

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

December 15, 2021



OJJDP

Office of Juvenile Justice
and Delinquency Prevention

Working for Youth Justice and Safety

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This document addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15) is not discussed in this document because states do not monitor individual facilities for compliance with racial and ethnic disparities requirements. The Office of Juvenile Justice and Delinquency Prevention provides information on the racial and ethnic disparities core requirement separately, on the [CCAS Info Hub](#).



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I. INTRODUCTION/BACKGROUND

A. Program Introduction

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

...provide for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the Administrator[.] [34 U.S.C. § 11133(a)(14)]

B. Purpose of the Annotated Manual

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

Second, this annotated manual is designed to give states an example of how a state should demonstrate compliance with the core requirements and how a state should structure its compliance monitoring manual. For example, in Sections [II](#) and [III](#) of this annotated manual, we provide you with tables that a state should include in its compliance monitoring manual. These tables include two columns. The left-hand column outlines the law—what a state must address in a state’s compliance monitoring manual to adhere to the JJDP A. The right-hand column is where a state should insert its corresponding description of how it plans to adhere to the JJDP A. In some places, we provide you with context on what to include in the right-hand column—your state’s description—while in other places we do not. This is because we understand that states are 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 that a state *must address* in its state compliance monitoring manual. We encourage states to use the table format found in this annotated manual to help states align manuals with the statutory and regulatory requirements of the JJDP A. Should you have questions about what to include in your state description of how the state plans to adhere to the law, please contact your OJJDP Program Manager.

II. COMPLIANCE WITH THE CORE REQUIREMENTS

This section describes the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13), and is recommended for inclusion in states' compliance monitoring manuals, to assist state staff in understanding the core requirements.

In the following tables, you will find direct statutory and regulatory references in the left-hand column. In the right-hand column, you will find content OJJDP recommends you include in your manual to demonstrate how your state will meet the core requirement.

A. Deinstitutionalization of Status Offenders (DSO)

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>Pursuant to 34 U.S.C. § 11133(a)(11)(A), juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders), shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no such juveniles were placed in secure detention and correctional facilities, or when the state's DSO rate falls below the established threshold.</p>	<p><i>Section III.I. Compliance Data Collection and Verification of your manual should include a description of the state's process for collecting data regarding this requirement and verifying that all of the DSO requirements have been met.</i></p>
<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.</p>	<p>STATE'S PLAN TO USE EXCEPTION –</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>VALID COURT ORDER EXCEPTION – The Valid Court Order (VCO) exception at 34 U.S.C. § 11133(a)(11)(A)(i)(II) provides that accused or adjudicated status offenders, and juveniles found to have violated a valid court order based on their status as a juvenile, may be placed in a secure juvenile detention or correctional facility. A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply (see Section III.E. Adherence to Federal Definitions for the definition of “valid court order”).</p> <p>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)):</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> • The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender. 	<p>STATE'S PLAN TO USE EXCEPTION –</p> <p><i>If your state uses the VCO exception, Section III.I. Compliance Data Collection and Verification of your manual should include a description of the state's process for verifying that valid court orders meet all of the statutory requirements, set forth below. If your state does not use the VCO exception, include a statement to that effect here, and the remaining text in this section may be deleted.</i></p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>VALID COURT ORDER EXCEPTION (continued)</p> <ul style="list-style-type: none"> • The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation. • If the court determines that the status offender should be placed in a secure detention facility or correctional facility for violating the court order, (1) the court must issue a written order that: <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 ✓ May not be renewed or extended; and (2) The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order. 	

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>VALID COURT ORDER EXCEPTION (continued)</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>	
<p>INTERSTATE COMPACT ON JUVENILES EXCEPTION</p> <p>– 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>STATE'S PLAN TO USE EXCEPTION –</p> <p><i>If your state does not participate in the Interstate Compact on Juveniles, indicate that here and the remaining text in this section may be deleted.</i></p>

B. Removal of Juveniles Prosecuted as Adults from Adult Facilities¹

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>Under Section 223(a)(11)(B), on or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below.</p>	<p><i>Section III.I. Compliance Data Collection and Verification of your manual should include a description of the state's process for collecting data regarding this requirement and verifying that all of the Section 223(a)(11)(B) requirements have been met.</i></p>

