

THE DISTRICT OF COLUMBIA'S JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT COMPLIANCE MONITORING POLICIES AND PROCEDURES MANUAL



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I. ABOUT THE COMPLIANCE MANUAL

The District of Columbia’s (hereinafter “District”) Compliance Monitoring Policies and Procedures Manual describes the methods and processes for monitoring compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP Act), as amended.¹

The Compliance Monitor is responsible for evaluating the District’s compliance with the JJDP Act’s four core requirements: (1) deinstitutionalization of status offenders (DSO), (2) removal of juveniles from jails and lockups for adults (jail removal), and (3) preventing sight or sound contact between juveniles and adult inmates (contact).²

These requirements apply to all detention or correctional facilities in the District, as defined by the JJDP Act. The District’s Compliance Monitor must inspect (visit) and collect and verify data from facilities in the monitoring universe to ensure the District’s compliance with the core requirements.³ If violations are discovered, the Compliance Monitor is required to report the incident in the annual report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and provide training and technical assistance to remedy and prevent future occurrences.

Compliance with the JJDP Act affects the District’s eligibility for Title II formula grant funding offered through OJJDP. Noncompliance with any of the four core requirements results in a 20% reduction in Title II formula grant funds awarded to the states. In addition, 50% of the remaining funds must be solely dedicated to achieving compliance with the core requirement for which the states have been found out of compliance.⁴ Title II, Part B, of the [Juvenile Justice and Delinquency Prevention Act](#) (“JJDP Act” or the “Act”) sets out detailed requirements that a state must satisfy in order to be eligible to receive funding under the Act’s Formula Grants Program, including the submission of a state plan that satisfies the

¹ The latest reauthorization of the Juvenile Justice and Delinquency Prevention (JJDP) Act is the Juvenile Justice Reform Act of 2018 (Pub. L. 115-385).

² Section 223(a)(11)(B) of the JJDP Act, Deinstitutionalization of Status Offenders (DSO)

Section 223(a)(12) of the JJDP Act, Sight or Sound Contact (Contact)

Section 223(a)(13) of the JJDP Act, Removal of juveniles from jails and lockups for adults (Removal)

Section 223(a)(14) of the JJDP Act, Effective monitoring system

Section 223(a)(23) of the JJDP Act, Valid Court Order (VCO)

³ 28 CFR part 31, § 31.303. [Substantive requirements](#)

⁴ Section 223(c)(1), Failure to Comply with Core Requirements.

requirements set forth at 34 U.S.C. § 11133(a)(1)-(33). Under the Act, “[i]n accordance with regulations which the Administrator shall prescribe, such plan shall,” among other things—...provide for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the Administrator[.] [34 U.S.C. § 11133(a)(14)]. As a result, compliance monitoring can help inform the District’s efforts to refine and develop juvenile justice policies and programs.

Pursuant to Section 223(a)(14) of the JJDP Act (as amended) states must provide for an effective system of monitoring jails and lockups for adults, secure detention facilities, secure correctional facilities, and other secure facilities to ensure that the core requirements are met. Section 223(a)(14) also calls for annual reporting of the results of such monitoring to the OJJDP Administrator.

Pursuant to 28 C.F.R. § 31.303(f)(1)(i), states must describe their compliance monitoring policies and procedures. At a minimum, the state’s compliance monitoring policies and procedures must:

1. Specify the **legal authority** of the agency or agencies that monitor for compliance in all secure detention and secure correctional facilities, adult jails, and adult lockups (34 U.S.C. § 11133(a)(1) and (2)).
2. Provide an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that the core requirements are met ((34 U.S.C. § 11133(a)(14)).
3. Describe its plan and procedure for monitoring adult jails, adult lockups, secure detention facilities, and secure correctional facilities. (28 C.F.R. § 31.303(f)(1)(i)).
4. Describe procedures for receiving, investigating, and reporting complaints of violation of section 223(a)(11), (12), and (13) (28 C.F.R. § 31.303(f)(1)(iii)).
5. Specify how the state **identifies, classifies, and inspects all adult jails, adult lockups, secure detention facilities, and secure correctional facilities**. (223(a)(14)(i)(A)-(C); 28 C.F.R. §(f)(1)(C)).
6. Specify how the state **collects and verifies data from all facilities** regarding compliance with the DSO, contact, and jail removal requirements (223(a)(11), (12) and/or (13); 28 C.F.R. §(f)(1)(C)).

The Compliance Monitoring Policies and Procedures should be updated annually prior to the start of the new fiscal year.

The JJDP Act creates an enforceable private right of action. A private right of action allows a private plaintiff to bring an action based directly on a public statute, the Constitution, or federal common-law, even though the statute itself contains no express right of action. The District assumes duties when federal funds, such as Title II funding, are accepted, and when those duties are breached, a juvenile may seek a remedy pursuant to 42 U.S.C. Section 1983 (see *Hendrickson v. Griggs*, 672 F. Supp. 1126 (N.D. 1987);⁵ *Horn by Parks v Madison County Fiscal Court* 22 F. 3d. 653 (6th Circuit 1994)).

Noncompliance may leave the District vulnerable to section 1983 conditions of confinement litigation

⁵ 42 U.S.C. §1983 Civil action for deprivation of rights

raising damage claims under the 8th Amendment Cruel and Unusual Punishment Clause and the 14th Amendment due process clause.⁶ In *D.B. v Tewksbury*, 545 F. Supp. (D. Or. 1982) the court found the practice of jailing juveniles to be a per se constitutional violation of the 14th Amendment. Several other claims would likely be raised as well: classification and safety issues, inadequate programming for juveniles, inadequate educational programming (especially special education claims), and inadequate mental health care.

II. COMPLIANCE WITH THE CORE REQUIREMENTS

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

In the following paragraphs, you will find direct statutory and regulatory references and the District's plan to address the core requirements.

A. DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)

Pursuant to [34 U.S.C. § 11133\(a\)\(11\)\(A\)](#), juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders), shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no such juveniles were placed in secure detention and correctional facilities, or when the state's DSO rate falls below the established threshold.

YOUTH HANDGUN SAFETY EXCEPTION

Under [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(I\)](#), the DSO requirement does not apply to juveniles charged with or found to have committed a violation of the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or a similar state law, which prohibits a person younger than 18 from possessing a handgun. Such juveniles may be placed in secure detention or secure correctional facilities without resulting in an instance of noncompliance with the DSO requirement.

VALID COURT ORDER EXCEPTION

The Valid Court Order (VCO) exception at [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(II\)](#) provides that accused or adjudicated status offenders, and juveniles found to have violated a valid court order based on their status as a juvenile, may be placed in a secure juvenile detention or correctional facility. A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply (see Section III.E. Adherence to Federal Definitions for the definition of "valid court order").

To demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to verify whether court orders used to place status offenders in juvenile

⁶ 8th Amendment of the US Constitution; 14th Amendment of the US Constitution

detention centers (including juveniles who violate valid court orders related to their status as a juvenile), meet the following requirements (as set forth at [34 U.S.C. § 11133\(a\)\(23\)](#)):

- a. An appropriate public agency shall be promptly notified that the status offender is held in custody for violating a valid court order.
- b. An authorized representative of that agency shall interview within 24 hours, in person, the status offender who is being held.
- c. Within 48 hours during which the status offender is held:
 - The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender.

The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation.

(1) If the court determines that the status offender should be placed in a secure detention facility or correctional facility for violating the court order, (1) the court must issue a written order that:

- Identifies the valid court order that has been violated;
- Specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;
- Includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;
- Specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and
- May not be renewed or extended; and

(2) The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order.

There are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a valid court order does not remain in custody longer than seven days or the length of time authorized by the court, whichever is shorter.

INTERSTATE COMPACT ON JUVENILES EXCEPTION

Pursuant to the DSO requirement at [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(III\)](#), status offenders may be held in accordance with the Interstate Compact on Juveniles, as the state has enacted it. States must verify that all status offenders subject to an out-of-state placement were held pursuant to the Compact. Where the interstate placement of status offenders was not in accordance with the Compact, the state in which the juvenile is placed must report the placement as an instance of noncompliance.

DISTRICT OF COLUMBIA'S PLAN TO ADDRESS THE DSO REQUIREMENTS AND EXCEPTIONS

Pursuant to District Code [16-2320](#), Disposition of a child who is neglected, delinquent, or in need of supervision, states that:"(d)(1) No child found in need of supervision unless also found delinquent shall be committed to or placed in a secure juvenile residential facility, as defined in § [22-2603.01\(7\)](#), or a secure residential treatment facility for delinquent juveniles."(2) Except as provided in paragraph (1) of this subsection, a child found in need of supervision shall be released to the child's parent, guardian, or custodian; provided, that the child may be committed to or placed in a foster home, group home, youth shelter, or other appropriate home for children in need of supervision if the return of the child will result in placement in, or return to, an abusive situation, or the child's parent, guardian, or custodian is unwilling or unable to care for or supervise the child. If the return of the child will result in placement in, or return to, an abusive situation, or if the child's parent, guardian, or custodian is unwilling or unable to care for or supervise the child, the Child and Family Services Agency shall open a neglect investigation."

The Compliance Monitor will check each facility's admission and release records to obtain accurate information and determine compliance with DSO, Removal, and Contact requirements of the JJDP Act. Only secure facilities in the monitoring universe are required to submit (self-reported) data to the Compliance Monitor for data collection, verification, and reporting purposes. All secure facilities must attempt to identify possible violations and report them to the Compliance Monitor in a timely manner. The monitoring year corresponds to the federal and District fiscal year of October 1 through September 30.

