and the core requirements apply.</p> <p>Jail tours are not considered best practice or effective at reducing juvenile delinquency.</p>	

Date of Last Update or Initial Plan Implementation: 12/12/2024

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 colocated 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 listed below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense (non-offenders), 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 jail removal requirement. If a juvenile is kept in an adult jail or lockup for more than 6-hours it is a violation, except under section 223(a)(11)(B).</p> <p>In addition, the compliance monitor has developed technical assistance resources, such as handout(s), poster(s), 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 	<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 have sight or sound contact with adult inmates, and the state</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>time, without resulting in an instance of 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>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, (e.g. Rural Exception, Travel Conditions Exception, Conditions of Safety Exception).</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</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>"Metropolitan Statistical Areas" that provides the title of the metropolitan statistical area, the 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>

Date of Last Update or Initial Plan Implementation: 12/12/2024

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 (8) 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.

Date of Last Update or Initial Plan Implementation: 7/30/2024

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 132 – Eight Elements of an Effective System of Monitoring</i>).</p> <p>The manual may also be reviewed annually by the compliance monitor and updated as needed. The manual may 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/publications/juvenile.</p>

Date of Last Update or Initial Plan Implementation: 7/30/2024

C. Monitoring Authority

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
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>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 (KAG) on Juvenile Justice and Delinquency Prevention. The KAG relies on the compliance monitor to compile data and complete onsite 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 may 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 JJDPa.</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: 12/12/2024

D. Violation Procedures

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
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>The compliance monitor must accept complaints from any person and/or source with knowledge of a violation of Deinstitutionalization of Status Offenders (DSO), Sight & Sound Separation from adult inmates, Jail Removal of juveniles from adult jails/lockups and Section 223(a)(11)(B) regarding youth charged as adults.</p> <p>The compliance monitor will 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 Tool (CMT). Kansas will use the <i>Compliance Monitoring Suggested Data Elements (Pages 124 – 125)</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 that may include but not limited to data, photos, images, video. b. If the situation cannot be resolved by both parties the compliance monitor will proceed with steps 4 – 6.

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	<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 may complete a <i>Compliance Violation Report</i> describing the violation. Another method of violation notification is a description via email or onsite visit paperwork. <ul style="list-style-type: none"> a. A copy will be delivered to the facility administrator or designee. b. A copy of the <i>Compliance Violation Report</i> (Page 113). and/or email and/or onsite visit paperwork will be placed in the individual facility's file. 4. The compliance monitor will develop a remedial action plan in collaboration with the facility administrator.

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	<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>

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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 – K.S.A. 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.

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	The state definition of "Assessment" differs from the federal definition. Kansas will use the federal definition.
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.	Kansas uses the federal definition of "Collocated Facilities" from the Compliance Monitoring TA Tool .
CORE REQUIREMENTS 34 U.S.C. § 11103 (30) – means the requirements described at 34 U.S.C. § 11133(11), (12), (13), and (15) .	Kansas uses the federal definition of "Core Requirements" from the Compliance Monitoring TA Tool .
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.	Kansas uses the federal definition of "Criminal-Type Offender" from the Compliance Monitoring TA Tool .
DETAIN OR CONFINED 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.	DETAIN OR CONFINED – 28 C.F.R § 31.304(b) - State definition same as federal definition.
INSTITUTION 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."	INSTITUTION – K.S.A. 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; The state definition of "institution" differs from the federal definition. Kansas will use the federal definition.
JAIL OR LOCKUP FOR ADULTS 34 U.S.C. § 11103 (22) – means a locked facility that a state,	Adult jail or lockup –K.S.A. 38-2302(m)(1)(2)(A)(B)(C) - a facility in the same building as an adult jail or lockup, unless the

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<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>

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	<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 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 –K.S.A. 38-2304 - “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 – 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>NON-OFFENDER 28 C.F.R. § 31.304 (i) – means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.</p>	<p>Kansas uses the federal definition of “Non-offender” from the Compliance Monitoring TA Tool.</p>
<p>RESIDENTIAL – 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 –K.S.A. 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. The state definition of “Residential” differs from the federal definition. Kansas will use the</p>

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	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>In reviewing the federal definition of secure detention facilities, OJJDP has determined that Kansas' secure care facilities are not secure detention facilities and therefore not subject to VCO requirements.</p>	<p>SECURE – <i>K.S.A. 38-2202(II)</i></p> <p>Kansas statute defines Secure facility as “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”. <i>K.S.A. 38-2202(II)</i></p> <p><i>K.S.A. 38-2260</i> defines the procedure/process for secure care facilities, including admissions and extensions.</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 - 28 C.F.R. § 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</p>	<p>Kansas uses the federal definition of “Secure Detention Facility” from the Compliance Monitoring TA Tool.</p>

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other individual accused of having committed a criminal offense.	
SIGHT OR SOUND CONTACT 34 U.S.C. § 11103 (25) – means any physical, clear visual, or verbal contact that is not brief and inadvertent.	Kansas uses the federal definition of “Sight or Sound Contact” from the Compliance Monitoring TA Tool .
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.	Kansas uses the federal definition of “State” from the Compliance Monitoring TA Tool .
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.	STATUS OFFENDER – <i>K.S.A. 38-2202(7)</i> - State definition same as federal definition.
TWENTY-FOUR HOURS – 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.	Kansas uses the federal definition of “Twenty-Four Hours” from the Compliance Monitoring TA Tool .
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.	Kansas uses the federal definition of “Valid Court Order” from the Compliance Monitoring TA Tool .

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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). Point of contact for directory request would be through the Executive Director. Welcome to the KSCPOST website 2. The compliance monitor will go through the Agency Directory to identify all new facilities and closed facilities.

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	<p>3. The compliance monitor will verify through either or combination thereof online/web/internet searches, emails and/or phone calls as to whether 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 may be asked to conduct a visit within the week to establish classification. • A Certification of Non-Secure & Secure Classification form can be sent to the facility for them to self-report, if a visit cannot be completed in a timely manner. See Page 68 for <i>Certification of Non-Secure & Secure Classification form</i>. <p>5. The compliance monitor will make any updates needed to the monitoring universe.</p>

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G. Classification of the Monitoring Universe

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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>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 Monitoring Manual and updated annually as needed.</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 Monitoring Universe indicates 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 onsite 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 34)</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>Certification of Non-Secure & Secure Classification form (Page 68)</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 will maintain a facility file for each facility in the Compliance Monitoring Universe. Files will be maintained either electronically or paper copy or combination of both and may include facility information to help justify their classification, facility layout, confined/detained log information, date of last inspection, and any correspondence with the facility. For classification verification the <i>Certification of Non-Secure & Secure Classification form (Page 68)</i> is used.</p>

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H. Inspection of Facilities

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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>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>Procedure</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>Guidelines for Determining Facility Inspections</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 colocated 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>Facility Inspection Activities</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 onsite 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 nonsecure (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 the juveniles? • Is there a nonsecure booking area? • Where are other nonsecure areas? • How are juveniles processed? • When are adult inmates in this area? • Is time-phasing used? • Where are the secure areas juveniles may be confined/detained? • Where are adult inmates confined/detained? • 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 may be discussed, and remedial action plans developed if needed. The compliance monitor may also ask if the facility has any needs and offer training/technical assistance when applicable.</p> <p><i>See Pages 49 - 55 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 will be collected on all juveniles detained or confined:</p> <ul style="list-style-type: none"> • Initials/Name or Identification Number • Date of Birth • Gender • Race/Ethnicity • Offense (most serious) for which the juvenile is being detained • Location being confined/detained • 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 126 - 131 for Protocols for Onsite Inspections.</i></p>

Date of Last Update or Initial Plan Implementation: 7/30/2024

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 <u>October 1 to September 30</u>. 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><i>Procedures</i></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"> • Initials/Name or Identification Number • Date of Birth • Gender • Race/Ethnicity • Offense (most serious) for which juvenile is detained • Location being confined/detained • 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 onsite 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: <ol style="list-style-type: none"> a. clarify any questions with facilities to:

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ul style="list-style-type: none"> i. verify data; ii. collect any missing data; and iii. secure proper documentation; <ul style="list-style-type: none"> b. identify and investigate potential violations; and c. prepare an annual report detailing violations. <p>Data will be collected monthly, quarterly, semi-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 – monthly, quarterly, semi-annually or annually. 2. Secure Detention Facilities for Juveniles – monthly 3. Adult jails/lockups (that detain juveniles) – monthly or quarterly 4. Adult jails/lockups (do not hold juveniles) – monthly, quarterly, semi-annually or 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-offender held for <i>ANY</i> period-of-time. 2. Any accused status offender confined/detained over 24 hours prior to an initial court appearance. 3. Any accused status offender or non-offender confined/detained over 24 hours after an initial court appearance. 4. Any accused status offender confined/detained for purposes other than processing. 5. Any adjudicated status offender confined/detained for any amount of time without VCO. 6. Status offenders held for violating a VCO <ul 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. 7. Out of state runaways (ICJ)

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<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 confined/detained pursuant to the Compact (i.e. through that of receipt of ICJ Form). 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 107 - 110)</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 confined/detained for their legal status.</p> <p><u>Jails or Lockups for Adults</u></p> <p>1. Any non-offenders or accused status offenders</p> <p>2. Any adjudicated status offenders</p> <p>a. Adult jails and lockups cannot detain or confine status offenders or non-offenders at any time. These juveniles shall be in nonsecure area only of adult jail or lockup for processing, while awaiting transportation to a nonsecure 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 and non-offenders, the records should indicate if the juvenile was detained or confined in a secure or nonsecure area. If such a juvenile is confined/detained at any time within secure area, this hold would count as a violation of Jail Removal and when applicable, DSO violation too. If detained or confined and not sight and sound separated from adult inmates, the result would be a violation of DSO (when applicable); Separation; and Jail Removal.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>3. Any accused delinquent juvenile offenders held over six (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 six (6) hours. Any juveniles held over six (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 confined/detained should be noted to help ensure sight and sound separation was kept.</p> <p>4. Any accused juvenile offenders confined/detained for purposes other than processing</p> <p>5. Any adjudicated juvenile offenders confined/detained over six (6) hours awaiting a court appearance</p> <p>6. Any adjudicated juvenile offenders confined/detained over six (6) hours following a court appearance</p> <p>7. Any adjudicated juvenile offenders confined/detained 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 custody/detention/holding logs from the jails and lockups for adults (which includes court holding facilities), and verifying records through phone, email, fax, and onsite inspections.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>Rural Exception The exception found in <u>34 U.S.C. § 11133(a)(13)(B)(ii)(I)</u> 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 <u>34 U.S.C. § 11133(a)(13)(B)(ii)(II)</u>, 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 <u>34 U.S.C. § 11133(a)(13)(B)(ii)(III)</u>, 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 <u>K.S.A. 38-2347</u>, 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 confined/detained 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> <ul 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 confined/detained 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 onsite, 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 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 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 convicted/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 in Pages 124 - 125 <p>During the onsite 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: 12/12/2024

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 –</p> <p>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 Monitoring 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 Monitoring Tool. If additional time is necessary to submit its report, Kansas will request an extension of the reporting deadline for good cause.</p> <p>Procedure</p> <p>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.</p> <p>Plan to Address Compliance Reporting Periods</p> <p>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, fax or email. 2. Compliance monitor identifies, classifies, and conducts onsite inspections of jails, lockups, secure detention, and secure correctional facilities 3. The classification of the facilities is verified during onsite 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 noncompliance incidents, as applicable. 5. Compile onsite 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 onsite 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. 8. Receive and investigate compliance violations and initiate corrective action plans. 9. Identify and attend national trainings provided by OJJDP and other juvenile justice related agencies.

COMPLIANCE REPORTING PERIOD	NOTES
	<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>November</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. <p>December</p> <ol style="list-style-type: none"> 1. Facilities are to submit data by December 31 for data from prior federal fiscal year. The compliance monitor may perform an onsite visit to any facility that has not submitted data to gather the needed data. 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. <p>January</p> <ol style="list-style-type: none"> 1. The compliance monitor will review data by January 31 for data from the prior federal fiscal year. Compile and analyze previous federal fiscal year's data to be included in the Annual Compliance Monitoring Tool (CMT) 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 semi-annual requested juvenile detention logs from all identified adult jails and lockups and adult detention centers for first half of fiscal year.

COMPLIANCE REPORTING PERIOD	NOTES
	<p>3. Send out surveys for 223(a)(11)(B) data to be collected. Survey is the (11)(B) checklist (Pages 62 - 63 and 66 - 67).</p> <p>February – November <i>(not limited to but may include January and December as optional)</i></p> <p>1. Provide required onsite inspections of identified facilities to verify facility reported data and/or classification.</p> <p>June</p> <p>1. Send out surveys for 223(a)(11)(B) data to be collected. Survey is the (11)(B) checklist (Pages 62 – 63 and 66 - 67).</p> <p>August – October</p> <p>1. Collect all annual and semi-annual requested secure holding logs containing data for second half of fiscal year from all identified secure facilities</p> <p>2. Provide required onsite inspections of identified facilities to verify facility reported data and/or classification.</p> <p>3. Send <i>Certification of Non-Secure & Secure Classification</i> form to all identified secure facilities that will not be inspected in the fiscal year.</p> <p>4. Send together <i>Kansas Department of Corrections Law Enforcement Survey</i> and <i>Law Enforcement Facility Certification of Non-Holding</i> to identified nonsecure facilities to verify classification.</p>

Date of Last Update or Initial Plan Implementation: 12/12/2024

APPENDIX A – ONLINE RESOURCES

Title	Description
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Office of Juvenile Justice and Delinquency Prevention (OJJDP) Webpage	<p>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.</p> <p>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.</p>	Link
Authorizing Legislation	<p>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.</p>	Link
Juvenile Justice and Delinquency Prevention Act	<p>This is the text of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.</p>	Link
Redline Version Juvenile Justice and Delinquency Prevention Act as Amended by the Juvenile Justice Reform Act of 2018	<p>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).</p>	Link
OJJDP Core Requirements Webpage	<p>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.</p>	Link
OJJDP Fact Sheet: Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018	<p>This fact sheet describes several significant amendments to the JJDP made by the JJRA.</p>	Link
National Archives: Code of Federal Regulations for Part 31 – OJJDP Grant Programs	<p>This is the existing regulation implementing the Formula Grants Program authorized under the JJDP.</p>	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 department's 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 12/2024

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

Facility Classification:

- | | | | | |
|--|--|---|---|--------------------------------------|
| <input type="checkbox"/> Adult Jail/Lockup | <input type="checkbox"/> Adult Detention | <input type="checkbox"/> Juvenile Detention | <input type="checkbox"/> Juvenile Correctional Facility | |
| <input type="checkbox"/> Court Holding | <input type="checkbox"/> Collocated Facility | <input type="checkbox"/> Secure | <input type="checkbox"/> Nonsecure | <input type="checkbox"/> Residential |
| <input type="checkbox"/> Non-Residential | <input type="checkbox"/> Juvenile | <input type="checkbox"/> Adult | <input type="checkbox"/> 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 (a.k.a. Youthful Offender) 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 12/2024****Date:** Click or tap to enter a date.**Facility Name and Address:** _____**Contact Person:** _____**Phone:** _____**Fax:** _____**Email:** _____**Classification of Facility:**

- | | | | | |
|---|---|--|---|--------------------------------------|
| <input type="checkbox"/> Adult Jail/Lock-up | <input type="checkbox"/> Adult Detention Facility | <input type="checkbox"/> Juvenile Detention Facility | | |
| <input type="checkbox"/> Court Holding | <input type="checkbox"/> Collocated Facility | <input type="checkbox"/> Secure | <input type="checkbox"/> Nonsecure | <input type="checkbox"/> Residential |
| <input type="checkbox"/> Non-Residential | <input type="checkbox"/> Juvenile | <input type="checkbox"/> Adult | <input type="checkbox"/> Adult/Juvenile | <input type="checkbox"/> 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 ☐ Quarterly ☐ Semi-annually ☐ 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 non-residential 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:

- | | | | | |
|--|---|---|--|---------------------------------------|
| <input type="checkbox"/> Secure | <input type="checkbox"/> Nonsecure | <input type="checkbox"/> Residential | <input type="checkbox"/> Non-Residential | |
| <input type="checkbox"/> Juvenile | <input type="checkbox"/> Adult | <input type="checkbox"/> Adult/Juvenile | <input type="checkbox"/> Adult Jail/Lock-up | <input type="checkbox"/> Adult Prison |
| <input type="checkbox"/> Juvenile Detention Facility | <input type="checkbox"/> Juvenile Correctional Facility | <input type="checkbox"/> Court Holding | <input type="checkbox"/> 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 JJDPa 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 12/2024

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 ☐ Quarterly ☐ Semi-annually ☐ 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)

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 (JJDPa) (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 JJDPa.)

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

--

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

IN THE _____ COURT OF _____ COUNTY
STATE OF _____

THE STATE OF _____ :

_____ :

vs. _____ : Case No. _____

_____ :

_____ :

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) (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.)

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: _____;
 - 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: _____;
 - 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;



- 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 JJDP Act 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 _____.

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

Pursuant to the provisions of the JJDP Act, 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:

Date:

JUDGE/MAGISTRATE

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

CLEAR FORM

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)-(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.

BENCH CARD on Requirements under Section 223(a)(11)(B) of the Juvenile Justice and Delinquency Prevention Act Concerning Juveniles Charged as Adults

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

<p>General Rule</p> <p>Section 223(a)(11)(B) of the JJDP (34 U.S.C. § 11133(a)(11)(B)) provides that juveniles who are charged and prosecuted as adults (1) may not be detained or confined in an adult jail or lockup (except as provided under the jail removal requirement at section 223(a)(13) (34 U.S.C. § 11133(a)(13)), and (2) may not have sight or sound contact with adult inmates—unless determined by a court, after a hearing and in writing, that it is in the interest of justice to do so.</p>	<p>Subsequent Hearing Requirements</p> <p>If the court determines that it is in the interest of justice to permit a juvenile to be held in a jail or lockup for adults:</p> <ul style="list-style-type: none"> • The court must hold a hearing no less than every 30 days or in the case of rural* jurisdictions, no less than 45 days, to review whether it is still in the interest of justice to permit the juvenile to continue to be detained in an adult jail or lockup or have sight or sound contact with adult inmates. • 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 <ul style="list-style-type: none"> – the court, in writing, determines there is good cause for an extension, or – the juvenile expressly waives this limitation.
<p>Factors</p> <p>In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile in accordance with Section 223(a)(11)(B), the Court must take into consideration several statutorily-prescribed criteria:</p> <ul style="list-style-type: none"> • 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 self-harm; • the nature and circumstances of the alleged offense; • the juvenile's history of prior delinquent acts; • 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 • any other relevant factor. 	<p>Definition of Adult Inmate</p> <p>The term “adult inmate” means an individual who:</p> <ul style="list-style-type: none"> • 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— <ul style="list-style-type: none"> – 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 – 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 (34 U.S.C. § 11103(26)).

* As defined by the Office of Management and Budget, the term “rural” means an area that is not located in a metropolitan statistical area.

Section 223(a)(11)(B) of the JJDA 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 JJDA 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 JJDA. 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

10/21/2021



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Office of the Administrator

Washington, D.C. 20531

March 16, 2022

OJJDP Designated State Agency Directors

RE: Collection of Data under the Section 223(a)(11)(B) Requirement

SENT VIA EMAIL ONLY

Dear OJJDP Designated State Agency Director:

The Department of Justice encourages states to remove all juveniles from adult facilities, including those charged as adults. Numerous studies have examined the conditions of confinement and issues faced by juveniles in adult facilities. Research has shown that juveniles in adult facilities are at much greater risk of harm than youth housed in juvenile facilities, including an increased risk of suicide and violent victimization. This letter specifically addresses Section 223(a)(11)(B) of the Juvenile Justice and Delinquency Prevention Act (JJDP) which states that juveniles who are charged as adults must be removed from adult facilities unless there is a judicial determination that is in the "interest of justice" to detain juveniles in such facilities.

Section 223(a)(11)(B) of the JJDP provides that by December 21, 2021, juveniles who are being charged and tried as adults (1) may not be detained or confined in an adult jail or lockup (except as provided under the jail removal requirement), and (2) may not have sight or sound contact with adult inmates—unless found by a court to be in the interest of justice. The determination of whether such detention would be in the interest of justice must (1) be after a hearing, (2) be in writing, and (3) take into consideration several statutorily-prescribed criteria (e.g., the juvenile's age, physical and mental maturity, present mental state, history of delinquency, etc.). When the court finds such detention to be in the interest of justice, additional requirements must be met, as discussed during training sessions provided by OJJDP over the last couple of years.

Effective immediately, states must begin holding hearings for any juvenile charged as an adult, regardless of charge date, who is not removed from an adult facility to determine whether the court finds that it is in the interest of justice for the juvenile to remain in the adult facility. States should have initiated collecting data on juveniles in adult facilities beginning on December 21, 2021. All states that participate in the Title II Formula Grants Program must report to OJJDP data for all juveniles charged as adults, regardless of charge date, who remain in an adult jail or lock up as of December 21, 2021, and juveniles who are charged as an adult and detained or confined in an adult jail or lockup on and after December 21, 2021. Please see below for the data reporting schedule. This means that states will need to consider all juveniles charged as adults who have been in custody prior to December 21, 2021, that may not have been captured in prior data collection activities, to ensure they are included in the states reporting to OJJDP. Please see the attached list of data elements for this reporting requirement.

The Formula Grants Program implementing regulation requires that states submit relevant data annually to calculate rates of compliance for each of the core requirements. To establish the standard that states must

meet in order to comply with the section 223(a)(11)(B) requirement, OJJDP will collect baseline data from states for two years, without making compliance determinations. This two-year period is an opportunity for states to evaluate and identify where and how improvements can be made in their justice systems with the goal of preventing and removing all juveniles charged as adults from adult jails and lock-ups.

Data Collection Timeline Under of Section 223(a)(11)(B):

- 2023 – States must submit baseline data for FY 2022 (covering the period December 21, 2021 to September 30, 2022) with the state's FY 2023 state plan/Title II application.
- 2024 - States must submit baseline data for FY 2023 (covering the period October 1, 2022 to September 30, 2023) with the state's FY 2024 state plan/Title II application.
- 2025 - States must submit data for FY 2024 (covering the period October 1, 2023 to September 30, 2024) with the state's FY 2025 state plan/Title II application. This data submission (and data submitted going forward) will be reviewed for compliance with this requirement.

Note: FY 2022 and FY 2023 data will be used to establish a baseline rate for determinations of compliance with section 223(a)(11)(B) in FY2024.

OJJDP's goal is to promote the safety and well-being of youth and limit their contact with the justice system, and to keep youth safe if they become involved in the justice system. We recognize that adhering to the requirements of section 223(a)(11)(B) may require changes in state practices and compliance reporting. Specifically, states must monitor for compliance with the core requirements, which includes collecting, verifying, and reporting data on all juveniles who are charged as adults and detained or confined in adult facilities without evidence that a court has determined that it is in interest of justice, consistent with the requirements in section 223(a)(11)(B).

Please contact your SRAD program manager if you have any questions.

Thank you,

Chyrl Jones Digitally signed by Chyrl Jones
Date: 2022.03.15 11:53:40 -0400

Chyrl Jones
Acting Administrator, OJJDP

Interest of Justice Requirement 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 the interest of justice requirement 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.

- ☐ Check this box if a judge **has not** prosecuted a juvenile as an adult and placed them in your adult facility. Go to end of this survey to enter your signature, county or facility name and return. If a judge has prosecuted a juvenile as an adult and has placed him/her in your adult facility, please complete Sections I, II, and III of the survey.