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

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>A juvenile charged as an adult may be detained in an adult jail or lockup if one of the exceptions at 34 U.S.C. § 11133(a)(13) applies (Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception). See Section II.D. Removal of Juveniles From Adult Jails and Lockups.</p> <p>In addition, a court may determine after a hearing, and in writing, that it is in the interest of justice to permit a juvenile to be detained in a jail or lockup for adults or have sight or sound contact with adult inmates in a secure facility. If the court makes an initial determination that it is in the interest of justice to detain a juvenile under those circumstances, the court must hold a hearing at least every 30 days (at least every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:</p> <ol style="list-style-type: none"> 1. the age of the juvenile; 2. the physical and mental maturity of the juvenile; 3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile; 4. the nature and circumstances of the alleged offense; 5. the juvenile's history of prior delinquent acts; 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) 	

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility is 180 days, unless the court determines, in writing, that there is good cause for such an extension, or the juvenile expressly waives this 180-day limit.</p>	

C. Separation of Juveniles From Adult Inmates

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>Pursuant to 34 U.S.C. § 11133(a)(12), juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.</p> <p>In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.</p>	<p><i>States must use the definition of "sight or sound contact" at 34 U.S.C. 11103(25) and included in Section III.E. Adherence to Federal Definitions.</i></p> <p><i>The JJDPA at 34 U.S.C. § 11133(a)(14) provides that states must "provide for an effective system of monitoring jails, lock-ups, detention facilities and correctional facilities." For this reason, "institution" is understood to mean only these specific facilities.</i></p> <p><i>Section III.I. Compliance Data Collection and Verification of your manual should include a description of the state's process for collecting data regarding this requirement and verifying that all of the separation requirements have been met.</i></p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<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 is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B).</p> <p>However, a court may determine that it would be in the interest of justice to do so consistent with 34 U.S.C. § 11133(a)(11)(B). See Section 223(a)(11)(B) above, which applies to juveniles charged as adults. If a juvenile who has been charged as an adult has been convicted and sentenced for the criminal offense, however, Section 223(a)(11)(B) no longer applies.</p>	
<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>	

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 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>PLEASE NOTE FOR PURPOSES OF THIS SECTION: <i>If any 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 questions are intended to help determine whether such programs result in instances of noncompliance with the separation requirement:</i></p> <ul style="list-style-type: none"> • <i>Was the juvenile required to participate in the program by a judge or probation officer, and not free to leave the program? (If so, this would be a separation violation.)</i> • <i>Did the juvenile participate with the consent of a parent or guardian, and with the ability to withdraw consent and leave the program? (If so, this would not be a separation violation.)</i>