The Compliance Monitor, at a minimum, will request demographics, admission, and release information of individuals who were admitted to or processed at one of the secure facilities in the monitoring universe. The Compliance Monitor will work in conjunction with the CJCC Information Technology (IT) department and Statistical Analysis Center (SAC) to develop and execute a plan for verification of data received from secure facilities. Data verification plan can be found [here](#).

Data will be collected three times a year from each secure facility to review the District's adherence to the core requirement.

DISTRICT OF COLUMBIA'S PLAN TO USE THE YOUTH HANDGUN SAFETY EXCEPTION

The youth handgun safety exception [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(I\)](#) does not apply for the District of Columbia. In the District carrying a pistol without a license (CPWL) is not a status offense, youth detained on a CPWL are detained pursuant to District Code [22-4504](#), which prohibits any person regardless of age from carrying a pistol without a license. In addition, pursuant to District Code [16-2310](#), criteria for detaining children, states that: (a) A child shall not be placed in detention prior to a factfinding hearing or a dispositional hearing unless he is alleged to be delinquent and unless it appears from available information that detention is required (1) to protect the person or property of others from significant harm, or (2) to secure the child's presence at the next court hearing. (a-1)(1) There shall be a rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds by a substantial probability that the child: (A) Committed a dangerous crime or a

crime of violence while armed with or having readily available a pistol, firearm, or imitation firearm; or
(B) Committed CPWL, carrying a pistol without a license.

DISTRICT OF COLUMBIA'S PLAN TO USE THE VALID COURT ORDER EXCEPTION

Policy

The Valid Court Order (VCO) exception provides that PINS youth/status offenders found to have violated a valid court order may be detained in juvenile detention or correctional facility. Section 223(a)(23) of the JJDP Act defines a VCO as a court order given by a juvenile court judge to a juvenile who was brought before the court and made subject to such order; and who received, before the issuance of the order, the full due process rights guaranteed to such juveniles by the Constitution of the United States.

Procedure

For data purposes, the Compliance Monitor must collect detention orders for status offenders found to have violated a court order that include, at a minimum:

1. the release plan;
2. the reasonable cause determination;
3. the placement of the PINS youth/status offender pending their disposition of the alleged violation;
4. the previous court order that was found to have been violated;
5. the factual basis used to determine that there was enough reasonable cause to show that the PINS youth/status offender was in violation of the previous court order;
6. a written statement that the youth shall not be detained or confined for more than seven days;
7. the court's rationale for detaining or confining the youth;
8. the court's rationale for not using a less restrictive option; and
9. the judge's due consideration of what is believed to be in the best interest for the PINS youth/status offender.

The substantive requirements (28 CFR part 31, § 31.303 (3)) require the juvenile be afforded the following due process protections, including:

- the right to have the charges against the juvenile, in writing, served upon him in a reasonable time before the hearing;
- the right to a hearing before the court;
- the right to an explanation of the nature and consequences of the proceeding;
- the right to legal counsel, and the right to have such counsel appointed by the court, if indigent;
- the right to confront witnesses;
- the right to present witnesses;
- the right to have a transcript of the proceeding; and
- the right of appeal to an appropriate court.

The District's judicial practice ensures that all youth detained under the VCO receive the full protections of due process accorded by the United States Constitution. Section [16-2309\(a\)\(9\)](#) of the District's Code

provides the statutory basis for the District's use of the VCO exception to the Deinstitutionalization of Status Offenders' core requirement of the JJDP Act.

VCO Discovery Procedure

- A. The Compliance Monitor shall utilize the [OJJDP VCO Benchmark Card](#) and [checklist](#) to review and verify the lawful detention or containment of PINS youth/status offenders who have been confined or detained for more than 23 hours. Per 223(a)(23) of the JJDP Act, status offenders may be detained for violating a court order up to seven (7) days. The Compliance Monitor must verify whether the PINS youth/status offenders detained or confined are held pursuant to this VCO exception.
 1. The Compliance Monitor may need to also rely on the Juvenile Processing Center's (JPC) Lockup List, JPC PINS Logbook, Court Social Services Division's (CSSD) intake data, Department of Youth Rehabilitation Services (DYRS) PINS youth detention procedures, and a desegregated list that contains all PINS youth/status offenders who have been detained or confined in the District for more than 23 hours to distinguish between DSO violations and VCO exceptions. If the Compliance Monitor is unable to establish the VCO exception, then the incident will be reported as a DSO violation.

- B. The Compliance Monitor will query the Justice Information System (JUSTIS) for information from the District of Columbia's Superior Court (DCSC) using the unique identifier of each PINS youth/status offender who was detained or confined for more than 23 hours (excluding holidays and weekends) during the specified period. For each of these individuals, the Compliance Monitor will request all applicable court orders.
 1. The Compliance Monitor will review each court order to determine if it meets the JJDP Act standard of a valid court order requirement and therefore eligible for the Valid Court Order exemption:
 - a. 223(a)(23)(A) Proper Notification of Custody of PINS youth/status offender
 - i. The Compliance Monitor must verify that the court was made aware of PINS youth/status offender arrest.
 - a. JPC/Arresting Officer notified the court of a PINS youth to be added to the docket⁷; or
 - b. The CSSD court probation intake notified the court of a PINS youth to be added to the docket.⁸
 - b. 223(a)(23)(B) Interview with Intake Staff within 24 hours
 - i. The Compliance Monitor must verify that the PINS youth/status offender received an intake interview within 24 hours of being detained or confined.
 - c. 223(a)(23)(C)(i) Delivery of the assessment to the court within 48 hours
 - i. The Compliance Monitor must verify that the court received the PINS youth/status offender's assessment within 48 hours of being detained or confined.
 - d. 223(a)(23)(C)(ii)(I) Reasonable cause determination
 - i. The Compliance Monitor must verify that the court order which confined or detained the PINS youth/status offender articulates the reasonable cause determination.
 - e. 223(a)(23)(C)(ii)(II) Placement pending disposition

⁷ The number for the DYRS At-Risk Unit that JPC uses is (202) 715-7571.

⁸ The number for the CSSD Court Probation Intake that the DYRS At-Risk uses to inform the court of PINS youth and have them added to the day's docket is 202-879-4742.

- i. The Compliance Monitor must verify that the court order properly identifies the placement of the PINS youth/status offender pending their disposition of the alleged violation.
- f. 223(a)(23)(C)(iii)(I)(aa) Written order of court order violation
 - i. The Compliance Monitor must review the detention order for the violation. The detention order must identify that the previous court order was found to have been violated.
- g. 223(a)(23)(C)(iii)(I)(bb) Written order that specifies the factual basis for determining that there was reasonable cause to believe the court order was violated
 - i. The Compliance Monitor must verify that the detention order includes the factual basis used to determine that there was enough reasonable cause to show that the PINS youth/status offender was in violation of the previous court order.
- h. 223(a)(23)(C)(iii)(I)(cc) Written order showing there is no appropriate less restrictive alternative available and the court's due consideration to the best interest of the juvenile
 - i. The Compliance Monitor must verify that the detention order includes the court's rationale for detaining or confining the youth, their rationale for not using a less restrictive option, and their due consideration of what is believed to be in the best interest for the PINS youth/status offender.
- i. 223(a)(23)(C)(iii)(I)(dd), 223(a)(23)(C)(iii)(I)(ee) and 223(a)(23)(C)(iii)(II) Written order for secure detention or confinement to include a release plan, and that the custody time cannot exceed seven days or be renewed or extended, and that the court cannot issue a second or subsequent order
 - i. The Compliance Monitor must verify that the detention order includes a release plan, a written statement that the youth shall not be detained or confined for more than seven days. The Compliance Monitor will need to verify the dates of subsequent detention orders to ensure that the PINS youth/status offender time in detention is, in fact after the date on which the court issued a finding under a different order.
- j. 223(a)(23)(D) Procedures from juvenile detention or correctional facilities prohibiting PINS youth/status offender secure custody for more than seven days
 - i. The Compliance Monitor must confirm that juvenile detention or correctional facilities have procedures in place to prohibit the detention or confinement of PINS youth/status offenders for more than seven days or the length of time authorized by the court.

Based on the findings, the Compliance Monitor will classify the DSO compliance issue appropriately as either meeting the VCO exception as VCO exempted, or as a DSO violation.

DISTRICT OF COLUMBIA'S PLAN TO USE THE INTERSTATE COMPACT FOR JUVENILES EXCEPTION

Policy

Interstate Compact Juvenile (ICJ), pursuant to District Code 24-1102 (11), the District must monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance. In accordance with ICJ rule 6-101(1), a runaway may be released to a legal guardian or custodial agency within the first twenty-four (24) hours of detention (excluding weekends and holidays), except in cases where abuse or neglect is suspected by holding authorities. The runaway may be released to the legal guardian or custodial agency without applying the ICJ. In re stacy b., 741 n.y.s.2d 644, 646

(n.y. fam. Ct. 2002) (“the clear import of the language of the compact is that the state signatories to the compact have agreed as a matter of policy to abide by the orders of member states . . . and to cooperate in the implementation of the return of runaway juveniles to such states.”). However, if the legal guardian or custodial agency is unable or unwilling to pick up the juvenile within that timeframe, ICJ rule 6-102 due process procedures must be used and the holding state’s ICJ office notified. Runaways, who are endangering themselves or others, held beyond twenty-four (24) hours, shall be held in secure facilities until returned by the home/demanding state. See ICJ rules 6-102(1), 6-103(1) (interstate compact for juveniles 2020).