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 the interest of justice (IOJ) requirement at 34 U.S.C. § 11133(a)(11)(B). **Skip to Section III.**

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

12/29/2022

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

Click or tap here to enter text.

Signature

Click or tap here to enter text.

County or Facility Name



State of Kansas

Certification of Non-Secure & Secure Classification

To ensure the proper classification of Kansas facilities for the purpose of monitoring compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP), KDOC Division of Juvenile Services requests completion of this form. If your agency operates more than one facility, please complete a separate form for each facility.

Facility Name: _____

City / County: _____

Agency address: _____

Contact Person and Title: _____

Contact Phone: _____ Contact Fax: _____ Contact Email Address: _____

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

Secure Areas:

YES NO

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does this building have a secure perimeter WITHOUT emergency egress options? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are there one or more secure holding cells? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are there one or more locked interview rooms? |
| <input type="checkbox"/> | <input type="checkbox"/> | 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

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Is there an area where a person is located which is non-locking, multipurpose location not used as a secure area? (Interview room, conference room, lobby, etc.). |
| <input type="checkbox"/> | <input type="checkbox"/> | Does this area allow for persons to be physically secured? |
| <input type="checkbox"/> | <input type="checkbox"/> | 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). |
| <input type="checkbox"/> | <input type="checkbox"/> | Is this area designed or intended to be used for residential purposes? |
| <input type="checkbox"/> | <input type="checkbox"/> | 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 12/2024

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



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.](#)



KANSAS DEPARTMENT OF CORRECTIONS
FEDERAL FISCAL YEAR 2025 LAW ENFORCEMENT SURVEY
PER FEDERAL OJJDP REQUIREMENTS



Facility Name: _____

Address: _____

City/Zip: _____

Chief/Sheriff Name: _____

Chief/Sheriff Email: _____

Completed By: _____

County: _____

Phone: _____

Date: _____

Fax: _____

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, 2024 through September 30, 2025**. 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, place, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that they are not free to leave. Youth placed into a cell; placed into a locked or lockable room; or placed into an area or room with cuffing apparatus/device(s) 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? 0 hrs ☐ 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, 2025**. Blank surveys and log sheets are available by contacting Sabra.Loebel@ks.gov.

Submit completed surveys to: Sabra Loebel, Compliance Monitor
Kansas Department of Corrections
714 SW Jackson St.
Topeka, KS 66603

Or Email: Sabra.Loebel@ks.gov

Or Fax: (785) 596-6080

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



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 10/1/2024 AND 9/30/2025, 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 DELINQUENCY PREVENTION ACT (JJDA) ALLOWS ADULT JAILS/LOCK-UPS TO HOLD JUVENILES (WITH DELINQUENT 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 12/2024

Facility Name & Full Address _____

Month, Day, Year (MM/DD/YYYY) Dates This Log Covers: _____ through _____

_____ Initial here if no juveniles were detained or confined at this facility for the date range indicated above.

Case number	Juvenile ID# or Initials of Name only	DOB MM/DD/YYYY	Age of Juvenile	Race/Ethnicity	Gender	Underlying Charge & Most Serious Offense & K.S.A. Statute https://www.ksrevisor.org <i>Please write out charge & either: accused, convicted, or adjudicated for this offense</i>	Date In	Time In HH:MM Military Time	Location Code (Include All)	Sight & Sound Separation Yes/No	Date Out	Time Out HH:MM Military Time	Detaining Officer	Released or Transferred to:
24-12345	ABC	10/22/2011	13	W	M	Theft Aggravated Battery 21-5413 Accused	12/12/2024	1224	2,4	Yes	12/12/2024	1608	Hutt	C
24-56789	XYZ	10/23/2011	13	W	F	Runaway 38-2202 Accused	12/12/2024	1234	3,8	Yes	12/12/2024	1567	Hutt	A

RANK/TITLE, NAME & SIGNATURE OF PERSON CERTIFYING THE ACCURACY OF THIS FORM:

(Rank/Title) _____ (Name) _____ (Signature) _____

KEY CODES (Required Information)**Race/Ethnicity Codes:** W = White; B = Black/African American; H = Hispanic/Latino; A = Asian; I = American Indian/Alaska Native; N = Native Hawaiian/Pacific Islander; O = Unk/Other**Location Codes:** 1 = Holding Cell; 2 = Locked/Lockable Interview Room; 3 = Not Lockable Interview Room; 4 = Secure Booking/Intake Area; 5 = Area/Room with Immovable/ Stationary Cuffing Apparatus/Device(s); 6 = Break Room; 7 = Lobby; 8 = Non-Locking Room or Area (e.g., report writing area, conference room, office); 9 = Other (Explain)**Codes for Released or Transferred to:** A = Guardian; B = Juvenile Officer; C = Juvenile Detention Center; D = Hospital; E = Other (Explain)

CHARGE/OFFENSE: Please list most serious by name (Capias or Warrant are not enough information) what is the Capias or Warrant for? Include Statute

LOCATION: Where in the facility was the juvenile held? (i.e., Holding cell 1, Cuffing bench, Sgt. Office, Process room, etc.)

SIGHT AND SOUND SEPARATION: Was the juvenile kept sight and sound separate from any adult inmates in custody (Yes/No)? Sight and Sound Contact "means any physical, clear visual, or verbal contact that is not brief and inadvertent." – **34 U.S.C. § 11103 (25)**. **K.S.A. 38-2332** also addresses the need for separation between juveniles and adults.

<p>A Status Offender "Means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult (i.e., runaways, curfew violators, truants, and those who are incorrigible or beyond parental control where no crime has been committed)" – 34 USC § 11133(42). Such juveniles shall not be detained or confined in any secure portion of a jail or lockup for adults. This includes locked or lockable rooms (that can prevent free egress), rooms with secure holding/cuffing devices, holding cells, or any area within a secure perimeter. These juveniles should only be held in the nonsecure portion of a secure facility.</p>
<p>A Non-Offender "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" – 28 C.F.R. § 31.304 (j). Such juveniles shall not be detained or confined in any secure portion of a jail or lockup for adults. This includes locked or lockable rooms (that can prevent free egress), rooms with secure holding/cuffing devices, holding cells, or any area within a secure perimeter. These juveniles should only be held in the nonsecure portion of a secure facility.</p>
<p>A Criminal-Type Offender "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" – 28 C.F.R. § 31.304(a). These juveniles are often referred to as "delinquent" offenders, who are currently under, or otherwise eligible for juvenile court jurisdiction. These juveniles are often handled within the State of Kansas, pursuant to K.S.A. 38-2332.</p>
<p>Detain or Confine 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" – 28 C.F.R. § 31.304 (b).</p>
<p>Jail Removal Requirement "No juvenile shall be detained or confined in any jail or lockup for adults, subject to certain exceptions described below. Juveniles who are accused of status offenses (i.e., status offenders), juveniles who are not accused of any offense (i.e., non-offenders) 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" – 34 U.S.C. § 11133 Section 223(a)(13). Juveniles who are accused/charged of a non-status (i.e., criminal, or delinquent) offense, they may be detained for a brief period, (up to 6 hours) and <u>only</u> for the purposes of processing, release, awaiting transfer to a juvenile facility, or during which period they make a court appearance. If juveniles are detained or confined for purposes other than what is described, or if such juveniles are detained over 6 hours, then a violation has occurred and must be reported to the state's compliance monitor. If the juvenile is present for court related purposes, time spent before the judge does not count towards the 6-hour limit. If the holding space utilized by court is classified as a jail or lockup for adults, then any juvenile who enters that area after being adjudicated would be considered a violation. Juveniles must be transported to their end location as soon as reasonably possible.</p>

For technical assistance, contact (785) 506-7774. Submit juvenile detention logs monthly (after end of each month) or quarterly to Sabra.Loebel@ks.gov

When Holding Juveniles

In Adult Jails and Lockups

Kansas is a participant in the Title II Formula Grants Program, as authorized by the 2018 Juvenile Justice and Delinquency Prevention Act (JJDP). The Kansas Department of Corrections (KDOC), Division of Juvenile Services administers this program and monitors facilities for their compliance. To contact our office, call (785) 746-7642.

K.S.A. 38-2332

01 Document all Juveniles in Custody



All juveniles (any person under 18) who enter a jail or lockup for adults while in custody, must be reported to the Kansas Department of Corrections, Division of Juvenile Services at least once per month. All jails and lockups must certify at least once annually, even if such agency does not, or did not detain or confine juveniles in a given year. Law enforcement must complete an entry for each juvenile detained or confined in the secure or nonsecure portions of their facility using a state-approved detention log. This must include any court documents which may be relevant to the reasons for custody.

02 Ensure Proper Use of Secure Areas



Use of secure areas for juveniles is only permitted if the juvenile has been accused of committing an offense that would be criminal if committed by an adult. Detention must only be for the purposes of processing or release, while awaiting transfer to a juvenile facility or during which period juveniles make a court appearance.

03 Prevent Sight/Sound Contact between Juveniles and Adults in Custody



Juveniles must be kept sight and sound separated from adult inmates at all times. Any contact beyond that which is brief and inadvertent may result in violations against the state. It is important to report any events of sustained contact to your superiors. Separation can be maintained by using separate areas of the facility or time-phasing the use of the secure areas for processing.

04 Ensure Timely Transfer or Release of All Juveniles Detained



Juvenile(s) accused of delinquent or criminal offense(s) may be detained for up to six (6) hours. Be intentional about how this time is spent in the secure portions of the facility. Time spent detained in the nonsecure portion of the facility, or in a court before a judge, do not count towards this limit.

05 Report Documented Juveniles to the State in order to Certify Compliance



Reporting is essential. Participation in the Title II Formula Grants Program creates an enforceable, private right of action for juveniles if protections are not afforded. Ensure timely reporting to certify compliance for each juvenile detained to the state. If you need additional assistance, please reach out to the State's Department of Corrections, Division of Juvenile Services Compliance Monitor.

For more information on what this is or how to comply, visit:

<https://www.doc.ks.gov/juvenile-services>



1.0 DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO) REQUIREMENT

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)¹, or juveniles who are not charged with any offense and are unauthorized immigrants (unauthorized) 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.

¹ Terms with definitions are emboldened in this statute or regulation's breakdown below and can be referenced via the briefing sheet for adherence to federal terms found in section 8.0. A complete list of available tools and resources utilized for compliance under the Title II Formula Grant Program, can be referenced from either the [Community of Practice \(CoP\)](#) or section 14.0 of this Toolkit. Please note that the following materials were prepared under Cooperative Agreement Number 2019-MU-MU-K039 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions, or recommendations expressed in this presentation are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

1.1 BREAKING DOWN DSO

Who

- Juveniles who are:
 - ✓ Nonoffenders
 - ✓ Status Offenders
 - ✓ Illegal only for their alien status

What

- SHALL not be:
 - ✓ Placed

Where

- In Secure Detention or Secure Correctional Facilities for adults and only by exception in those for juveniles.

Except

- Juveniles charged or found who have committed a violation of the [Youth Handgun Safety Act](#); or other similar state law;
- Juveniles who accused or adjudicated of violating a valid court order for a status offense but only if all the provisions of the exception are followed for juvenile only facilities; and
- Juveniles who are Status Offenders held pursuant to the [Interstate Compact on Juveniles \(ICJ\)](#), pending return to their home state.

1.2 OVERVIEW OF ALLOWABLE EXCEPTIONS

YOUTH HANDGUN SAFETY EXCEPTION

[34 U.S.C. § 11133\(a\)\(1\)\(A\)\(i\)\(II\)](#)

Exception/Exclusion	Key Elements to Consider
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 minors 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.	<ul style="list-style-type: none"> For status offender charged with a possession of a handgun to be placed in accordance with this exception, the state would first need to document in its compliance monitoring manual, how it will monitor for this exception. Unless the state has laws, which make possession of an unlicensed handgun an offense if committed by an adult. If that is the case, then juveniles charged with possession of a handgun do not need this exception to be placed and the state can simply reference the law in its procedure.

VALID COURT ORDER EXCEPTION

[34 U.S.C. § 11133\(a\)\(1\)\(A\)\(i\)\(II\)](#)

Exception/Exclusion	Key Elements to Consider
The Valid Court Order (VCO) Exception provides that accused or adjudicated status offenders, and juveniles found to have violated a valid court order based on their status as a juvenile, may be placed in a secure juvenile detention or correctional facility beyond 24 hours. 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) is	<ul style="list-style-type: none"> ✓ First, determine whether your state uses the VCO exception and document the state statutes that allow its use. ✓ The DSA must describe its policies and plan for monitoring for compliance with DSO, including the use of the VCO Exception, with specific details outlining procedures to ensure compliance with each element.

VALID COURT ORDER EXCEPTION

[34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(II\)](#)

Exception/Exclusion

neither a status offender nor nonoffender and the DSO requirement does not apply (see Section 8.0 Adherence to Federal Definitions for the definition of “valid court order”).

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

- a. An appropriate public agency shall be promptly notified that the status offender is held in custody for violating a valid court order.
- b. An authorized representative of that agency shall interview within 24 hours, in person, the status offender who is being held.
- c. Within 48 hours during which the status offender is held:
 - The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender.
 - The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation.

Key Elements to Consider

- ✓ Ensuring compliance with VCO Exception will require special consideration to how these processes, such as agency notification and assessment, are documented and verified.
- ✓ Examples of violation of valid court orders and whether VCO Exception requirements apply:
 - Juveniles not previously adjudicated for a status offense and made subject to a valid court order but who are charged with a status offense and placed in a secure juvenile detention or correctional facility under the VCO Exception would be considered a violation.
 - Always verify a youth was previously adjudicated for a status offense and made subject to a valid court order regulating future conduct, including the possibility for placement in a secure juvenile facility.
 - Always verify the requirements set forth in the Valid Court Order when determining compliance with the Valid Court Order Exception.
 - A youth warned on the record that placement in a secure juvenile facility for committing specific offenses, such as truancy, but are subsequently detained for a status offense not included in the order, such as runaway, would not qualify for the VCO Exception if the youth was not warned on the record.

VALID COURT ORDER EXCEPTION

[34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(II\)](#)

Exception/Exclusion	Key Elements to Consider
<ul style="list-style-type: none"> ● If the court determines that the status offender should be placed in a secure detention facility or correctional facility for violating the court order, (1) the court must issue a written order that: <ul style="list-style-type: none"> ✓ Identifies the valid court order that has been violated; ✓ Specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order; ✓ Includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile; ✓ Specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and 	<ul style="list-style-type: none"> ✓ A juvenile has been adjudicated delinquent for a status offense; placed on probation; and made subject to rules of probation, including attending school, not leaving home without permission (i.e., runaway), attend counseling, and not violate any criminal laws: <ul style="list-style-type: none"> – This juvenile has missed multiple days of school and is brought before the court for the status offense of Truancy. The VCO exception is applicable, and all provisions must be followed. – This juvenile is caught shoplifting at a local store. The juvenile is not arrested, and new delinquency charges are not filed but the juvenile is brought to court for violating the rules of probation. Since no new delinquency charges have been filed, this juvenile is still a status offender and the VCO requirements apply. If shoplifting charges are filed, then the juvenile becomes accused delinquent offender and the requirements of the VCO exception do not apply. – This juvenile has missed several counseling appointments and is scheduled for court regarding this violation. The juvenile does not appear for this scheduled hearing. This juvenile could be charged with Failure to Appear or Contempt. This juvenile is an accused delinquent offender and the VCO requirements are not applicable.

VALID COURT ORDER EXCEPTION

[34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(II\)](#)

Exception/Exclusion	Key Elements to Consider
<p>✓ May not be renewed or extended; and</p> <p>(2) The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order.</p> <p>d. There are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a [valid] court order [described in this section] does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter.</p>	

INTERSTATE COMPACT ON JUVENILES (ICJ) EXCEPTION

[34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(III\)](#)

Exception/Exclusion	Key Elements to Consider
<p>Pursuant to the DSO requirement, status offenders may be held in accordance with the Interstate Compact on Juveniles (ICJ), 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.</p>	<ul style="list-style-type: none"> • Status offenders who are placed pending their return to home state must comply with the full provisions of the Interstate Compact on Juveniles (ICJ). <ul style="list-style-type: none"> ✓ A review of the juvenile's ICJ Form III or related court order returning them to the requesting state is generally sufficient to determine compliance. ✓ When the compliance monitor is unable to make a determination or wishes to confirm the circumstances of a juvenile's return, the state's ICJ Compact Coordinator to assist with making a determination. • Any violation of ICJ standards pending the return of a juvenile status offender to their home state, would be a violation of DSO and not qualify for this exception.

2.0 REMOVING JUVENILES CHARGED AS ADULTS REQUIREMENT¹

Under [Section 223\(a\)\(11\)\(B\)](#) of [34 U.S.C. § 11133](#) on or after December 21, 2021, a juvenile who is charged as an adult cannot be Detained or Confined in an Adult Jail or Lockup or have Sight or Sound Contact with Adult Inmates in a Secure adult facility, except as provided below:

A juvenile charged as an adult may be detained or confined 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). 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 or confined 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 for a juvenile to be held under these 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 hold the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:

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

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

¹ Terms with definitions are emboldened in this statute or regulation's breakdown below and can be referenced via the briefing sheet for adherence to federal terms found in section 8.0. A complete list of available tools and resources utilized for compliance under the Title II Formula Grant Program, can be referenced from either the [Community of Practice \(CoP\)](#) or section 14.0 of this Toolkit. Please note that the following materials were prepared under Cooperative Agreement Number 2019-MU-MU-K039 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions, or recommendations expressed in this presentation are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

2.1 BREAKING DOWN SECTION 223(a)(11)(B)

Who

- Juveniles who are:
 - ✓ Charged as Adults

What

- SHALL not be:
 - ✓ Detained or confined; OR
 - ✓ Have Sight or Sound Contact with Adult Inmates

Where

- In Jails or Lockups for Adults (including secure court holding facilities)

Except

- When held pursuant to exceptions allowed under [34 U.S.C. § 11133\(a\)\(13\)](#) (i.e., Six-Hour Delinquent Exception, Rural Removal Exception, Travel Conditions Exception and Conditions of Safety Exception) but only provided that such juveniles do not have Sight or Sound Contact with Adult Inmates that becomes sustained; or
- If a court determines, after a hearing and in writing, that is it 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. For this to be compliant, the court would have had to state that all seven factors were considered in the order and conduct a review hearing every 30-days (or 45 days in case of rural jurisdictions), to determine whether it was still in the interest of justice to detain the juvenile in the Jail or Lockup for Adults and to have Contact with Adult Inmates.

2.2 OVERVIEW OF ALLOWABLE EXCEPTIONS

DETENTION IN JAILS OR LOCKUPS FOR ADULTS WITHOUT IMPLICATING 223(a)(11)(B)

[34 U.S.C. § 11133\(a\)\(13\)](#)

Exception/Exclusion	Key Elements to Consider
<p>A juvenile charged as an adult may be detained in a Jail or Lockup for Adults, if one of the following exceptions applies:</p> <ul style="list-style-type: none"> • Six-Hour Exception – Allows for the detention of juveniles accused of non-status offenses (i.e., offenses that would be criminal if committed by an adult) for up to six hours pending processing, investigation, transfer to a juvenile facility, or release, but only provided that juveniles do not have Sight or Sound Contact with Adult Inmates during this time. • Rural Removal Exception – Allows for the detention of juveniles accused of nonstatus offenses for up to 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, but only provided <ul style="list-style-type: none"> – The facility exists outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)); and – The facility was pre-approved by the State for the Rural exception beforehand; and – that there was no existing acceptable alternative placement available at the time. 	<ul style="list-style-type: none"> • To use the exceptions available under section 223(a)(13), states must first describe their policies and plan for monitoring for compliance with section 223 (a)(13), including policies and procedures regarding the requirement for juveniles charged as adults to be removed from Adult Jails and Lockups. This must include policies and procedures for demonstrating compliance with the hearing timelines and court order requirements. • Information required for demonstrating compliance with the removal requirement for juveniles charged as adults requires the cooperation and collaboration of stakeholders who may not be familiar with JJDP Core Requirements. Give special consideration to ensure that policies and procedures include all stakeholders necessary to determine and demonstrate compliance. • The initial determination of whether it is in the interest of justice for a juvenile charged as an adult to be detained in a Jail or Lockup for Adults, or within sight or sound contact of adult inmates needs to occur within 6 hours (or 48 in the case of rural approved facilities) of being Detained or Confined in a Jail or Lockup for Adults and must be Sight and Sound Separated from Adult Inmates during this time.

DETENTION IN JAILS OR LOCKUPS FOR ADULTS WITHOUT IMPLICATING 223(a)(11)(B)

[34 U.S.C. § 11133\(a\)\(13\)](#)

Exception/Exclusion	Key Elements to Consider
<ul style="list-style-type: none"> • Travel Conditions Exception – Allows for the detention of juveniles accused of non-status offenses for up to 96 hours in a facility located where conditions of distance to be traveled or the lack of highway, road, or transportation did not allow for a timely court appearance. • Conditions of Safety Exception – Allows for the detention of juveniles accused of non-status offenses for up to 24 hours beyond the resolution of existing conditions of safety (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel). 	<ul style="list-style-type: none"> • To comply with the Rural Exception, Jails or Lockups for Adults identified within the geographic area having jurisdiction of the juvenile must qualify as a “rural” area by the Office of Management and Budget (OMB). The State MUST document all Jails or Lockups for Adults approved for the Rural Exception and report them annually in the State’s compliance Monitoring Universe (see Section 4.0 of this Toolkit for more information).

HOLDING JUVENILES IN JAILS OR LOCKUPS FOR ADULTS SUBJECT TO 223(a)(11)(B)

[34 U.S.C. § 11133\(a\)\(11\)\(B\)](#)

Exception/Exclusion	Key Elements to Consider
<p>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.</p>	<ul style="list-style-type: none"> • The DSA must describe their policies and plan for monitoring for compliance with section 223 (a)(11)(B), including policies and procedures regarding the requirement for juveniles charged as adults to be removed from Jails or Lockups for Adults. This must include policies and procedures for demonstrating compliance with the hearing timelines and court order requirements.

HOLDING JUVENILES IN JAILS OR LOCKUPS FOR ADULTS SUBJECT TO 223(a)(11)(B)

34 U.S.C. § 11133(a)(11)(B)

Exception/Exclusion	Key Elements to Consider
<p>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; 6. The relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and 7. Any other relevant factor(s) 	<ul style="list-style-type: none"> • The DSA must show that in every instance in which a juvenile charged as an adult who is Detained or Confined in a Jail or Lockup for Adults, beyond that which is allowed under section 223(a)(13), that a court hearing was held every 30 days (or 45 days in case of rural jurisdictions) to determine whether to continue the detention. Failure to make such a determination at any 30-day (or 45 day) period results in a separate violation. • In making its determination, the court order MUST include the following – <ul style="list-style-type: none"> ✓ that the court considered the seven (7) elements, though nothing in the provision specifically requires discussion or analysis of those elements in the court's written finding; ✓ that the court finds it to be in the interest of justice for the juvenile to be held in a jail or lockup for adults; ✓ whether to require the juvenile be sight and sound separated from adult inmates; • Ideally, the court will also include in its order a review hearing within the following 30 days (45 for rural jurisdictions). • Detention in a Jail or Lockup for Adults is limited to 180 days unless the court determines there is good cause for an extension, or the juvenile expressly waives the limitation. The DSA must describe its policies and plan for monitoring for compliance with this 180-day limitation.

