

**OJJDP SRAD Compliance Monitors' Call  
February 10, 2021**

**Katie Penkoff, Center for Coordinated Assistance to States (CCAS)**

Okay. We'll get started in just one minute. Okay. Alrighty. It's our pleasure to welcome you to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), State Relations and Assistance Division's (SRAD) monthly calls with states. Today is February 10th and the focus of today is the Compliance Monitors' Call, before turning it over to OJJDP, we're going to go through a few housekeeping slides. Next slide please.

The first is a notice of recording. The American Institutes for Research operates the Center for Coordinated Assistance to States (CCAS) under a cooperative agreement with the Office of Juvenile Justice and Delinquency Prevention. AIR allows for recording of audio, visuals, participants, and other information sent verbalized or utilized during business related meetings. By joining a meeting, you automatically consent to such recordings, any participants who prefer to participate via audio only, should be able to disable their video camera so that their audio will be captured. Video and or audio recordings of any AIR sessions shall not be transmitted to an external third party without their permission. Next slide please.

A few housekeeping items here are currently all attendees are entering in listen only mode. And we will share in a moment there will be an opportunity to share your thoughts and ideas throughout the course of the meeting. And we'll explain how exactly that'll work. For any technical issues, please either use the chat or email us at [CCAS@air.org](mailto:CCAS@air.org). And we've got a team member who is monitoring that very closely. As some of you I can already see are doing, roll call will be facilitated through the chat today. And this was of course in an effort to help us ensure sound quality. Next slide, please.

Most of you have heard this before, but I do know we have a few new folks joining us today. So we want to provide an overview of the WebEx control panel. In the upper right hand corner, you can change your video layout to show how that will be seen. Your meeting controls are invisible unless you hover your cursor over the bottom middle of your screen. And when you do that, the control panel will then appear for you. Okay, next slide please.

All right. So, here's a larger view of the control panel. It shows you where to mute, to start your video, to share something, to record, which of course Okori, our Technology specialist is already handling for us. It allows you to see who the other participants are that are joining us today. It allows you to see where you can access the chat. And then there are some more options within that. So within the chat box, as folks are already doing, if you can share your full name, the state or territory you represent, and the full name of anyone viewing with you today, we greatly appreciate it. That will help us track the attendance for today's call. And of course, to provide that information to OJJDP. Next slide, please.

OJJDP	Name
	Chryl Jones
X	TeNeane Bradford
X	Keisha Kersey
X	Nicole McCrae
X	Alyssa Malcomson

X	Keith Towery
X	Tina Borner
X	Cara Blair
X	Didier Moncion
X	Diamond Lewis
X	Marisa Harris
X	Ricco Hall
X	Ashley Washington
<b>CCAS</b>	
X	Lisa Hutchinson
X	Okori Christopher
X	Katie Penkoff
X	Cassy Blakely
X	Kia Jackson
X	Kenya Roy
X	Mark Ferrante
X	Meg Williams
<b>State</b>	
<b>In Attendance/Mark with X</b>	
1. Alabama	X Buffy Smelley
2. Alaska	X Ellen Hackenmueller
3. American Samoa	
4. Arizona	X Steve Selover
5. Arkansas	
6. California	X Eloisa Rivera Tuitama
7. Colorado	X Kelly Abbott, Mona Barnes
8. Connecticut	
9. Delaware	X Monica Celli
10. District of Columbia	X Frank Petersen, Brenda Aleman, Kristy Love
11. Florida	X Shirley Turner, Dionne Anderson
12. Georgia	X Joseph Lynn, Stephanie Mikkelsen
13. Guam	X Michelle Quintanilla
14. Hawaii	X John Paekukui
15. Idaho	X Chelsea Newton
16. Illinois	X Anahi Chacon, Andrea Hall
17. Indiana	X Renee White
18. Iowa	
19. Kansas	X Gregory Artis
20. Kentucky	X Sara Redfield
21. Louisiana	X Demetrius Joubert
22. Maine	
23. Maryland	X Bill Harper
24. Massachusetts	X Jim Houghton, Alex Marcus
25. Michigan	X Robb Burroughs, Bob Higgins
26. Minnesota	

<b>State</b>	<b>In Attendance/Mark with X</b>
27. Mississippi	X Frederick McGee
28. Missouri	X Michelle Parks, Chris Yeager
29. Montana	X Mark Thatcher, Rachel Gemar
30. Nebraska	
31. Nevada	X Leslie Bittleston
32. New Hampshire	
33. New Jersey	X Shaniqua McRae, Kelly Hourigan
34. New Mexico	X Samantha Lucas-Armendariz
35. New York	X Tom Andriola, Amanda Grimes, Brielle Christian
36. North Carolina	X Gary O. Moore, Adonicca McAllister
37. North Dakota	
38. Northern Marianas Islands	
39. Ohio	X Danny Turek
40. Oklahoma	X Laura Broyles, David McCullough
41. Oregon	X Ryan Shands
42. Pennsylvania	X Greg Young, Seth Bloomquist
43. Puerto Rico	X Natalia Rios, Roselyn Cruz
44. Rhode Island	X Gina Tocco
45. South Carolina	X Trevon Fordham
46. South Dakota	X Nicole Gednalske
47. Tennessee	X Vicki Taylor, Zanira Whitfield
48. Texas	
49. Utah	X Kayley Richards
50. Vermont	X Elizabeth Morris
51. Virgin Islands	
52. Virginia	X Kenneth Stables
53. Washington	
54. West Virginia	X John Stigall
55. Wisconsin	X Heather Kierzek, Sabrina Gentile, Lara Kenny, Allison Budzinski
56. Wyoming	X Craig Fiskus

Our agenda today of course will be first a welcome from Dr. Bradford who be turning over the call to in just a moment. Then we're going to discuss secure facilities and applicable core requirements and introduce the court holding facility requirements and then host a discussion for the court holding facility requirement. This will be an open forum. And at this point in the agenda, this last agenda item we want folks to definitely share their questions and comments within the chat box. However, if you also would like to say something during the meeting, please indicate that in the chat box, and of course, Okori Christopher, our technology Specialist will be able to then unmute you so that you can contribute orally to the conversation. So, at this point, I'm going to turn the call over to Dr. TeNeane Bradford.

## I. OJJDP Welcome

### **Dr. TeNeane Bradford, SRAD Associate Administrator, OJJDP**

Thanks so much, Katie, good afternoon, everyone. I'm so excited that we are having our calls for the year. I think this is our first one. The work that you do, I always say this, it's so critically important, and it's interesting that this meeting falls behind another internal meeting I was having today with my team to really focus on the compliance and the unique work that we do. We are in fact a special type of auditor, the work that we do falls under what is considered performance audits. I can send all kinds of references to you later, but we'll engage you in more auditing and extending auditing training as our budget permits to kind of further explain what I'm discussing, but I think you what you do is unique and important, and it's unique for us to audit the auditors.

And our role when we are auditing you or making determinations about your effectiveness of your compliance system when we're doing our application reviews over the course of the year. But it's so unique that I find that we need to probably increase opportunities to engage you in ways that will continue to improve information sharing, give us opportunities to provide consistent feedback, give us opportunities to understand the unique situations and circumstances that you may encounter. And then also think about ways to provide training and technical assistance (TTA). And as you see our commitment to that through our support with CCAS, with the certificate training program and we had a call yesterday incredible, a wonderful call where we were able to really focus on compliance in the work we do with newer folks, Peer Mentors, and some of our more senior Compliance Monitors in the field.