Challenges to detention of runaways under this section, and the predecessor compact, have not been successful. For example, in *re doe*, 73 p.3d 29 (haw. 2003) (under the provisions of the Juvenile Justice and Delinquency Prevention Act, 34 U.S.C. 11133(a)(11)(a)(iii) creates an exemption to the ‘deinstitutionalization’ of status offenders and also permits detention of juveniles who are held in accordance with the interstate compact for juveniles as enacted by the state.); *L.A. v. Superior court ex rel. County of San Diego*, 147 cal. Rptr. 3d 431, 435 n.2 (cal. Ct. App. 2012) (“a minor taken into custody upon the ground that he or she is a person described in section 601, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure facility, other than a facility in which adults are held in secure custody, in any of the following circumstances: . . . for up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian, with the exception of an out-of-state runaway who is being held pursuant to the interstate compact for juveniles”); *Hopkins v. State*, 105 so.3d 470 (fla. 2012); see, 34 U.S.C. 11133(a)(11)(a)(iii) (2012); see also memorandum from Ashley Lippert, exec. Dir., interstate comm’n for juveniles & richard I. Masters, gen. Counsel, interstate comm’n for juveniles, to all interstate comm’n for juveniles offices (may 20, 2010) (on file with author and appendix vi).

Procedure

To determine if a juvenile charged with a status offense has been detained in accordance with the interstate compact for juveniles, the Compliance Monitor will review arrest, release and court data from MPD, JUSTIS, DYRS and any additional census data from jail and lockups for adults, secure detention and secure correctional facilities.

The Compliance Monitor must request and review data to determine the following:

1. If the juvenile has been detained beyond 24 hours;
2. If due process procedures were enacted;
3. If juvenile was released to parent/guardian or demanding state; and
4. If the District notified the home/demanding state of the juvenile’s detainment.

If a juvenile is held in accordance with the interstate compact for juveniles, this will not constitute a violation of the DSO. If a violation is determined, the appropriate violation procedures will be enacted.

B. REMOVAL OF JUVENILES PROSECUTED AS ADULTS FROM JAILS AND LOCKUPS FOR ADULTS

Under 34 U.S.C. § 11133(a)(11)(B), also known as [Section 223\(a\)\(11\)\(B\)](#), on or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below.

A juvenile charged as an adult may be detained in an adult jail or lockup if one of the exceptions at 34 U.S.C. § 11133(a)(13) applies (Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception).

Pursuant to [34 U.S.C. § 11133\(a\)\(13\)](#), no juvenile shall be detained or confined in any jail or lockup for adults, with exceptions described below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense, and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in a jail or lockup for adults.

The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both juveniles and adult inmates in collocated facilities to have been trained and certified to work with juveniles:

SIX-HOUR EXCEPTION

The District of Columbia will use the six-hour exception. The jail removal requirement at [34 U.S.C. § 11133\(a\)\(13\)\(A\)](#) allows the detention or confinement of a juvenile accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult) in a jail or lockup for adults, under the following circumstances:

- a. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility.
- b. A juvenile who has been adjudicated as delinquent may not be detained in a jail or lockup for adults, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.

The following three exceptions allow states to detain or confine juveniles accused of non-status offenses in a jail or lockup for adults for more than six hours while awaiting an initial court appearance and so long as the juveniles do not have sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.

RURAL EXCEPTION

The District of Columbia will not use the rural exception. The exception found at [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(I\)](#) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available.

OMB maintains a list of metropolitan statistical areas which it periodically updates through the posting of a bulletin on its website. OMB bulletins may be found [here](#). The relevant bulletin will be titled *OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas*, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of “Metropolitan Statistical Areas” that provides the title of the metropolitan statistical area, the principal city or cities, and the counties included in that area.

TRAVEL CONDITIONS EXCEPTION

The District of Columbia will not use the travel conditions exception. Under [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(II\)](#), states may detain a juvenile accused of a delinquent offense in an adult jail or lockup, if the facility is located where conditions of distance to be traveled or the lack of highway, road, or transportation does not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable.

CONDITIONS OF SAFETY EXCEPTION

The District of Columbia will use the conditions of safety exception. Under [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(III\)](#), if the adult jail or lockup is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), a juvenile accused of a delinquent offense may be detained therein and his or her court appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.

INTEREST OF JUSTICE⁹

In addition, a court may determine after a hearing, and in writing that it is in the interest of justice to permit a juvenile to be detained in a jail or lockup for adults or have sight or sound contact with adult inmates in a detention or correctional facility. If the court makes an initial determination that it is in the interest of justice to detain a juvenile under those circumstances, the court must hold a hearing at least every 30 days (at least every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:

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

⁹ 223(a)(11)(b), Interest of Justice

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

DISTRICT OF COLUMBIA’S PLAN TO ADDRESS THE REMOVAL OF JUVENILES PROSECUTED AS ADULTS FROM ADULT FACILITIES

Policy

Pursuant to DC Code 16-2313, Place of detention or shelter, states that: “(d)(1) No child under eighteen years of age may be detained in a jail or other facility for the detention of adults unless transferred as provided in section 16-2307. The appropriate official of a jail or other facility for the detention of adults shall inform the Superior Court immediately when a child under the age of eighteen years is received there (other than by transfer) and shall (1) deliver him to the Director of Social Services upon request, or (2) transfer him to a detention facility described in subsection (b)(3); provided, that beginning October 1, 2018, no person under 18 years of age may be held in the custody of the Department of Corrections.”“(2) All persons under 18 years of age who are in the custody of the Department of Corrections shall be transferred to the custody of the Department of Youth Rehabilitation Services before October 1, 2018.”(3) After October 1, 2018, the Department of Corrections shall immediately inform the Superior Court if a person under 18 years of age is transferred to the Department of Corrections and transfer the individual to the Department of Youth Rehabilitation Services.”

Procedure

The Compliance Monitor will review the MPD arrest data and the Department of Corrections (DOC) admissions¹⁰ data to determine if any persons under the age of 18 were processed at a District station (adult lockup) or the Central Cell Block (adult lockup) or detained or confined at the DC Jail (adult jail). Also, the Compliance Monitor will determine whether any persons 18 and over were processed at the juvenile processing center (juvenile lockup), using MPD data, or admitted to the juvenile detention or correctional facilities, using DYRS data. For any such individuals, the Compliance Monitor will review their charge information and court records to determine if they are, in fact, adult inmates—that is, individuals who committed their offense at the time they were at or above the age of full criminal responsibility. Juveniles who reach the age of full criminal responsibility after arrest or adjudication are not covered by the Contact requirement.

For anyone under 18 who was detained or confined in a jail or lockup for adults, the Compliance Monitor will review the Unit Assignment information provided by DOC to determine whether juveniles in these facilities had sight or sound contact with adult inmates. In addition, the Compliance Monitor

¹⁰ District of Columbia admissions data is a list of individuals that were detained or confined at the facility.

will request and review court records, including any prior convictions, to determine whether the juvenile is being charged as an adult, in which case the juveniles are not covered by the Contact requirement.

INTEREST OF JUSTICE¹¹

The Interest of Justice hearing requirement section 223(a)(11)(b), does not apply in the District, as juveniles under the age of 18 are required to be detained in a Department of Youth Rehabilitation Services (DYRS) juvenile facility.

Policy

The Comprehensive Youth Justice Amendment Act of 2016, DC Code [21-238](#), amended section 23-1322 of the DC Official Code, and required transfer of juveniles adjudicated pursuant to Chapter 23 of Title 16 of the DC Code (adult transfers) to DYRS custody (juvenile detention and corrections) and removal of juveniles from adult correctional facilities. DC Code 21-238 prohibits the detention of juveniles adjudicated pursuant to Chapter 23 of Title 16 of the District of Columbia Official Code in adult facilities. The code now establishes that pursuant to [23-1322 \(g\)\(2\)](#), In a detention order issued under subsection (b) of this section, the judicial officer shall direct that the person be committed to the custody of the Attorney General of the United States for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; provided, that after October 1, 2018, if the person is younger than 18 years of age, direct that the person be transferred to the custody of the Department of Youth Rehabilitation Services, subject to the federal standards under 28 C.F.R. § 115.14.

Procedure

The Compliance Monitor will establish a notification system in JUSTIS for any juveniles identified as a being charged as an adult in the arrest data received from MPD daily lockup list.

The Compliance Monitor will then review court data in JUSTIS to confirm that any juvenile regardless of charge is held in a juvenile facility.

If a violation is identified, the Compliance Monitor will issue a notification to the appropriate agency.

C. SIGHT OR SOUND CONTACT BETWEEN JUVENILES AND ADULT INMATES

Pursuant to [34 U.S.C. § 11133\(a\)\(12\)](#), juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates, as defined at 34 U.S.C. 11103(25) and included in Section III.E. Adherence to Federal Definitions.

¹¹ 223(a)(11)(b), Interest of Justice

To comply with the contact requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.

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

Juveniles who have been transferred, certified, or waived to criminal court, and are therefore charged as adults, may not be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility, unless it is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B).