HOLDING JUVENILES IN JAILS OR LOCKUPS FOR ADULTS SUBJECT TO 223(a)(11)(B)

[34 U.S.C. § 11133\(a\)\(11\)\(B\)](#)

Exception/Exclusion	Key Elements to Consider
	<ul style="list-style-type: none">• Data must be collected on all juveniles charged as adults, regardless of charge date, who remain in Jail or Lockup for Adults as of December 21, 2021, and juveniles who are charged as an adult and detained or confined in a Jail or Lockup for Adults on and after December 21, 2021.• The State/DSA must collect and maintain relevant court orders related to the person under the age of criminal responsibility that is awaiting trial and detained or confined in an Adult Jail or Lockup to remain in compliance with 223(a)(11)(B) requirement. The 223(a)(11)(B) suggested data elements document illustrates data that could be used to determine compliance, as well as recommended data that may be helpful in providing context. <p>Note: At any hearing in the timeline, the court can order the juvenile removed from the Adult Jail or Lockup and returned to a juvenile facility without implicating separation. The hearings required under 223(a)(11)(B) for juveniles charged as adults are not required when the placement is a juvenile facility.</p>



3.0 SIGHT AND SOUND SEPARATION REQUIREMENT¹

Pursuant to [34 U.S.C. § 11133\(a\)\(12\)](#), States must provide that—

- (A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have sight or sound contact with adult inmates; and
- (B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

¹ Terms with definitions are emboldened in this statute or regulation's breakdown below and can be referenced via the briefing sheet for adherence to federal terms found in section 8.0. A complete list of available tools and resources utilized for compliance under the Title II Formula Grant Program, can be referenced from either the [Community of Practice \(CoP\)](#) or section 14.0 of this Toolkit. Please note that the following materials were prepared under Cooperative Agreement Number 2019-MU-MU-K039 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions, or recommendations expressed in this presentation are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

3.1 BREAKING DOWN SIGHT AND SOUND SEPARATION

Who	Except
<ul style="list-style-type: none"> Juveniles who are - <ul style="list-style-type: none"> ✓ Delinquent Offenders ✓ Status Offenders ✓ Not charged with an offense and who are either: <ul style="list-style-type: none"> - Unauthorized immigrants; OR - Alleged to be dependent, neglected, or abused ✓ Charged as Adults and detained in adult facilities. 	<ul style="list-style-type: none"> Juveniles who were charged as adults and have reached the final disposition in their case. After conviction, Separation is managed by the standards of the Prison Rape and Elimination Act (PREA), not the JJDPA; Juveniles who reach the full age of criminal responsibility, regardless of whether their case is under juvenile or criminal court jurisdiction. Though not required, such juveniles <i>may</i> be held in a facility for juveniles if eligible for extended juvenile court jurisdiction; Juveniles Detained or Confined in a nonsecure room (i.e., victim/witness interview room) or nonsecure area (i.e., public lobby, conference room, etc.). Detention in such areas does not implicate a juvenile's rights because the room or area in which detention occurred does not constitute an Adult Jail, Adult Lockup, Secure Detention, or Secure Correctional Facility as defined by the JJDPA; or Juveniles participating in programs in which they have Sight or Sound Contact with Adult Inmates but are otherwise not Detained or Confined (i.e., free to leave at any time). Such programs must be closely monitored by the DSA to ensure that juveniles understand their right to withdraw participation at any time;
What	
<ul style="list-style-type: none"> <u>SHALL</u> not have: <ul style="list-style-type: none"> ✓ Sight; or ✓ Sound Contact with Adult Inmates. 	
Where	
<ul style="list-style-type: none"> In Institutions (i.e., Jails, Lockups, Secure Detention, and Secure Correctional Facilities). 	

3.2 OVERVIEW OF ALLOWABLE EXCLUSIONS

JUVENILES WHO ARE TRANSFERRED, CERTIFIED, OR WAIVED TO CRIMINAL COURT

[34 U.S.C. § 11133\(a\)\(11\)\(B\)](#)

Exception/Exclusion	Key Elements to Consider
<p>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 inside of any other type of Secure facility.</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 the juveniles charged as adults briefing sheet found under Section 2.0. 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> <p>Note: The Separation Requirement does not apply to juveniles transferred, certified, or waived to criminal court who are Detained or Confined in juvenile detention facilities.</p>	<ul style="list-style-type: none"> • The DSA must describe their policies for monitoring for compliance with Separation, including compliance with the hearing and court order requirements applicable to juveniles charged as adults. • Information required for demonstrating compliance with the Separation Requirement as it applies to juveniles charged as adults requires the cooperation and collaboration of stakeholders who may be unfamiliar with JJDPA Core Requirements. Give special consideration to ensure that policies/procedures developed include all necessary stakeholders to demonstrate compliance. • The initial determination of whether it is in the interest of justice for a juvenile charged as an adult to be Detained or Confined in a Jail or Lockup for Adults or within Sight or Sound Contact of Adult Inmates needs to occur within 6-hours (or 48 hours in case of rural jurisdictions) of being Detained or Confined in an Adult Jail or Lockup. The Separation requirement applies during this time frame. • Each additional 30-day period in which the juvenile charged as an adult is detained in an Adult Jail or Lockup, or within Sight or Sound Contact of an Adult Inmate in which no hearing is held to determine whether it is in the interest of justice, results in a new violation.

JUVENILES WHO REACH THE AGE OF FULL CRIMINAL RESPONSIBILITY AFTER ARREST OR ADJUDICATION

[34 U.S.C. § 11133\(a\)\(12\)](#)

Exception/Exclusion	Key Elements to Consider
<p>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>	<ul style="list-style-type: none"> • The DSA must describe their policies for monitoring for compliance with Separation, including addressing juveniles who reach the age of full criminal responsibility after arrest or adjudication. Be aware of all state jurisdictional and detention provisions, as well as statewide practice regarding detention if state law is silent. • Juveniles who reach the full age of criminal responsibility may be detained in Jails or Lockups for Adults without implicating the core requirements found under sections 223(a)(11) - (13). Such individuals <i>may</i> also be placed in facilities for juveniles <i>if</i> eligible for extended juvenile court jurisdiction as defined by State law. • These individuals are NOT considered Adult Inmates unless they've been arrested and are in custody for or awaiting trial on a criminal charge or have become convicted of a criminal offense that was committed AFTER reaching the State's age of criminal responsibility. This does not include individuals who at the time of the offense, were younger than the maximum age at which a youth can be held in a juvenile facility under the state's law; and were 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.

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

[34 U.S.C. § 11133\(a\)\(12\)](#)

Exception/Exclusion	Key Elements to Consider
<p>Programs in which juveniles have Sight or Sound Contact with Adult Inmates in an attempt to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the separation (and possibly DSO and jail removal) requirements. Whether these programs result in instances of noncompliance will depend on the specific manner in which the program operates and the circumstances of the juveniles' participation in such a program.</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>While these programs have typically existed in adult correctional facilities (prison) they may also exist in other institutions such as Jails and Lockups for Adults or Secure Detention Facilities for juveniles if Adult Inmates enter the juvenile facility to present programming. If any secure facilities within your state operate Scared Straight or other shock incarceration programs in which juveniles have Sight or Sound Contact with Adult Inmates, you may want to include a discussion of such programs. The following scenarios are intended to help determine whether such programs result in instances of noncompliance with the separation requirement:</p> <ul style="list-style-type: none"> • A separation violation may occur if a juvenile was not free to leave the confines of a secure facility while being required to participate in such a program by a judge or probation officer. • A separation violation would not occur if the juvenile participated with the consent of a parent or guardian, who had the ability to withdraw consent allowing the juvenile to leave the program/facility. Please note, that outside of these programs, some jurisdictions may use adult inmates for labor in maintenance/construction projects at secure juvenile facilities. Secure juvenile facilities that utilize adult inmate labor should have verifiable policies and procedures ensuring sight and sound separation is maintained.

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

[34 U.S.C. § 11133\(a\)\(12\)](#)

Exception/Exclusion	Key Elements to Consider
	<ul style="list-style-type: none"> <li data-bbox="829 457 1362 762">● Brief and inadvertent sight or sound contact between juveniles alleged to be or found to be delinquent or those within the purview of 34 U.S.C. 11133(a)(11)(A), and adult inmates in secure areas of a facility that are not dedicated to use by juveniles and which are nonresidential, which may include dining, recreational, educational, vocational, health care, sally ports or other entry areas, and passageways (hallways), would not require a facility or the State to document or report such sight or sound contact as a violation. This does not remove the state's obligation to ensure that any such facility has, in effect, a policy which prohibits "brief and inadvertent" contact as a form of practice, or from becoming sustained. <li data-bbox="829 762 1362 888">● However, any sight or sound contact in a dedicated juvenile area, including any residential area of a secure facility, between juveniles alleged to be or found to be delinquent or those within the purview of 34 U.S.C. 11133(a)(11)(A), and adult inmates would be a reportable violation.



4.0 JAIL REMOVAL REQUIREMENT¹

Pursuant to [34 U.S.C. § 11133\(a\)\(13\)](#), no juvenile shall be detained or confined in any jail or lockup for adults, subject to certain exceptions described below. Juveniles who are accused of status offenses (*i.e.*, status offenders), juveniles who are not accused of any offense (*i.e.*, non-offenders) 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.

There are four statutory exceptions that apply to the jail removal requirement, as 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 both juveniles and adult inmates, including collocated facilities, to have been trained and certified to work with juveniles.

¹ Terms with definitions are emboldened in this statute or regulation's breakdown below and can be referenced via the briefing sheet for adherence to federal terms found in section 8.0. A complete list of available tools and resources utilized for compliance under the Title II Formula Grant Program, can be referenced from either the [Community of Practice \(CoP\)](#) or section 14.0 of this Toolkit. Please note that the following materials were prepared under Cooperative Agreement Number 2019-MU-MU-K039 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions, or recommendations expressed in this presentation are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

4.1 BREAKING DOWN JAIL REMOVAL

Who	Except
<ul style="list-style-type: none">• Juveniles who are:<ul style="list-style-type: none">✓ Accused of status offenses (<i>i.e.</i>, State Offenders);✓ Not accused of any offense (<i>i.e.</i>, Nonoffenders);✓ Juveniles who have been adjudicated as delinquent.	<p>Juvenile accused of delinquent offenses Detained or Confined for processing or release, while awaiting transfer, or to make a court appearance under the following exceptions:</p> <ul style="list-style-type: none">✓ 6-hour Exception;✓ Rural Exception;✓ Travel Conditions Exception;✓ Conditions of Safety Exception; <p>For these exceptions to be applied –</p> <ul style="list-style-type: none">✓ the state <u>MUST</u> have in effect a policy that requires individuals who work with such juvenile and Adult Inmates to be trained and certified to work with juveniles; and✓ Juveniles <u>MUST</u> not have Sight or Sound Contact with Adult Inmates. <p>The exceptions above do not apply to Status Offenders or Nonoffenders and will result in violations if Detained or Confined in Jails and Lockups for Adults. As noted in the 2017 Partial Final Regulation, the Core Requirements do not apply in –</p> <ul style="list-style-type: none">✓ Situations where juvenile are being held solely pending their return to a parent or guardian or pending transfer to the custody of a child welfare or social services agency.✓ Situations where juvenile are Detained or Confined in a non-secure facility or nonsecure area of a building that also houses a Jail or Lockup for Adults.
What	
<ul style="list-style-type: none">• <u>SHALL</u> not:<ul style="list-style-type: none">✓ Be Detained or Confined; or✓ Have Sight or Sound Contact with Adult Inmates.	
Where	
<ul style="list-style-type: none">• In Jails or Lockups for Adults (including Secure Court Holding Facilities).	

4.2 OVERVIEW OF ALLOWABLE EXCEPTIONS

SIX HOUR EXCEPTION

[34 U.S.C. § 11133\(a\)\(13\)\(A\)](#)

Exception/Exclusion	Key Elements to Consider
<p>The 6-hour Exception allows juvenile accused of delinquent offenses (i.e., juvenile offenders) to be Detained or Confined in a Jails or Lockups for Adults for a period not to exceed 6 hours for processing or release; while awaiting transfer to a juvenile facility; or while awaiting an initial court appearance.</p> <p>This is a widely used exception in Jails and Lockups for Adults, including Secure Court Holding Facilities. However, it only applies to juvenile accused of non-status offenses (i.e., offenses that would be criminal if committed by adults).</p>	<ul style="list-style-type: none"> • To use this exception, the State MUST have the following in place: <ul style="list-style-type: none"> ✓ Document within their compliance manual whether they use this exception. The state should have a means to verify when juvenile is Detained or Confined in a Jails or Lockups for Adults and that only juvenile accused (not adjudicated) of non-status offenses are Detained or Confined for now more than 6-hours (or 48 in the case of approved rural facilities). ✓ Have in effect a policy requiring individuals who work with both juvenile and Adult Inmates to have been trained and certified to work with juvenile. A signed Training Policy Certification form is submitted with the annual Compliance Monitor Report. ✓ Ensure Sight and Sound Separation is always maintained. • Within a Jails or Lockups for Adults, instances of non-compliance MUST be counted for each: <ul style="list-style-type: none"> ✓ Status Offenders or non-offenders Detained or Confined; ✓ Juvenile Detained or Confined for a previously adjudicated offense. This DOES NOT include previously adjudicated delinquents when accused of a <i>new</i> delinquent offense.

SIX HOUR EXCEPTION

[34 U.S.C. § 11133\(a\)\(13\)\(A\)](#)

Exception/Exclusion	Key Elements to Consider
	<ul style="list-style-type: none"> ✓ All juveniles Detained or Confined for a purpose other than processing, transfer, release, or a court appearance <u>MUST</u> be counted as a violation. ✓ The time limit for juveniles accused of committing a delinquent offense is cumulative and cannot be extended. • For juveniles Detained or Confined pending a court appearance: <ul style="list-style-type: none"> ✓ A juvenile adjudicated delinquent and returned to a Jails or Lockups for Adults following a court appearance is a violation. ✓ A juvenile Detained or Confined for more than 6-hours cumulatively (or 48 hours in case of rural approved facilities). Please note that the time a juvenile is in a courtroom does not count toward the time limit, because a courtroom is not a Jail or Lockup for Adults as defined in the Juvenile Justice and Delinquency Prevention Act (JJDP Act).

RURAL EXCEPTION

[34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(I\)](#)

Exception/Exclusion	Key Elements to Consider
<p>This exception provides that a juvenile accused of delinquent (i.e., non-status) offenses may be Detained or Confined in Jails or Lockups for Adults for as long as 48 hours (excluding weekends and holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area, and the state has no existing acceptable alternative placement available. The state MUST determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural using the list of “Metropolitan Statistical Areas” from the OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas.</p>	<ul style="list-style-type: none"> ● The DSA MUST document within their compliance manual that they use this exception. They MUST also document what facilities are rural within the state’s monitoring universe. ● In order to comply with this exception, jails or lockups identified within the geographic area having jurisdiction of the juvenile, MUST qualify as a “rural” area by the Office of Management and Budget (OMB); ● If established as “rural,” the JJDPa allows the detention of accused juvenile (i.e., juvenile charged with delinquent or criminal offenses) awaiting an initial court appearance for up to 48 hours (excluding weekends and holidays) in approved rural facilities. ● A determination MUST first be made there is no existing acceptable alternative placement (pursuant to criteria developed by the State and approved by OJJDP); ● Document all Jails or Lockups for Adults identified and approved for the rural exception and report them to OJJDP annually through the State’s compliance monitoring universe.

TRAVEL CONDITIONS EXCEPTION

[34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(II\)](#)

Exception/Exclusion	Key Elements to Consider
The Travel Conditions Exception allows for a juvenile accused of delinquent offense to be held in an adult jail or lockup IF the facility is located where conditions distance to be traveled lack highway, road, or transportation does not allow for court appearances within 48 hours (excluding weekends and holidays) so that a brief (not to exceed 48 hours) delay is excusable.	<ul style="list-style-type: none">• Examples of this exception can be found in very rural states where alternative travel arrangements may include the use of snowmobiles, float planes, and watercraft.• Prior approval is not required for the use of this exception; however, states should ensure appropriate documentation of road conditions has been maintained (i.e., road closure or jam due to severe traffic accident, etc.).• To use this exception, the state must have a policy in place that requires individuals who work with both juveniles and Adult Inmates to be trained to work with juveniles and a policy to monitor for the use of this exception, as outlined for the Rural Exception.

CONDITIONS OF SAFETY EXCEPTION

[34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(III\)](#)

Exception/Exclusion	Key Elements to Consider
For the Conditions of Safety Exception, if the adult jail or lockup is located where conditions of safety exist (such as severely adverse, life-threatening weather 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 delayed until 24 hours after the time that such conditions allow for reasonably safe travel.	<ul style="list-style-type: none">● Examples of this exception would include areas hit by hurricanes, tornadoes, flooding, earthquakes, ice storms, wildfires and other natural disasters.● Prior approval is not required for the use of this exception; however, states should ensure appropriate documentation of safety conditions has been maintained (i.e., hurricanes, tornadoes, blizzards, etc.).● To use this exception, the state must have a policy in place that requires individuals who work with both juveniles and Adult Inmates to be trained to work with juveniles and a policy to monitor for the use of this exception, as outlined for the Rural Exception.

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?

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](#)

**JUDGMENT ENTRY/MAGISTRATE ORDER ON
CONFINEMENT OF STATUS OFFENDER (VALID COURT ORDER EXCEPTION)**

IN THE _____ COURT OF _____ COUNTY
STATE OF _____

THE STATE OF	:	
_____	:	
vs.	:	Case No.
_____	:	_____
	:	

This matter is before the Court to determine whether the above-named juvenile, a status offender, may be held in a secure juvenile detention or correctional facility. The Court finds that the juvenile has been held in detention for less than 48 hours. The Court has received and reviewed an assessment (as defined at 34 U.S.C. § 11103(38)) regarding the immediate needs of the Juvenile status offender, conducted by a professional licensed or certified in mental health, behavioral health or substance abuse fields, and identifying the treatment needs to be addressed during any period in which the youth is confined.

Based upon statements and/or or testimony presented at the hearing, the Court finds that the juvenile should be placed in a secure detention facility or correctional facility based on the following:

1. The juvenile status offender was previously the subject of a valid court order concerning the actions and behavior of the juvenile. Said order was issued by this Court on _____.

2. There is reasonable cause to believe that the juvenile has violated said order. The factual basis for this determination that there is reasonable cause is as follows:

3. With due consideration for the best interests of the juvenile status offender, there is no appropriate less restrictive alternative to holding the juvenile in such facility. The facts supporting this finding are as follows:

4. The juvenile status offender shall be released from detention on _____, and circumstances may not be detained for longer than 7 days, unless the juvenile commits a violation of a separate valid court order.
5. The plan for the juvenile status offender's safe and appropriate release from detention is as follows:

6. This order may not be renewed or extended.

Date: _____

JUDGE/MAGISTRATE

CLEAR FORM

6.3.2022

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.

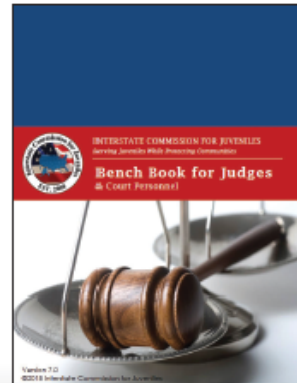


Additional Resources

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)

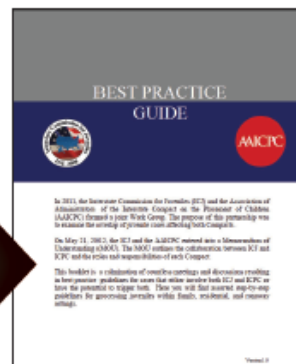
The ICPC is a separate contract between the states, which governs services to juveniles who are placed across state lines for foster care or adoption. Information regarding the ICPC is available at <https://aphsa.org/AIICPC>.

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.

Interstate Compact for Juveniles (ICJ)

Educate staff so that they are aware that when an out of state runaway is admitted into Juvenile Detention Center (JDC), they must proceed to contact Interstate Compact for Juveniles (ICJ) Coordinator quickly (Liz.Wilson@ks.gov, office: 785/746-7551, mobile: 785/230-6471) during working hours so that ICJ staff (KDOC_Kansas_ICJ@ks.gov) are aware of juvenile's arrival and can provide guidance and prepare for ICJ packet completion for out of state runaways that are detained/confined at JDC beyond 24 hours.

ICJ rules can be found at the following website:

<https://www.juvenilecompact.org/legal/rules-step-by-step-table-of-contents>

Specific information regarding the Interstate Compact for Juveniles requirements may be found at:

<https://juvenilecompact.org>

[38-1008 \(ksrevisor.org\)](https://ksrevisor.org)

38-1008. Interstate compact for juveniles. This act may be cited as the Interstate Compact for Juveniles.

THE INTERSTATE COMPACT FOR JUVENILES

Interstate Compact on Juveniles (ICJ) Exception

34 U.S.C. 11133 Section 223(a)(1)(A)(i)(II)

Pursuant to the DSO requirement, status offenders may be held in accordance with the **Interstate Compact on Juveniles (ICJ)**, 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.

References: Interstate Commission for Juveniles. (n.d.). About the Interstate Compact for Juveniles. Available at: <https://www.juvenilecompact.org/about>; Interstate Commission for Juveniles. (2002). Interstate Compact for Juveniles Statute. Available at: <https://www.juvenilecompact.org/sites/default/files/ICJStatuteAllLanguage.pdf>



Photo by Tim Bofenhausen.com



Working for Youth Justice and Safety

ojjdp.ojp.gov

ATTENTION LAW ENFORCEMENT FACILITY / JAILS OR LOCKUPS:

A Status Offender "Means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult (i.e., runaways, curfew violators, truants, and those who are incorrigibility or beyond parental control where no crime has been committed)" – **34 USC § 11133(42)**. Such juveniles shall not be detained or confined in any secure portion of a jail or lockup for adults. This includes locked or lockable rooms (that can prevent free egress), rooms with secure holding/cuffing devices, holding cells, or any area within a secure perimeter. These juveniles should only be held in the nonsecure portion of a secure facility.



Kansas Division of Criminal Justice JJDP Act Compliance Letter

Date: Click or tap to enter a date.

Name: _____

Address: _____

City, State: _____

Dear _____

Kansas is a participant of the Title II Formula Grant Program, as authorized by the Juvenile Justice and Delinquency Prevention Act (JJDP). This program provides pathways to funding for juvenile crime prevention and intervention efforts across our communities. The amount determined is based upon the state's youth population census, including the ability of secure facilities that are defined as Jails, Lockups, Secure Detention, and Secure Correctional Facilities, and monitored for compliance with the requirements found at 34 USC 11133 Section(s) 223(a)(11) – (13).

In order to be eligible for these funds, the agency, designated by the state for monitoring compliance of the requirements, must annually collect data from each secure facility, for any juvenile being detained, confined, or placed. The agency designated to administer Title II Funds in the State of Kansas is Kansas Department of Corrections (KDOC). A summary of the regulation guiding our agency's mandate is attached.

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

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

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 Danielle Howbert, our Juvenile Justice Specialist at (785) 276-9656, Danielle.Howbert@ks.gov.