But I want you to know as well that we are working to reprioritize, having more opportunity to engage our Compliance Monitors in the compliance work. We are taking on internally, going back to the TTA manuals to bring us up to date with JJRA (Juvenile Justice Reform Act) and try to get that, previously known as the Guidance Manual, out to you all. Working internally with our legal experts on the team in partnership to get that out to you. Once it goes through department review, we're hoping that it won't take as long as it did before but we are going back to the table on that. And as well as continuing these calls and perhaps additional calls or webinars and trainings, to focus and have more time to really focus on the work that you do and really enhance codify, respond to questions that come up pretty regularly to help you do your work and do that work well.

We're excited to be moving forward. We have some interesting information to share with you today. And we're hoping to gather really objective feedback and get an understanding around what we'll present to you today so that we can finalize some decisions internally about how we're moving forward with the updated statutory requirement that we've been made aware of. I'm going to pass it onto Tina Borner, who most of you know as one of our more senior staff in SRAD that has been doing the compliance work the longest on our team. She's going to talk to you about secure facilities and applicable core requirements. As you all may be aware, in 2018 there was an update to the statute that says we were responsible for ensuring that secure facilities were being monitored and added, that are in your monitoring universe are being monitored for core requirements and compliance.

And so we wanted to revisit that because court holding facilities are now to be classified as secure. So Tina's going to just go over those and then we'll get into the update, to the statute and what that

may mean for, for all of you and get your feedback. Thanks, Tina.

## **II. Secure Facilities and Applicable Core Requirements**

### **Ms. Tina Borner, SRAD Program Manager, OJJDP**

Good afternoon, everybody. This is Tina Borner. I am a Grant Management Specialist for compliance and I am the most senior person on the SRAD team when it comes to compliance. Next slide please. I want to take this opportunity to talk to you briefly about what those secure facilities are and the core requirements that are applicable. As you can see for juvenile detention facilities, the DSO (Deinstitutionalization of Status Offenders) special requirement applies and the Separation requirement applies. And let me just say for both, so those requirements are both for juvenile detention facilities and juvenile correctional facilities and the Separation requirement applies, especially if there are any trustees that are used in either one of those types of facilities, whether it's for landscaping, whether it's for movement of food trays, whether it's for laundry, especially when we're talking about collocated facilities.

That is what we are specifically talking about when it comes for Separation. And let me back up for a minute. I want to give praise and acknowledgement to Keith Towery, who is the one who came up with this chart for us. And so you will have this as a resource to you so that you can see what actual core requirements are applicable to any of the facilities that you have to go in as a Compliance Monitor to monitor for what specific core requirements that you are looking for. So, as we move down, we go to adult jails and adult lock up. For adult jails and adult lockups, all three of the core requirements apply. You are looking for any type of violation in their logs for any of the three core requirements. , When we're talking DSO we're talking about status offenders that are being held securely in an adult jail or in an adult lockup.

And so, as well as a Jail Removal violation and Separation. When we're talking about the Jail Removal requirement, there are some exceptions to that. And we're not going to go into that in depth now, but we can, if you have questions regarding what type of exceptions are available or accessible when you're talking about a Removal requirement violation. We are now down to the court holding facilities, and so what we are going to be discussing today, and TeNeane will get into a more in depth as we go through, is that with the JJRA of 2018, the definition that falls under our court holding facility has changed. A court holding facility now requires that the Jail Removal violation and the Separation requirement apply when it comes to our court holding facilities. We are going to be talking about further requirements that are now going to be held responsible when you are looking at your court holding facilities.

We will get to that in a little bit more in depth. I'm going to jump right past that and go into a secure collocated facility. When we're talking about collocated facilities, if you have something that is special, you need to contact your program manager in order to ask or ascertain if there is something special about a co-located facility. Normally, a collocated facility is an adult jail with the juvenile detention facility or juvenile correctional facility that are on the same grounds. That is what is normal, or I won't say normal, that is what it has been in the past. As you look at a collocated facility, DSO now comes into play, a Jail Removal violation does not come into play, but the Separation requirement does apply. A Separation in a collocated facility is what is important here. Oh, well, I won't say it's not just as important, but it is what is normally what we require, or we say is

what's most hard to do because it may come down to time phasing, because you may be sharing type of infrastructure facilities.

Like you may be sharing the same play yard. You may be sharing the same gym. And it may require time phasing so that none of your juveniles are in contact with your adult inmates that may be collocated with that juvenile detention facility. One of the things that I will say, as I move down to the next section where we're talking about non-secure, staff secure facilities, that requirement is no longer a part of your monitoring universe. You do not have to report to OJJDP your non-secure or staff secure facilities, because as you can see, none of the core requirements apply to any of those types of facilities. But there is something specific in the JJRA that says you do not have to report to us what your non-secure or your staff secure facilities are. If you have non-secure lockups, you do not have to report those to us at any time anymore. That is one of the areas that used to be on the monitoring universe, but it no longer applies. So I know that...

**Dr. TeNeane Bradford, SRAD Associate Administrator, OJJDP**

Can I jump in here for a second? I'm sorry, you're doing such a great job. Just want to jump in here and with the caveat that while they don't have to report, it's still important to make sure that you are actually, we're recommending that you check to make sure that those classifications haven't changed because as you all know facility structures can change from non-secure to secure. And then you don't want to be in a situation where you find that facilities that needed to be added to your monitoring universe that were not added as a result of reclassification.

**Ms. Tina Borner, SRAD Program Manager, OJJDP**

Exactly. I'm sorry I didn't mention that.

**Dr. TeNeane Bradford, SRAD Associate Administrator, OJJDP**

No need for apology.

**Ms. Tina Borner, SRAD Program Manager, OJJDP**

No, no, no. I'm glad you clarified that. I'm sorry. I didn't say that it was on my mind, but it didn't come out. And so I appreciate that. And so I think that with this slide, are there any questions right now as we move into the court holding facilities, which is not new, but it's a new requirement to you that about the classification of court holding facilities? Wonderful. I will move it on now. Oh, wait, I have a question from Ryan.

### **Questions/Comments from the States and Territories**

During this segment, representatives from the states and territories entered their questions and comments in the chat and representatives from OJJDP responded orally.

**Ryan Shands, OR** - Does JR (Jail Removal) apply to the adult side of a collocated facility?

**Ms. Tina Borner, OJJDP** – Does Jail Removal apply to adult side of a collocated facility?" If you look at the log of that adult side, and there are entries that are from juveniles, then yes, you would have to apply the juvenile, the Removal exception to that adult side. But that would, to me, and this is just to me, it would not make sense that if it's a collocated facility, that any juvenile would be on the adult side. And so that is just something that you have to look at as you are reviewing the logs from that adult side. Okay. Katie, I am not keeping up with these questions, so if you could...

**Ryan Shands, OR** – That's clear, thank you.

**Katie Penkoff, CCAS** – Yes, absolutely. So, the next question that's come in from Leslie in Nevada is if our juvenile correctional facilities are only staff secure, they no longer have to be reported?

**Leslie Bittleston, NV** – If our juvenile correctional facilities are only staff secure, they no longer have to be reported?

**Ms. Tina Borner, OJJDP** – That's correct, because they are still considered non-secure.

**Leslie Bittleston, NV** – Sorry, talking specifically about staff secure type facilities.

**Leslie Bittleston, NV** – Okay thanks, got it.

**Katie Penkoff, CCAS** – And Tina Ryan has shared that's clear and thank you for your response. So again, just an encouragement for folks to put your questions in the chat box and to let us know by indicating, so if you would like to speak orally rather than just in the chat.

