



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 [JRA##] 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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[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. [JIRA56] 18

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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? [JJRA26]

[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? [JJRA120]

[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? [JJRA137]

[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? [JJRA142]

[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)? [JJRA144]

[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? [JJRA128]

[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? [JJRA198]

[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? [JJRA132]

[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? [JJRA7]

[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? [JJRA89]

[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? [JJRA61]

[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? [JJRA62]

[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? [JJRA63]

[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-entrymagistrate-order>). [JJRA64]

[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] 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? [JJRA66]

[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 loJ 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? [JJRA67]

[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? [JJRA68]

[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? [JJRA70]

[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? [JJRA100]

[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? [JJRA111]

[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? [JJRA158]

[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? [JJRA200]

[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? [JJRA206]

[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. [JJRA218]

[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? [JJRA231]

[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? [JJRA230]

[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] What if the state law says the full age of full criminal responsibility for murder is 16? [JJRA234]

[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? [JJRA235]

[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? [JJRA1]

[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? [JJRA10]

[RESPONSE] Section 11133(a)(12) 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? [JJRA73]

[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? [JJRA131]

[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? [JJRA136]

[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? [JJRA138]

[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? [JJRA19]

[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? [JJRA121]

[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? [JJRA122]

[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? [JJRA123]

[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? [JJRA124]

[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? [JJRA125]

[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? [JJRA126]

[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? [JJRA127]

[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? [JJRA135]

[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? [JJRA140]

[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? [JJRA143]

[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? [JJRA88]

[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? [JJRA92]

[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? [JJRA93]

[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? [JJRA83]

[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? [JJRA106]

[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? [JJRA107]

[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)? [JJRA108]

[RESPONSE] States must submit their revised manuals directly to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) via email at OJJDP@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). [JJRA109]

[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? [JJRA110]

[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? [JJRA113]

[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? [JJRA114]

[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? [JJRA194]

[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? [JJRA192]

[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? [JJRA193]

[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? [JJRA199]

[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? [JJRA202]

[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? [JJRA105]

[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? [JJRA213]

[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? [JJRA23]

[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? [JJRA86]

[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? [JJRA87]

[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? [JJRA85]

[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? [JJRA105]

[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? [JJRA20]

[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? [JJRA71]

[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? [JJRA77]

[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? [JJRA112]

[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? [JJRA118]

[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? [JJRA119]

[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? [JJRA129]

[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? [JJRA130]

[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)? [JJRA168]

[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? [JJRA184]

[RESPONSE] Prisons are secure correctional facilities.

[QUESTION] Are prisons included in the secure facilities required to be in the monitoring universe? [JJRA203]

[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.

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? [JJRA212]

[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 (CHFs)? [JJRA214]

[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? [JJRA91]

[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? [JJRA134]

[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? [JJRA133]

[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? [JJRA31]

[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)? [JJRA32]

[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. [JJRA116]

[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. [JJRA241]

[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? [JJRA55]

[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? [JJRA42]

[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? [JJRA44]

[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. [JJRA56]

[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