However, a court may determine that it would be in the interest of justice to do so consistent with [34 U.S.C. § 11133\(a\)\(11\)\(B\)](#). See Section 223(a)(11)(B) above, which applies to juveniles charged as adults. If a juvenile who has been charged as an adult has been convicted and sentenced for the criminal offense, however, Section 223(a)(11)(B) no longer applies.

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

Individuals who commit an offense while still a juvenile, and were charged as a juvenile, and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they have reached the state's maximum age of extended juvenile jurisdiction. By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility, are adult inmates, who must not have sight or sound contact with juvenile detainees.

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

Programs in which juveniles have sight or sound contact with adult inmates in an attempt to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the contact (and possibly DSO and jail removal) requirements. Whether these programs result in instances of noncompliance will depend on the specific manner in which the program operates and the circumstances of the juveniles' participation in such a program.

Instances of noncompliance with the contact requirement may only occur if a juvenile's participation in such a program is pursuant to law enforcement or juvenile or criminal court authority. In addition, for violations to occur, the juvenile must not be free to leave or withdraw from participation, even if her/his parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile's participation.

DISTRICT OF COLUMBIA'S PLAN TO ADDRESS SIGHT OR SOUND CONTACT OF JUVENILES FROM ADULT INMATES

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

Policy

The Comprehensive Youth Justice Amendment Act of 2016, DC Code [21-238](#), amended section 23-1322 of the DC Official Code to transfer juveniles adjudicated pursuant to Chapter 23 of Title 16 of the DC Code to Department of Youth Rehabilitation Services (DYRS) custody, to remove juveniles from adult

correctional facilities, and end the detention of juveniles adjudicated pursuant to Chapter 23 of Title 16 of the District of Columbia Official Code in adult facilities.

Procedure

To ensure compliance with the sight or sound contact core requirement, the Compliance Monitor will implement the steps outlined in section III. Elements of an Effective Monitoring System B. Compliance Monitoring Policies and Procedures.

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

Policy

In the District of Columbia, a juvenile who reaches the age of full criminal responsibility after arrest or adjudication will remain in a juvenile facility until their twenty first birthday, pursuant to District Code [16-2301](#), Definitions, a (3) The term “child” means an individual who is under 18 years of age, except that the term “child” does not include an individual who is sixteen years of age or older and —

(A) charged by the United States attorney with (i) murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, or (ii) an offense listed in clause (i) and any other offense properly joinable with such an offense; (B) charged with an offense referred to in subparagraph (A)(i) and convicted by plea or verdict of a lesser included offense; or (C) charged with a traffic offense.

For purposes of this subchapter the term “child” also includes a person under the age of twenty-one who is charged with an offense referred to in subparagraph (A)(i) or (C) committed before he attained the age of sixteen, or a delinquent act committed before he attained the age of eighteen.

Procedure

To ensure compliance with the sight or sound contact core requirement, the Compliance Monitor will implement the steps outlined in section III. Elements of an Effective Monitoring System B. Compliance Monitoring Policies and Procedures.

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

Policy

The District of Columbia operate separate detention and correctional facilities for juveniles and adults. Juveniles are not detained in a jail or lockup for adults. There are no Scared Straight Programs in the District.

Procedures

To ensure compliance with the sight or sound contact core requirement, the Compliance Monitor will implement the steps outlined in section [III. Elements of an Effective Monitoring System B. Compliance Monitoring Policies and Procedures.](#)

A. REMOVAL OF JUVENILES FROM JAILS AND LOCKUPS FOR ADULTS

Pursuant to [34 U.S.C. § 11133\(a\)\(13\)](#), no juvenile shall be detained or confined in any jail or lockup for adults, with exceptions described below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense, and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in a jail or lockup for adults.

The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both juveniles and adult inmates in collocated facilities to have been trained and certified to work with juveniles:

SIX-HOUR EXCEPTION

The District of Columbia will use the six-hour exception. The jail removal requirement at [34 U.S.C. § 11133\(a\)\(13\)\(A\)](#) allows the detention or confinement of a juvenile accused of delinquent offenses in a jail or lockup for adults (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:

- c. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility.
- d. A juvenile who has been adjudicated as delinquent may not be detained in a jail or lockup for adults, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.

The following three exceptions allow states to detain or confine juveniles accused of non-status offenses in a jail or lockup for adults for more than six hours while awaiting an initial court appearance and so long as the juveniles do not have sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.

RURAL EXCEPTION

The District of Columbia will not use the rural exception. The exception found at [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(I\)](#) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available.

OMB maintains a list of metropolitan statistical areas which it periodically updates through the posting of a bulletin on its website. OMB bulletins may be found [here](#). The relevant bulletin will be titled *OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas*, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of “Metropolitan Statistical Areas” that provides the title of the metropolitan statistical area, the principal city or cities, and the counties included in that area.

TRAVEL CONDITIONS EXCEPTION

The District of Columbia will not use the travel conditions exception. Under [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(II\)](#), states may detain a juvenile accused of a delinquent offense in an adult jail or lockup, if the facility is located where conditions of distance to be traveled or the lack of highway, road, or transportation does not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable.

CONDITIONS OF SAFETY EXCEPTION

The District of Columbia will use the conditions of safety exception. Under [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(III\)](#), if the adult jail or lockup is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), a juvenile accused of a delinquent offense may be detained therein and his or her court appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.

DISTRICT OF COLUMBIA'S PLAN TO ADDRESS REMOVAL OF JUVENILES FROM JAILS AND LOCKUPS FOR ADULTS

SIX-HOUR EXCEPTION

The District of Columbia will utilize the six hour exceptions as outlined in the jail removal requirement at [34 U.S.C. § 11133\(a\)\(13\)\(A\)](#) allows the detention or confinement in an adult jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:

- a. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility.
- b. A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.

The following three exceptions allow states to detain or confine juveniles accused of non-status offenses in adult jails or lockups for more than six-hours while awaiting an initial court appearance and so long as the juveniles do not have sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.

CONDITIONS OF SAFETY EXCEPTION

The District of Columbia will use the conditions of safety exceptions. Pursuant to District Code [21-238](#), The Comprehensive Youth Justice Amendment Act of 2016, and District Code [16-2313\(d\)\(1\)](#), no child under eighteen years of age may be detained in a jail or other facility for the detention of adults. Therefore, the District of Columbia will only use the conditions of safety exceptions in rare instances when there are conditions of safety issue for the arresting officer and juvenile. Juveniles arrested in the District of Columbia should be processed at the juvenile processing center pursuant to MPD policies

outlined in general order (handling of juveniles) [305.01](#). However, in an instance in which the weather does not permit travel to the juvenile processing center, the conditions of safety exceptions may apply.

RURAL EXCEPTION

The District of Columbia does not use the rural exception. The District of Columbia is in a metropolitan region and therefore the rural exception does not apply.

TRAVEL EXCEPTION

The District of Columbia does not use the travel exception. The District of Columbia is in a metropolitan region and therefore the travel exceptions do not apply.

Policy

Pursuant to District Code [21-238](#), The Comprehensive Youth Justice Amendment Act of 2016, and District Code 16-2313(d)(1), no child under eighteen years of age may be detained in a jail or other facility for the detention of adults. Therefore, the District of Columbia will only use the exceptions in rare instances.

Procedure

The Compliance Monitor will take the following steps to ensure that the District is in compliance with the CYJAA and JJDPA:

1. The Compliance Monitor will review the date, time and location of arrest on the daily lock up lists to determine if a juvenile was processed and detained at the juvenile processing center (JPC) or another District police station.
2. If the juvenile was not detained at the JPC and was detained at another District station, the Compliance Monitor will review the court and release data to determine the length of time that a juvenile was detained.
3. The Compliance Monitor will determine if one of the exceptions above applies. The compliance monitor will review the data to ensure that the juvenile was transported to the JPC:
 - a. Six-Hour Exceptions: If the six-hour exception applies, the compliance monitor will ensure that the juvenile was transported to the JPC immediately upon becoming aware of the juveniles age and in no case longer than six-hours;
 - b. Conditions of Safety: If the conditions of safety applies, the compliance monitor will ensure that the juvenile was transported as soon as the weather or conditions preventing transport were deemed safe.
4. If the juvenile was detained for longer than six-hours at a District station and the conditions of travel exception does not apply a notification of noncompliance will be issued to the appropriate agency.
5. The Compliance Monitor will provide training and technical assistance to ensure that the issue is rectified for the future.

III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING

A. SUMMARY OF ELEMENTS

States participating in the Formula Grants Program ¹² must provide for an effective system of monitoring jails, lockups, secure detention facilities, and secure correctional facilities to ensure that they meet the core requirements, pursuant to the monitoring and reporting requirement at [34 U.S.C. § 11133\(a\)\(14\)](#). The state's monitoring system, if it is to comply with the statutory and regulatory monitoring requirements, must include all jails, lockups, secure detention facilities, and secure correctional facilities. There are eight elements of an effective system of monitoring. For each of the following elements, the state should include a description of its specific policies and procedures:

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

B. COMPLIANCE MONITORING POLICIES AND PROCEDURES

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)](#), one of the required elements of an effective system of monitoring is that states must describe their policies and procedures for monitoring for compliance with the core requirements. The purpose of this manual is to satisfy the policies and procedures element, as well as describe how District of Columbia satisfies the following additional elements required for an effective system of compliance monitoring.