Sincerely yours,

Sabra Loebel, Compliance Monitor

Danielle Howbert, Juvenile Justice Specialist

Megan Milner, Deputy Secretary of Juvenile and Adult Community Based Services

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 Zimuda, Secretary

Laura Kelly, Governor

Kansas Division of Criminal Justice JJDP Act Compliance Violation Report

Agency In Violation:

Agency Address:

Agency Administrator:

Date of Violation(s):

Violation Narrative:

Juvenile ID# or Initials/Name:

Date Admitted:

Time Admitted:

Date of Court:

Time of Court:

Date Released:

Time Released:

Reason for Detention/

Most Serious Offense:

Statute:

Reason for Violation:

Investigation Date:

Compliance Monitor:

What is Needed:

Suggested Follow Up:

Date This Letter Sent:

Agency Response:

Final Findings:

Reminder:

Other Notes:

(Copy to facility administrator or contact and copy for Facility File)

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 colocated 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 OJJDPA 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 Act 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 JJDA 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

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.

Eight elements for an Effective System of Monitoring

① Policies and Procedures

28 CFR §31.303(f)(1)(i)

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.

② Monitoring Authority

34 USC §11133(a)(2)

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.

③ Violation Procedures

28 CFR §31.303(f)(1)(iii)

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.

④ Federal Definitions

28 CFR §31.303(f)(1)(iii)
and 28 CFR §31.304

States must indicate that where their definitions differ from federal definitions, they will apply federal definitions during the compliance monitoring process.

⑤ Identification of the Monitoring Universe

28 CFR §31.303(f)(1)(i)(A)

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.

⑥ Classification of the Monitoring Universe

28 CFR §31.303(f)(1)(i)(B)

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).

⑦ Inspection of Facilities

28 CFR §31.303(f)(1)(i)(C)

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.

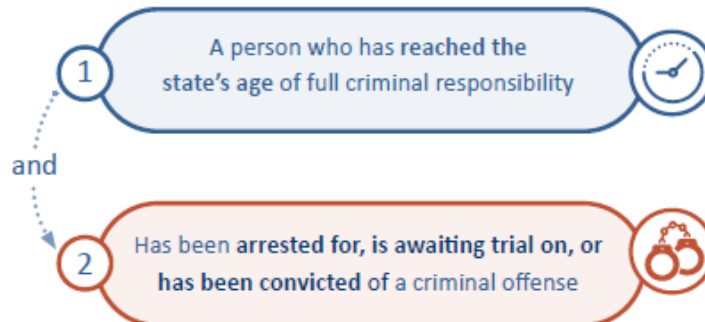
⑧ Data Collection, Verification, and Analysis

28 CFR §31.303(f)(1)(i)(D)

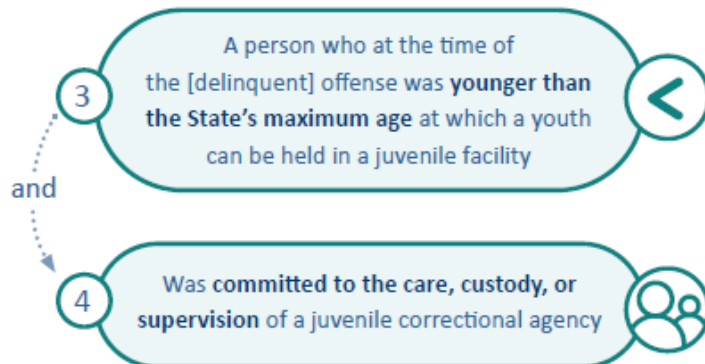
States must collect data and periodically verify it on-site to determine whether facilities are in compliance with the applicable requirements of DSO, separation, and jail removal. On-site data verification involves the review of data that a facility self-reports, including a review of the facility's original admissions records and booking logs.

"Adult Inmate" Decision Tree (Section 103 (26))

An 'adult inmate' is:



and is not:



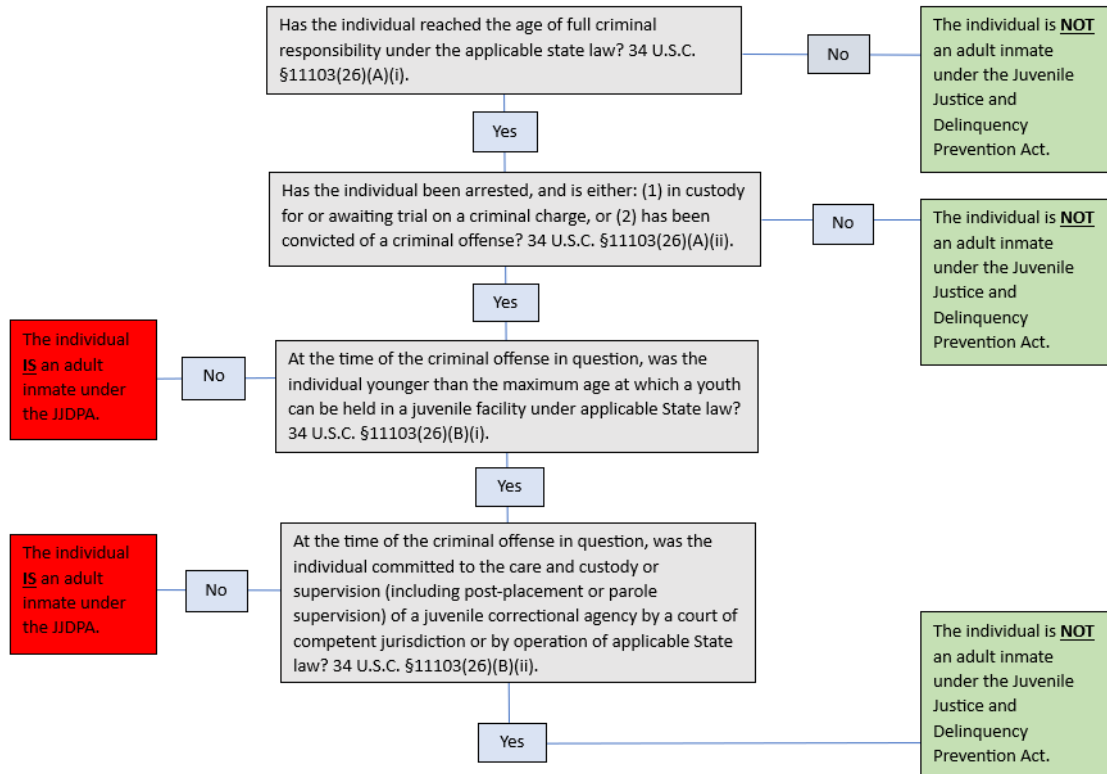
For example:

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

Adult Inmate Decision Tree

The following tool is to be used in determining whether an individual meets the definition of an adult inmate pursuant to 34 U.S.C. §11103(26).



Last updated Dec. 18, 2024. Supporting materials for, "Technical Memorandum: Adult Inmate Definition of the Juvenile Justice and Delinquency Prevention Act".



8.0 ADHERENCE TO FEDERAL DEFINITIONS¹

Definitions that a State uses for key juvenile and criminal justice terms sometimes differ from the “federal” definitions. The federal definitions, for purposes of compliance monitoring, are those provided in this section of the Toolkit, the JJDP at [34 U.S.C. § 11103](#), the Formula Grants Program Regulation at [28 C.F.R. § 31.304](#) and the [Annotated Compliance Monitoring Manual Template](#).

¹ Terms with definitions are emboldened in this statute or regulation’s breakdown below and can be referenced via the briefing sheet for adherence to federal terms found in section 8.0. A complete list of available tools and resources utilized for compliance under the Title II Formula Grant Program, can be referenced from either the [Community of Practice \(CoP\)](#) or section 14.0 of this Toolkit. Please note that the following materials were prepared under Cooperative Agreement Number 2019-MU-MU-K039 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions, or recommendations expressed in this presentation are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

8.1 BREAKING DOWN DEFINITIONS

What

- States **MUST** demonstrate the following in their compliance monitoring policies and procedures manual –
 - ✓ The State is aware their statutorily defined terms may have different meanings from federal definitions; and
 - ✓ That federal definitions found under the Title II Formula Grant Program **MUST** be used instead.

When

- Anytime actions are performed via the State's effective system for monitoring of the **Core Requirements**².

How

- By conducting a side-by-side comparison, or "crosswalk" of **State** and federal terms to identify similarities or departures.

Key Elements to Consider

- OJJDP recommends that compliance monitors know and understand where State and Federal law may differ. This can become crucial for ensuring that facilities are applying the federal JJDP Act requirements and not incidentally causing violations that are going unnoticed by the compliance monitor.
- Some examples of key juvenile justice concepts or terms (not an all-inclusive list) that you will want to explore for differences between federal and state definitions include:
 - ✓ **Status offender**
 - ✓ **Contact**
 - ✓ **Valid Court Order**
 - ✓ **Adult inmate**
 - ✓ **Jail or Lockup for Adults**
- A [Sample Crosswalk](#) is provided here and in the available resources section found under [Section 14.0](#) of this Toolkit.
- OJJDP recommends that compliance monitors lacking a legal background consult the members of their State Advisory Group (SAG) with specific knowledge of the justice system or other credible advisors to understand the application of state definitions or statutes. This can help the DSA ensure compliance with, or identify barriers to, compliance with the Title II Formula Grant Program within their state.

² A description of the core requirements can be found in 34 USC 11133 Section 223(a)(11)-(13), including sections 1.0-4.0 of this Toolkit, or Section II of the Annotated Compliance Monitoring Manual Template.

8.2 GLOSSARY OF TERMS

Provided below is a complete list of compliance-related definitions found at [34 USC § 11103](#) and [28 C.F.R. § 31.304](#). These are also available in section III of the Annotated Compliance Monitoring Manual Template. Some of these definitions, while helpful, are not codified and cannot be found in statute. As an example, the term “twenty-four hours” is a term commonly referenced throughout the JJDPA, and has objective meaning, but is not codified in law.

Term	Definition
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.
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.
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.
CORE REQUIREMENTS 34 U.S.C. § 11103 (30)	Means the requirements described at 34 U.S.C. § 11133(11), (12), (13), and (15) .

Term	Definition
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.
DETAIN OR CONFINED 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.
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.”
JAIL OR LOCKUP FOR ADULTS 34 U.S.C. § 11103 (22)	Means a secure facility that is used by a State, unit of local government, or any law enforcement authority uses to detain or confine adult inmates.
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).
MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION Compliance Monitoring TA Tool	Means the age above which a juvenile court may no longer exercise jurisdiction under state law.
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.

































Term	Definition
NONOFFENDER 28 C.F.R. § 31.304 (i)	Means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.
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.
SECURE 28 C.F.R. § 31.304 (m)	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.
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.
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.
SIGHT OR SOUND CONTACT 34 U.S.C. § 11103 (25)	Means any physical, clear visual, or verbal contact that is not brief and inadvertent.
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.

Term	Definition
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.
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.
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.

8.3 KEY TERMS IMPLICATED BY EACH CORE REQUIREMENT

34 USC 11133 Section 223(a)			
(11)(A) Deinstitutionalization of Status Offenders	(11)(B) Removal of Juveniles Charged as Adults from Adult Facilities	(12) Sight and Sound Separation of Juveniles from Adult Inmates	(13) Removal of Juveniles from Jails or Lockups for Adults
<ul style="list-style-type: none"> Secure Residential Secure Detention Facility Secure Correctional Facility Status Offender Nonoffender Valid Court Orders Twenty-Four Hours Maximum Age of Extended Juvenile Court Jurisdiction 	<ul style="list-style-type: none"> Secure Jail or Lockup for Adults Adult Inmate Criminal-Type Offender Detain or Confine 	<ul style="list-style-type: none"> Secure Institution Adult Inmate Status Offender Nonoffender Juvenile Offender Criminal-Type Offender Detain or Confine 	<ul style="list-style-type: none"> Secure Jail or Lockup for Adults Adult Inmate Status Offender Nonoffender Juvenile Offender Criminal-Type Offender Detain or Confine

Appendix B – Forms Used by The State of Kansas Compliance Monitor

					
Scheduling Letter for Inspection.docx	Juvenile Facility Inspection Form	Court Holding Inspection Form.docx	Collocated Facilities Inspection form.docx	Adult Facility Inspection Form.docx	Judgement, Magistrate order on
					
223a-11B-Court-Ord Juveniles Charged as er-Juv charged as Ad	Juveniles Charged as Adults Decision Tree.pdf	Benchcard for complying with sectio	Checklist for complying with sectio	OJJDP_Letter to States Regarding 11B	(11)(B) checklist.docx
					
Facility Classification Certification.docx	Re-classification form.dotx	Kansas Dept. of Public Safety Survey	Law Enforcement Facility Certification o	Detention of Juveniles in Adult Faci	Poster.When Holding Juveniles in a Jail or L
					
Deinstitutionalization of Status Offenders - I	Briefing Sheet for complying with sectio	Sight and Sound Separation - Briefing	Jail Removal - Briefing Sheet (34 US	VCO-ExceptionBench Card-508_0.pdf	VCO-ExceptionCheckl ist-508_0.pdf
					
Sample Judgment for Complying with the V	ICJ Bench Card Returns.pdf	ICJ contacts.docx			
					
Compliance Letter.docx	Compliance Violation Report.docx	Detention Log Instruction Sheet.pdf	Electronic Juv. Detention Log with G	Kansas Monitoring Universe.xlsx	
					
Data Colletion, Verification Standar	Data Collection, Verification Process.	CM Suggested Data Elements.pdf	Protocols for On-site Inspections.	8 Elements of Effective Monitoring	Adult InmateTree.pdf
					
Adult inmate decision tree - 12.18.2024.doc	Adherence to Federal Definitions - Briefing				

Appendix C – FAQs



FAQ

Some State Constitutions Extend The Right To Waive Hearings For Juveniles

Posted: Thu, 02/08/2024 - 11:11 am EST

★ [BOOKMARK THIS](#)

Question Full

Some state constitutions extend the right to waive hearings for juveniles. Within the context of the Title II Formula Grant Program's requirement for juveniles charged as adults and detained in adult facilities pending trial under section 223(a)(11)(B), which hearings can be waived vs. those that will result in violation if not held?

Response

The initial hearing to determine whether it is in the interest of justice to detain a juvenile in an adult facility pending trial must occur within the first 6 hours (or 48 in the case of rural jurisdictions) from the time detainment in the facility first began. Subsequent review hearings must then occur once every 30 days (or 45 in case of rural jurisdictions) to evaluate whether it continues to be in the interest of justice for the juvenile to be held in the adult facility. Juveniles shall not be held in any adult facility for more than 180 days, unless the court, in writing, determines there is good cause for an extension. The 180-day good cause extension hearing may be waived by the juvenile. However, courts are required to continue to hold review hearings for another 180 days; until the juvenile is convicted or ages out (i.e., reaches the state's age of criminal responsibility). Courts must provide supporting documentation allowing for compliance monitors to make determinations at each juncture. Absent of the ability to confirm adherence to the initial, review, and subsequent 180-good cause extension hearings where all seven factors were considered can result in a violation of (11)(B).

Primary Theme

Core Requirements

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



How Should Facilities Be Classified?

Posted: Wed, 09/21/2022 - 5:40 pm EDT

☆ [BOOKMARK THIS](#)

Question Full

How should facilities be classified under the 2018 JJDP? (i.e., states are seeking clarity on the overall process).

Response

The "jail removal" requirement applies to any facility which is A. secure, and B. used by the State or other unit of local government to detain adult inmates (i.e., jails or lockups for adults). The "DSO" core requirement applies to any secure, residential facility which 1. includes construction features, and 2. is used for the placement of juveniles or any other individual accused, adjudicated, or convicted of committing a criminal offense (i.e., secure detention or correctional facilities). The "separation" core requirement applies to any secure area of a facility containing construction features (i.e., institutions). If a compliance monitor discovers an area of a facility that is secure, used to detain adult inmates, and place individuals accused/convicted of a criminal offense, then such area qualifies as an Institution, Adult Jail or Lockup, and Secure Detention or Correctional Facility. It is then incumbent upon each state to assess the features and intended use of each facility and determine whether it is a jail or lockup for adults, or secure detention/ correctional facility, or some variation of all three. Note: Secure detention facilities are primarily used to place individuals accused into temporary custody pending the outcome of their case, while secure correctional facilities are primarily used to place individuals after adjudication or conviction. Regardless, the DSO core requirement applies the same to both.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



When The Rural Exception Is Applied

Posted: Wed, 09/21/2022 - 5:35 pm EDT

☆ [BOOKMARK THIS](#)

Question Full

When the rural exception is applied, are there special considerations or different expectations for site visits?

Response

No. A "jail or lockup for adults" that is approved for the rural exception need only be inspected at the same rate as all other secure facilities contained within the monitoring universe.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Inspection of Facilities](#)



FAQ

How Should States Handle Licensed Vs. Non-Licensed

Posted: Wed, 09/21/2022 - 5:29 pm EDT

☆ [BOOKMARK THIS](#)

Question Full

How should states handle licensed vs. non-licensed facilities?

Response

OJJDP does not manage the standards for licensing of facilities. Licensed or unlicensed standards are managed by the state and have little to no bearing on the classification of a facility defined in the JJDP. For example, if a facility is "secure and used by the State or other unit of local government to detain or confine adult inmates," then it is a "jail or lockup for adults," whether it is publicly or privately owned or operated, including licensed or unlicensed.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



FAQ

For State Or Territories That Use The Rural Exception

Posted: Wed, 09/21/2022 - 4:39 pm EDT

☆ [BOOKMARK THIS](#)

Question Full

For states or territories that use the rural exception to detain juveniles in adult jails and lockups, how should they document that "the state has no existing alternative placement available" for the particular violation?

Response

If the juvenile is being charged as an adult and receives an initial hearing to establish that detention in the jail is within the interest of justice, then the court has no other obligation to demonstrate that there was no alternative placement available. However, if the juvenile is being charged with a delinquent offense, then the rural exception can only be used for the initial court appearance (for up to 48 hours excluding legal weekends and holidays). In the second example, detention after adjudication or secondary court appearances will result in violations of Jail removal.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



FAQ

Does The Definition Of “Detain Or Confine” Change States’ Ability To Temporarily Detain Juveniles In An Adult Jail Or Lockup For Processing?

Posted: Thu, 02/17/2022 - 2:25 pm EST

☆ [BOOKMARK THIS](#)

Question Full

Does the definition of “detain or confine” change states’ ability to temporarily detain juveniles in an adult jail or lockup for processing?

Response

No. A juvenile accused of a non-status (delinquent) offense may be detained in a jail or lockup for adults for up to 6 hours during processing, and in other limited circumstances described in the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended. The 6-hour clock would start as soon as the juvenile was first detained, i.e., not free to leave the jail. Any instance in which an accused delinquent offender is detained other than pursuant to the exceptions described in the jail removal requirement, however, or in which an adjudicated delinquent offender, a status offender, or a non-offender is detained in an adult jail or lockup for any length of time would result in an instance of non-compliance with the jail removal requirement.

Primary Theme

Elements for an Effective System of Monitoring

- [Adherence to Federal Definitions](#)



FAQ

Does The OJJDP Have A Policy To Work With States Or Territories That Have A Catastrophic Event Like A Hurricane?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

Does the Office of Juvenile Justice and Delinquency Prevention (OJJDP) have a policy to work with states or territories that have a catastrophic event like a hurricane? If not, it should exist, since these events will keep on happening.

Response

The Juvenile Justice Emergency Planning Demonstration Program solicitation assists states with funds for catastrophic events such as hurricanes.

Primary Theme

[Training and Technical Assistance \(TTA\)](#)



How Best Can Data Be Displayed In Ways That Are Easy To Read And Understand, Not Just For System Actors But With The Community?

Posted: Thu, 02/17/2022 - 11:22 am EST

★ [BOOKMARK THIS](#)

Question Full

How best can data be displayed in ways that are easy to read and understand, not just for system actors but with the community? What are some tips and tricks for displaying information that makes it meaningful and easy to interpret? What handouts and informational materials have been successful and received good feedback or what presentation techniques have made good impressions on audiences?

Response

Each state has an entity typically referred to as the Statistical Analysis Center (SAC). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) encourages each state to coordinate with their SACs for presentation advice.

Primary Theme

[Training and Technical Assistance \(TTA\)](#)



Please Clarify Requirements For A Youth Member To Be On The State Advisory Group (SAG).

Posted: Thu, 02/17/2022 - 11:22 am EST

★ [BOOKMARK THIS](#)

Question Full

Please clarify requirements for a youth member to be on the State Advisory Group (SAG). Do they have to be delinquent, or can they be a youth who is in foster care, or can they be a youth who has come in contact with the court system for a dependency issue, neglect issue, or status offenses?

Response

The Juvenile Justice Reform Act (JJRA) specifies that each State Advisory Group (SAG) must contain at least three youth who have had contact with the juvenile justice system. The act also allows for parents of said youth to serve on the SAG in this capacity.

Primary Theme

[State Advisory Groups \(SAGs\)](#)



FAQ

Is OJJDP Going To Look At Additional Assistance In Terms Of The Compliance Standard?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ BOOKMARK THIS

Question Full

Is OJJDP going to look at additional assistance in terms of the compliance standard? With 2 years of lower numbers (Covid related) and the new requirements there is some concern about state's going out of compliance. With 2 years of lower numbers, and presumably fewer violations, the compliance standards are expected to be lower. Now with new requirements, and the likelihood of additional violations, states may go out of compliance.

Response

We will be monitoring the data coming from states for this purpose.

Primary Theme

Legislation/Solicitation
▪ Management



FAQ

What Is The Timeline For Getting Funds Out To States?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ BOOKMARK THIS

Question Full

What is the timeline for getting funds out to states? Several states have limited funding available from previous awards for staffing and programs.

Response

Once the manuals have been reviewed, determinations have been made, funding will be released. Your program manager will keep you updated on the process.

Primary Theme

Legislation/Solicitation
▪ Management



Why Are States Required To Collect Data Retroactively From All Court Holding Facilities Beginning October 1, 2020?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

Why are states required to collect data retroactively from all court holding facilities beginning October 1, 2020?

Response

The Juvenile Justice Reform Act (JJRA) amended the definition of "jail or lockup for adults" in December 2018, effective for awards made in fiscal year (FY) 2020, and subsequent years.

Primary Theme

Elements for an Effective System of Monitoring

- Data Collection, Verification, and Analysis



A Court Processes Juveniles And Adults Within Same Facility On Separate Days, Can It Be Classified As A Juvenile Facility And An Adult Lockup?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

If a court processes juvenile and adult dockets within the same facility but on separate days, can the facility be classified both as a secure juvenile-only facility and an adult lockup?

Response

A facility may be classified as one type of facility at certain times (such as a secure detention facility for juveniles) and as another type of facility at other times (such as a jail or lockup for adults, or a secure detention facility for adults) so long as there is a formal written policy detailing how/when what days it functions as each type of facility, and as long as there is no overlap.

Primary Theme

Elements for an Effective System of Monitoring

- Classification of the Monitoring Universe



Will OJJDP Propose A Change To The Formula Grants Program Regulation To Include A Definition Of “Court Holding Facility,” Allowing Public Notice And Comment?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

Will the Office of Juvenile Justice and Delinquency Prevention (OJJDP) propose a change to the Formula Grants Program regulation to include a definition of “court holding facility,” allowing public notice and comment?

Response

The Juvenile Justice Reform Act amended the definition of “jail or lockup for adults” in the Juvenile Justice and Delinquency Prevention Act (at 34 U.S.C. § 11103(22)) such that the plain meaning of the statutory term includes court holding facilities. Thus, there is no need, or authority, to include a definition of “court holding facility” in the Formula Grants Program regulation.

Primary Theme

- Elements for an Effective System of Monitoring
 - Classification of the Monitoring Universe



Will Temporary Holding Rooms Be Considered Secure Holding For The Purposes Of The Jail Removal Requirement And Be Required To Report?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

Will temporary holding rooms (secure rooms adjacent to the courtroom) be considered secure holding for the purposes of the jail removal requirement and be required to report?