D. Removal of Juveniles From Adult Jails and Lockups

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>Pursuant to 34 U.S.C. § 11133(a)(13), no juvenile shall be detained or confined in any jail or lockup for adults, with exceptions described below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense, and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in an adult jail or lockup.</p> <p>The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both juveniles and adult inmates in collocated facilities to have been trained and certified to work with juveniles:</p>	<p><i>Section III.I. Compliance Data Collection and Verification of your manual should include a description of the state's process for collecting data regarding this requirement and verifying that all of the jail removal requirements have been met.</i></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. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility. b. A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement. 	<p>STATE'S PLAN TO USE EXCEPTION – <i>The following is noted about this exception:</i></p> <ul style="list-style-type: none"> • <i>A juvenile accused of a delinquent offense may be detained in an adult jail or lockup for a combined total of no more than 6 hours, so long as the juvenile does not have sight or sound contact with adult inmates. This does not allow a state to detain an accused delinquent offender in a jail or lockup for adults for more than a cumulative total of 6 hours, for instance for 3 hours before, and then for an additional 4 hours following a court appearance.</i> • <i>The time that a juvenile is in a courtroom does not count toward the 6-hour limit, because a courtroom is not a jail or lockup for adults.</i>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>SIX-HOUR EXCEPTION (continued)</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>RURAL EXCEPTION – The exception found at 34 U.S.C. § 11133(a)(13)(B)(ii)(I) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available.</p> <p>OMB maintains a list of metropolitan statistical areas which it periodically updates through the posting of a bulletin on its website. OMB bulletins may be found here. The relevant bulletin will be titled <i>OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas</i>, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of "Metropolitan Statistical Areas" that provides the title of the metropolitan statistical area, the principal city or cities, and the counties included in that area.</p>	<p>STATE'S PLAN TO USE EXCEPTION – <i>Section III.I. Compliance Data Collection and Verification includes questions to address the use of the rural exception and determining whether a jurisdiction may be considered "rural" for purposes of the exception.</i></p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<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>STATE'S PLAN TO USE EXCEPTION –</p>
<p>CONDITIONS OF SAFETY EXCEPTION – Under 34 U.S.C. § 11133(a)(13)(B)(ii)(III), if the adult jail or lockup is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), a juvenile accused of a delinquent offense may be detained therein and his or her court appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.</p>	<p>STATE'S PLAN TO USE EXCEPTION –</p>
	<p>PLEASE NOTE FOR PURPOSES OF THE JAIL REMOVAL SECTION – <i>The following is noted about this exception:</i></p> <ul style="list-style-type: none"> • <i>If a juvenile is detained in an adult jail or lockup, the jail removal requirement applies. The definition of "non-secure custody" in OJJDP policy guidance published in the Federal Register in 1988 is no longer valid, as that guidance was rescinded by the Department of Justice in 2018.</i> • <i>As noted above, court holding facilities fall under the JJDP definition of "jail or lockup for adults" at 34 U.S.C. § 11103(22).</i>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
	<ul style="list-style-type: none"> • <i>The statutory exceptions to the jail removal requirement do not apply to juveniles who have been adjudicated as delinquent. Detention or confinement in an adult jail or lockup for any length of time of these juveniles will result in a jail removal violation.</i> • <i>The state may use the jail removal exceptions only if there is a state policy in effect that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.</i> • <i>The JJDPa provides a definition for "jail or lockup for adults" at 34 U.S.C. § 11103(22). Accordingly, because there is a statutory definition, the Formula Grants Program regulation was amended on June 11, 2021, to remove the definitions for "adult jail" and "adult lockup."</i>

III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING

A. Summary of Elements

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

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

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

B. Compliance Monitoring Policies and Procedures

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to 28 C.F.R. § 31.303(f)(1)(i), one of the required elements of an effective system of monitoring is that states must describe their policies and procedures for monitoring for compliance with the core requirements. The purpose of this manual is to satisfy the policies and procedures element, as well as describe how [STATE] satisfies the following additional elements required for an effective system of compliance monitoring (see Section III of this manual).</p>	Empty space for the state's plan

Date of Last Update or Initial Plan Implementation: _____

Please provide a date for each section addressing a requirement, exception, definition, or element of an effective system for monitoring.



C. Monitoring Authority

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>States are required under 34 U.S.C. § 11133(a)(1) and (2) to designate an agency (referred to as the Designated State Agency, or the DSA) and provide satisfactory evidence that the DSA has authority, by legislation, if necessary, to administer the Title II Formula Grants Program, including monitoring for compliance with the deinstitutionalization of status offenders (DSO), Section 223(a)(11)(B), separation, and jail removal requirements.</p>	<p><i>The following bullets describe information that states must include, at a minimum, in the narrative addressing the monitoring authority requirement:</i></p> <ul style="list-style-type: none"> • <i>Provide a citation to your state's statute, regulation, executive order, policy, and/or other source of legal authority of the DSA to monitor adult jails, adult lockups, secure detention facilities, and secure correctional facilities.</i> • <i>Describe in detail what the monitoring authority permits the DSA to do.</i> • <i>If an agency or entity other than the DSA has the primary monitoring responsibility, provide the name of that agency.</i> • <i>If the responsibility for monitoring does not lie solely with the DSA, specify what document governs the relationship and the sharing of information (e.g., contract or memorandum of understanding).</i> • <i>If the responsibility for monitoring does not lie solely with the DSA, describe what the monitoring authority permits other responsible agencies to do.</i>

Date of Last Update or Initial Plan Implementation: _____

D. Violation Procedures

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to 28 C.F.R. § 31.303(f)(1)(iii), the state must specify how it receives, investigates, and reports complaints of instances of noncompliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements.</p>	<p><i>The following bullets describe information that states must include, at a minimum, in the narrative addressing the violation procedures requirement:</i></p> <ul style="list-style-type: none"> • <i>Indicate whether the state has a formal policy for receiving, investigating and reporting complaints of noncompliance with the core requirements, and describe the following:</i> <ul style="list-style-type: none"> ✓ <i>What information is collected about the type of violation</i> ✓ <i>What person/entity investigates reports of violations</i> ✓ <i>If a reported violation is confirmed, to whom it is reported</i> ✓ <i>What records are kept and for how long</i>