DISTRICT OF COLUMBIA'S PLAN TO ADDRESS COMPLIANCE MONITORING POLICIES AND PROCEDURES

Pursuant to [28 CFR 31, § 31.303 \(f\)](#), there are several tasks that the Compliance Monitor must execute on an annual basis. Those tasks are listed below and described in greater detail throughout this manual.

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

Policy

¹² According to Formula Grant Program requirements, the District of Columbia is considered a state.

The Compliance Monitor will annually review the compliance monitoring policies and procedures, update the compliance manual and the District’s monitoring universe. The compliance monitoring manual will cover all monitoring tasks to be accomplished during the applicable fiscal year.

Procedures

The Compliance Monitor/Racial and Ethnic Disparities Coordinator and the Criminal Justice Coordinating Council’s (CJCC) executive leadership shall apply for the applicable fiscal year Compliance Monitoring and Racial and Ethnic Disparities Coordination grant from the Office of Victim Services and Justice Grants (OVSJG). The grant is noncompetitive funding that is designated to fulfill a specific purpose for which the CJCC can only execute. There are no other District entities that meet the requirements to fulfill the role of the grant except the CJCC.

1. Upon award, the Compliance Monitor will schedule a meeting with the CJCC executive leadership to discuss and plan the monitoring tasks for the coming fiscal year.
2. The Compliance Monitor will complete a “[monitoring timeline](#)” outlining dates and all required tasks and status of compliance monitoring activities including the schedule of monitoring visits for the current fiscal year.
3. The monitoring tasks, at a minimum, will include:
 - a. identification of the [monitoring universe](#);
 - b. classification of the monitoring universe;
 - c. inspection of facilities;
 - d. data collection and data verification; and
 - e. completion and the timely submission of the annual compliance monitoring report or other requests specified by the OJJDP.
4. The CJCC executive leadership will supervise the Compliance Monitor and ensure that all the monitoring tasks are accomplished.
5. The Compliance Monitor will provide scheduled compliance and racial and ethnic disparities updates to OJJDP, CJCC’s Juvenile Justice Committee (JJC) and Juvenile Justice Advisory Group (JJAG) (DC’s State Advisory Group) on the state of compliance with the JJDPA in the District.
6. The Compliance Monitor is responsible for managing the monitoring timeline and universe that identifies all facility inspections scheduled during the fiscal year and any other scheduled compliance monitoring activities. The timeline should be updated at the beginning of each fiscal year and provided to the CJCC’s Executive Director, Deputy Executive Director, and the OVSJG for review and final approval.
7. The Compliance Monitor will compile and analyze compliance and racial and ethnic disparities data and information for reporting to OJJDP on an annual basis.

C. MONITORING AUTHORITY

States are required under [34 U.S.C. § 11133\(a\)\(1\) and \(2\)](#) to designate an agency (referred to as the Designated State Agency, or the DSA) and provide satisfactory evidence that the DSA has authority, by legislation, if necessary, to administer the Title II Formula Grants Program, including monitoring for compliance with the deinstitutionalization of status offenders (DSO), Section 223(a)(11)(B), contact, and jail removal requirements.

DISTRICIT OF COLUMBIA’S MONITORING AUTHORITY

Pursuant to 34 U.S.C. § 11133(a)(1) and (2), states must specify the legal authority of the agency or agencies that monitor for compliance in all facilities, including adult facilities, in which a juvenile might be detained or confined pursuant to law enforcement or juvenile court authority.

Policy

The Mayor has the authority to designate a District agency as being responsible for carrying out the provisions of the JJDP Act. Mayor's Order [2016-171](#) establishes the Office of Victim Services and Justice Grants (OVSJG) as the Designated State Agency (DSA) responsible for carrying out the provisions of the JJDP Act, and the sole agency responsible for supervising the preparation and administration of the state plan according to Section 223(a)(1) of the JJDP Act.¹³ OVSJG awards the Criminal Justice Coordinating Council (CJCC) Title II grant funding to carry out the District’s compliance monitoring functions, per the JJDP Act. The CJCC is the only District agency with access to all data sources necessary to address the monitoring requirements identified in the JJDP Act. CJCC is an agency responsible for coordination for the District’s criminal justice agencies to identify and address public safety issues that involve multiple criminal justice agencies. The Statistical Analysis Center (SAC) for the District is located within the CJCC and is dedicated to the collection, analysis, and dissemination of information about the District’s criminal justice system. The compliance monitor is able to access the information and data required to carry out the duties and role of the Title II grant for compliance monitoring. The Chief Judge of the District of Columbia Superior Court has signed an administrative order AO 20-14 allowing juvenile data to be shared with the CJCC for the purposes of compliance monitoring and reducing racial and ethnic disparities in the juvenile justice system. The compliance monitor may inspect, collect, and verify data from detention and correctional facilities to ensure compliance and reporting requirements outlined in the grant awarded by OVSJG for adherence to the Title II grant with the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Procedure

The Compliance Monitor must work in conjunction with the CJCC executive leadership annually to apply for the Title II funding, administered by OVSJG, to conduct compliance monitoring and racial and ethnic disparities reduction activities in the District. The grant awarded to CJCC by OVSJG is a pass-through sub-grant, as there are no other District agencies that have access to the required data necessary to complete the monitoring and oversight responsibilities required by the JJDP Act. Through an annual sub-grant award agreement and accompanying MOU, CJCC is awarded funds to support the compliance monitoring and racial and ethnic disparity coordination efforts in the District. Additional information regarding the monitoring authority can be found [here](#).

¹³ Also referenced in: 34 U.S.C. 11133(a)

D. VIOLATION PROCEDURES

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(iii\)](#), the state must specify how it receives, investigates, and reports complaints of instances of noncompliance with the DSO, Section 223(a)(11)(B), contact, and jail removal requirements.

DISTRICT OF COLUMBIA’S PLAN TO ADDRESS COMPLIANCE VIOLATIONS

Pursuant to 28 C.F.R. § 31.303(f)(iii), a state’s monitoring system must include any procedures to receive, investigate, and report complaints of noncompliance with the DSO, contact, and jail removal core requirements, Section 223(a)(11)(B). This should include any existing legislative and administrative procedures and sanctions.

Policy

Reports of possible violations can come from various sources to include, but not limited to, the public, any facility or its staff in the monitoring universe, government officials, parents, former or current residents in a detention or correctional facility, or any agencies/organizations with oversight authority. The Compliance Monitor shall take any report of a violation seriously and work with the appropriate parties to investigate the violation. Violations are most often found through a detailed review of facility logs and other data submitted for compliance purposes to the Compliance Monitor. Violations must be confirmed and validated by the Compliance Monitor through the review of data and onsite inspections. All violations must be verified by reviewing applicable data and a documented inspection. All findings shall be stored on CJCC’s shared drive in the facility’s individual record and reported to the CJCC Juvenile Justice Committee (JJC) and Juvenile Justice Advisory Group (JJAG).

ADMISSION

The term admissions will be used in the data collection process. Admissions data will be used to determine whether a juvenile has been placed, detained or confined in accordance with the definition of placed/placement in the [OJJDP Compliance Monitoring Tool](#). The compliance monitor will review admissions data to help determine whether a juvenile was placed, detained, or confined in accordance with the federal definition of placed/placement. The checklist below will determine whether a placement has occurred if a juvenile:

- a. Is detained or confined in a secure correctional facility for juveniles or a secure detention facility for juveniles;
 - (1) For 24 hours or more before an initial court appearance;
 - (2) For 24 hours or more following an initial court appearance; or
 - (3) For 24 hours or more for investigative purposes or identification;
- b. Is detained or confined in a secure correctional facility for adults or a secure detention facility for adults or with respect to any situations not described in paragraph (1) or (2) of this definition, is detained or confined pursuant to a formal custodial arrangement that a court has ordered or other entity authorized by state law to make such an arrangement; or
- c. When a juvenile who is not charged with any offense, and who is an alien or alleged to be dependent, neglected, or abused, is detained or confined in a secure correctional facility for juveniles or adults or a secure detention facility for juveniles or adults.

To report a potential compliance violation, contact the District’s [Compliance Monitor](#).

Procedures

If a DSO, Removal, or Contact violation is reported or discovered, the Compliance Monitor will initiate a review and investigation of the alleged violation. A review may include but is not limited to the steps outlined in the procedures below.

- c. The Compliance Monitor will notify the facility of the discovery of a possible violation and review the potential violation by; requesting any additional data that could help determine if there was, in fact, a violation, and scheduling an inspection of the facility and applicable documentation.
- d. The investigation will include a review of all available data needed to determine the existence of the violation, to include but not limited to demographics, admission, and release information of the applicable residents in the facility. The admissions information will allow the compliance monitor to determine whether the juvenile was held, diverted, detained, or confined. The Compliance Monitor will review and analyze the following data:
 - a. Court data in JUSTIS;
 - b. MPD daily lock up lists for adults and juveniles;
 - c. Census data and arrest data from adult and juvenile facilities; and
 - d. Any additional relevant information provided by the agency.