**Katie Penkoff, CCAS** – The next one is DSO. And this is from Mona in Colorado, does DSO apply to jails and lockups only if they meet the definition of a detention or correctional facility?

**Mona Barnes, CO** – Does DSO apply to Jails and Lockups only if they meet the definition of a detention or correctional facility?

**Tina Borner, OJJDP** – That is correct. Well, as you can see in the footnote at the bottom, it says the DSO requirement applies only in secure detention and secure correctional facilities, which are defined as residential facilities. So if you have a lockup, normally this doesn't apply to a jail, which is normally always defined as a residential facility. But if you have a secure lockup that is not residential, then the DSO requirement I would assume does not apply. I'm sure I'm going to get some messages here, but I'm not sure. I mean, I have to...

**TeNeane Bradford, OJJDP** – It's okay Tina. This is to me you all what we will do is make sure that we follow up to your questions in writing, but we will vet them and make sure that we will answer your questions in writing. They will be vetted. We'll do it pretty quickly. I can assure you, you have support with us now that will help us get your questions answered. And we may have to tease out some more too. Here's the other thing I always say is as I've learned more about compliance, the core requirements, things get really nuanced. And so what looks like the easy answer may not be an easy answer. So, some of these questions should be easily answered. But it may be a reason why you're asking your question that we assume that you all should be knowledgeable about which means we probably need to tease out the question a little bit more.

**Katie Penkoff, CCAS** – Tina and TeNeane, we do have another question from Seth in Pennsylvania. Is this a good time to read that?

**TeNeane Bradford, OJJDP** – Go ahead. At least get it on record.

**Katie Penkoff, CCAS** – Sure. “Under court holding non-secure facilities do not count, correct? Or are all court holding facilities counted?”

**Seth Bloomquist, PA** – Under court holding... Non-secure facilities do not count correct? Or are all court holding facilities counted?

**TeNeane Bradford, OJJDP** – No, we are getting ready to go into that.

**Katie Penkoff, CCAS** – Okay. And then Leslie in Nevada is asking, do these requirements start with this upcoming compliance review or next year?

**Leslie Bittleston, NV** – Do these requirements start with this upcoming compliance review or next year?

**TeNeane Bradford, OJJDP** – So, okay... Go ahead Tina.

**Tina Borner, OJJDP** – Sorry, with Seth’s question it does not count non-secure court holding facilities. It only counts those that are considered secure. So, if they have any type of physical structures, a cuffing rail, a cuffing bench, a cell anything like that, that is considered secure. So those would have to be counted. If it is a non-secure court holding facility where the kids just sit or the juveniles, just sit in the jury box or whatever, then those do not get counted.

**TeNeane Bradford, OJJDP** – Thanks, Tina. I’m also seeing some questions from Mona, you got several here that I think might require a little bit more one-on-one with you. But you see it Tina and Katie, does DSO apply to adult only jails?

**Mona Barnes, CO** – Does DSO apply to "adults only" jails?

**Tina Borner, OJJDP** – Yes. And I don't know if, well, I mean TeNeane, you just said it requires more research, but...

**TeNeane Bradford, OJJDP** – I’m just saying if they, it may, we may need to combine her question so that we’re having some one-on-one time, just themes of people who are asking different types of questions around a particular core. We want to note that and then get back to them just to make sure we’re teasing it out. Not picking on you Mona because this could be simple.

**Tina Borner, OJJDP** – Now, just to be clear, DSO applies to any facility that meets the definition of a secure detention or secure correctional facility. So even if it's used as a space, say it's an adult only jail, you still have to monitor it and you still have to check it for DSO. So we may have to get back to you for further clarification on that, but it seems...

**TeNeane Bradford, OJJDP** – Oh, no. That seems straightforward, but there's a reason why she's asking, right?



**Tina Borner, OJJDP** – Oh, yeah.

**TeNeane Bradford, OJJDP** – So I want to get to that.

**Tina Borner, OJJDP** – Thank you. Yes.

**Mona Barnes, CO** – I got it!

**Katie Penkoff, CCAS** – Okay. And Tina, you may have already responded about when the requirements start, whether it's this upcoming compliance review.

**TeNeane Bradford, OJJDP** – I was getting ready to do that. So, all of these requirements have been in place to include the separation requirements for courtroom facilities for longer than I've been in this position, okay? The only thing that we get ready to discuss that new is the simplified definition of adult jail lockup that now will include secure, court holding facilities.

So, all these things were in play, everything that we are talking about, for a number of years. The only thing that is different is what we're getting ready to discuss, but we thought it was important to revisit these items obviously for a number of reasons. But I think one of them is this to be reminded of what cores are applicable to what facility types.

So, Leslie, your question was, sorry, talking specifically about staff secure type facilities, meaning non-secure facilities that started you didn't have to collect, I've got to get my years, right. Help me out guys. So we applied the non-secure facility rules in the 2019, it should have been submitted this past year in the data, right?

**Tina Borner, OJJDP** – That's correct. So this is the first year that when you submit a monitoring universe that you can subtract out or not include non-secure facilities, because this is the FY20 data that they are supplying.

**Keith Towery, OJJDP** – If I could just still make the suggestion, although you're going to be removing the non-secure, staff secure facilities from your monitoring universe, like to TeNeane and Tina said, you want to just make sure you still have a list of them somewhere so you continue to check to make sure that they've had that status has not changed, and they have not turned into a non-secure to a secure facility.

**Tina Borner, OJJDP** – Right. And the one thing that you don't see on here is prisons. And that may be another topic that we want to talk about later, but that is something that is on our radar as well.

**TeNeane Bradford, OJJDP** – Yeah. We will spend every, every call we can to revisit some of these meatier issues. And we may expand the calls, CCAS just note that we will use our time to make sure that we're really giving time to the issues and focusing on trying to answer as many questions as possible and really help problem-solve. Sometimes it may be an issue of we know the answer, but we've got issues that are challenging us and we can information share and provide TA or peer to peer assistance would be useful.

**Katie Penkoff, CCAS** – We can absolutely support OJJDP and the field in whatever ways needed.

**Tina Borner, OJJDP** – Okay. I think that's the end of my presentation. Would you like to drive Miss TeNeane?

### III. Introduce Court Holding Requirement

**Dr. TeNeane Bradford, SRAD Associate Administrator, OJJDP**

I think I'm ready. You guys have trained me well. If not, you'll have my back. Thank you. All right. Okay. So here we are, we have continued to scour through the new, the JJRA. And at some point not too long ago, we were made aware that the definition of jails and lockup or adult changed. We missed this in our fact sheet, we acknowledged that, but instead of going backwards, we're moving forward. We want to follow it along. We want to make sure we're always being held to reporting on full and successful implementation of statutory and regulatory requirements for the JJDA and what is supposed to occur under the Title II Formula Award Grant Program. And so, we actually were made aware that as of October 1st, we were to notify you all that secure court holding facilities now fall under the definition of jails and lockups.

So, you can see here the previous definition in the 2002 JJDA has red marks crossed through it. The definition of jail and lockups in the JJDA, mean secure facility now, not locked switch from lock to secure facility that is used by state unit of local government or any law enforcement authority to detain or confine adult inmates. Previously it's had, as you can see, scratch through, some additional language. It says, A, pending the filing charge. B, awaiting trial in a criminal charge, or C, convicted of violating a criminal law. All that has been now removed which now has court ,secure court holding facilities, under the definition and classification of jail or lockups for adults. It made it simple in some ways to capture a category that's been murky but it's clear to us that the authors of the statute wanted us to make sure that youth were being protected in any secure facility that now includes court holding facilities.