Response

If the temporary holding rooms adjacent to the courtroom are secure, and are used to detain adult inmates, they are part of the adult jail/lockup, and must be monitored for jail removal violations.

Primary Theme

- Elements for an Effective System of Monitoring
 - Classification of the Monitoring Universe

If A Juvenile Accused Of A Delinquent Offense Is Detained In A Court Holding Facility Prior To Trial And Post Adjudication, Are These Separate Incidents?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

If a juvenile accused of a delinquent offense is detained in a court holding facility prior to trial and is then detained in the court holding facility after being adjudicated, are these separate incidents?

Response

Yes. If a juvenile accused of a delinquent offense is detained in an adult jail or lockup, other than according to one of the exceptions at 34 U.S.C. 11133(a)(13), this is a jail removal violation. If the same juvenile is then adjudicated as delinquent and is detained in the jail or lockup for adults, this must be counted as an additional violation.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Violation Procedures](#)



FAQ

Is The Facility Classification "Institution" Still Being Used?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

Is the facility classification "institution" still being used?

Response

"Institution" is a broad term that encompasses all of the above-mentioned specific secure facility types that must be used for classification purposes. Facilities in the monitoring universe must be classified as one of the following: adult jail, adult lockup, secure detention facility, or secure correctional facility.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



FAQ

Do Court Holding Facilities That Only Detain Juveniles Come Under The Jail Removal Core Requirement And Require Data And Logs Be Maintained?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

For juvenile court holding facilities (CHFs) that only detain juveniles and not adults due to building design or time phasing, do these facilities come under the jail removal core requirement and require that detention data and logs be maintained?

Response

A court holding facility that through building design detains only juveniles, does not fall under the definition of a "jail or lockup for adults." A court holding facility in which, through time-phasing, juveniles are detained on different days and/or at different times than adult inmates, does not fall under the definition of a "jail or lockup for adults" on those days or at those times when no adults are detained in the facility.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



Is Isolation A Violation Of The Juvenile Justice Reform Act (JJRA)?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ BOOKMARK THIS

Question Full

Is isolation a violation of the Juvenile Justice Reform Act (JJRA)?

Response

No. Isolation is not a violation under the Juvenile Justice Reform Act (JJRA).

Primary Theme

Elements for an Effective System of Monitoring

- Violation Procedures



If A State's Codified Laws Are Different From OJJDP Policies/Procedures, Which One Do We Follow?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ BOOKMARK THIS

Question Full

If a state's codified laws are different from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) policies/procedures, which one do we follow?

Response

For the purposes of monitoring compliance with the core requirements of the Formula Grants Program under Title II of the Juvenile Justice and Delinquency Prevention Act (JJDP), states must adhere to the provisions of the JJDP (including the definitions provided therein). A state's law may offer greater protections to juveniles, so long as the state provides for an effective system of monitoring for compliance with the core requirements.

Primary Theme

Elements for an Effective System of Monitoring

- Adherence to Federal Definitions



If A Facility Prohibits The Detainment Of Juveniles By Policy, Does It Have To Be Included In The Monitoring Universe?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

In the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended "facility" is defined as a "building or set of buildings which is used for the lawful custody and treatment of juveniles." If a facility prohibits the detainment of juveniles by policy, does it have to be included in the monitoring universe?

Response

Every secure detention or correctional facility and every adult jail or lockup must be included in the monitoring universe.

Primary Theme

- Elements for an Effective System of Monitoring
 - Identification of the Monitoring Universe



Do Court Holding Facilities That Have Separate Juvenile And Adult Holding Areas Have To Follow The Requirements Applied To Adult Jails And Lockups?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

Do court holding facilities that have separate juvenile and adult holding areas have to follow the requirements applied to adult jails and lockups? How then should these holding areas be classified?

Response

The adult court holding facility must be monitored as an adult jail or lockup. A separate, nonresidential juvenile-only court holding facility does not fall into any of the four categories of facilities that a state is required to monitor under section 223(a)(14) (i.e., adult jails, adult lockups, secure detention facilities, and secure correctional facilities).

Primary Theme

- Elements for an Effective System of Monitoring
 - Adherence to Federal Definitions
 - Identification of the Monitoring Universe
 - Classification of the Monitoring Universe



Are Prisons Included In The Secure Facilities Required To Be In The Monitoring Universe?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

Are prisons included in the secure facilities required to be in the monitoring universe?

Response

Yes. Prisons fall within the category of "secure correctional facility," defined at section 103(13) of the Juvenile Justice and Delinquency Prevention Act (JJDP) (34 U.S.C. § 11103(13)) and must be included in a state's monitoring universe.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



In Regard To The Monitoring Universe, Could You Explain The Extent To Which Social Services Agencies Should Be Included?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

In regard to the monitoring universe, could you explain the extent to which social services agencies should be included?

Response

The monitoring universe is to include all detention and correctional facilities and all adult jails and lock ups.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



FAQ

Is It Best Practice To Use The Federal Regulations If Your State Does Not Address Requirements Asked For In The Annotated Manual?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ BOOKMARK THIS

Question Full

Is it best practice to use the federal regulations if your state does not address requirements asked for in the annotated manual?

Response

The Formula Grants Program implementing regulation at 28 C.F.R. Part 31, subpart A (<https://www.ecfr.gov/current/title-28/chapter-I/part-31/subpart-A>), enumerates requirements that are not merely "best practice." Each state must address in its compliance monitoring manual all of the elements of an effective system of monitoring for compliance with the core requirements, as set forth in the regulation and the Title II solicitation for any particular fiscal year.

Primary Theme

Elements for an Effective System of Monitoring

- Policies and Procedures



FAQ

How Much Information/Documentation Is OJJDP Hoping To See For Each Of These Elements?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ BOOKMARK THIS

Question Full

How much information/documentation is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) hoping to see for each of these elements?

Response

There is no specific amount of information that states are required to provide for each element. What is required is that states describe their policies and procedures for addressing each element of an effective system of monitoring.

Primary Theme

Elements for an Effective System of Monitoring

- Policies and Procedures

If States Complete Their Revised Manuals Early, Could Their State Relations And Assistance Division Program Manager Review And Give Feedback Before The Final Submission?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

If states complete their revised manuals early, could their State Relations and Assistance Division (SRAD) program manager review and give feedback before the final submission?

Response

Staff are not positioned to give a greenlight in a pre-review but can try to ensure states have their questions answered about whether they understand the requirements. The Center for Coordinated Assistance to States (CCAS) can help probe and provide more in-depth training and technical assistance (TTA).

Primary Theme

Elements for an Effective System of Monitoring

- Policies and Procedures

What Is The Timeline For OJJDP's Review Of The Revised Manual Once Submitted By A State?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

What is the timeline for the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) review of the revised manual once submitted by a state?

Response

OJJDP will review revised manuals as expeditiously as possible.

Primary Theme

Elements for an Effective System of Monitoring

- Policies and Procedures



What If Any Of The Four Categories Do Adult Prisons Fall Under On The Monitoring Universe?

Posted: Thu, 02/17/2022 - 11:22 am EST

★ [BOOKMARK THIS](#)

Question Full

Since adult prisons are required to be listed on the monitoring universe what if any of the four categories do, they fall under Secure correctional facilities?

Response

Prisons are secure correctional facilities.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



How Should States Address Facilities That Have Capabilities To Securely Hold Juveniles, But By Their Facility/Organization Procedures, Never Hold Juveniles Securely?

Posted: Thu, 02/17/2022 - 11:22 am EST

★ [BOOKMARK THIS](#)

Question Full

How should states address facilities that have capabilities to securely hold juveniles, but by their facility/organization procedures, never hold juveniles securely (i.e., juveniles are accompanied by a police officer in a non-secure space)?

Response

Being that this is a secure facility in your monitoring universe, you are still required to submit data. However, the facility administrator can submit a letter verifying that no juveniles were held during the last reporting period.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)

Can Juveniles Who Are Runaways, Abandoned, Endangered Or Are Victims Of Sex Trafficking Or Other Crimes Be Held For An Indefinite Period Of Time?

Posted: Thu, 02/17/2022 - 11:22 am EST

★ [BOOKMARK THIS](#)

Question Full

Under the definition of "detain or confine" can juveniles who are runaways, abandoned, endangered due to mental illness, homelessness, or drug addiction, or are victims of sex trafficking or other crimes, be held for an indefinite period of time, as long as they are held solely for the purpose of returning them to their parent or guardian or pending their transfer to the custody of a child welfare or social service agency?

Response

Although under the current regulatory definition of "detain or confine" there is no limit on how long a state may hold a juvenile who is being held while awaiting reunification with a parent or guardian or pending transfer to the custody of a child welfare or social service agency, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) expects that states will ensure that juveniles not be held in a secure facility any longer than is absolutely necessary.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Adherence to Federal Definitions](#)

Must States Report Violations In Court Holding Facilities?

Posted: Thu, 02/17/2022 - 11:22 am EST

★ [BOOKMARK THIS](#)

Question Full

Must states report violations in court holding facilities?

Response

Yes, states must report all violations of the core requirements that occur in court holding facilities that fall within the definition of jails and lockups for adults at 34 U.S.C. § 11103(22).

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Data Collection, Verification, and Analysis](#)



FAQ

Must States Report On Juvenile Offenders Detained For Offenses Related To The Purchase, Possession, Or Distribution Of Alcohol?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

Must states report on juvenile offenders detained for offenses related to the purchase, possession, or distribution of alcohol?

Response

Yes. Minor-in-possession of alcohol offenses are within the category of delinquent offenses and must be reported accordingly.

Primary Theme

Elements for an Effective System of Monitoring

- Data Collection, Verification, and Analysis



FAQ

How Should The Different Areas Within A Police Department Be Classified And What Data Is Required?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

If a police department consists primarily of an open patrol room area with a cuffing bench and two offices that do not lock from the outside, would this be considered a secure facility such that juvenile holding logs must be kept?

Response

The area with a cuffing bench constitutes part of a secure facility and the facility must maintain logs for juveniles detained there. If juveniles are brought directly to the offices that do not lock, and which are not within a facility with a secure perimeter, they may be considered non-secure, and the facility need not keep logs on juveniles detained there

Primary Theme

Elements for an Effective System of Monitoring

- Classification of the Monitoring Universe



FAQ

When A Building Contains A Jail And A Non-Secure Administrative Area, And Juveniles Are Detained Only In The Non-Secure Area, Must Logs Be Maintained?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ BOOKMARK THIS

Question Full

When a building contains a jail and a non-secure administrative area, and juveniles are detained only in the administrative (non-secure) side of the building, must the facility maintain a log of the juvenile's time in the non-secure area?

Response

No. If juveniles are detained only in a non-secure area of a facility, the core requirements do not apply, and there is no need to maintain logs on juveniles held there.

Primary Theme

Elements for an Effective System of Monitoring

- Classification of the Monitoring Universe



FAQ

If A Police Department Or Sheriff's Department Is Entirely Non-Secure, Is That Facility Considered An Adult Jail Or Adult Lockup?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ BOOKMARK THIS

Question Full

If a police department or sheriff's department is entirely non-secure, and has no construction fixtures designed to physically restrict the movements and activities of individuals (e.g., cells, cuffing rails or benches), is that facility considered an adult jail or adult lockup?

Response

No. The definition of "jail or lockup for adults" at 34 U.S.C. § 11103(22) includes only secure facilities used by a state, unit of local government, or any law enforcement authority, and would not include a non-secure facility.

Primary Theme

Elements for an Effective System of Monitoring

- Classification of the Monitoring Universe



If A Facility Has A 30-Second Delayed Egress Door, Is That Considered A Secure Or Non-Secure Facility?

Posted: Thu, 02/17/2022 - 11:22 am EST

★ [BOOKMARK THIS](#)

Question Full

If a facility has a 30-second delayed egress door, is that considered a secure or non-secure facility?

Response

If a facility has delayed egress doors that allow individuals to leave the facility, it is not a secure facility.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



Will States Be Informed Before They Resubmit Their Manual About Specific Problems With Their Individual Manuals That Will Need To Be Fixed?

Posted: Thu, 02/17/2022 - 11:22 am EST

★ [BOOKMARK THIS](#)

Question Full

Will states be informed before they resubmit their manual about specific problems with their individual manuals that will need to be fixed?

Response

States may work with the Center for Coordinated Assistance to States (CCAS), the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) Title II Training and Technical Assistance Provider (TTAP), for individualized assistance prior to submitting their compliance manuals to OJJDP.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Policies and Procedures](#)



Do States Need To Update Their Monitoring Universe To Incorporate Court Holding Facilities (CHFs) Into Either Jails Or Lockups For Adults?

Posted: Thu, 02/17/2022 - 11:22 am EST

☆ [BOOKMARK THIS](#)

Question Full

Do states need to update their monitoring universe to incorporate court holding facilities (CHFs) into either jails or lockups for adults?

Response

Court holding facilities that are used to detain adults must be included in a state's monitoring universe in the category of adult jails or lockups.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



What If A State Does Not Have The JJDPAs As Amended Codified In State Law? Is The Policy Manual Strong Enough Assurance For OJJDP?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

What if a state does not have the Juvenile Justice and Delinquency Prevention Act (JJDPAs) as amended codified in state law? A policy manual does not seem to be a strong enough assurance to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Response

A state need not have the provisions of the Juvenile Justice and Delinquency Prevention Act (JJDPAs) as amended codified in state law. The state's compliance monitoring manual must describe the policies and procedures the state has in place to satisfy the elements of an effective system of monitoring.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Policies and Procedures](#)



FAQ

If There Are Conflicts Between State Law And The JJDPAs As Amended, Does This Mean States Will Be Out Of Compliance And Not Awarded Funding?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ [BOOKMARK THIS](#)

Question Full

States can point out problems or conflicts with their state law and the Juvenile Justice and Delinquency Prevention Act (JJDPAs) as amended. Will doing so mean states are out of compliance and therefore not awarded their fiscal year (FY) 2021 award?

Response

States will not be out of compliance solely on the basis of a state law that conflicts with the core requirements. Determinations of compliance and noncompliance with the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13) are made based on the number and rate of violations of those core requirements that a state reports during the relevant compliance reporting period.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Policies and Procedures](#)



FAQ

Does The Annotated Manual Template Need To Be Followed Directly Or Can States Enter The Text From The Template Into Their Existing Manuals?

Posted: Thu, 02/17/2022 - 11:21 am EST

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Question Full

Does the template need to be followed directly (i.e., same formatting and ordering of material), or can states enter the text from the template into their existing manuals?

Response

States are not required to follow the format, or the order in which material is presented, in the annotated manual provided by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). States must ensure all identified elements of the annotated manual are included.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Policies and Procedures](#)



What Is The Plan For States That Choose Not To Resubmit? Will This Mean They Are Opting To Forego Their Title II Funds?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ BOOKMARK THIS

Question Full

What is the plan for states that choose not to resubmit? Will this mean they are opting to forego their Title II funds?

Response

For a state that chooses not to resubmit a revised compliance-monitoring manual, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will review the manual the state submitted in July 2021, to determine whether the state has provided for an effective system of monitoring and is otherwise eligible for a fiscal year (FY) 2021 Formula Grants Program award.

Primary Theme

Elements for an Effective System of Monitoring

- Policies and Procedures



Is There An Operational Definition For Rural Jurisdiction?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ BOOKMARK THIS

Question Full

Is there an operational definition for rural jurisdiction?

Response

Rural means an area that is outside a metropolitan statistical area (34 U.S.C. § 11103(43)), as defined by the Office of Management and Budget (<https://www.whitehouse.gov/omb/information-for-agencies/bulletins/> ^(t)).

Primary Theme

Elements for an Effective System of Monitoring

- Classification of the Monitoring Universe



FAQ

Can A Juvenile Who Has Been Adjudicated As Delinquent And Is Awaiting Transport To A Juvenile Detention Center Enter The Secure Portion Of The Courthouse?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ BOOKMARK THIS

Question Full

If adjudicated juveniles cannot be placed in secure detention, does this mean that a juvenile who has been adjudicated as delinquent and is awaiting transport to a juvenile detention center may not enter the secure portion of the courthouse?

Response

Juveniles adjudicated delinquent may be placed in secure detention, as long as it is not in an adult facility and they do not have contact with adult inmates. Such juveniles may be detained in a juvenile lockup—i.e., an area that is sight and sound separated from areas where adult inmates are detained.

Primary Theme

Core Requirements

- Section 223(a)(13)/Removal of Juveniles from Adult Jails and Lockups (JR)



FAQ

How Is The Time Calculated When A Juvenile Is Taken In And Out Of A Court Holding Facility During The Day?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ BOOKMARK THIS

Question Full

If a juvenile has a hearing scheduled in the morning but the case is continued, and they are taken out of the court holding facility for lunch, does the 6-hour clock restart when they are returned to the court holding facility after lunch?

Response

The time that a juvenile is detained in a court holding facility, for a court appearance prior to and after lunch, must be counted cumulatively, rather than as two separate time periods. For instance, if the juvenile is detained for 4 hours prior to being taken out of the facility for lunch, they may be detained in the facility after lunch for no more than an additional 2 hours. Once a juvenile is adjudicated as delinquent, however, they may not be detained for any length of time in the court holding facility (a jail or lockup for adults).

Primary Theme

Core Requirements

- Section 223(a)(13)/Removal of Juveniles from Adult Jails and Lockups (JR)



FAQ

If A Court Detains A Juvenile Charged As An Adult In A Jail Or Lockup, May That Juvenile Be Detained In A Court Holding Facility?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

If a court detains a juvenile charged as an adult in a jail or lockup for adults pursuant to the Section 223(a)(11)(B) requirement, may that juvenile be detained in a court holding facility?

Response

Yes. If a court in complying with the Section 223(a)(11)(B) requirement, permits a juvenile who's being charged as an adult to be held in a jail or lockup for adults, this includes a court holding facility, which falls within the definition of a jail or lockup for adults.

Primary Theme

Core Requirements

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



FAQ

If A Juvenile Is Held In A Non-Secure Area Of The Court Holding Facility Must The Area Be Monitored For Jail Removal Violations?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

If a juvenile is held in a non-secure area of the court holding facility (lobby, unlocked room, no benches or cuffing rails, no design fixtures meant to restrict movement) must the area be monitored for jail removal violations?

Response

A non-secure area within a building that contains a court holding facility (jail/lockup) need not be classified as part of the jail/lockup, and that area need not be monitored for jail removal (or separation) violations.

Primary Theme

Core Requirements

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



FAQ

Can Juveniles Who Have Been Adjudicated Delinquent Be Detained In A Court Holding Facility Pending Transfer To A Secure Juvenile Facility?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Can juveniles who have been adjudicated delinquent be detained in a court holding facility pending transfer to a secure juvenile facility?

Response

Once a juvenile has been adjudicated delinquent they may not be detained in an adult jail or lockup (which includes a court holding facility) for any length of time without it resulting in a jail removal violation.

Primary Theme

Core Requirements

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



FAQ

How Does The Adult Inmate Definition Apply To Individuals Over The State's Age Of Majority Who Remain On Extended Juvenile Court Authority In The Community?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

How does the adult inmate definition apply to individuals over the state's age of majority who remain on extended juvenile court authority in the community?

Response

An individual who reaches the age of full criminal responsibility while still under the jurisdiction of the juvenile court (pursuant to state law) does not become an adult inmate simply by virtue of reaching the age of full criminal responsibility.

Primary Theme

Core Requirements

- [Section 223\(a\)\(12\)/Sight and Sound Separation of Juveniles from Adult Inmates \(S/SS\)](#)



What If Your State Doesn't Have An Extended Age Of Juvenile Jurisdiction?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

What if your state doesn't have an extended age of juvenile jurisdiction?

Response

If a state does not have an "extended age of juvenile jurisdiction," please refer to the maximum age at which a juvenile can be held in a juvenile facility under applicable state law.

Primary Theme

Core Requirements

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



What Documentation Will Be Necessary To Demonstrate Compliance When A Youth Is Held In A Secure Adult Facility In The Interest Of Justice?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

What documentation will be necessary to demonstrate compliance when a youth is held in a secure adult facility in the interest of justice?

Response

The court order that documents the seven factors of section 11133(a)(11)(B) demonstrating all factors were considered is what is required.

Primary Theme

Core Requirements

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



FAQ

Does The New Requirement Under Section 223(A)(11)(B) Affect The Rural Exception?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Does the new requirement under section 223(a)(11)(B) affect the Rural Exception?

Response

No, in fact the Section 223(a)(11)(B) requirement takes a rural area into consideration. Under the Section 223(a)(11)(B) requirement, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure residential facility unless the court has determined, after a hearing, and in writing, that it is in the interest of justice to do so, or unless one of the exceptions at 34 U.S.C. § 11133(a)(13) applies (including the rural exception at 34 U.S.C. § 11133(a)(13)(B)(ii)(I)).

Primary Theme

Core Requirements

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



FAQ

How Many Section 223(A)(11)(B) Violations Can Be Counted Per Youth?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

How many Section 223(a)(11)(B) violations can be counted per youth? For example, if the court were late completing two 30-day hearings prior to the youth's adjudication, is that one violation or two?

Response

A violation can occur at each 30-/45-day or 180-day hearing if there is no court documentation or if at the 180-day marker there's no hearing or waiver from the juvenile. In order to maintain compliance with the Section 223(a)(11)(B) requirement, a state must show that in every instance in which a juvenile was charged as an adult and detained in an adult jail or lockup, or had sight or sound contact with adult inmates, a court hearing was held every 30 (or 45 in case of rural jurisdictions) days to determine whether to detain the juvenile in an adult jail or lockup for adults, or to permit the juvenile to have sight or sound contact with adult inmates. A failure to make such a determination at any 30- (or 45-) day period results in a separate violation.

Primary Theme

Core Requirements

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



FAQ

If The Court Only Answers The Required Questions With A "Yes, It Was Considered" With No Further Details, Is That Acceptable?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ BOOKMARK THIS

Question Full

If the court only answers the required questions with a "Yes, it was considered" with no further details, is that acceptable? (Refer to Sample Section 223(a)(11)(B) Court Order, <https://ccastates.org/resource/sample-section-223211b-jdpa-judgement-e..>).

Response

Yes, 34 U.S.C. § 11133(a)(11)(B)(ii) requires only that the court must consider the factors enumerated, but there is nothing in the provision that specifically requires discussion or analysis of those factors in the court's written finding.

Primary Theme

Core Requirements

- Section 223(a)(11)(B)/Removal of Juveniles charged as Adults (IOJ)



FAQ

What If Their [The Court's] Periodic Reviews Are NOT At 30 Or 45 Days, But At Different Intervals Per State Law?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ BOOKMARK THIS

Question Full

What if their [the court's] periodic reviews are NOT at 30 or 45 days, but at different intervals per state law?

Response

Each time a review occurs at an interval of more than 30 (or 45 days)—even if state law permits it—will result in an instance of noncompliance with the Section 223(a)(11)(B) requirement.

Primary Theme

Core Requirements

- Section 223(a)(11)(B)/Removal of Juveniles charged as Adults (IOJ)



FAQ

Once The Juvenile Who Is Charged As An Adult Turns 18, Are They Able To Be Transferred To An Adult Facility?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ [BOOKMARK THIS](#)

Question Full

Once the juvenile who is charged as an adult turns 18, are they able to be transferred to an adult facility?

Response

A juvenile who is charged as an adult, and then subsequently turns 18, may be transferred to an adult facility, because they are no longer a "juvenile awaiting trial or other legal process"

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



FAQ

When Will The New 7-Day Limit On The Use Of The VCO Exception Under The DSO Requirement Be Tracked And Penalized In Our Compliance Data?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ [BOOKMARK THIS](#)

Question Full

When will the new 7-day limit on the use of the Valid Court Order (VCO) exception under the Deinstitutionalization of Status and Nonoffender (DSO) requirement be tracked and penalized in our compliance data?