For all violation types, the compliance monitor will request the following data:

Table 1: Compliance Violation Data Request

Requested Data Elements	Type of Secure Facility				
	Adult Lockup	Adult Jail	Juvenile Detention	Juvenile Correctional	Court Holding
For individuals under the age of 18 who were processed, held at or admitted to the facility during a specified time period:					
Full Name (Last, First)	X	X	X	X	X
Unique Identifier (i.e., PDID, XRef, Agency-specific Identifier)	X	X	X	X	X
Date of Birth	X	X	X	X	X
Sex or Gender	X	X	X	X	X
Race/Ethnicity	X	X	X	X	X
Most Serious Offense/Charge	X	X	X	X	
Detention Rationale	X	X	X	X	
PINS Youth (Y/N)	X	X	X	X	X
Time to/Returned from Court (if applicable)	X	X	X	X	X
Unit Assignment (if applicable)	X	X	X	X	X
Date/Time of Admission	X	X	X	X	X
Date/Time of Release (if applicable)	X	X	X	X	X
Release To (i.e., Placement Type/ POC) (if applicable)	X	X	X	X	X
Referred (Diverted, Restorative Justice, etc.) (if applicable)	X	X	X	X	X

- e. Prior to inspection of the facility, the Compliance Monitor will cross check information from various datapoints including the MPD adult and juvenile daily lock up lists, monthly data received from agencies, and court data in JUSTIS.
- f. After the data has been reviewed, the Compliance Monitor will schedule an inspection of the facility to review daily logbooks and agency information systems onsite.
- g. If the violation is confirmed after the inspection, the Compliance Monitor will first notify the POC of the facility of the nature of the violation.
- h. The Compliance Monitor will follow up with a “[post visit notification](#)” letter to the facility’s POC and the agency’s leadership:
 - a. describing the incident that led to the violation and details about maintaining compliance with the core requirements;
 - b. offering training and technical assistance to ensure compliance with the core requirements; and
 - c. providing other findings and recommendations to prevent a reoccurrence.
- i. The Compliance Monitor will inform the CJCC’s Juvenile Justice Committee (JJC) and Juvenile Justice Advisory Group (JJAG) of the violation(s) at the next regularly scheduled meeting and discuss any observed barriers and strategies for compliance.
- j. The Compliance Monitor will ensure that the violation is reflected in the annual report submitted to OJJDP.
- k. The Compliance Monitor will document violations in the form of a report and email. Records of violation and correction of noncompliance will be kept in accordance with the CJCC records retention policy for four years on the CJCC shared drive. All documents will be transferred to archives for retention for up to ten years after completion of grant review period.

E. ADHERENCE TO FEDERAL DEFINITIONS

Definitions that states use for key juvenile and criminal justice terms sometimes differ from the “federal” definitions. The federal definitions, for purposes of compliance monitoring, are only those provided in the JJDPA at [34 U.S.C. § 11103](#) the Formula Grants Program Regulation at [28 C.F.R. § 31.304](#) and [An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance With the Deinstitutionalization of Status Offenders, Contact, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act.](#)

THE DISTRICT OF COLUMBIA’S PLAN TO ADHERE TO FEDERAL DEFINITIONS

The District of Columbia will adhere to federal definitions for the purpose of compliance monitoring.

ADULT INMATE | [34 U.S.C. § 11103 \(26\)](#)

An individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal

offense, and does not include an individual who (1) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable state law; and (2) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable state law.

ASSESSMENT | [34 U.S.C. 11103\(38\)](#)

Includes, at a minimum, an interview and review of available records and other pertinent information – (A) by an appropriately trained professional who is licensed or certified by the applicable state in the mental health, behavioral health, or substance abuse fields; and (B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement.

COLLOCATED FACILITIES | [34 U.S.C. § 11103 \(28\)](#)

Facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.

CORE REQUIREMENTS | [34 U.S.C. § 11103 \(30\)](#)

The requirements described at [34 U.S.C. § 11133\(11\), \(12\), \(13\), and \(15\)](#).

CRIMINAL-TYPE OFFENDER | [28 C.F.R. § 31.304\(a\)](#)

Juvenile offender who has been charged who or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.

DETAIN OR CONFINE | [28 C.F.R. § 31.304 \(b\)](#)

To hold, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition.

INSTITUTION | [Compliance Monitoring TA Tool](#)

“A secure facility that law enforcement or a juvenile or criminal court authority uses to detain or confine juveniles or adults (1) accused of having committed a delinquent or criminal offense, (2) awaiting adjudication or trial for the delinquent or criminal offense, or (3) found to have committed the delinquent or criminal offense.”

JAIL OR LOCKUP FOR ADULTS | [34 U.S.C. § 11103 \(22\)](#)

A locked facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adult inmates.

JUVENILE OFFENDER | [28 C.F.R. § 31.304 \(d\)](#)

An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by state law (i.e., a criminal-type offender or a status offender).

MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION | [Compliance Monitoring TA Tool](#) by OJJDP – means the age above which a juvenile court may no longer exercise jurisdiction under state law.

MONITORING UNIVERSE | [Compliance Monitoring TA Tool](#)

All public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.

NONOFFENDER | [28 C.F.R. § 31.304 \(i\)](#)

A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

RESIDENTIAL | [Compliance Monitoring TA Tool](#)

Equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.

SECURE as defined under [28 C.F.R. § 31.304 \(m\)](#)

Used to define a detention or correctional facility – includes residential facilities that include construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

SECURE CORRECTIONAL FACILITY | [34 U.S.C. § 11103 \(13\)](#)

Any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

SECURE DETENTION FACILITY | [34 U.S.C. § 11103 \(12\)](#)

Any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

SIGHT OR SOUND CONTACT | [34 U.S.C. § 11103 \(25\)](#)

Any physical, clear visual, or verbal contact that is not brief and inadvertent.

STATE | [34 U.S.C. § 11103\(7\)](#)

Any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

STATUS OFFENDER | [34 U.S.C. § 11103\(42\)](#)

A juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.

TWENTY-FOUR HOURS | [Compliance Monitoring TA Tool](#) – means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.

VALID COURT ORDER | [34 U.S.C. § 11103\(16\)](#)

A court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.

F. IDENTIFICATION OF THE MONITORING UNIVERSE

The reporting of instances of noncompliance with the core requirements is facility-based and therefore the “monitoring universe” includes all facilities within the state (public and private) that are jails and lockups for adults (including court holding facilities), secure detention facilities, and secure correctional facilities (including adult prisons), as listed at [34 U.S.C. § 11133\(a\)\(14\)](#). These are the facilities in which instances of noncompliance with the core requirements may occur. States must ensure that they identify and include all of these facilities as part of the monitoring universe.

DISTRICT OF COLUMBIA’S PROCESS FOR IDENTIFICATION OF THE MONITORING UNIVERSE

Policy

The Compliance Monitor will maintain a census, known as the “[monitoring universe](#),” that shall contain an active list of all public and private facilities in the District that might hold juveniles [pursuant to the public authority](#).¹⁴ The Compliance Monitor will consult with various District agencies including the District of Columbia Superior Court-Family Court Division (DCSC), Department of Youth Rehabilitation Services (DYRS), Department of Corrections (DOC), Metropolitan Police Department (MPD), and United States Marshall Services (USMS) via email to update the list on an annual basis and/or when notified of any additional facilities or structural changes at a facility that may change the classification of the facility.

Procedures

1. At the beginning of each fiscal year, the Compliance Monitor will monitor legislation that bestows arrest powers to any District or federal agencies in the District and add any new private or public facilities that might detain or confine juveniles pursuant to public authority. Additionally, at the start of the fiscal year, the Compliance Monitor will query each agency in the District that operates, or contracts facilities already included in the monitoring universe to obtain information on the status of their current facilities, planned facilities, and contracted facilities. The agencies include but may not be limited to:
 - a. Department of Youth Rehabilitation Services (DYRS);
 - b. District of Columbia Department of Corrections (DOC);
 - c. Metropolitan Police Department (MPD); and
 - d. United States Marshall Services (USMS).
2. The Compliance Monitor will complete an online query to review the website for each agency identified in Step 1 of the procedures section of “Identification of the Monitoring Universe” to determine if additional facilities should be added to the “Monitoring Universe.”

¹⁴ DC Code § 16–2313. Place of detention or shelter. Identifies the types of facilities where juveniles may be held pursuant to public authority.

3. The Compliance Monitor will complete section 1 of the “[facility identification form](#)” annually for each new or existing facility.¹⁵
4. To further assist in the identification of the facility, the Compliance Monitor will submit an [email](#) request that the POC for each facility completes section 2 of the “facility identification form.”
5. Based on the responses, the Compliance Monitor will make a preliminary classification of the facility for compliance monitoring purposes, tentatively include the facility in the monitoring universe, and arrange a date for an inspection with the facility’s POC to determine if the facility should, in fact, be included in the monitoring universe.
6. Upon completion of the inspection, the Compliance Monitor will make a determination as to whether the facility is “secure,” “non-secure,” or “both” and whether the facility serves “juveniles only,” “adults only” or serves “both.” If the facility is determined to be secure, the Compliance Monitor will add the newly identified secure facilities to the compliance monitoring universe for future monitoring.
7. The identification of the monitoring universe should be treated as an on-going, collaborative, and iterative process. The Compliance Monitor is encouraged to treat each inspection as an opportunity to update the monitoring universe and provide technical assistance accordingly.

G. CLASSIFICATION OF THE MONITORING UNIVERSE

States are required under [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(B\)](#) to classify each facility in the monitoring universe to specify whether it is a (1) a jail or lockup for adults ([34 U.S.C. § 11103\(22\)](#)); (2) secure detention facility ([34 U.S.C. § 11103\(12\)](#)); or (3) secure correctional facility ([34 U.S.C. § 11103\(13\)](#)).