#### **Definition of "Jail or Lockups for Adults"**

"The term 'jail or lockup for adults' means a ~~locked~~ secure facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults inmates – (34 U.S.C. §11103. Definitions. Section (22))

~~(A) pending the filing of a charge of violating a criminal law;~~

~~(B) awaiting trial on a criminal charge; or~~

~~(C) convicted of violating a criminal law."~~

And so we wanted to let you know that. The Separation requirement has always been required for court holding facilities. For the field audits that I've been out on, you guys know we go into the court holding facilities and we actually test to see if there's sight and sound separation. We were looking for time phasing and things that are policies, laws, as well as features that would ensure that if you do not come into a sight and sound contact with adults who may be held and awaiting a trial or hearings or whatever in the courtroom. That's not new, what is new though is now they won't be

monitored for the Jail Removal requirement and that actually was supposed to go into effect October 1 of this past year, likely before then.

But again, this was identified. and we were alerted of this change. And before we instituted the change, before we came out and said, here's a new requirement, learning from the pains of the past, trying to mitigate risk of concern, recognizing that we are in the unprecedented pandemic and a lot of other challenges, we certainly did not want to make the assumption that you were already kind of prepared to do this work. I think that many states could be ready to go and kind of backdate on data collection and figure and monitor for violation for the Jail Removal requirement. But we didn't know, and we wanted to let you know that now it will be a requirement. And we want to open the floor to have discussions about what that means for you, what are some of the challenges that you have.

Know that whatever those may be as we are finalizing decisions that we want to match our requirements with training and TTA and guidance and support, mentorship, help with discussions with court leadership, meet with associations that we can build relationships and help you build relationships with, to be able to have those doors open for you to get what you need to monitor for compliance with Jail Removal.

We got a few minutes and then turn back the tables to you all and allow CCAS to facilitate hearing back from you, concerns, challenges, perhaps questions. Know that you may not be able to answer all of them, but we are taking notes, copious ones, and we'll be debriefing to turn around and get back to you some additional guidance. So, can we go to the next slide?

So, this is just another chart (Core Requirements Chart) to help you understand how to apply which core requirements to the type of offender or non offender and what they're held for, and then where. Very useful tool that we wanted you to see, and we'll have and we'll make sure we get these out to you.

#### **IV. Discussion: Court Holding Requirement – Open Forum**

Also during this segment, representatives from the states and territories entered their questions and comments in the chat and representatives from OJJDP responded orally.

**Ryan Shands, OR** – Oh, this definition is so much better (i.e., Adult Inmate).

**Kristy Love, DC** – DC's court holding facility is run by the U.S. Marshals Service. We have no authority to require them to provide us with admissions logs/data for the facility. Also have Privacy Act considerations that may prevent them from sharing record-level, identifiable data on adults in their facility.

**TeNeane Bradford, OJJDP** – So, we got a couple of questions here. We are aware of issues with DC, different, different, different, and we're already having conversations about what that may look like for DC. So just be aware we've been spending some time thinking about trying to anticipate concerns out there.

**Kristy Love, DC** – Thanks!

**Danny Turek, OH** – When will compliance tool be opened to submit data?

**TeNeane Bradford, OJJDP** – Danny, your question, “When will the compliance tool be open to submit data?” It will be after the solicitation opens. We are getting pretty close to an announcement of the solicitation. Be aware that I think it's probably obvious at this point given the transition of leadership and the new system that we will be having a one application submission process. So you'll still be required to submit all the same information that you would typically do in phase 1 and 2, but it all will be required at the same time. I can also tell you that the timeframe will allow for the 30 day extension should you have justification for it. So we were pretty close to the regulatory deadline being missed, and so we can only do the next best thing, get the solicitation out, and we'll open it and give you the deadlines for when the tool is open and instructions of how to get that information in moving forward. So we will have our regular webinars. I think we've also planned to have actually a Just Grants webinar to help you submit correctly.

**Katie Penkoff, CCAS** – And Dr. Bradford, I see quite a few other questions. Would you like me to read them for you?

**TeNeane Bradford, OJJDP** – Please.

**Sara Redfield, KY** – So, to be clear, a police department with a cuffing bench is not considered a secure facility because it is not a place to detain inmates?

**Tina Borner, OJJDP** – Hi Sara, this facility is considered a secure facility.

**Katie Penkoff, CCAS** – Absolutely. Of course. So, Sarah, I believe in Kentucky, says to be clear, a police department with a cuffing bench is not considered a fixture facility because it is not a place to be detained or confined in.

**TeNeane Bradford, OJJDP** – I'm sorry, you cut out. But cuffing benches it says secure to me. I don't know what anything else, I couldn't hear everything else you said, but cuffing rails.

**Tina Borner, OJJDP** – This is Tina.

**TeNeane Bradford, OJJDP** – Okay.

**Tina Borner, OJJDP** – That is considered a secure facility because it has physical structures that will securely detain someone.

**Sara Redfield, OJJDP** – Thanks, Tina.

**Ryan Shands, OR** – Does this mean we will be required to submit this information for the upcoming FY20 report?

**Katie Penkoff, CCAS** – Sorry about my voice cutting out. I've got another one here from Ryan in Oregon, does this mean we will be required to submit this information for the upcoming FY20 report?

**TeNeane Bradford, OJJDP** – We're making decisions. So, the FY20 report will go into the, no, no, no. So, the FY20, the actual FY20 data won't apply until 2020, we're in '21 now, 2022. So, it wouldn't be backdated for what you're submitting. It would be if we went with as is your data collection, period started October 1, 2020, this the start of the federal fiscal year, this federal fiscal year 2021, which will affect your 2022 applications.

**Ryan Shands, OR** – That's clear, thank you.

**Mark Thatcher, MT** – Are adult prisons classified as "Secure: Adult Prisons" in the monitoring universe? Prisons aren't referenced in the chart you provided earlier in the slides.

**Katie Penkoff, CCAS** – Thank you TeNeane, we've got a "that's clear" and thank you for that response. We've got Mark Thatcher in Montana, "Are adult prisons classified as 'secure adult prisons' in the monitoring universe? Prisons aren't referenced in the charts you provided earlier in the slides."

**TeNeane Bradford, OJJDP** – Glad you mentioned that. I'm going to frankly say this is a different topic of discussion that we want to have as a part of an upcoming call. And it may be sooner than the next quarterly call. This is an area where typically we were looking for information about scared straight programs. We know generally adults are supposed to be in adult prisons, but we have some guidance around what to look for. And we want to make sure that we internally are all on the same page. And then we present the guidance and have some discussion around secure adult prisons. Unless anybody else wants to jump out there on that, I think we can safely say that we'll have some follow up around it.

**Mark Thatcher, MT** – Thank you! I look forward to your follow up discussion.

**John Stigall, WV** – Secure but may not be residential.

**Leslie Bittleston, NV** – Once the compliance tool is open, will we have 30 days to submit data?

**Katie Penkoff, CCAS** – We also have a comment from John in West Virginia, as he says, "Secure but may not be residential." And is that perhaps in reference to the police department with a cuffing bench. John, can you provide a little more context there? And what we are waiting for John's response, I see Leslie is asking, "Once the compliance tool is open, will we have 30 days to submit data?"