Response

Beginning with awards made in fiscal year (FY) 2021.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(11\)\(A\)/Deinstitutionalization of Status and Nonoffenders \(DSO\)](#)



FAQ

Are The Rural Jurisdictions In (11)(B) The Same As Those Approved For The Rural Removal Exception?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Are the rural jurisdictions in (11)(B) the same as those approved for the Rural Removal Exception?

Response

There's a definition of rural in the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) doesn't have the discretion to determine when the rural exception can be used, if a jurisdiction meets the definition.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



FAQ

Is Time-Phasing Still A Consideration For Classifying Court Holding Facilities (CHF's)?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Is time-phasing still a consideration for classifying court holding facilities (CHF's)?

Response

Time phasing may be used in a court holding facility in order to comply with the separation and jail removal requirements of the Formula Grants Program, so long as the facility provides to the state a clear, written policy and demonstrates that it adheres to the policy.

Primary Theme

[Elements for an Effective System of Monitoring](#)

- [Classification of the Monitoring Universe](#)



FAQ

Is There Anything That Prohibits Those Hearings Every 30 Days From Happening Virtually?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Is there anything that prohibits those hearings every 30 days from happening virtually?

Response

There is nothing in the Section 223(a)(11)(B) requirement that would prohibit a court from conducting the hearings virtually.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



FAQ

Would A Violation Of The Section 223(A)(11)(B) Requirement Be Based On The Youth Or The Number Of Days In Violation?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Would a violation of the Section 223(a)(11)(B) requirement be based on the youth or the number of days in violation? For example, if there is no Section 223(a)(11)(B) hearing and the youth spends 30+ days in an adult facility, would the state just count that as one violation or multiple violations?

Response

Each additional 30-day period in which the juvenile charged as an adult is detained in an adult jail or lockup, or within sight or sound contact of an adult inmate, and in which no hearing is held to determine whether it is in the interest of justice, results in a new violation of the Section 223(a)(11)(B) requirement

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



Can You Discuss What The Youth Handgun Safety Exception Is?

Posted: Thu, 02/17/2022 - 11:21 am EST

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Question Full

Can you discuss what the Youth Handgun Safety Exception is?

Response

Juveniles who violate the federal Youth Handgun Safety Act (18 U.S.C. § 922(x)(2)), or a similar state law prohibiting the possession of a handgun by juveniles, may be placed in secure detention or correctional facilities without it resulting in a violation of the Deinstitutionalization of Status Offenders (DSO) requirement.

Primary Theme

Core Requirements

- [Section 223\(a\)\(11\)\(A\)/Deinstitutionalization of Status and Nonoffenders \(DSO\)](#)



Does The 6-Hour Hold Limit Under The Delinquent Exception To The Jail Removal Requirement Include Transport Time Between Facilities Or Time In A Courtroom?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Does the 6-Hour hold limit under the Delinquent exception to the Jail Removal (JR) requirement (34 U.S.C. § 11133(a)(13)) include transport time between facilities or time in a courtroom?

Response

The 6-hour rule does not include transport time. The time clock begins once the juvenile is secured in the holding cell within the court facility. Once the juvenile is taken out of the cell to go before the judge, the clock stops. If the juvenile is placed back into the cell after the hearing, then the clock resumes, and the total time allotted is not to exceed 6 hours or a violation will occur.

Primary Theme

Core Requirements

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



Does The 6-Hour Exception Apply In Non-Secure Facilities?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ [BOOKMARK THIS](#)

Question Full

Does the 6-hour exception apply in non-secure facilities?

Response

No. The "6-hour exception" applies only in jails and lockups for adults, which, by definition, are "secure" facilities.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



If A Status Offender Is Held In An Adult Jail Pending Transfer To A Guardian/Or Another Agency, Is It DSO Requirement?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ [BOOKMARK THIS](#)

Question Full

If a status offender is held in an adult jail pending transfer to a parent or social services agency, will that result in an instance of noncompliance with Deinstitutionalization of Status Offenders (DSO) requirement?

Response

No. If a status offender is held in an adult jail solely for the purpose of being reunited with a parent or guardian or pending transfer to a child welfare or social services agency, they are not detained, nor have they been "placed" in that facility.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(11\)\(A\)/Deinstitutionalization of Status and Nonoffenders \(DSO\)](#)



Can Law Enforcement Question A Victim Of Human Trafficking Held Non-Securely Awaiting Transfer To A Guardian/Or Another Agency Without Violating With The Jail Removal Requirement?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Can law enforcement question a victim of human trafficking who is being held non-securely while awaiting transfer of custody to a parent or to a social services agency without it resulting in an instance of noncompliance with the jail removal requirement?

Response

If law enforcement is holding a juvenile who is not accused of a delinquent offense, solely for the purpose of returning him to the juvenile's parent or guardian or pending transfer to the custody of a child welfare or social services agency, the core requirements do not apply.

Primary Theme

Core Requirements

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



Upon Arrest, If A Juvenile Says They Are An Adult, Is Detained, And Has Sight Or Sound Contact With Adult Inmates, Has A Violation Occurred?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

If a juvenile misrepresents that they are an adult during an arrest for the commission of a criminal offense, and on that basis is detained such that they have sight or sound contact with adult inmates, must the state report this as a violation of the separation requirement?

Response

No. If law enforcement personnel acted in good faith upon the juvenile's representation, and reasonably believed that they were an adult, the state need not report this as a separation violation so long as the juvenile was immediately sight and sound separated from adult inmates upon determining that they were a juvenile.

Primary Theme

Core Requirements

- [Section 223\(a\)\(12\)/Sight and Sound Separation of Juveniles from Adult Inmates \(S/SS\)](#)



FAQ

If Adjudicated Status Offenders Are Held Securely Solely For Voluntary Enrollment In A Rehabilitative Diversion Program, Are These Instances Violations Of The DSO Requirement?

Posted: Thu, 02/17/2022 - 11:21 am EST

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Question Full

If adjudicated status offenders are held in secure juvenile facilities on the sole basis of voluntary enrollment in a rehabilitative diversion program, and they may withdraw from participation in the program at any time, must the state report these as violations of the Deinstitutionalization of Status Offenders (DSO) requirement?

Response

No. If a juvenile has voluntarily enrolled in a rehabilitative diversion program and is free to terminate his participation in the program at any time—i.e., is free to leave—the juvenile is not detained, and the core requirements do not apply.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(11\)\(A\)/Deinstitutionalization of Status and Nonoffenders \(DSO\)](#)



FAQ

Why Is OJJDP Now Advising That Scared Straight, Shock Incarceration, And Similar Programs May Not Result In Instances Of Noncompliance With The Core Requirements?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Why is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) now advising that Scared Straight, Shock Incarceration, and similar programs may not result in instances of noncompliance with the core requirements?

Response

The definition of “detain or confine” at 28 C.F.R. § 31.304(q) clarifies that a juvenile who consents (or whose parent or guardian consents) to participate in a “shock incarceration-type” program, and where such consent may be withdrawn, such that the juvenile is free to leave, is not detained, and the core requirements do not apply. Although not all “shock incarceration-type” programs result in instances of noncompliance with the core requirements, OJJDP discourages the use of such programs.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(12\)/Sight and Sound Separation of Juveniles from Adult Inmates \(S/SS\)](#)



FAQ

Is It A Jail Removal Violation When A Juvenile Is Held In Non-Secure Area Over 6 Hours Pending Return To Guardian/Transfer To Another Agency?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

If a juvenile is held in protective custody in a non-secure area of a jail or lockup pending return to a parent or guardian or while awaiting transfer to a child welfare or social service agency, is it a jail removal violation if they are held for more than 6 hours?

Response

No, if a juvenile is being held solely pending return to a parent or guardian or while awaiting transfer to a child welfare or social service agency, they are not detained within the meaning of the definition at 28 C.F.R. 31.304(q), and the core requirements do not apply.

Primary Theme

Core Requirements

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



FAQ

If A Juvenile Is In A Courtroom Awaiting Their Hearing, Is It A Separation Violation If An Adult Inmate's Hearing Is Taking Place There?

Posted: Thu, 02/17/2022 - 11:21 am EST

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Question Full

If a courthouse does not have a secure holding area, and a juvenile is brought into an area of a courtroom (such as a jury box) to wait for their hearing, would it be a separation violation if an adult inmate's hearing is taking place in that courtroom?

Response

No. The separation requirement applies only in adult jails, adult lockups, secure detention facilities, and secure correctional facilities, and therefore does not apply in a courtroom.

Primary Theme

Core Requirements

- [Section 223\(a\)\(12\)/Sight and Sound Separation of Juveniles from Adult Inmates \(S/SS\)](#)



FAQ

Must States Report On Status Offenders Placed In A Secure Detention/Secure Correctional Facility Under The Youth Handgun Safety Act Exception To The DSO Requirement?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Must states report on status offenders placed in a secure detention or secure correctional facility under the Youth Handgun Safety Act exception to the Deinstitutionalization of Status Offenders (DSO) requirement?

Response

Yes. States must report the number of juveniles placed in accordance with the Youth Handgun Safety Act exception in their compliance monitoring report.

Primary Theme

Core Requirements

- [Section 223\(a\)\(11\)\(A\)/Deinstitutionalization of Status and Nonoffenders \(DSO\)](#)



FAQ

If A Parent Or Legal Guardian Files A Missing Person's Report, Does This Constitute Implied Consent For Law Enforcement To Hold A Juvenile?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

If a parent or legal guardian files a missing person's report, does this constitute implied consent for law enforcement to hold a juvenile?

Response

If a juvenile is held solely for the purpose of returning the juvenile to his parent(s) or guardian(s), the juvenile is not detained, within the meaning of the term "detain or confine."

Primary Theme

Core Requirements

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



FAQ

If A Juvenile Is Brought To An Unlocked Law Enforcement Facility Without Secure Holding Is This An Instance Of Non-Compliance With The Jail Removal Requirement?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ BOOKMARK THIS

Question Full

If a juvenile is brought to an unlocked law enforcement facility without secure holding capabilities (e.g., cells, cuffing rings, cuffing rails) would this be an instance of non-compliance with the jail removal requirement?

Response

No. The jail removal requirement applies only in a facility that meets the definition of an adult jail or lockup, defined, in part, as a "secure facility." If a juvenile is detained within a non-secure facility, they are not within a jail or lockup for adults.

Primary Theme

Core Requirements

- Section 223(a)(13)/Removal of Juveniles from Adult Jails and Lockups (JR)



FAQ

If A Juvenile Is Detained In The Lobby Or Other Non-Secure Area Of A Law Enforcement Facility, Does The Jail Removal Requirement Apply?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ BOOKMARK THIS

Question Full

If a juvenile is detained in the lobby or other non-secure area of a law enforcement facility, does the jail removal requirement apply?

Response

No. The jail removal requirement applies only in an adult jail or lockup defined, in part, as a "secure facility." Thus, if a juvenile is detained or confined within a non-secure area of a facility that is not part of a jail or lockup, there can be no instance of non-compliance with the jail removal requirement.

Primary Theme

Core Requirements

- Section 223(a)(13)/Removal of Juveniles from Adult Jails and Lockups (JR)



Will An Accused Status Offender Detained In An Adult Jail Or Lockup Be Counted As A DSO Violation In Addition To A Jail Removal Violation?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Will an accused status offender detained in an adult jail or lockup be counted as a Deinstitutionalization of Status Offenders (DSO) violation in addition to a jail removal violation?

Response

Yes. If an accused status offender is detained within an adult jail or lockup that also meets the definition of a secure detention or secure correctional facility, it is a violation of the DSO requirement as well as the jail removal requirement. If the status offender has sight or sound contact with an adult inmate, it is also a violation of the separation requirement.

Primary Theme

Core Requirements

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



If A Law Enforcement Facility Has An Unlocked Multi-Purpose Area That Is Non-Secure, Would Detention Of A Juvenile In That Area Be Considered A Violation?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

If a law enforcement facility has an unlocked multi-purpose area that is not secure, would the detention of a juvenile in that area be considered a violation of any of the core requirements?

Response

No. If a juvenile is detained in a non-secure area of a building that is separate from a jail or lockup for adults, this would not result in a core requirement violation. An instance of non-compliance with the separation requirement can occur only when a juvenile is detained within a secure facility such that the juvenile has contact with adult inmates.

Primary Theme

Core Requirements

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



Does The Jail Removal Requirement Apply When Juveniles Are Being Transported From One Place To Another?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Does the jail removal requirement apply when juveniles are being transported from one place to another?

Response

No. The jail removal requirement applies only when a juvenile is in a jail or lockup for adults. It does not apply while a juvenile is being transported—i.e., is in a vehicle. If, however, the juvenile is detained or confined in a jail or lockup for adults prior to or following transport, the jail removal requirement applies during the time the juvenile is in the jail or lockup. If a juvenile is detained or confined in a secure facility in which they have contact with an adult inmate, prior to or following transport, it will result in an instance of non-compliance with the separation requirement.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



Is Detention Of Status Offenders Awaiting A Court Appearance In Court Holding Facilities Considered A Violation Of The Jail Removal Requirement?

Posted: Thu, 02/17/2022 - 11:21 am EST

☆ [BOOKMARK THIS](#)

Question Full

Is detention of status offenders awaiting a court appearance in court holding facilities considered a violation of the jail removal requirement?

Response

If a status offender is detained in a court holding facility that falls within the definition of a "jail or lockup for adults," and none of the exceptions at 34 U.S.C. § 11133(a)(13) apply, this results in a violation of the jail removal requirement. In addition, instances of non-compliance with the separation requirement occur if the status offender has sight or sound contact with an adult inmate.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(13\)/Removal of Juveniles from Adult Jails and Lockups \(JR\)](#)



FAQ

Courts Are Asking Why Section 223(A)(11)(B) Hearings Must Be Held Every 30 Days When All Required Factors Were Considered At The First Hearing.

Posted: Thu, 02/17/2022 - 11:21 am EST

★ [BOOKMARK THIS](#)

Question Full

Courts want to know why they have to have a hearing every 30 days when a hearing to address "all factors" was completed prior to sending the individual to the adult jail. Courts indicate they are not changing their minds every 30 days. How do we address this?

Response

The statutory provision at 34 U.S.C. § 11133(a)(11)(B)(iii)(I) requires that courts hold a hearing at least every 30 days (in the case of a rural jurisdiction, every 45 days) to determine whether it is still in the interest of justice to continue to detain a juvenile charged as an adult within an adult jail or lockup, or such that they have sight or sound contact with an adult inmate.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(11\)\(B\)/Removal of Juveniles charged as Adults \(IOJ\)](#)



FAQ

Do Youth Under The Age Of Majority Convicted In Adult Court And Are In An Adult Prison Have To Be Sight And Sound Separated?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ [BOOKMARK THIS](#)

Question Full

Do youth under the age of majority who have been convicted in adult court and are in an adult prison have to be sight and sound separated?

Response

Section 11133(a)(11)(B) does not apply to juveniles convicted of criminal offenses.

Primary Theme

[Core Requirements](#)

- [Section 223\(a\)\(12\)/Sight and Sound Separation of Juveniles from Adult Inmates \(S/SS\)](#)

Does A Juvenile Have To Be Detained And Confined For Sight And Sound Separation To Apply?

Posted: Thu, 02/17/2022 - 11:21 am EST

★ BOOKMARK THIS

Question Full

Does a juvenile have to be detained and confined for sight and sound separation to apply?

Response

Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended (34 U.S.C. § 11133(a)(12)) (the "separation" requirement) requires that states not detain or confine juveniles in any institution in which they have contact with adult inmates.

Primary Theme

Core Requirements

- [Section 223\(a\)\(12\)/Sight and Sound Separation of Juveniles from Adult Inmates \(S/SS\)](#)

Referenced from *Frequently Asked Questions* page on Center for Coordinated Assistance to States (CCAS) website.

<https://ccastates.org/faq>



Soft Recommendations Addressing Compliance Questions Submitted by the Kansas State Designated Agency

Wednesday, June 18, 2025

The State of Kansas has an on-going ticket open with the Center for Coordinated Assistance to States (TTA# 21614) for compliance training. The Title II Formula Grant Program Compliance Monitor for the state has submitted a series of questions relating to process and is seeking consult. Provided below are recommendations provided by Ryan Shands. These recommendations are derived from the opinions of the trainers and do not necessary represent the official position of the U.S. Department of Justice.

KS Question: For each type of secure facility, whether it be law enforcement facility or juvenile detention center or juvenile correctional facility, how long should they keep a hold of their detention logs? In example, do paper or electronic copies need to be stored/kept for at least 7 years before it can be destroyed? For law enforcement, is this determined federally or more local like within their department's Professional Standards Unit (PSU)? What direction do we recommend?

CCAS Response: Records should be retained for as long as necessary per the secretary of state's (SoS) rules on record retention. Provided here is a guide sheet from the Office of Justice Programs (OJP) for how records should be retained per federal guidance:

https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/Records_Retention_Guide_Sheet_508.pdf. – "Per 2 CFR 200.334, "Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or passthrough entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities."

The state will still want to ensure that it's policy aligns with the rules outlined by the SoS.

KS Question: For non-secure law enforcement facilities, should they be keeping juvenile detention logs? Is there a point whereby they would be submitting these logs to compliance monitor?



CCAS Response: That is entirely up to the state. OJJDP does not require data be collected from facilities established as nonsecure, outside of data that would be collected to determine each facility's classification (i.e., Jail or Lockup for Adults, Secure Detention or Correctional Facility).

KS Question: For secure law enforcement facilities, if youth such as CINC, status offenders, non-offenders are directly placed within non-secure rooms/areas (that allow free egress) and without 'breaking the plane' (football term) of entry into a secure area of same facility, it's my understanding that these youth do not need to be placed on a juvenile detention log. It is only when such youth enter a secure area/room (even briefly) that they must be recorded on a juvenile detention log (which in turn records the DSO violation for CINC, status offenders, non-offenders). Question: what about delinquent/criminal juveniles that are placed only within a non-secure area/room of law enforcement facility – do they too not need to be recorded on the juvenile detention log? Just wanted to double check to see if the recording on the juvenile detention log is driven by 'how' the juvenile is detained/confined (e.g., secure vs non-secure area/room) versus status of juvenile, if that makes sense.

CCAS Response: States should be collecting data for any juvenile who is detained, confined, or placed in an adult jail, lockup, secure detention, or secure correctional facility. For a facility to qualify under one of these classifications, it would have to first be "secure." Portions of a facility that are not secure (lockable to prevent free egress) are not jails, lockups, secure detention, or secure correctional facilities and therefore, OJJDP does not require the state collect data for juveniles who may become briefly detained there. The state must ensure that it has a policy that clearly outlines how it will monitor nonsecure facilities to ensure that they become reclassified if they become secure.

KS Question: This question is regarding a designated non-secure room within a law enforcement facility that is classified as a secure facility and the different types of locks used on interior doors.

First scenario: If there is a doorknob lock on interior door of non-secure room whereby the knob on one side of the door features a button you push or turn to lock it (from INSIDE room) and the lock automatically disengages when you turn the knob would this be considered a non-secure room?

Second scenario: If doorknob lock on the other side (OUTSIDE of room) is keyed whereby it does not allow you to enter the room if lock engaged, but you can still exit room (door knob/handle is blank or has push or turn to lock from inside room) would this be considered a non-secure room?

CCAS Response: As discussed yesterday, locks which are designed to keep people from getting into a building or room (i.e., tamper proof, reversed victim interview room locks) do not qualify as "secure" when it comes to monitoring under the requirements of this formula grant program. For it to be secure, the features would have to be designed to keep people from leaving of their own accord (i.e., cells, locking interview rooms, stationary cuffing apparatuses, etc.)



KS Question: Learned non-secure holding could be within lobby area that allows free egress. If this non-secure holding is within lobby area of law enforcement facility, do we need to have concerns about the youth having exposure to the public? In example, a suspect comes through the lobby and turns self in. Thoughts?

CCAS Response: No. If the juvenile presents a public safety risk, police should charge the juvenile accordingly. Until the youth is charged for an offense that would be criminal if committed by an adult, the juvenile would remain a status or non-offender and cannot be detained or confined in any secure adult facility.

KS Question (Juvenile Detention Logs): If a facility had 'date in' and 'date out' filled in on detention log, but did not indicate time for either, would this count as a violation of jail removal? More broadly, if detention log is missing data or altogether (i.e. missing a month here and there or a week or two) how are violations addressed?

CCAS Response: Yes. If the facility cannot demonstrate with evidence that each and every juvenile was removed within the appropriate time, then the compliance monitor can consider each instance a violation.

KS Question: Juvenile Detention Logs: missing data is found on detention log >>> law enforcement facility contacted by compliance monitor >>> law enforcement facility researches; they reach out to their juvenile intake to get exact times; currently they only have estimates... What do you advise a compliance monitor on how to proceed?

CCAS Response: Same as above. If they are estimates, they are not exact, and therefore, an exact determination of compliance cannot be rendered. If a secure facility cannot inform of the exact times a juvenile was detained and released, then it is on them to improve their record keeping or continue to have violations. As a compliance monitor, you can recommend they do better.

KS Question: If there is an entry door into a facility that is scheduled to lock automatically/electronically whereby no one can enter the building before or after a certain time but the compliance monitor is informed that anyone can exit the building at any time, how does a compliance monitor physically check that during inspections to see if electronic door does allow free egress during after-hours.

CCAS Response: Similar to the response above, features as described here in this question are security features designed to prevent unauthorized entry, which is different than preventing unauthorized exit.

FAQ's 223(a)(11)(b) – Removal of juveniles prosecuted as adults

Question

Some state constitutions extend the right to waive hearings for juveniles. Within the context of the Title II Formula Grant Program's requirement for juveniles charged as adults and detained in adult facilities pending trial under section 223(a)(11)(B), which hearings can be waived vs. those that will result in violation if not held?

Response

The initial hearing to determine whether it is in the interest of justice to detain a juvenile in an adult facility pending trial must occur within the first 6 hours (or 48 in the case of rural jurisdictions) from the time detainment in the facility first began. Subsequent review hearings must then occur once every 30 days (or 45 in case of rural jurisdictions) to evaluate whether it continues to be in the interest of justice for the juvenile to be held in the adult facility. Juveniles shall not be held in any adult facility for more than 180 days, unless the court, in writing, determines there is good cause for an extension. The 180-day good cause extension hearing may be waived by the juvenile. However, courts are required to continue to hold review hearings for another 180 days; until the juvenile is convicted or ages out (i.e., reaches the state's age of criminal responsibility). Courts must provide supporting documentation allowing for compliance monitors to make determinations at each juncture. Absent of the ability to confirm adherence to the initial, review, and subsequent 180-good cause extension hearings where all seven factors were considered can result in a violation of (11)(B).

Question

If a court detains a juvenile charged as an adult in a jail or lockup for adults pursuant to the Section 223(a)(11)(B) requirement, may that juvenile be detained in a court holding facility?

Response

Yes. If a court in complying with the Section 223(a)(11)(B) requirement, permits a juvenile who's being charged as an adult to be held in a jail or lockup for adults, this includes a court holding facility, which falls within the definition of a jail or lockup for adults.

Question

What if your state doesn't have an extended age of juvenile jurisdiction?

Response

If a state does not have an "extended age of juvenile jurisdiction," please refer to the maximum age at which a juvenile can be held in a juvenile facility under applicable state law.