Date of Last Update or Initial Plan Implementation: _____

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 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.</p>	<p><i>The following bullet describes information that states must include, at a minimum, in the narrative addressing the definitions requirement:</i></p> <ul style="list-style-type: none"> <i>In this section, the state must clearly indicate that while monitoring for compliance with the core requirements, it will use the federal definitions in any instances in which state definitions differ from federal definitions.</i> <p><i>The following is offered as sample language that might be used in this section of the manual:</i></p> <ul style="list-style-type: none"> <i>When monitoring for compliance with the core requirements, the [STATE/DSA] applies the federal definition of any term related to compliance monitoring where the state definitions of the term differ from the federal definition. Where there is a difference in the definitions, the [STATE/DSA] acknowledges that the federal definition must be used.</i> <p>PLEASE NOTE FOR PURPOSES OF THIS SECTION:</p> <ul style="list-style-type: none"> <i>✓ All the relevant federal definitions applicable to the Formula Grants Program are included in Section III.E. Adherence to Federal Definitions. Any other federal definitions used by states in the past should be deleted.</i> <i>✓ The manual may also include state definitions, but that is not necessary unless pertinent to the state's compliance monitoring procedures.</i>

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 State 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>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>COLLOCATED FACILITIES 34 U.S.C. § 11103 (28) – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.</p>	
<p>CORE REQUIREMENTS 34 U.S.C. § 11103 (30) – means the requirements described at 34 U.S.C. § 11133(11), (12), (13), and (15).</p>	

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

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p><i>Federally Defined Terms Relating to Compliance With the Formula Grants Program</i></p>	<p><i>Similar State Definitions, and How They Differ From the Federal Definition</i></p>
<p>CRIMINAL-TYPE OFFENDER 28 C.F.R. § 31.304(a) – means a juvenile offender who has been charged who or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.</p>	
<p>DETAIN OR CONFINE 28 C.F.R. § 31.304 (b) – means to hold, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition.</p>	
<p>INSTITUTION Compliance Monitoring TA Tool means “a secure facility that law enforcement or a juvenile or criminal court authority uses to detain or confine juveniles or adults (1) accused of having committed a delinquent or criminal offense, (2) awaiting adjudication or trial for the delinquent or criminal offense, or (3) found to have committed the delinquent or criminal offense.”</p>	
<p>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.</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>	

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 State Definitions, and How They Differ From the Federal Definition</i></p>
<p>MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION Compliance Monitoring TA Tool by OJJDP – means the age above which a juvenile court may no longer exercise jurisdiction under state law.</p>	
<p>MONITORING UNIVERSE Compliance Monitoring TA Tool – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.</p>	
<p>NONOFFENDER 28 C.F.R. § 31.304 (j) – means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.</p>	
<p>RESIDENTIAL Compliance Monitoring TA Tool – means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.</p>	
<p>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>	

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 State Definitions, and How They Differ From the Federal Definition</i></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 DETENTION FACILITY 34 U.S.C. § 11103 (12) – means any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.</p>	
<p>SIGHT OR SOUND CONTACT 34 U.S.C. § 11103 (25) – means any physical, clear visual, or verbal contact that is not brief and inadvertent.</p>	
<p>STATE 34 U.S.C. § 11103(7)– means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.</p>	
<p>STATUS OFFENDER 34 U.S.C. § 11103(42) – means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.</p>	

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 State Definitions, and How They Differ From the Federal Definition</i></p>
<p>TWENTY-FOUR HOURS Compliance Monitoring TA Tool – means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.</p>	
<p>VALID COURT ORDER 34 U.S.C. § 11103(16) – means a court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.</p>	