**TeNeane Bradford, OJJDP** – At a minimum. Yes. At a minimum.

**John Stigall, WV** – The police station with cuffing.

**Katie Penkoff, OJJDP** - Okay. Thank you, Dr. Bradford. And John is saying that his comment was in reference to the police station with the cuffing bench she said it's secure, but may not be residential.

**TeNeane Bradford, OJJDP** – Correct.

**Shaniqua McRae, NJ** – Does jail removal in court holding mean juveniles can only be held securely for no longer than 6 hours in totality? or is it 6 hours prior to court and 6 hours post court?

**Katie Penkoff, CCAS** – Okay, great. So, Shaniqua in New Jersey, “Does jail removal and court holding mean juveniles can only be held securely for no longer than six hours in totality? Or is it six hours prior to court and six hours post court?”

**TeNeane Bradford, OJJDP** – The answer is six hours total. Post or pre-post, total.

**Kenneth Stables, VA** – So, an adjudicated juvenile delinquent offender cannot be placed back into a court holding cell pending transfer to a juvenile detention center?

**Katie Penkoff, CCAS** – Great. And related to the prisons, Mark is saying, thank you. He looks forward to the follow-up discussion. And then Kenneth Stables in Virginia is saying, “So an adjudicated juvenile delinquent offender cannot be placed back into a court holding facility cell pending transfer to a juvenile detention center?” And that's a question.

**TeNeane Bradford, OJJDP** – Sure. Hold on. Let me ponder for a second. Correct. Adjudicated juveniles can't be detained in adult jail or lock up.

**John Stigall, WV** – I thought Court holding were 6 hours pre and 6 hours post court appearance.

**Katie Penkoff, CCAS** – And please again, let us know if you want to speak orally in the chat and also keep your questions or comments coming in for our team from OJJDP and the State Relationships and Assistance Division. And so, John is saying, “I thought court holding were six hours pre and six hours post court appearance.”

**TeNeane Bradford, OJJDP** – Hey, John, we can talk about it some more, but it's six hours total.

**John Stigall, WV** – Ok thank you.

**Shaniqua McRae, NJ** – Cannot be detained for longer than 6 hours, correct?

**Katie Penkoff, CCAS** –And Shaniqua is saying, “Cannot be detained for longer than six hours, correct? And so, I think you just spoke to that.

**TeNeane Bradford, OJJDP** – Correct.

**Eloisa Tuitama, CA** – How does the Jail Removal exceptions apply?

**Katie Penkoff, CCAS** – Eloisa says, “How does the Jail Removal exception apply?”

**TeNeane Bradford, OJJDP** – To court holding facilities?

**Eloisa Tuitama, CA** – Yes, as to CH (court holding facilities).

**TeNeane Bradford, OJJDP** – So Eloisa, I guess it's a little bit more of a dialogue. I hope I'm getting lots of notes. It should apply like any other jail or lockup that you monitor for. So the same way you

monitor for other jails and lockups is the same way you would court holding facilities. This may require, perhaps a little bit more training on the things you look for which we don't have time to go into detail today, but certainly something we can connect back with you with, because that whatever you're looking for in the others is the same one that applies the same as you would with court holding facilities.

**Eloisa Tuitama, CA** – Okay. Ty (thank you).

**Robb Burroughs, MI** – What about a court that has two holding facilities, one designated for adults, one for juveniles? Are both still considered jails or lockups for adults?

**Katie Penkoff, CCAS** – And we a question from Rob Burroughs. “What about courts that have two holding facilities, one designated for adults, one for juveniles. Are both still considered jails or lockups for adults?”

**TeNeane Bradford, OJJDP** – I'm not assuming it would depend on the structure. Tina, have you seen anything? I mean...

**Tina Borner, OJJDP** – This is Tina. I'm sorry. I would ask how are they separated? Is it just like one holding facility for adults and one holding facility for juveniles, but it's one whole court facility at that time? And so, if you're just saying that it's two separate holding areas, that's a little bit different question.

**Robb Burroughs, MI** – On different floors.

**Katie Penkoff, CCAS** – And Tina he is providing clarification that they are on different floors.

**Tina Borner, OJJDP** – Well, that's still one court facility. And so, we may have to get back on that, but I think that we'll have to get back on that question.

**Didier Moncion, OJJDP** – This is Didier. It sounds to me that even though they may be sharing different floors, it's still under one roof. So, my response is that it would be considered an adult jail lockup.

**Tina Borner, OJJDP** – I think that, this is Tina. I still think that we need to talk about that because we have had facilities within facilities. And so, we need to talk about that a little bit more.

**TeNeane Bradford, OJJDP** – I think generally you're right. I mean, one facility is one facility, generally you go to a typical court holding facility on different floors, different whole sides. But we do have this situation now where we've got different classifications in the same building that may hold court. So, we'll just have to get a little bit more in depth in providing the answers to that question.

**Mona Barnes, CO** – Kenneth's question is going to be problematic - not allowing adjudicated juveniles to be held in secure court-holding.

**Shaniqua McRae, NJ** – I think there's some confusion with the answer provided to that question Mona asked. The answer appears to be yes they can hold them but not longer than 6 hours. Can we get clarity?

**Katie Penkoff, CCAS** – And there seem to be some additional comments that relate back to Kenneth's (Kenneth Stables, VA) questions. Here Mona is sharing that, not allowing a juvenile to be held in a secure court holding facility that could be problematic. And Shaniqua is saying, "I think there's some confusion with the answer provided to that question. The answer appears to be, yes, they can hold them, but no longer than six hours. And can we get clarity?"

**TeNeane Bradford, OJJDP** – So there's a six hour exception. They cannot be held longer than six hours.

**Didier Moncion, OJJDP** – This is Didier, I think the issue is the adjudicated component. Adjudicated juveniles cannot go back into lockup is where there seems to be confusion on as I'm reading the question.

**Seth Bloomquist, PA** – I'm confused... I thought we could designate facilities by holding.

**Ryan Shands, OR** – Yes, adjudicated is the issue.

**TeNeane Bradford, OJJDP** – Oh, okay. I'm seeing it, it's not for adjudicated, because you don't hold period adjudicated juveniles. The six hour exception only applies to accused delinquent offenders. Thanks. I'm reading lots of different notes. So, there's a difference adjudicated, no exception. Accused delinquent, six hours and it's total no longer than six hours. And that's the only way the six hour exception is applied.

**Bill Harper, MD** – Juveniles adjudicated after trial would most likely come back to holding. I hope there is some clarity in T/A.

**Seth Bloomquist, PA** – I agree with Bill.

**Katie Penkoff, CCAS** – So then we have Bill Harper who has shared "...juveniles adjudicated after trial would most likely come back to holding. I hope there is some clarity in technical assistance."

**TeNeane Bradford, OJJDP** – We can certainly look into that Bill. We have a few minutes. I wish we...

**Ryan Shands, OR** – Right, but after trial has ended and a juvenile becomes adjudicated and put back into the cell pending transfer or release, would be problematic wouldn't it? An adjudicated juvenile cannot be detained for their offenses in a facility for adults.

**Katie Penkoff, CCAS** – So Ryan is sharing, "Right, but after trial has ended at the juvenile becomes adjudicated and put back into the cell pending transfer or release, would be problematic, wouldn't it? An adjudicated juvenile cannot be detained for their offenses in a facility for adults."