DISTRICT OF COLUMBIA’S PLAN FOR CLASSIFICATION OF THE MONITORING UNIVERSE

Policy

Classification can only be verified through on-site inspections. The Compliance Monitor will classify or reclassify each facility in the monitoring universe at least annually, although the classification of facilities can be an iterative process. All facilities listed in the monitoring universe will be classified pursuant to federal definitions.

To create a uniformed classification system, the Compliance Monitor will:

1. evaluate the facility’s residential setting;
2. evaluate the facility’s secure status;
3. determine the population served; and
4. determine the applicable compliance requirements.

Residential Setting

¹⁵ At minimum, the agencies that must be queried include the: Metropolitan Police Department (MPD), Department of Corrections (DOC), Department of Youth Rehabilitation Services (DYRS), Court Social Services Division (CSSD), and the Child and Family Services Agency (CFSA).

- Residential means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.
- Non-residential is understood to mean any space within a facility that was created to temporarily place a juvenile; usually, for the purpose of transport, court, or medical appointments.

Secure Status

- Secure refers to facilities that have construction features designed to physically restrict the movements and activities of persons in custody (e.g., cuffing apparatus, locked rooms and buildings, fences, or other physical structures). It does not include facilities where physical restriction of movement or activity is provided solely through facility staff (i.e., staff secure).
- Non-secure refers to facilities where juveniles are required to go pursuant to law enforcement or juvenile court authority, but there are no construction features designed to physically restrict the movements of persons in custody. Typically, shelter and group homes in the District are classified as non-secure placement. Also, a juvenile may not be in a secure detention or confinement status, but they may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or a law enforcement facility. The core requirements do not apply to non-secure buildings or non-secure areas of an otherwise secure facility.

Population

- A juvenile-only facility is understood to be a facility that only services and houses juvenile offenders.
- An adult-only facility is understood to be a facility that only services and houses adult inmates. No persons under the age of 18 shall be admitted to the facility.
- Section 103(28) of the JJDP Act defines a Collocated Facility as a residential facility located in the same building or is part of a related complex of buildings located on the same grounds that holds both juveniles and adults. A complex of buildings is considered related when it shares physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water, and sewer) or beyond specialized services such as medical care, food service, laundry, maintenance, and engineering.

Facility Types

The Compliance Monitor must classify the facilities as one or more of the following: (1) jail, (2) lockup (including court holding facilities); (3) secure detention facility; and (4) secure correctional facility. Below is the guidance for determining facility type.

JAILS AND LOCKUPS FOR ADULTS

The federal definition for the term “jail or lockup for adults” refers to a secure facility that is used to detain or confine adult inmates. Section 103(26) of the JJDP Act defines an adult inmate as an individual who has reached the age of full criminal responsibility in the state and has been arrested and is in custody for or awaiting trial on a criminal charge or is convicted of a criminal offense.

Pursuant to DC Code §§ 46–101 & 16-2301(3), the age of majority is 18. However, the District recognizes a juvenile’s extended jurisdiction up to the age of 21 for those youth who were committed to the care and custody of the Court Social Services Division (CSSD) or the Department of Youth Rehabilitation Services (DYRS) before they reached the age of majority (D.C. Code §§ 16-2301(3) & 16-2303).

Jails and Lockups for Adults must be monitored for all core requirements (DSO, Jail Removal, and Contact).

Table 1. Jails Applicable Core Requirements

Facility Type	DSO Requirements Apply	Removal Requirements Apply	Contact Requirements Apply
D.C. Jail (Department of Corrections)	Yes	Yes	Yes

Lockups for Adults

The Juvenile Processing Center and the Sixth District police stations that are operated by the Metropolitan Police Department are collocated facilities with the same physical address. However, separation between juveniles and adult inmates exist through the architectural structure of the building. The architectural structure ensures that separation is achieved and ensures there is no sight or sound contact between juveniles and adult inmates due to different entrances and separate holding spaced in this facility. The compliance monitor will continue to monitor to ensure adherence to the DSO, removal and contact requirements.

Court Holding Facilities

A court holding facility is a secure facility and a subcategory of a “lockup for adults” that is used to temporarily detain persons immediately before or after detention hearings or other court proceedings. In the District, the court holding facilities are collocated in the same building for adult inmates and juveniles however, such facilities are in separate locations. The District’s court holding facilities remain subject to section 223(a)(12) (Jail Removal and Contact) requirement of the Act. A PINS youth/status offender or delinquent offender placed in a court holding facility is exempt from the DSO requirement if the facility meets the criteria listed above. The juvenile court holding facility in the District is referred to as the “at-risk unit.” It is important to note that court holding facilities impose an inherent or practical time limitation in that juveniles must be brought to and removed from the facility during the same judicial day. The Compliance Monitor must monitor court-holding facilities for Removal and Contact requirements.

Table 2. Lockups for adults Applicable Core Requirements

Facility	DSO Requirements Apply	Removal Requirements Apply	Contact Requirements Apply
Court Holding & At-Risk Unit (Collocated adult and juvenile court holding facilities)	No	Yes	Yes
Juvenile Processing Center (JPC) (Collocated facility with 6 MPD District Station)	Yes	Yes	Yes
District Stations Metropolitan Police Department (MPD)	Yes	Yes	Yes
Central Cell Block Department of Corrections (DOC)	Yes	Yes	Yes

Detention Facilities

Section 103(12) of the JJDP Act defines the term secure detention facilities as any public or private residential facility which includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals detained in lawful custody in such facility used for the temporary detainment of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

Table 3. Secure Detention Facilities Applicable Core Requirements

<u>Facility</u>	<u>DSO Requirements Apply</u>	<u>Jail Removal Requirements Apply</u>	<u>Contact Requirements Apply</u>
Juvenile Detention Facility DYRS (Youth Services Center (YSC))	Yes	No	No
Adult Detention Facility Department of Corrections, D.C. Jail	Yes	Yes	Yes

Correctional Facilities

Secure correctional facility, under 34 U.S.C. § 11103 (13), is defined as –’ as any public or private residential facility that includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility and is used for the confinement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

The key difference between secure juvenile detention and secure correctional facilities is the adjudication status of the youth. Any facility that detains juveniles who have been adjudicated and confined by the court shall be classified as a secured correctional facility. The Compliance Monitor is required to understand the youth’s adjudication status for classification purposes.

The National Capital Revitalization and Self-Government Improvement Act of 1997 was enacted as Title XI of the Balanced Budget Act of 1997, [P.L. 105-33](#). The act required the transition of both female and male D.C. felony offenders to Bureau of Prisons (BOP). Therefore, there are no secured correctional facilities for adults in the District and juveniles are required to be detained in a secured juvenile facility pursuant to District Code [21-238](#). The Compliance Monitor will review the juvenile secured correctional facility for the DSO.

Table 4. Secure Correctional Facilities Applicable Core Requirements

<u>Facility</u>	<u>DSO Requirements Apply</u>	<u>Removal Requirements Apply</u>	<u>Contact Requirements Apply</u>
Juvenile Correctional Facility DYRS (New Beginnings Youth Development Center)	Yes	No	No

H. INSPECTION OF FACILITIES

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(c\)](#), inspection of facilities is necessary to ensure an accurate assessment of each facility’s classification and record keeping. The inspection must include (1) a review of the physical accommodations to determine whether it is a secure or non-secure facility or whether

adequate sight or sound contact requirements between juvenile and adult inmates exists and (2) a review of the record-keeping system to determine whether sufficient data are maintained to determine compliance with the core requirements of the JJDP Act.

DISTRICT OF COLUMBIA’S PLAN TO INSPECTION FACILITIES

Policy

The Compliance Monitor will annually inspect all secure facilities in the monitoring universe to ensure an accurate assessment of each facility's classification and record keeping. The inspection process should include a method of reporting compliance with core requirements for each secure facility. The OJJDP suggests that 33% of secure facilities be inspected annually with the goal that all facilities would have received a visit within a three-year period. However, the District’s Compliance Monitor shall visit 100% of the secure facilities in the monitoring universe annually.

Procedures

Prior to the Inspection

1. The Compliance Monitor will send an email to each facility with a request for monitoring date, request for data, and a list of frequently asked questions regarding the core requirements and the monitoring process.
2. The Compliance Monitor will review the arrest and/or admissions data in the daily lock up list received from DOC and MPD prior to an inspection and may verify such data during inspections.
3. The Compliance Monitor will review and analyze juvenile and adult data received in JUSTIS from the courts, review MPD daily lock up lists for adults and juveniles, DYRS census data and any additional arrest data received from the facility (or the agency that operates the facility) prior to scheduling a site visit. The Compliance Monitor will review the data and develop a list of juveniles that require further review due to potential violations of one of the core requirements during the period of review. The compliance monitor will use the District Code [46-101](#), enumerated age of majority and District Code [16-2301\(3\)](#) age of full criminal responsibility to determine the juveniles that require further review. The data requested will be dependent upon the type of facility, as shown in Table A.