Date of Last Update or Initial Plan Implementation: _____

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><i>The following bullets describe information that states must include, at a minimum, in the narrative addressing the identification requirement:</i></p> <ul style="list-style-type: none"> • <i>The DSA’s process for identifying adult jails, adult lockups, secure detention facilities, and secure correctional facilities within the state (public and private) for inclusion in the monitoring universe, addressing the following:</i> <ul style="list-style-type: none"> ✓ <i>Whether your state conducts surveys of— or otherwise queries—state and/or local agencies, law enforcement associations, or other entities, to identify such facilities</i> ✓ <i>What agencies or entities are contacted</i> ✓ <i>What specific information is requested</i> ✓ <i>How often surveys/queries are conducted</i> ✓ <i>What websites, or other sources, are consulted</i> ✓ <i>How often surveys/queries are conducted</i>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>PLEASE NOTE FOR PURPOSES OF THIS SECTION:</p> <ul style="list-style-type: none"> • <i>The monitoring universe includes both residential and nonresidential facilities, as the monitoring requirement under 34 U.S.C. § 11133(a)(14) is not limited to residential facilities.</i> • <i>Mental health and substance abuse treatment facilities should 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).</i> • <i>States are not required to monitor nonsecure facilities and should not include them 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, states should have in place a process for identifying facilities that have changed from nonsecure to secure.</i> • <i>Any public facility owned or operated by a state (or a jurisdiction located in the state) must be included in that state's monitoring universe.</i> • <i>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.</i>

Date of Last Update or Initial Plan Implementation: _____

G. Classification of the Monitoring Universe

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>States are required under 28 C.F.R. § 31.303(f)(1)(i)(B) to classify each facility in the monitoring universe to specify whether it is a (1) a jail or lockup for adults (34 U.S.C. § 11103(22)); (2) secure detention facility (34 U.S.C. § 11103(12)); or (3) secure correctional facility (34 U.S.C. § 11103(13)).</p>	<p><i>The following bullets describe information that states must include, at a minimum, in the narrative addressing the classification requirement:</i></p> <ul style="list-style-type: none"> • <i>The DSA's process for classifying facilities in the monitoring universe as adult jails, adult lockups, secure detention facilities, or secure correctional facilities</i> • <i>The state must provide that, for each facility in the monitoring universe, it indicates the facility type (i.e., adult jail, adult lockup, secure detention facility, or secure correctional facility)</i> • <i>The state must provide that, for each facility in the monitoring universe, it indicates whether it is residential or nonresidential</i> • <i>The state must provide that, for each facility in the monitoring universe, it indicates whether the facility is juveniles-only, adults-only, or juveniles and adults. (Note that some of these categories may overlap: e.g., all or part of a jail or lockup may also meet the definition of a secure detention or correctional facility).</i> <p>PLEASE NOTE FOR PURPOSES OF THIS SECTION:</p> <ul style="list-style-type: none"> • <i>Facilities in the monitoring universe must be classified only according to the four types of facilities listed in 34 U.S.C. § 11133(a)(14): jails, lockups, secure detention facilities, and secure correctional facilities.</i> • <i>Prisons fall within the definition of "secure correctional facility" at 34 U.S.C. § 11103(13).</i>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ul style="list-style-type: none"> • <i>Court holding facilities fall within the definition of "jail or lockup for adults" at 34 U.S.C. § 11103(22). (The definition of "court holding facility" in OJJDP policy guidance published in the Federal Register in 1988 is no longer valid, as that guidance was rescinded on July 3, 2018.)</i> • <i>Lockups are, by definition, secure facilities.</i> • <i>OJJDP recommends that states include as an attachment to this manual a list of facilities within its monitoring universe, and whether each facility is classified as an adult jail, adult lockup, secure detention facility, or secure correctional facility.</i>

Date of Last Update or Initial Plan Implementation: _____

H. Inspection of Facilities

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(C), inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping.</p>	<p><i>The following bullets describe information that states must include, at a minimum, in the narrative addressing the inspection requirement. For each type of facility (adult jails, adult lockups, secure detention facilities, and secure correctional facilities) describe the following:</i></p> <ul style="list-style-type: none"> • <i>Frequency of inspections.</i> • <i>What the inspection entails.</i> • <i>Whether the DSA conducts the inspections. If not, provide the name of the agency or other entity that conducts inspections.</i> • <i>How the review of the physical accommodations is conducted to determine whether adequate sight and sound separation between juveniles and adult inmates exists. (Describe in detail.)</i> <i>How the review of the facilities' recordkeeping system is conducted to determine whether sufficient data is maintained to determine compliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements. (Describe in detail.)</i> <p>PLEASE NOTE FOR PURPOSES OF THIS SECTION:</p> <ul style="list-style-type: none"> • <i>There is no required threshold for how often inspections of specific types of facilities must be conducted, but OJJDP policy recommends that 100% of all secure facilities in a state's monitoring universe be inspected within a 3-year-period.</i>