**Shaniqua McRae, NJ** – I'm equally confused.



**TeNeane Bradford, OJJDP** – We'll provide some more clarity, we'll get unconfused because we only have 10 minutes and I want to use the rest of it. I definitely I'm aware of my previous experience at the state level that they do go back to holding. I just want to make sure that whatever we come. Yes, Ryan, I love it. I do want to make sure that we use these opportunities to come out with one voice consistently with these, I recognize it in the past the carefulness is to ensure that we are not giving conflicting guidance for general questions. There are going to be nuanced situations that may look the same, but they're not. But we want to make sure that we come back to you pretty quickly or have a follow-up to have discussions around things like prison and what it means and what we're looking for and what may apply when spot checking them.

And when you do, how are you monitoring for scared straight and all the nuances around that, and then this whole notion about holding youths once they've been adjudicated. They just got adjudicated. Now they're no longer, just so you all know I'm saying, they're no longer accused, the judge has made a decision, now they're going somewhere except home. And so we want to know what that looks like, and if that is a violation or not. And you want to make sure that we get you some clarifying answers, for the last eight minutes...

**John Stigall, WV** – Juvenile would return to holding awaiting transport.

**Ryan Shands, OR** – Thank you everyone :).

**Shaniqua McRae, NJ** – Appreciate it!

**Ryan Shands, OR** – LOTS of questions! Lol.

**Mona Barnes, CO** – Thanks.

**John Stigall, WV** – Let's hope so Laura.

**Ryan Shands, OR** – A manual always helps get us 90% there, and clarifying questions for the other 10%.

**Tina Borner, OJJDP** – This is Tina. I am sorry, TeNeane.

**TeNeane Bradford, OJJDP** – Go ahead.

**Tina Borner, OJJDP** – This is Tina, and I want to put a little kink in the system to make sure that Compliance Monitors understand that court holding facilities will now be a part of your 85% reporting requirement. They will have to report data to you on an annual basis. And so they will be part of your 85%, and so if you don't get data from any of your court holding facilities, that is going to put a dent in your 85%. And may provide with you an ineligible for Title II funding type of world, which you don't want to be in.

So I would highly recommend that you start talking to your court holding facilities, and we are well aware how sometimes the courts are hard to get in line or to help you with your monitoring capabilities, which is why we are going to be talking about more TA that could be provided to you to try to help with that. But I think that you definitely need to be aware that we will be looking at court holding facilities as part of that reporting world. And they have to be a part of that 85%.

**TeNeane Bradford, OJJDP** – Thank you. Which is why I wanted to spend a few extra minutes getting your feedback about what that means. Because I think we've lost some sleep worried about what that means for you all in terms of data collection. And we want it to really spend this time trying to get an understanding about while we've got some nuances here to address, I think they're minor in comparison to what does it mean now that we're saying data collection is required likely going to October 1st, this current data collection period that could affect the FY22 award. We want to hear from you about your concerns and your ability to do that. We need to know how this will affect you.

**Mona Barnes, CO** – Can we still apply different facility classifications to different SECTIONS of a facility depending on where secure holding is located?

**Katie Penkoff, CCAS** – We do have a couple of questions and comments coming in. So Mona has shared, “Can we still apply different facility classifications to different sections of a facility depending on where secure holding is located?”

**Tina Borner, OJJDP** – Hi TeNeane, this is Tina. I think that's on a case by case basis. And we need to go and look at specific facilities for specific locations.

**TeNeane Bradford, OJJDP** – I would agree, Tina.

**Ryan Shands, OR** – e.g. Administrative Office Section vs. Adult Jail or Lockup Section.

**Katie Penkoff, CCAS** – And Ryan is providing an example of an administrative office section versus adult jail or lockup section.

**TeNeane Bradford, OJJDP** – So juvenile drawings essentially, right? So you all remember the handwriting, the drawing. Instead of the application being one. Yes, yes. Generally, yes. Those apply. We want to make them pretty for you. So, we'll make sure we get back and reference those, but I think Tina is right. In some situations, in some states you've got very nuanced situations going on that are a little bit different than just the administrative section versus a cuffing rail, bench, a locked room that you can get in, but you can't walk out.

**Bill Harper Harper, MD** – Does that mean annual Court Surveys will no longer be allowed or does it mean a modification of the survey?

**Mona Barnes, CO** – Exactly.

**Ryan Shands, OR** – Yes lol.

**Katie Penkoff, CCAS** – And Bill is sharing, “Does that mean an annual court survey will no longer be allowed? Or does it mean a modification of the survey?”

**Tina Borner, OJJDP** – A court survey does not get to you looking for Jail Removal violations and Separation violations. So, if you are just doing a survey, depending on what that survey says, may not be allowed. And so you have to be able to look at if you submit an annual court survey to your court holding facilities, that survey does not negate the fact that you have to go and look at some logs and look at some admissions that say where that juvenile has been housed. And if that is a

Separation violation, depending on the layout of that facility, and that's something that you would have to look at. But my view right now is that a survey is not going to give you the information that you need.

**Seth Bloomquist, PA** – [On the overview document](#), page 19, second paragraph it says... DSO and jail removal core requirements are not applicable for court holding.... So this should be removed, correct?

**Katie Penkoff, CCAS** – We do have another comment here from Seth, “On the overview document page 19 second paragraph, it says DSO and Jail Removal core requirements are not applicable for court holding, So, this should be removed?”

**TeNeane Bradford, OJJDP** – So that's the whole point of the meeting, of that second half of the meeting of the day. It's a new requirement and it will be modified. I think I started the call, I'm not sure if everybody was on in my opening remarks talking about bringing you the updated [TTA Manual](#) for JJRA requirements moving forward which we hope to get to you as quickly as possible. But we're introducing the new JJRA definition of adult jail and lockups, which does now include court holding and so you can strike through it in your current manual knowing that it's a new requirement that we also be getting you updated guidance. And we're not just doing this presentation today. This presentation was prior to you actually getting this information in writing.

We thought initially that we would send a notice to you, and then you'd ask what is this? Instead, we have done it backwards. We wanted to notify you, talk through the issues, the applicable potential risks or issues around the data collection requirements. And then send the notifications and requirement information out with effective dates. So, we are likely going to go over, I'm all right with that if CCAS is all right with that for a few more minutes.

**Katie Penkoff, CCAS** – I'm available. And Okori, are we okay on your end? Excellent.

**Mona Barnes, CO** – Court-holding facilities don't log individual entries into a holding cell, they will put a whole group in a holding cell or whoever is in that particular transport. At least in Colorado.

**Tina Borner, OJJDP** – I see Mona's entry into the chat talking about court holding facilities, don't log individual entries into a holding cell. They will put a whole group in a holding cell, and whoever is in that particular transport. Well, you're going to have to change that Mona, they need to do a log that identifies individual entries for the juveniles that are coming into that facility. And you need to make sure that whatever holding cell that they're putting them in, is sight and sound separated from any adult in that facility. So that's basically what is being said. So you have got to ensure that there is separation and that there is an individual log. And so when we're talking about separation, I think that from the facilities that I have been in, they need to identify the specific cell that they are in and how is it separated from that adult.