Question

What documentation will be necessary to demonstrate compliance when a youth is held in a secure adult facility in the interest of justice?

Response

The court order that documents the seven factors of section 11133(a)(11)(B) demonstrating all factors were considered is what is required.

Question

Does the new requirement under section 223(a)(11)(B) affect the Rural Exception?

Response

No, in fact the Section 223(a)(11)(B) requirement takes a rural area into consideration. Under the Section 223(a)(11)(B) requirement, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure residential facility unless the court has determined, after a hearing, and in writing, that it is in the interest of justice to do so, or unless one of the exceptions at 34 U.S.C. § 11133(a)(13) applies (including the rural exception at 34 U.S.C. § 11133(a)(13)(B)(ii)(I)).

Question

How many Section 223(a)(11)(B) violations can be counted per youth? For example, if the court were late completing two 30-day hearings prior to the youth's adjudication, is that one violation or two?

Response

A violation can occur at each 30/45-day or 180-day hearing if there is no court documentation or if at the 180-day marker there's no hearing or waiver from the juvenile. In order to maintain compliance with the Section 223(a)(11)(B) requirement, a state must show that in every instance in which a juvenile was charged as an adult and detained in an adult jail or lockup, or had sight or sound contact with adult inmates, a court hearing was held every 30 (or 45 in case of rural jurisdictions) days to determine whether to detain the juvenile in an adult jail or lockup for adults, or to permit the juvenile to have sight or sound contact with adult inmates. A failure to make such a determination at any 30- (or 45-) day period results in a separate violation.

Question

If the court only answers the required questions with a "Yes, it was considered" with no further details, is that acceptable? (Refer to Sample Section 223(a)(11)(B) Court Order, <https://ccastates.org/resource/sample-section-223211b-jjdpa-judgement-e...>).

Response

Yes, 34 U.S.C. § 11133(a)(11)(B)(ii) requires only that the court must consider the factors enumerated, but there is nothing in the provision that specifically requires discussion or analysis of those factors in the court's written finding.

Question

What if their [the court's] periodic reviews are NOT at 30 or 45 days, but at different intervals per state law?

Response

Each time a review occurs at an interval of more than 30 (or 45 days)—even if state law permits it—will result in an instance of noncompliance with the Section 223(a)(11)(B) requirement.

Question

Once the juvenile who is charged as an adult turns 18, are they able to be transferred to an adult facility?

Response

A juvenile who is charged as an adult, and then subsequently turns 18, may be transferred to an adult facility, because they are no longer a “juvenile awaiting trial or other legal process”

Question

Are the rural jurisdictions in (11)(B) the same as those approved for the Rural Removal Exception?

Response

There’s a definition of rural in the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) doesn’t have the discretion to determine when the rural exception can be used, if a jurisdiction meets the definition.

Question

Is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) taking steps to inform impacted stakeholders (i.e., the courts) of this change in federal law? While Designated State Agency (DSA) staff can assist, it would be helpful if information was also disseminated through national associations.

Response

We have presented this information to the National Council of Juvenile and Family Court Judges (NCJFCJ) and provided the materials. OJJDP has a working relationship with NCJFCJ and is always open to assisting DSA personnel in sharing this information with you or impacted stakeholders. That is one example. We also share information with the National Institute of Corrections Advisory Board and the applicable associations. All of our partners, the National Partnership for Juvenile Services (NPJS), the Council of Juvenile Justice Administrators (CJJA), and the Center for Juvenile Justice Reform (CJJR) are also going to be continuing to work with us, to help spread the message to all impacted stakeholder groups.

Question

Is there anything that prohibits those hearings every 30 days from happening virtually?

Response

There is nothing in the Section 223(a)(11)(B) requirement that would prohibit a court from conducting the hearings virtually.

Question

Would a violation of the Section 223(a)(11)(B) requirement be based on the youth or the number of days in violation? For example, if there is no Section 223(a)(11)(B) hearing and the youth spends 30+ days in an adult facility, would the state just count that as one violation or multiple violations?

Response

Each additional 30-day period in which the juvenile charged as an adult is detained in an adult jail or lockup, or within sight or sound contact of an adult inmate, and in which no hearing is held to determine whether it is in the interest of justice, results in a new violation of the Section 223(a)(11)(B) requirement

Question

Courts want to know why they have to have a hearing every 30 days when a hearing to address “all factors” was completed prior to sending the individual to the adult jail. Courts indicate they are not changing their minds every 30 days. How do we address this?

Response

The statutory provision at 34 U.S.C. § 11133(a)(11)(B)(iii)(I) requires that courts hold a hearing at least every 30 days (in the case of a rural jurisdiction, every 45 days) to determine whether it is still in the interest of justice to continue to detain a juvenile charged as an adult within an adult jail or lockup, or such that they have sight or sound contact with an adult inmate.

Webinar: Youth Charged as Adults: Compliance with the JJDPa’s Core Requirements

Organizer: National Sheriffs’ Association (NSA)

Wednesday, January 15, 2025



Frequently Asked Questions:

TITLE II FORMULA GRANTS PROGRAM

Example questions contained in this document are derived from questions submitted by the field to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Directly below is a navigable table of contents highlighting programmatic and compliance-focused areas. From the table of contents, click on the question of interest to arrive at the question and corresponding answer. Please note that the [JJRA##] following each question is the question identification number used by OJJDP and the Center for Coordinated Assistance to States (CCAS) to track questions and any needed revisions.

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CORE REQUIREMENTS

Section 223(a)(11)(A)/Deinstitutionalization of Status and Nonoffenders (DSO)

[QUESTION] When will the new 7-day limit on the use of the Valid Court Order (VCO) exception under the Deinstitutionalization of Status and Nonoffender (DSO) requirement be tracked and penalized in our compliance data? [JRA26]

[RESPONSE] Beginning with awards made in fiscal year (FY) 2021.

[QUESTION] Must states count it as a violation of any of the core requirements when a status offender is detained in a juvenile-only facility but not secured to an immovable object or placed in a cell? [JRA120]

[RESPONSE] If a status offender is placed in a secure juvenile detention or secure juvenile correctional facility, and none of the Deinstitutionalization of Status Offenders (DSO) exceptions apply, this would be a violation of the DSO requirement. As long as there are no adult inmates in the facility with whom the status offender has sight or sound contact, there is no separation violation. If the facility is used only to detain juveniles, it does not meet the statutory definition of a jail or lockup for adults, and there can be no instance of non-compliance with the jail removal requirement.

[QUESTION] If adjudicated status offenders are held in secure juvenile facilities on the sole basis of voluntary enrollment in a rehabilitative diversion program, and they may withdraw from participation in the program at any time, must the state report these as violations of the Deinstitutionalization of Status Offenders (DSO) requirement? [JRA137]

[RESPONSE] No. If a juvenile has voluntarily enrolled in a rehabilitative diversion program and is free to terminate his participation in the program at any time—i.e., is free to leave—the juvenile is not detained, and the core requirements do not apply.

[QUESTION] If a status offender is held in an adult jail pending transfer to a parent or social services agency, will that result in an instance of noncompliance with Deinstitutionalization of Status Offenders (DSO) requirement? [JRA142]

[RESPONSE] No. If a status offender is held in an adult jail solely for the purpose of being reunited with a parent or guardian or pending transfer to a child welfare or social services agency, they are not detained, nor have they been “placed” in that facility.

[QUESTION] Must a state count it as a Deinstitutionalization of Status Offenders (DSO) violation when the state detains in a secure detention facility or a secure correctional facility a juvenile who is not in the United States legally but is otherwise a non-offender (i.e., has not been charged with or been adjudicated as having committed an offense)? [JRA144]

[RESPONSE] Yes. If a juvenile who is not in the United States legally but has not been charged with or adjudicated as having committed an offense, is placed in a secure detention or secure correctional

facility, the state must monitor for, and report any instances of, noncompliance with the Deinstitutionalization of Status Offenders (DSO) requirement.

[QUESTION] Does the definition of “detain or confine” alter states’ ability to securely detain juveniles pursuant to the Interstate Compact on Juveniles? [JJA128]

[RESPONSE] No. The definition of “detain or confine” does not affect a state’s ability to place a status offender in a secure detention or secure correctional facility pursuant to the Interstate Compact on Juveniles.

[QUESTION] Can you discuss what the Youth Handgun Safety Exception is? [JJA198]

[RESPONSE] Juveniles who violate the federal Youth Handgun Safety Act (18 U.S.C. § 922(x)(2)), or a similar state law prohibiting the possession of a handgun by juveniles, may be placed in secure detention or correctional facilities without it resulting in a violation of the Deinstitutionalization of Status Offenders (DSO) requirement.

[QUESTION] Must states report on status offenders placed in a secure detention or secure correctional facility under the Youth Handgun Safety Act exception to the Deinstitutionalization of Status Offenders (DSO) requirement? [JJA132]

[RESPONSE] Yes. States must report the number of juveniles placed in accordance with the Youth Handgun Safety Act exception in their compliance monitoring report.

Section 223(a)(11)(B)/Removal of Juveniles Charged as Adults

[QUESTION] What documentation will be necessary to demonstrate compliance when a youth is held in a secure adult facility in the interest of justice? [JJA7]

[RESPONSE] The court order that documents the seven factors of section 11133(a)(11)(B) demonstrating all factors were considered is what is required.

[QUESTION] If a court detains a juvenile charged as an adult in a jail or lockup for adults pursuant to the Section 223(a)(11)(B) requirement, may that juvenile be detained in a court holding facility? [JJA89]

[RESPONSE] Yes. If a court in complying with the Section 223(a)(11)(B) requirement, permits a juvenile who’s being charged as an adult to be held in a jail or lockup for adults, this includes a court holding facility, which falls within the definition of a jail or lockup for adults.

[QUESTION] Does the court order need to be obtained in the 6-hour window? [JJA61]

[RESPONSE] If a juvenile who is charged as an adult is detained in a jail or lockup for adults pursuant to the 6-hour exception, the court order must be obtained prior to the end of the 6-hour period.

[QUESTION] Once the juvenile who is charged as an adult turns 18, are they able to be transferred to an adult facility? [JJA62]

[RESPONSE] A juvenile who is charged as an adult, and then subsequently turns 18, may be transferred to an adult facility, because they are no longer a “juvenile[] awaiting trial or other legal process[.]”

[QUESTION] What if their [the court’s] periodic reviews are NOT at 30 or 45 days, but at different intervals per state law? [JRA63]

[RESPONSE] Each time a review occurs at an interval of more than 30 (or 45 days)—even if state law permits it—will result in an instance of noncompliance with the Section 223(a)(11)(B) requirement.

[QUESTION] If the court only answers the required questions with a “Yes, it was considered” with no further details, is that acceptable? (Refer to Sample Section 223(a)(11)(B) Court Order, <https://ccastates.org/resource/sample-section-223211b-jjdp-judgement-entry-magistrate-order>). [JRA64]

[RESPONSE] Yes, 34 U.S.C. § 11133(a)(11)(B)(iii) requires only that the court must consider the factors enumerated, but there is nothing in the provision that specifically requires discussion or analysis of those factors in the court’s written finding.

[QUESTION] Does it only take one violation to be considered out of compliance for the Deinstitutionalization of Status and Nonoffenders (DSO) requirement under the section 223(a)(11)(B) component? [JRA66]

[RESPONSE] In order to avoid a reduction of 20% of its Formula Grants Program allocation, a state must be in compliance with both the DSO requirement under Section 223(a)(11)(A) and the Section 223(a)(11)(B) requirement under 34 U.S.C. § 11133. A determination of noncompliance with either requirement will result in a reduction of 20%. A state that reports only one violation of either the DSO or IOJ requirement for the relevant fiscal year reporting period will not likely exceed the threshold rate for compliance with that requirement in any given year.

[QUESTION] How many Section 223(a)(11)(B) violations can be counted per youth? For example, if the court were late completing two 30-day hearings prior to the youth’s adjudication, is that one violation or two? [JRA67]

[RESPONSE] A violation can occur at each 30/45-day or 180-day hearing if there is no court documentation or if at the 180-day marker there’s no hearing or waiver from the juvenile. In order to maintain compliance with the Section 223(a)(11)(B) requirement, a state must show that in every instance in which a juvenile was charged as an adult and detained in an adult jail or lockup, or had sight or sound contact with adult inmates, a court hearing was held every 30 (or 45 in case of rural jurisdictions) days to determine whether to detain the juvenile in an adult jail or lockup for adults, or to permit the juvenile to have sight or sound contact with adult inmates. A failure to make such a determination at any 30- (or 45-) day period results in a separate violation.

[QUESTION] Does the new requirement under section 223(a)(11)(B) affect the Rural Exception? [JRA68]

[RESPONSE] No, in fact the Section 223(a)(11)(B) requirement takes a rural area into consideration. Under the Section 223(a)(11)(B) requirement, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure residential facility

unless the court has determined, after a hearing, and in writing, that it is in the interest of justice to do so, or unless one of the exceptions at 34 U.S.C. § 11133(a)(13) applies (including the rural exception at 34 U.S.C. § 11133(a)(13)(B)(ii)(I)).

[QUESTION] What if your state doesn't have an extended age of juvenile jurisdiction? *[JRA70]*

[RESPONSE] If a state does not have an "extended age of juvenile jurisdiction," please refer to the maximum age at which a juvenile can be held in a juvenile facility under applicable state law.

[QUESTION] Is it true that after conviction, the provisions of 223(a)(11)(B) do not apply, as the defendant is no longer awaiting trial or other legal process? *[JRA100]*

[RESPONSE] Yes. The provisions of Section 223(a)(11)(B) apply to any juvenile who is charged as an adult, is awaiting trial or other legal process, and is detained in an adult jail or lockup.

[QUESTION] Courts want to know why they have to have a hearing every 30 days when a hearing to address "all factors" was completed prior to sending the individual to the adult jail. Courts indicate they are not changing their minds every 30 days. How do we address this? *[JRA111]*

[RESPONSE] The statutory provision at 34 U.S.C. § 11133(a)(11)(B)(iii)(I) requires that courts hold a hearing at least every 30 days (in the case of a rural jurisdiction, every 45 days) to determine whether it is still in the interest of justice to continue to detain a juvenile charged as an adult within an adult jail or lockup, or such that they have sight or sound contact with an adult inmate.

[QUESTION] If a juvenile charged as an adult is held in a juvenile facility and then subsequently convicted and sentenced to a jail or prison term, can the juvenile then be transferred to the adult jail or prison without requiring 30-day/45-day, 180-day reviews? *[JRA158]*

[RESPONSE] The Section 223(a)(11)(B) requirement is only for those who have been charged or are pending trial. If they have been convicted already, this requirement does not apply.

[QUESTION] Would a violation of the Section 223(a)(11)(B) requirement be based on the youth or the number of days in violation? For example, if there is no Section 223(a)(11)(B) hearing and the youth spends 30+ days in an adult facility, would the state just count that as one violation or multiple violations? *[JRA200]*

[RESPONSE] Each additional 30-day period in which the juvenile charged as an adult is detained in an adult jail or lockup, or within sight or sound contact of an adult inmate, and in which no hearing is held to determine whether it is in the interest of justice, results in a new violation of the Section 223(a)(11)(B) requirement.

[QUESTION] Is there anything that prohibits those hearings every 30 days from happening virtually? *[JRA206]*

[RESPONSE] There is nothing in the Section 223(a)(11)(B) requirement that would prohibit a court from conducting the hearings virtually.

[QUESTION] Is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) taking steps to inform impacted stakeholders (i.e., the courts) of this change in federal law? While Designated State Agency (DSA) staff can assist, it would be helpful if information was also disseminated through national associations. [JJA218]

[RESPONSE] We have presented this information to the National Council of Juvenile and Family Court Judges (NCJFCJ) and provided the materials. OJJDP has a working relationship with NCJFCJ and is always open to assisting DSA personnel in sharing this information with you or impacted stakeholders. That is one example. We also share information with the National Institute of Corrections Advisory Board and the applicable associations. All of our partners, the National Partnership for Juvenile Services (NPJS), the Council of Juvenile Justice Administrators (CJJA), and the Center for Juvenile Justice Reform (CJJR) are also going to be continuing to work with us, to help spread the message to all impacted stakeholder groups.

[QUESTION] In what time frame does the initial court hearing need to take place? Does the court have 30-days to make this determination? [JJA231]

[RESPONSE] If the juvenile is being held in a juvenile facility, no (11)(B) hearing needs to take place. If the juvenile is being held in an adult jail or lockup, a hearing must take place within 6 hours.

[QUESTION] Are the rural jurisdictions in (11)(B) the same as those approved for the Rural Removal Exception? [JJA230]

[RESPONSE] There's a definition of rural in the Juvenile Justice and Delinquency Prevention Act (JJDA) as amended. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) doesn't have the discretion to determine when the rural exception can be used, if a jurisdiction meets the definition.

[QUESTION] What if the state law says the full age of full criminal responsibility for murder is 16? [JJA234]

[RESPONSE] If the age of full criminal responsibility for murder is 16, then individuals aged 16 or older who are charged for that crime are adult inmates.

[QUESTION] What if the decision as to whether or not to charge as an adult is not made within the 6 hours? [JJA235]

[RESPONSE] That would be a jail removal requirement and separation would apply if the juvenile is detained in an adult jail or lock-up.

Section 223(a)(12)/Sight and Sound Separation of Juveniles From Adult Inmates (S/SS)

[QUESTION] Does a juvenile have to be detained and confined for sight and sound separation to apply? [JJA1]

[RESPONSE] Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended (34 U.S.C. § 11133(a)(12)) (the “separation” requirement) requires that states not detain or confine juveniles in any institution in which they have contact with adult inmates.

[QUESTION] Do youth under the age of majority who have been convicted in adult court and are in an adult prison have to be sight and sound separated? [JJA10]

[RESPONSE] Section 11133(a)(11)(B) does not apply to juveniles convicted of criminal offenses.

[QUESTION] How does the adult inmate definition apply to individuals over the state's age of majority who remain on extended juvenile court authority in the community? [JJA73]

[RESPONSE] An individual who reaches the age of full criminal responsibility while still under the jurisdiction of the juvenile court (pursuant to state law) does not become an adult inmate simply by virtue of reaching the age of full criminal responsibility.

[QUESTION] If a courthouse does not have a secure holding area, and a juvenile is brought into an area of a courtroom (such as a jury box) to wait for their hearing, would it be a separation violation if an adult inmate's hearing is taking place in that courtroom? [JJA131]

[RESPONSE] No. The separation requirement applies only in adult jails, adult lockups, secure detention facilities, and secure correctional facilities, and therefore does not apply in a courtroom.

[QUESTION] Why is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) now advising that Scared Straight, Shock Incarceration, and similar programs may not result in instances of noncompliance with the core requirements? [JJA136]

[RESPONSE] The definition of “detain or confine” at 28 C.F.R. § 31.304(q) clarifies that a juvenile who consents (or whose parent or guardian consents) to participate in a “shock incarceration-type” program, and where such consent may be withdrawn, such that the juvenile is free to leave, is not detained, and the core requirements do not apply. Although not all “shock incarceration-type” programs result in instances of noncompliance with the core requirements, OJJDP discourages the use of such programs.

[QUESTION] If a juvenile misrepresents that they are an adult during an arrest for the commission of a criminal offense, and on that basis is detained such that they have sight or sound contact with adult inmates, must the state report this as a violation of the separation requirement? [JJA138]

[RESPONSE] No. If law enforcement personnel acted in good faith upon the juvenile's representation, and reasonably believed that they were an adult, the state need not report this as a separation violation so long as the juvenile was immediately sight and sound separated from adult inmates upon determining that they were a juvenile.

Section 223(a)(13)/Removal of Juveniles From Adult Jails and Lockups (JR)

[QUESTION] Does the 6-Hour hold limit under the Delinquent exception to the Jail Removal (JR) requirement (34 U.S.C. § 11133(a)(13)) include transport time between facilities or time in a courtroom? [JJA19]

[RESPONSE] The 6-hour rule does not include transport time. The time clock begins once the juvenile is secured in the holding cell within the court facility. Once the juvenile is taken out of the cell to go before the judge, the clock stops. If the juvenile is placed back into the cell after the hearing, then the clock resumes, and the total time allotted is not to exceed 6 hours or a violation will occur.

[QUESTION] Is detention of status offenders awaiting a court appearance in court holding facilities considered a violation of the jail removal requirement? [JRA121]

[RESPONSE] If a status offender is detained in a court holding facility that falls within the definition of a "jail or lockup for adults," and none of the exceptions at 34 U.S.C. § 11133(a)(13) apply, this results in a violation of the jail removal requirement. In addition, instances of non-compliance with the separation requirement occur if the status offender has sight or sound contact with an adult inmate.

[QUESTION] Does the jail removal requirement apply when juveniles are being transported from one place to another? [JRA122]

[RESPONSE] No. The jail removal requirement applies only when a juvenile is in a jail or lockup for adults. It does not apply while a juvenile is being transported—i.e., is in a vehicle. If, however, the juvenile is detained or confined in a jail or lockup for adults prior to or following transport, the jail removal requirement applies during the time the juvenile is in the jail or lockup. If a juvenile is detained or confined in a secure facility in which they have contact with an adult inmate, prior to or following transport, it will result in an instance of non-compliance with the separation requirement.

[QUESTION] If a law enforcement facility has an unlocked multi-purpose area that is not secure, would the detention of a juvenile in that area be considered a violation of any of the core requirements? [JRA123]

[RESPONSE] No. If a juvenile is detained in a non-secure area of a building that is separate from a jail or lockup for adults, this would not result in a core requirement violation. An instance of non-compliance with the separation requirement can occur only when a juvenile is detained within a secure facility such that the juvenile has contact with adult inmates.

[QUESTION] Will an accused status offender detained in an adult jail or lockup be counted as a Deinstitutionalization of Status Offenders (DSO) violation in addition to a jail removal violation? [JRA124]

[RESPONSE] Yes. If an accused status offender is detained within an adult jail or lockup that also meets the definition of a secure detention or secure correctional facility, it is a violation of the DSO requirement as well as the jail removal requirement. If the status offender has sight or sound contact with an adult inmate, it is also a violation of the separation requirement.

[QUESTION] If a juvenile is detained in the lobby or other non-secure area of a law enforcement facility, does the jail removal requirement apply? [JRA125]

[RESPONSE] No. The jail removal requirement applies only in an adult jail or lockup defined, in part, as a "secure facility." Thus, if a juvenile is detained or confined within a non-secure area of a facility that is

not part of a jail or lockup, there can be no instance of non-compliance with the jail removal requirement.

[QUESTION] If a juvenile is brought to an unlocked law enforcement facility without secure holding capabilities (e.g., cells, cuffing rings, cuffing rails) would this be an instance of non-compliance with the jail removal requirement? [JRA126]

[RESPONSE] No. The jail removal requirement applies only in a facility that meets the definition of an adult jail or lockup, defined, in part, as a “secure facility.” If a juvenile is detained within a non-secure facility, they are not within a jail or lockup for adults.

[QUESTION] If a parent or legal guardian files a missing person’s report, does this constitute implied consent for law enforcement to hold a juvenile? [JRA127]

[RESPONSE] If a juvenile is held solely for the purpose of returning the juvenile to his parent(s) or guardian(s), the juvenile is not detained, within the meaning of the term “detain or confine.”

[QUESTION] If a juvenile is held in protective custody in a non-secure area of a jail or lockup pending return to a parent or guardian or while awaiting transfer to a child welfare or social service agency, is it a jail removal violation if they are held for more than 6 hours? [JRA135]

[RESPONSE] No, if a juvenile is being held solely pending return to a parent or guardian or while awaiting transfer to a child welfare or social service agency, they are not detained within the meaning of the definition at 28 C.F.R. 31.304(q), and the core requirements do not apply.