Date of Last Update or Initial Plan Implementation: _____

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><i>The following bullets describe information that states must include, at a minimum, in the narrative addressing this data collection and verification requirement:</i></p> <ul style="list-style-type: none"> • <i>The DSA's process for collecting compliance data from adult jails, adult lockups, secure detention facilities, and secure correctional facilities in the state. The process should be described in detail with respect to each of the core requirements.</i> • <i>The DSA's process for verifying the compliance data collected from adult jails, adult lockups, secure detention facilities, and secure correctional facilities in the state. The process should be described in detail with respect to each of the core requirements.</i> • <i>If any of the secure facilities (adult jails, adult lockups, secure detention facilities, and secure correctional facilities) within the state self-report compliance data, the DSA must have a documented and traceable process to review a statistical sample of facility admissions records and booking logs to verify that the data are accurate.</i> • <i>If your state uses the VCO exception, the state's manual must include a description of the state's process for verifying that valid court orders meet all of the statutory requirements, set forth above in the "Valid Court Order Exception" section on pages 29-30. (If your state does not use the VCO exception, include a statement to that effect here.)</i> • <i>If any facilities within your state detain juveniles pursuant to a contract with a federal agency, or with another state, the state must monitor and collect compliance data regarding such juveniles in its monitoring effort.</i>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ul style="list-style-type: none"> • <i>If your state uses the rural exception to the jail removal requirement, describe the state's process for the following:</i> • <i>Documenting the determination of whether a particular jurisdiction qualifies as "rural," using the definition at 34 U.S.C. § 11103((43)) and OMB's most recent delineations of "metropolitan statistical areas" (see "Rural Exception," on pages 9 and 27, respectively.</i> • <i>Documenting that there is no alternative placement available.</i> • <i>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.</i> <p>PLEASE NOTE FOR PURPOSES OF THIS SECTION:</p> <ul style="list-style-type: none"> • <i>For the relevant federal fiscal year reporting period, if any juvenile who was charged as an adult was detained in an adult jail or lockup or such that he had contact with adult inmates.</i> • <i>The term "federal ward" is obsolete and should not be included in your manual, as it was relevant to the de minimis standard for compliance with the DSO requirement, which became obsolete in 2017.</i> <p>PLEASE NOTE OVERALL, FOR PURPOSES OF THE EFFECTIVE SYSTEM OF MONITORING SECTION:</p> <ul style="list-style-type: none"> • <i>States are required to monitor all secure detention facilities, secure correctional facilities, adult jails, and adult lockups in the state. Any reference to facilities "in which a juvenile might be detained or confined pursuant to law enforcement or juvenile court authority" or "in which a juvenile is detained pursuant to public authority" is not correct and should be deleted.</i>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ul style="list-style-type: none"> • Pursuant to amendments to Section 223(a)(14) of the JJDPA (codified at 34 U.S.C. § 11133(a)(14)), as amended by the Juvenile Justice Reform Act of 2018 (JJRA), states no longer are required to monitor non-secure facilities. • Placement of a juvenile who violates a VCO in a secure detention facility or a secure correctional facility that also meets the definition of an adult jail or lockup, or in which juveniles have sight or sound contact with an adult inmate, would result in an instance of noncompliance with the jail removal and possibly the separation requirement.

Date of Last Update or Initial Plan Implementation: _____

IV. COMPLIANCE MONITORING REPORTING REQUIREMENT

COMPLIANCE REPORTING PERIOD	NOTES
<p>Under 28 C.F.R. § 31.303(f)(5), annual compliance monitoring reports must cover the previous federal fiscal year, except that the OJJDP Administrator may grant an extension of the reporting deadline, for good cause, upon a state’s request.</p> <p>COMPLIANCE DATA AND SUPPORTING DOCUMENTATION – Compliance data and supporting documentation is submitted annually through OJJDP’s Compliance Reporting Tool.</p>	<p><i>The following question is intended to serve as a guide for developing this section of the manual:</i></p> <ul style="list-style-type: none">• <i>Does the DSA have specific procedures for the annual submission of compliance data and supporting documentation?</i>

APPENDIX A – ONLINE RESOURCES

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