And that is something that you have to do as the Compliance Monitor. I have been in places where they say, "Oh it's just a long line of cells. And the first cell and the second cell may have adults in them, but the fifth cell and the sixth cell have juveniles in there." Well, I need to make sure in the eyes of the Compliance Monitor that they can't talk to each other, they are separated. So if they tell me that they are in the sixth cell and that an adult was in the first cell, then I know that they can't communicate with each other. And so I think that that is where the harder issue is about what

separation is when it comes to them being placed in a court holding facility. I mean, it's the same for jail or lockup, but a jail or a lockup is defined as a court holding facility. And I know that we are specifically talking about a court holding facility right now.

**Mona Barnes, CO** – Separation isn't usually an issue. They are clear about that.

**Katie Penkoff, CCAS** – There is some clarification from Mona. She said, "Separation, isn't usually an issue. They are clear about that."

**Tina Borner, OJJDP** – So, is it a Jail Removal violation?

**Katie Penkoff, CCAS** – Mona, can you provide a little bit more clarification? I think Tina's asking if it is a Jail Removal violation then. Tina is that what you're asking?

**Mona Barnes, CO** – Yes - the JR (Jail Removal).

**Tina Borner, OJJDP** – Right. Because there's only two core requirements that's an issue. Is it Jail Removal or is it a Separation? If it's not a separation issue, then the jail removal issue is it have you held them for more than six hours? And so, a time in and a time out has to be documented on a log somewhere.

**Lara Kenny, WI** – When will the new manual be available to us?

**Katie Penkoff, CCAS** – So there's a question about the timeline for the new manual and when it might be available.

**TeNeane Bradford, OJJDP** – I tried to get back to Lara while Tina's on fire here. Tina is on fire. In a good way, thank you so much Tina. So, we hopefully can get an update to you in a few months. But we're government as well, so we'll have to get departmental approval and know that we are under transition. So, I don't know what that looks like. I do know that we have proven that it's not regulatory and we already have kind of a head start, so we're hoping that we can get it to you in a few months. But as Lara, you remember it took, the thing was done with us when I came on board three years ago, three and a half years ago, the one that you currently have it that long to get it to you, I think in the 2019 conference. So that's the older one and so we've got a head start hoping to get it to you in the next few months, but don't hold me to it because I'm not the final decision maker, but I will be advocating for it.

**Lara Kenny, WI** – TY (thank you) for the answer. And this change is effective Oct 1, 2020?

**Katie Penkoff, CCAS** – Lara is thanking you for that answer. And then there's a question again related when this change becomes effective, is it effective October 1, 2020? That is the question.

**TeNeane Bradford, OJJDP** – So yes, here's, why we wanted to have this discussion with you. We have been told that the effective start date is October 1, 2020, meaning the 2021 data of collection period, the Federal fiscal year 2021. And we wanted to know what that means to you, what the impact will be. I see Kenneth is saying big manpower issue here. Those are the kinds of feedback that we're looking to get. What kind of work will it take? Do you already have established

relationship? You think you can get these things to your court leadership and have them start completing the logs or getting access to logs and reporting that data to you? We want to know.

**Kenneth Stables, VA** – It is going to be a BIG MANPOWER issue for deputies not being able to put adjudicated juveniles into court holding pending transfer to a juvenile detention center.

**Elizabeth Morris, VT** – Some large concerns regarding adjudicated juveniles pending transfer.

**Mona Barnes, CO** – Kenneth - agreed!

**Samantha Lucas-Armendariz, NM** – Agree with Kenneth - especially for smaller/rural areas.

**Robb Burroughs, MI** – Collecting data for months that are already in the past will be a big challenge.

**Sara Redfield, KY** – Agree with Kayley. Log maintenance is going to be a big issue.

**Katie Penkoff, CCAS** – So Elizabeth in Vermont is sharing some large concerns regarding adjudicated juveniles pending transfer. And then there's some folks agreeing with Kenneth and the manpower and especially for smaller rural communities. And Robb is sharing collecting data for months that are already in the past will be a big challenge. And I think I must have missed something as it says here agree with Kayley, log maintenance is going to be a big issue.

**Didier Moncion, OJJDP** - Good afternoon. This is Didier again, if I may. I agree and I understand where the challenges may come in specific to getting the data or logs in, so on and so forth. But if we look at, and Tina and I talked a little bit about this the other day, if we look at this from the perspective of best practices and we want the best for the youngsters that are in custody, the fact that many aren't keeping logs as former facility superintendent, not knowing who is in my building, not knowing who I'm in custody of, not knowing if I'm doing 15 minute checks, not knowing if we're making sure that these kids are safe and we have something to document that these youngsters are being safe is something that really alarms me.

And I'm it alarms many of you, and of course it's going to take a minute to get the jailers and the sheriffs and so on and so forth onboard, but this really is the best practice to make sure that these youngsters are being safe and being cared for and monitored in an effective way that their safety is taken into consideration. I just wanted to put that out there from a different perspective.

**TeNeane Bradford, OJJDP** – Go ahead Tina. Thank you, Didier.

**Tina Borner, OJJDP** – I just wanted to put another cog in your wheel in that we are aware that different entities monitor these court holding facilities, most of the time they are sheriffs' deputies. Most of the time they are in the territories they are marshals, but you certify or your division has certified that there is a state policy saying that these individuals have been trained to work with juveniles. And so all we look at is whether the state has a policy, but what you guys need to look at as a state monitoring authority is that maybe they're all under the same academy. I don't know, but you need to ensure that, that policy is being put, applied to now all of these entities that are monitoring your court holding facilities.

And so, I'm not saying that we are going to look at individual places and say that you're out of compliance because this place has not applied this policy. No, that is not what we're going to do. I'm just putting it out there that your department head is saying that there is a state policy that this is happening. So you need to make sure that whatever academy or whatever information is being applied to them around holding juveniles and how they handle juveniles, you guys need to ensure that that information is being applied as a part of the best practices that's out there. So, I just wanted to put that in your hat as well, to make sure that you're aware that's out there.

**Sara Redfield, KY** – Transport logs might help as well for helping validate court logs.

**Samantha Lucas-Armendariz, NM** – @Kayley - I completely agree!

**Mona Barnes, CO** – If Juvenile court is ONLY open in the morning or an afternoon, would that assure you that no juvenile is held over 6 hours?

**Katie Penkoff, CCAS** – And Tina and OJJDP, Sara is also sharing transport logs might help as well for validating court logs. And then Samantha is agreeing with Kayley in terms of I think the log maintenance. And then Mona is sharing, "A juvenile court is only open in the morning or an afternoon, would that assure that no juvenile is held over six hours?"

**Tina Borner, OJJDP** – I need to go back to Sara's comment about the transport logs that it's fine, but it doesn't identify where they're being held. And so if those transport logs also identify the cell that they are being held in, and that you can ensure that that cell that they're being held at is sight and sound separated from any adult inmates, then that's fine, then that transport log can be used for that purpose. But a transport log really is just did they come into the facility or not at the time that they were supposed to come? That doesn't really talk about the separation portion.

**John Stigall, WV** – @Kayley I agree.

**Sara Redfield, KY** – No, but it could be used to ensure accuracy if there are discrepancies in name entries on the logs.

**Katie Penkoff, CCAS** – Just one another quick reminder, if hopefully in the chat, you've got the drop-down menu to say everyone, because if it's not marked everyone, I may not be able to see your questions or comments. And our panelists may not be able to either. So just a quick reminder so that we don't miss anything here. And so, Sara is saying no, but it could be used to ensure accuracy if there are discrepancies in the name entries on the logs.

