

Core Requirements

OJJDP FY 2020 and FY 2021 Nonparticipating States: American Samoa (2020), Connecticut (2020 and 2021), Nebraska (2020 and 2021), New Mexico (2020), Texas (2020 and 2021), Wyoming (2020 and 2021), and Virgin Islands (2020)

Under 34 U.S.C. § 11133(a)(11)(A)(B), states must provide that:

A. juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult shall not be placed in secure detention facilities or secure correctional facilities, excluding:

- juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar state law;
- juveniles who are charged with or who have committed a violation of a valid court order; and
- juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the state.

B. juveniles who are not charged with any offense, and who are aliens; or alleged to be dependent, neglected, or abused, shall not be placed in secure detention facilities or secure correctional facilities.

Under 34 U.S.C. § 11133(a)(12)(A), states must provide that juveniles alleged to be or found to be delinquent or juveniles within the purview of 34 U.S.C. 11133(a)(11) will not be detained or confined in any institution in which they have contact with adult inmates; and 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.

Under 34 U.S.C. § 11133(a)(13), states must provide that no juvenile shall be detained or confined in any jail or lockup for adults except:

A. juveniles who are accused of nonstatus offenses who are detained in such jail or lockup for a period not to exceed 6 hours—

- a. for processing or release;
- b. while awaiting transfer to a juvenile facility; or
- c. in which period such juvenile facility; or
- d. in which period such juveniles make a court appearance;

and only if such juveniles do not have contact with adult inmates and only if there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates in collocated facilities have been trained and certified to work with juveniles.

B. juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

a. In which—

- i. Such juveniles do not have contact with adult inmates; and
- ii. There is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates in collocated facilities have been trained and certified to work with juveniles; and

b. That—

- i. Is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;
- ii. Is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed 48 hours) delay is excusable; or
- iii. Is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel.”

Under 34 U.S.C. § 11133(a)(15), states are required to “implement policy, practice, and system improvement strategies at the state, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

(A) establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders, (including representatives of the educational system) at the state, local, or tribal levels, to advise efforts by states, units of local government, and Indian tribes to reduce racial and ethnic disparities;

(B) identifying and analyzing data on race and ethnicity at decision points in state, local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and

(C) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B).”