[QUESTION] Can law enforcement question a victim of human trafficking who is being held non-securely while awaiting transfer of custody to a parent or to a social services agency without it resulting in an instance of noncompliance with the jail removal requirement? [JRA140]

[RESPONSE] If law enforcement is holding a juvenile who is not accused of a delinquent offense, solely for the purpose of returning him to the juvenile’s parent or guardian or pending transfer to the custody of a child welfare or social services agency, the core requirements do not apply.

[QUESTION] Does the 6-hour exception apply in non-secure facilities? [JRA143]

[RESPONSE] No. The “6-hour exception” applies only in jails and lockups for adults, which, by definition, are “secure” facilities.

[QUESTION] If a juvenile is held in a non-secure area of the court holding facility (lobby, unlocked room, no benches or cuffing rails, no design fixtures meant to restrict movement) must the area be monitored for jail removal violations? [JRA88]

[RESPONSE] A non-secure area within a building that contains a court holding facility (jail/lockup) need not be classified as part of the jail/lockup, and that area need not be monitored for jail removal (or separation) violations.

[QUESTION] If a juvenile has a hearing scheduled in the morning but the case is continued, and they are taken out of the court holding facility for lunch, does the 6-hour clock restart when they are returned to the court holding facility after lunch? [JRA92]

[RESPONSE] The time that a juvenile is detained in a court holding facility, for a court appearance prior to and after lunch, must be counted cumulatively, rather than as two separate time periods. For instance, if the juvenile is detained for 4 hours prior to being taken out of the facility for lunch, they may be detained in the facility after lunch for no more than an additional 2 hours. Once a juvenile is adjudicated as delinquent, however, they may not be detained for any length of time in the court holding facility (a jail or lockup for adults).

[QUESTION] If adjudicated juveniles cannot be placed in secure detention, does this mean that a juvenile who has been adjudicated as delinquent and is awaiting transport to a juvenile detention center may not enter the secure portion of the courthouse? *[JRA93]*

[RESPONSE] Juveniles adjudicated delinquent may be placed in secure detention, as long as it is not in an adult facility and they do not have contact with adult inmates. Such juveniles may be detained in a juvenile lockup—i.e., an area that is sight and sound separated from areas where adult inmates are detained.

[QUESTION] Can juveniles who have been adjudicated delinquent be detained in a court holding facility pending transfer to a secure juvenile facility? *[JRA83]*

[RESPONSE] Once a juvenile has been adjudicated delinquent they may not be detained in an adult jail or lockup (which includes a court holding facility) for any length of time without it resulting in a jail removal violation.

ELEMENTS OF AN EFFECTIVE SYSTEM FOR MONITORING

Policies and Procedures

Annotated Manual for Monitoring Core Requirements of the Title II Formula Grants Program

[QUESTION] What is the plan for states that choose not to resubmit? Will this mean they are opting to forego their Title II funds? *[JRA106]*

[RESPONSE] For a state that chooses not to resubmit a revised compliance-monitoring manual, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will review the manual the state submitted in July 2021, to determine whether the state has provided for an effective system of monitoring and is otherwise eligible for a fiscal year (FY) 2021 Formula Grants Program award.

[QUESTION] Does the template need to be followed directly (i.e., same formatting and ordering of material), or can states enter the text from the template into their existing manuals? *[JRA107]*

[RESPONSE] States are not required to follow the format, or the order in which material is presented, in the annotated manual provided by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). States must ensure all identified elements of the annotated manual are included.

[QUESTION] What will be the process for submitting revised manuals? Will they be uploaded to JustGrants? Will a change request be sent to states? Is this a Grant Adjustment Notice (GAN)? *[JRA108]*

[RESPONSE] States must submit their revised manuals directly to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) via email at OJJDPSPRAD@ojp.usdoj.gov. The subject line should read "[State] FY21 Compliance Monitoring Manual."

[QUESTION] What if a state does not have the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended codified in state law? A policy manual does not seem to be a strong enough assurance to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). *[JRA109]*

[RESPONSE] A state need not have the provisions of the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended codified in state law. The state's compliance monitoring manual must describe the policies and procedures the state has in place to satisfy the elements of an effective system of monitoring.

[QUESTION] States can point out problems or conflicts with their state law and the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended. Will doing so mean states are out of compliance and therefore not awarded their fiscal year (FY) 2021 award? *[JRA110]*

[RESPONSE] States will not be out of compliance solely on the basis of a state law that conflicts with the core requirements. Determinations of compliance and noncompliance with the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13) are made based on the number and rate of violations of those core requirements that a state reports during the relevant compliance reporting period.

[QUESTION] What happens if the manual is not approved in its entirety, possibly sections of the manual are satisfactory, but some areas do not meet requirements? Will states have an opportunity to resubmit? [JRA113]

[RESPONSE] There will be a change request process to allow states the opportunity to correct their deficiencies.

[QUESTION] Will states be informed before they resubmit their manual about specific problems with their individual manuals that will need to be fixed? [JRA114]

[RESPONSE] States may work with the Center for Coordinated Assistance to States (CCAS), the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) Title II Training and Technical Assistance Provider (TTAP), for individualized assistance prior to submitting their compliance manuals to OJJDP.

[QUESTION] If states complete their revised manuals early, could their State Relations and Assistance Division (SRAD) program manager review and give feedback before the final submission? [JRA194]

[RESPONSE] Staff are not positioned to give a greenlight in a pre-review but can try to ensure states have their questions answered about whether they understand the requirements. The Center for Coordinated Assistance to States (CCAS) can help probe and provide more in-depth training and technical assistance (TTA).

[QUESTION] If a state's compliance manual is turned in before the June deadline, will the Office of Juvenile Justice and Delinquency Prevention (OJJDP) release the funds once the manual is approved, or will the funds be released after June? [JRA192]

[RESPONSE] The whole determination process will need to take place. The determination does not rely on just the manual.

[QUESTION] What is the timeline for the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) review of the revised manual once submitted by a state? [JRA193]

[RESPONSE] OJJDP will review revised manuals as expeditiously as possible.

[QUESTION] How much information/documentation is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) hoping to see for each of these elements? [JRA199]

[RESPONSE] There is no specific amount of information that states are required to provide for each element. What is required is that states describe their policies and procedures for addressing each element of an effective system of monitoring.

[QUESTION] Is it best practice to use the federal regulations if your state does not address requirements asked for in the annotated manual? [JRA202]

[RESPONSE] The Formula Grants Program implementing regulation at 28 C.F.R. Part 31, subpart A (<https://www.ecfr.gov/current/title-28/chapter-I/part-31/subpart-A>), enumerates requirements that are not merely "best practice." Each state must address in its compliance monitoring manual all of the elements of an effective system of monitoring for compliance with the core requirements, as set forth in the regulation and the Title II solicitation for any particular fiscal year.

Violation Procedures

[QUESTION] If a juvenile accused of a delinquent offense is detained in a court holding facility prior to trial and is then detained in the court holding facility after being adjudicated, are these separate incidents? [JJRA84]

[RESPONSE] Yes. If a juvenile accused of a delinquent offense is detained in an adult jail or lockup, other than according to one of the exceptions at 34 U.S.C. 11133(a)(13), this is a jail removal violation. If the same juvenile is then adjudicated as delinquent and is detained in the jail or lockup for adults, this must be counted as an additional violation.

[QUESTION] Is isolation a violation of the Juvenile Justice Reform Act (JJRA)? [JJRA24]

[RESPONSE] No. Isolation is not a violation under the Juvenile Justice Reform Act (JJRA).

Adherence to Federal Definitions

[QUESTION] Does the definition of “detain or confine” change states’ ability to temporarily detain juveniles in an adult jail or lockup for processing? [JJRA117]

[RESPONSE] No. A juvenile accused of a non-status (delinquent) offense may be detained in a jail or lockup for adults for up to 6 hours during processing, and in other limited circumstances described in the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended. The 6-hour clock would start as soon as the juvenile was first detained, i.e., not free to leave the jail. Any instance in which an accused delinquent offender is detained other than pursuant to the exceptions described in the jail removal requirement, however, or in which an adjudicated delinquent offender, a status offender, or a non-offender is detained in an adult jail or lockup for any length of time would result in an instance of non-compliance with the jail removal requirement.

[QUESTION] Under the definition of “detain or confine” can juveniles who are runaways, abandoned, endangered due to mental illness, homelessness, or drug addiction, or are victims of sex trafficking or other crimes, be held for an indefinite period of time, as long as they are held solely for the purpose of returning them to their parent or guardian or pending their transfer to the custody of a child welfare or social service agency? [JJRA139]

[RESPONSE] Although under the current regulatory definition of “detain or confine” there is no limit on how long a state may hold a juvenile who is being held while awaiting reunification with a parent or guardian or pending transfer to the custody of a child welfare or social service agency, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) expects that states will ensure that juveniles not be held in a secure facility any longer than is absolutely necessary.

[QUESTION] Is there a list of definitions that were changed so states and territories can update definition lists within their manuals? [JJRA167]

[RESPONSE] All definitions are in the [annotated manual](https://ojjdp.ojp.gov/compliance-monitoring-manual) (<https://ojjdp.ojp.gov/compliance-monitoring-manual>).

[QUESTION] Does the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended specifically define what is considered rural? [JJA105]

[RESPONSE] No. However, for compliance purposes, rural is defined as an area that is outside a metropolitan statistical area (34 U.S.C. § 11103(43)), as defined by the [Office of Management and Budget](https://www.whitehouse.gov/omb/information-for-agencies/bulletins/) (<https://www.whitehouse.gov/omb/information-for-agencies/bulletins/>).

[QUESTION] If a state's codified laws are different from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) policies/procedures, which one do we follow? [JJA213]

[RESPONSE] For the purposes of monitoring compliance with the core requirements of the Formula Grants Program under Title II of the Juvenile Justice and Delinquency Prevention Act (JJDP), states must adhere to the provisions of the JJDP (including the definitions provided therein). A state's law may offer greater protections to juveniles, so long as the state provides for an effective system of monitoring for compliance with the core requirements.

Identification of the Monitoring Universe

[QUESTION] In the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended "facility" is defined as a "building or set of buildings which is used for the lawful custody and treatment of juveniles." If a facility prohibits the detainment of juveniles by policy, does it have to be included in the monitoring universe? [JJA23]

[RESPONSE] Every secure detention or correctional facility and every adult jail or lockup must be included in the monitoring universe.

Classification of Facilities in the Monitoring Universe

[QUESTION] Will the Office of Juvenile Justice and Delinquency Prevention (OJJDP) propose a change to the Formula Grants Program regulation to include a definition of "court holding facility," allowing public notice and comment? [JJA86]

[RESPONSE] The Juvenile Justice Reform Act amended the definition of "jail or lockup for adults" in the Juvenile Justice and Delinquency Prevention Act (at 34 U.S.C. § 11103(22)) such that the plain meaning of the statutory term includes court holding facilities. Thus, there is no need, or authority, to include a definition of "court holding facility" in the Formula Grants Program regulation.

[QUESTION] If a court processes juvenile and adult dockets within the same facility but on separate days, can the facility be classified both as a secure juvenile-only facility and an adult lockup? [JJA87]

[RESPONSE] A facility may be classified as one type of facility at certain times (such as a secure detention facility for juveniles) and as another type of facility at other times (such as a jail or lockup for adults, or a secure detention facility for adults) so long as there is a formal written policy detailing how/on what days it functions as each type of facility, and as long as there is no overlap.

[QUESTION] Will temporary holding rooms (secure rooms adjacent to the courtroom) be considered secure holding for the purposes of the jail removal requirement and be required to report? [JRA85]

[RESPONSE] If the temporary holding rooms adjacent to the courtroom are secure, and are used to detain adult inmates, they are part of the adult jail/lockup, and must be monitored for jail removal violations.

[QUESTION] Is there an operational definition for rural jurisdiction? [JRA105]

[RESPONSE] Rural means an area that is outside a metropolitan statistical area (34 U.S.C. § 11103(43)), as defined by the [Office of Management and Budget](https://www.whitehouse.gov/omb/information-for-agencies/bulletins/) (<https://www.whitehouse.gov/omb/information-for-agencies/bulletins/>).

[QUESTION] In regard to the monitoring universe, could you explain the extent to which social services agencies should be included? [JRA20]

[RESPONSE] The monitoring universe is to include all detention and correctional facilities and all adult jails and lock ups.

[QUESTION] For juvenile court holding facilities (CHFs) that only detain juveniles and not adults due to building design or time phasing, do these facilities come under the jail removal core requirement and require that detention data and logs be maintained? [JRA71]

[RESPONSE] A court holding facility that through building design detains only juveniles, does not fall under the definition of a “jail or lockup for adults.” A court holding facility in which, through time-phasing, juveniles are detained on different days and/or at different times than adult inmates, does not fall under the definition of a “jail or lockup for adults” on those days or at those times when no adults are detained in the facility.

[QUESTION] Is the facility classification “institution” still being used? [JRA77]

[RESPONSE] “Institution” is a broad term that encompasses all of the above-mentioned specific secure facility types that must be used for classification purposes. Facilities in the monitoring universe must be classified as one of the following: adult jail, adult lockup, secure detention facility, or secure correctional facility.

[QUESTION] Do states need to update their monitoring universe to incorporate court holding facilities (CHFs) into either jails or lockups for adults? [JRA112]

[RESPONSE] Court holding facilities that are used to detain adults must be included in a state’s monitoring universe in the category of adult jails or lockups.

[QUESTION] If a facility has a 30-second delayed egress door, is that considered a secure or non-secure facility? [JRA118]

[RESPONSE] If a facility has delayed egress doors that allow individuals to leave the facility, it is not a secure facility.

[QUESTION] If a police department or sheriff's department is entirely non-secure, and has no construction fixtures designed to physically restrict the movements and activities of individuals (e.g., cells, cuffing rails or benches), is that facility considered an adult jail or adult lockup? *[JJA119]*

[RESPONSE] No. The definition of "jail or lockup for adults" at 34 U.S.C. § 11103(22) includes only secure facilities used by a state, unit of local government, or any law enforcement authority, and would not include a non-secure facility.

[QUESTION] When a building contains a jail and a non-secure administrative area, and juveniles are detained only in the administrative (non-secure) side of the building, must the facility maintain a log of the juvenile's time in the non-secure area? *[JJA129]*

[RESPONSE] No. If juveniles are detained only in a non-secure area of a facility, the core requirements do not apply, and there is no need to maintain logs on juveniles held there.

[QUESTION] If a police department consists primarily of an open patrol room area with a cuffing bench and two offices that do not lock from the outside, would this be considered a secure facility such that juvenile holding logs must be kept? *[JJA130]*

[RESPONSE] The area with a cuffing bench constitutes part of a secure facility and the facility must maintain logs for juveniles detained there. If juveniles are brought directly to the offices that do not lock, and which are not within a facility with a secure perimeter, they may be considered non-secure, and the facility need not keep logs on juveniles detained there.

[QUESTION] How should states address facilities that have capabilities to securely hold juveniles, but by their facility/organization procedures, never hold juveniles securely (i.e., juveniles are accompanied by a police officer in a non-secure space)? *[JJA168]*

[RESPONSE] Being that this is a secure facility in your monitoring universe, you are still required to submit data. However, the facility administrator can submit a letter verifying that no juveniles were held during the last reporting period.

[QUESTION] Since adult prisons are required to listed on the monitoring universe what if any of the four categories do, they fall under Secure correctional facilities? *[JJA184]*

[RESPONSE] Prisons are secure correctional facilities.

[QUESTION] Are prisons included in the secure facilities required to be in the monitoring universe? *[JJA203]*

[RESPONSE] Yes. Prisons fall within the category of "secure correctional facility," defined at section 103(13) of the Juvenile Justice and Delinquency Prevention Act (JJDA) (34 U.S.C. § 11103(13)) and must be included in a state's monitoring universe.

Do court holding facilities that have separate juvenile and adult holding areas have to follow the requirements applied to adult jails and lockups? How then should these holding areas be classified? *[JJA212]*

[RESPONSE] The adult court holding facility must be monitored as an adult jail or lockup. A separate, nonresidential juvenile-only court holding facility does not fall into any of the four categories of facilities that a state is required to monitor under section 223(a)(14) (i.e., adult jails, adult lockups, secure detention facilities, and secure correctional facilities).

[QUESTION] Is time-phasing still a consideration for classifying court holding facilities (CHF)? [JJA214]

[RESPONSE] Time phasing may be used in a court holding facility in order to comply with the separation and jail removal requirements of the Formula Grants Program, so long as the facility provides to the state a clear, written policy and demonstrates that it adheres to the policy.

Data Collection, Verification, and Analysis

[QUESTION] Why are states required to collect data retroactively from all court holding facilities beginning October 1, 2020? [JJA91]

[RESPONSE] The Juvenile Justice Reform Act (JJRA) amended the definition of “jail or lockup for adults” in December 2018, effective for awards made in fiscal year (FY) 2020, and subsequent years.

[QUESTION] Must states report violations in court holding facilities? [JJA134]

[RESPONSE] Yes, states must report all violations of the core requirements that occur in court holding facilities that fall within the definition of jails and lockups for adults at 34 U.S.C. § 11103(22).

[QUESTION] Must states report on juvenile offenders detained for offenses related to the purchase, possession, or distribution of alcohol? [JJA133]

[RESPONSE] Yes. Minor-in-possession of alcohol offenses are within the category of delinquent offenses and must be reported accordingly.

STATE ADVISORY GROUPS (SAGS)

State Advisory Group (SAG) Inquiry

[QUESTION] Please clarify requirements for a youth member to be on the State Advisory Group (SAG). Do they have to be delinquent, or can they be a youth who is in foster care, or can they be a youth who has come in contact with the court system for a dependency issue, neglect issue, or status offenses? [JJA31]

[RESPONSE] The Juvenile Justice Reform Act (JJRA) specifies that each State Advisory Group (SAG) must contain at least three youth who have had contact with the juvenile justice system. The act also allows for parents of said youth to serve on the SAG in this capacity.

[QUESTION] Is there a way for what the Federal Advisory Committee for Juvenile Justice (FACJJ) is working on to be disseminated to the State Advisory Groups (SAGs)? [JJA32]

[RESPONSE] All Federal Advisory Committee for Juvenile Justice (FACJJ) information has been disseminated and is available for review on the [FACJJ website \(https://facjj.ojp.gov/\)](https://facjj.ojp.gov/).

LEGISLATION/SOLICITATION

Title II Formula Grants Program Solicitation and Management

[QUESTION] What is the timeline for getting funds out to states? Several states have limited funding available from previous awards for staffing and programs. [JJA116]

[RESPONSE] Once the manuals have been reviewed, determinations have been made, funding will be released. Your program manager will keep you updated on the process.

[QUESTION] Is OJJDP going to look at additional assistance in terms of the compliance standard? With 2 years of lower numbers (Covid related) and the new requirements there is some concern about state's going out of compliance. With 2 years of lower numbers, and presumably fewer violations, the compliance standards are expected to be lower. Now with new requirements, and the likelihood of additional violations, states may go out of compliance. [JJA241]

[RESPONSE] We will be monitoring the data coming from states for this purpose.

Elimination of Restraints for Pregnant Juveniles

[QUESTION] Is the elimination of restraints on pregnant juveniles in section 223(a)(7)(B)(ix)(II) of the Juvenile Justice and Delinquency Prevention Act (JJDA) as amended applicable in secure settings only or does it apply also during transport? [JJA55]

[RESPONSE] The JJDA specifies elimination of restraints for pregnant juveniles in any secure setting. This would also extend to transportation to and from a secure location.

TRAINING AND TECHNICAL ASSISTANCE (TTA)

Training and Technical Assistance Inquiry

[QUESTION] Does the Office of Juvenile Justice and Delinquency Prevention (OJJDP) have technical assistance funds available for regional training and resource sharing—for example, funds for travel and hotel rooms for perhaps an in-person 2-day meeting with peers? [JJA42]

[RESPONSE] Technical and training assistance is available through the Center for Coordinated Assistance to States (CCAS). Reach out to them by email ccas@air.org.

[QUESTION] How best can data be displayed in ways that are easy to read and understand, not just for system actors but with the community? What are some tips and tricks for displaying information that makes it meaningful and easy to interpret? What handouts and informational materials have been successful and received good feedback or what presentation techniques have made good impressions on audiences? *[JRA44]*

[RESPONSE] Each state has an entity typically referred to as the Statistical Analysis Center (SAC). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) encourages each state to coordinate with their SACs for presentation advice.

[QUESTION] Does the Office of Juvenile Justice and Delinquency Prevention (OJJDP) have a policy to work with states or territories that have a catastrophic event like a hurricane? If not, it should exist, since these events will keep on happening. *[JRA56]*

[RESPONSE] The Juvenile Justice Emergency Planning Demonstration Program solicitation assists states with funds for catastrophic events such as hurricanes.

Appendix: List of Juvenile Justice and Title II Related Acronyms

ACE	Adverse Childhood Experience
ACF	Administration of Children & Families
BARJ	Balance and Restorative Justice
BJS	Bureau of Justice Statistics
CASA	Court Appointed Special Advocate
CHFs	court holding facilities
CHINS	Children in Need of Services
CJJA	Council of Juvenile Justice Administrators
CJJR	Center for Juvenile Justice Reform
CYPM	Crossover Youth Program Model
CQI	Continuous Quality Improvement
CTE	Career and Technical Education
DMC	disproportionate minority contact
DOJ	U.S. Department of Justice
DSA	Designated State Agency
DSO	deinstitutionalization of status offenders
EBP	Evidence Based Practices
ED	U.S. Department of Education
ESSA	Every Student Succeeds Act
FACJJ	Federal Advisory Committee for Juvenile Justice
FBI	Federal Bureau of Investigation
FFPSA	Family First Prevention Services Act
FINS	Families in Need of Services
FY	Fiscal Year
FYSB	Family and Youth Services Bureau
GAO	U.S. Government Accountability Office
HHS	U.S. Department of Health and Human Services
ICJ	Interstate Compact for Juveniles
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program

IoJ	Interest of Justice
JABG	Juvenile Accountability Block Grant
JDAI	Juvenile Detention Alternatives Initiative
JDC	Juvenile Detention Center
JCF	Juvenile Correctional Facility
JJ Specialist	Juvenile Justice Specialist
JJDPA	Juvenile Justice and Delinquency Prevention Act
JJRA	Juvenile Justice Reform Act
LEA	Local Education Agency
LOS	Length of Stay
MIP	minor in possession
MPG	Office of Juvenile Justice and Delinquency Prevention's Model Programs Guide
NDTAC	The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth
NIC	National Institute of Corrections
NIJ	National Institute of Justice
NPJS	National Partnership for Juvenile Services
NRC	National Research Council
NREPP	National Registry of Evidence-Based Programs and Practices
NTTAC	National Training and Technical Assistance Center
OGC	Office of the General Counsel
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
OMB	U.S. Office of Management and Budget
PBIS	Positive Behavioral Interventions and Support
PbS	Performance-based Standards Program
Perkins IV	Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV)
PO	Probation/Parole Officer
PREA	Prison Rape Elimination Act
RED	Racial and Ethnic Disparities
RNR	risk–need–responsivity
RRI	Relative Rate Index

RTI	Response to Intervention
SAGs	State Advisory Groups
SAMHSA	Substance Abuse and Mental Health Services Administration
SEA	State Education Agency
SRAD	State Relations and Assistance Division
TTA	training and technical assistance
TTAP	Training and Technical Assistance Provider
TYP	Tribal Youth Program
VCO	valid court order