**Keith Towery, OJJDP** – Okay. I want it to like, just mention too, because I think people are, when you talk about data people start to freak out, but it's great to see that a lot of people in a chat are thinking about different types of logs and different types of reports that they may be able to use to find this information. I was just wondering though, are states or territories, are you having any issues or do you anticipate having any issues accessing that type of data to be able to properly record where the youth will be placed while they're at the court holding facility? And if there's any assistance needed around that, understanding how to maybe collect that particular data.

**Tina Borner, OJJDP** – Great question, Keith.

**Katie Penkoff, CCAS** – I know we had a bunch of comments there one, "So if the juvenile court is only open in the morning or an afternoon, would that assure that no juvenile was held over six hours?"

**Didier Moncion, OJJDP** – Hi, Mona, this is Didier. I think that's maybe nuanced specific to your region and perhaps that would be something that you may have a little more control over. And maybe at that as TeNeane said, maybe that this is a more nuanced thing that we need to do a personal conversation with you and the program manager to address.

**Mona Barnes, CO** – Ok.

**TeNeane Bradford, OJJDP** – Yes, I agree. We certainly will put out some more guidance. I think some of this is helpful, right? To handle the whole transport if she wants to keep as many adjudicated, I think that's one. Also what kinds of logs are important in court holding facilities that may be a little bit different than your other normal Jail Removal lock up facility that you collect data from particularly because they do operate a little bit differently, every other day, right?

Sometimes it's twice a week, depending on, I come from South Carolina. So, you might have court once a month. And in certain places typically those are non-secure, but nevertheless different areas run courts differently. So, we'll get to what ifs, the general guidance. I think the other thing that's important to note where, and this is something that we, again, some of us have lost a little bit of sleep over this, trying to make sure that we don't make mistakes of the past, and really tried to, as much as we can, garner your feedback about challenges or issues to mitigate risks for you to be able to do your job in the most effective and efficient way, one is to really kind of get feedback so we understand the impact.

Well, we'll follow up to make sure that we remind folks of the kinds of tools that you need to be looking for, or data collection that would be appropriate. We'll take some of the more nuanced questions and concerns, I think generally, what do we do with transport, right? I know that, but then we only have a certain kind of structural facility. The court holding facility, may be a court holding facility during the day, and then a detention facility at night. So those are different and those require different a little bit nuanced answers and we'll get to that. We're going to try to close this out in about five more minutes. I want to spend that time if you all can to get your concerns about and I think I saw some already, we're already past the date, we've got COVID further challenging us with our data collection efforts.

And so you haven't said delayed, but you're concerned that going back to the October 1st date may be a challenge. Anything around those, anything that any other kinds of issues like that, really nailing down some of your nuanced concerns will be helpful to us to consider whether we raise this up to our OJP leadership. For now, I will tell you that the date that we know to be effective as October 1, this past year for the 2021 data collection.

But again, right off the bat, I know that COVID is a challenge. I know that being at a quarter or more than a quarter into the data collection period is a challenge. I know that getting your questions answered about the data collection that's required, the setting up of relationships that will allow you to get the information is important. On top of answering the question about the transport, the adjudicated and hold for transport. So I already know that I hope you can hear that I know that. And

then perhaps that will further our discussion and decision-making, but is there anything else as I pass the baton back to Katie?

**Shaniqua McRae, NJ** – I think many of us would agree with both Didier and Tina, we want to make sure we'll be in compliance if we report next year that we weren't able to implement new log policies etc. until 2-4 months post being made aware of these new elements through this call.

**Kelly Hourigan, NJ** – I agree! This will be a challenge to start logs without getting all on board and provide a full year reporting, with October being four months ago. There is a process that needs to happen, that may not be implemented for this federal fiscal year reporting period. I think you need to give states time, in order to implement this requirement.

**Katie Penkoff, CCAS** – And Dr. Bradford, you saw the two comments from Shaniqua and Kelly there in New Jersey and those speak to timelines, or what should I read those?

**TeNeane Bradford, OJJDP** – Yes, go ahead.

**Katie Penkoff, CCAS** – Okay. Shaniqua says, "I think many of us would agree that with both Didier and Tina, we want to make sure we'll be in compliance. If we report next year, that we weren't able to implement new law policies, et cetera, until two to four months post being made aware of the new elements through this call."

**TeNeane Bradford, OJJDP** – Yes, okay. I see that's an issue. We would require a whole year's data. So that would be a modification to our internal regulatory guidance that you would have to seek approval to wave at least be ready to answer the Congress for it, but noted.

**Katie Penkoff, CCAS** – And Dr. Bradford, directly to your point, Kelly says, "I agree! This will be a challenge to start logs without getting all on board and provide a full year of reporting with October being four months ago. This is a process that needs to happen..."

**TeNeane Bradford, OJJDP** – Okay. I'm sorry. I didn't mean to giggle, but yes, it's good that we are all on the same page. It's so reassuring that we've tried to think of these things for you.

**Kayley Richards, UT** – I guess if court has been virtual due to COVID then this is less of an issue for the past 4.5 months. #SilverLining

**Didier Moncion, OJJDP** – @Kayley...good point!

**Katie Penkoff, CCAS** - And Kayley did share a silver lining saying that "I guess the court has been virtual due to COVID then this is less of an issue for the past 4.5 months." So, she sent a silver lining with a hashtag.

**TeNeane Bradford, OJJDP** – You know, you might be in trouble, right? You weren't supposed to throw that silver lining in there because that makes an excellent point that I have not thought about. Now, I know that may not be in every jurisdiction, but I do know that there are a lot of places that are going virtual. And so, it's much easier to keep kids separated when they don't even touch from adults that they don't even have to go in. Very good point to make and noted.



**Tina Borner, OJJDP** – Hi Kayley, are they held in a juvenile detention/correction facility?

**Kayley Richards, UT** – @Tina- yes, virtually from the juv detention/correction facility.

**Tina Borner, OJJDP** – Hey TeNeane this is Tina. I just wanted to, because I asked the question, making sure that this virtual court, excuse me, is being done from a secure juvenile detention or correctional facility and Kayley replied yes. So, the six hour rule does not apply if the youth is being held at those type of facilities.

**TeNeane Bradford, OJJDP** – Oh, that's a good point. See another nuance.

**Mona Barnes, CO** – Thanks for taking all my questions!!

**Kayley Richards, UT** – Thanks.

**Sara Redfield, KY** – Thank you all for addressing the influx of questions.

**Ryan Shands, OR** – Thank you everyone, take care.

**Katie Penkoff, CCAS** – And folks are sharing that they appreciate that you're taking the questions and that they're looking forward to future guidance. Some people had to hop off the feed dogs and children.

**TeNeane Bradford, OJJDP** – This is for you all and we're taking it very seriously. We want to try to answer your questions and be as helpful to you and really focus on the work that you do in a way that perhaps we haven't done as satisfactorily before, but we're committed to it and we'll follow up. You can take it back, Katie. Thank you all for being here. Appreciate you. And again, OJJDP, SRAD, OJP is committed to help advance the work and we'll take your questions and turn around some guidance as quickly as possible.

**Katie Penkoff, CCAS** – So thank you so much our partners that OJJDP and thanks to the field for hanging on and asking wonderful questions. If you haven't already, please share your name and the state or territory you represent in the chat, so we can make sure to get you in the roll call for this call. So, thanks everyone for your time. We hope you have a wonderful rest of your day and we look forward to connecting with you in the future. Okay. Well, thank you all. It looks like things are slowing down in the chat and again we'll be in touch soon and thanks so much for your time.

**John Stigall, WV** – Stay Safe.