Table. A Data Request Chart

Requested Data Elements	Type of Secure Facility				
	Adult Lockup	Adult Jail	Juvenile Detention	Juvenile Correctional	Court Holding
For individuals under the age of 18 who were processed, held at or admitted to the facility during a specified time period:					
Full Name (Last, First)	X	X	X	X	X
Unique Identifier(i.e., PDID, XRef, Agency-specific Identifier)	X	X	X	X	X
Date of Birth	X	X	X	X	X
Sex or Gender	X	X	X	X	X
Race/Ethnicity	X	X	X	X	X
Most Serious Offense/Charge	X	X	X	X	
Detention Rationale	X	X	X	X	
PINS Youth (Y/N)	X	X	X	X	X

Time to/Returned from Court (if applicable)	X	X	X	X	X
Unit Assignment (if applicable)	X	X	X	X	X
Date/Time of Admission	X	X	X	X	X
Date/Time of Release (if applicable)	X	X	X	X	X
Release To (i.e., Placement Type/ POC) (if applicable)	X	X	X	X	X

4. The Compliance Monitor will review the data to determine if there are any instances of potential noncompliance with DSO, Jail Removal, or Sight or Sound, section 223(a)(11)(b)) requirements. For example, the Compliance Monitor will work with the CJCC designated statistician to review the data to determine if any status offenders were processed or admitted to secure facilities and whether persons under 18 were processed or admitted to adult facilities. Such instances may require further review to determine compliance with the JJDP Act. The process for analyzing data is described in detail in [data collection and verification](#).
5. The Compliance Monitor shall schedule an on-site inspection within three weeks of receiving the data using a [pre-site visit notification](#).
 - a. If the date and time suggested are inconvenient, another time must be negotiated between both parties.
6. Where applicable, the Compliance Monitor will request advanced access to data (e.g., rosters and facility’s logbooks) and the most recent census of juveniles to have while on-site during the inspection.

During the Inspection

7. During the inspection, the Compliance Monitor will use the [inspection log](#) to review any flagged cases identified by the facility or discovered during the Compliance Monitor’s review of the data by examining relevant information (i.e., logbooks, data systems, and other records) or areas within the facility to evaluate compliance with the applicable core requirements.
8. At all inspections, the Compliance Monitor will complete, update, or revise the classification of the facility, using the [facility classification checklist](#).
9. In addition, the Compliance Monitor will use the [inspection checklist](#) during the inspection to determine if there are any potential issues of noncompliance with the DSO, Jail Removal, and Sight or Sound, Section 223(a)(11)(B) requirements of the JJDP Act.
10. Immediately following the inspection, the Compliance Monitor will meet with the facility’s leadership or designated contact to discuss findings and observations, recommend methods for maintaining or achieving compliance, and address any questions the facility leadership may have regarding compliance monitoring.

Post Inspection

11. Within 60 days after the inspection, the Compliance Monitor will memorialize this discussion in a [post visit notification](#) letter, share findings with the agency’s POC and leadership, and insert the letter in the facility’s individual file on CJCC’s shared drive.

I. COMPLIANCE DATA COLLECTION AND VERIFICATION

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(D\)](#) and [\(5\)](#), the state must collect and verify data from all adult jails, adult lockups, secure detention facilities, and secure correctional facilities for the 12-month federal fiscal year (FY) reporting period, to determine whether the facilities are in compliance with the applicable requirements of DSO, Section 223(a)(11)(B), contact, and jail removal. The federal fiscal year is October 1 to September 30. States that are unable to report data for 100% of facilities must report data for at least 85% of facilities within the state that are required to report.

If the facility self-reports compliance data or an agency other than the DSA collects and reports compliance data, the DSA must have documented a traceable process to review a statistical sample of facility admission records and booking logs to verify that the data are accurate. The data collection and verification process must be completed prior to the submission of the annual compliance monitoring report.

COMPLIANCE DATA AND SUPPORTING DOCUMENTATION

Under 28 C.F.R. § 31.303(f)(5), annual compliance monitoring reports must cover the previous federal fiscal year, except that the OJJDP Administrator may grant an extension of the reporting deadline, for good cause, upon a state's request.

The District's compliance data and supporting documentation is submitted annually through OJJDP's [Compliance Reporting Tool](#).

DISTRICT OF COLUMBIA'S PLAN FOR DATA COLLECTION AND VERIFICATION

Policy

The Compliance Monitor will check each facility's admission and release records to obtain accurate information and determine compliance with DSO, Removal, and Contact requirements of the JJDP Act. Only secure facilities in the monitoring universe are required to submit (self-reported) data to the Compliance Monitor for data collection, verification, and reporting purposes. All secure facilities must attempt to identify possible violations and report them to the Compliance Monitor in a timely manner. The monitoring year corresponds to the federal and District fiscal year of October 1 through September 30.

The Compliance Monitor, at a minimum, will request demographics, admission, and release information of individuals who were admitted to or processed at one of the secure facilities in the monitoring universe. The Compliance Monitor will work in conjunction with the CJCC Information Technology (IT) department and Statistical Analysis Center (SAC) to develop and execute a plan for verification of data received from secure facilities.

Data will be collected three times a year from each secure facility:

- 1) prior to each bi-annual inspection
- 2) no more than three months following the end of the fiscal year.

Understanding Valid Court Orders Exception

The Valid Court Order (VCO) exception provides that PINS youth/status offenders found to have violated a valid court order may be detained in juvenile detention or correctional facility. Section 223(a)(23) of the JJDP Act defines a VCO as a court order given by a juvenile court judge to a juvenile who was brought before the court and made subject to such order; and who received, before the issuance of the order, the full due process rights guaranteed to such juveniles by the Constitution of the United States.

For data purposes, the Compliance Monitor must collect detention orders that include, at a minimum:

- the release plan;
- the reasonable cause determination;
- the placement of the PINS youth/status offender pending their disposition of the alleged violation;
- the previous court order that was found to have been violated;
- the factual basis used to determine that there was enough reasonable cause to show that the PINS youth/status offender was in violation of the previous court order;
- a written statement that the youth shall not be detained or confined for more than seven days;
- the court's rationale for detaining or confining the youth;
- the court's rationale for not using a less restrictive option; and
- the judge's due consideration of what is believed to be in the best interest for the PINS youth/status offender.

The substantive requirements (28 CFR part 31, § 31.303 (3)) require the juvenile to have the following due process exercised, including:

- the right to have the charges against the juvenile, in writing, served upon him in a reasonable time before the hearing;
- the right to a hearing before the court;
- the right to an explanation of the nature and consequences of the proceeding;
- the right to legal counsel, and the right to have such counsel appointed by the court, if indigent;
- the right to confront witnesses;
- the right to present witnesses;
- the right to have a transcript of the proceeding; and
- the right of appeal to an appropriate court.

The District's judicial practice ensures that all juveniles detained under the VCO receive the full protections of due process accorded by the United States Constitution. Section 16-2309(a)(9) of the D.C. Code provides the statutory basis for the District's use of the VCO exception to the Deinstitutionalization of Status Offenders' core requirement of the JJDP Act.¹⁶

¹⁶ District code § 16-2309 provides that a child may be taken into custody "by a law enforcement officer when the officer has reasonable grounds to believe that the child has violated a court order." However, youth alleged to be status offenders may not be securely detained for violating a valid court order. Section § 16-2320 (d)(1) of the Comprehensive Youth Justice Amendment Act (CYJAA) makes it clear that no child found in need of supervision (PINS youth), unless also found delinquent, shall be committed to or placed in a secure juvenile residential facility, as defined in § 22-2603.01(7), or a secure residential treatment facility for delinquent juveniles.

D.C. Code § 16-2310(a) states that a PINS youth or status offender cannot be placed in secure detention prior to a factfinding or dispositional hearing. However, D.C. Code § 16-2310(b), allows a child to be placed in shelter care prior to a factfinding or dispositional hearing for protection, or if the child does not have anyone to provide supervision and care, or there are no resources available for the youth's family to adequately safeguard the child. Additionally, D.C. Code § 16-2337 empowers the Director of Social Services to take a PINS youth into custody and place them into detention or shelter care for violations of their conditions of probation or abscondence from a court-ordered placement. It should be noted that although District law permits secure detention of PINS youth in these instances, without a court order that clearly states that the youth was ordered to be securely detained or confined for a period not to exceed seven days, then it will result in a DSO violation.

Procedures

As of the last review date of this section ([See monitoring schedule for date](#)), the following agencies and/or divisions should provide at a minimum demographic, arrest, admission and release information to the Compliance Monitor prior to inspections and for reporting requirements. The Compliance Monitor receives daily lock up lists including juvenile data to be used in the monitoring for OJJDP reporting purposes and additional requests before facility inspections to assist with data verification efforts.

Data Requests by Facility Type

1. The Compliance Monitor will request from each facility written policies regarding training staff to work with juveniles.
2. The Compliance Monitor will review adult and juvenile lock up lists to collect data from all facilities in the monitoring universe.

District Stations/Lockups

Metropolitan Police Department (MPD): the Compliance Monitor will review daily lock up list data received from MPD’s Office of Risk Management for arrestees under 18 years of age during a specified period. Compliance monitor will review the list for the information listed below. If information is not listed in the daily lock up list, the compliance monitor will request additional information:

Name (Last, First)	DOB	Race/Ethnicity
Gender	Arrest Time	Arrest Date
PDID	CCN	Location where the juvenile was processed upon seizure
Time juvenile arrived at the processing location	Time-released from processing	All arrest charges
Top arrest charge	Title 16 (Yes/No)	PINS (Yes/No)
Location where the juvenile was transferred after processing (Release To)	“Release To” Time	

Juvenile Detention and Correctional

Department of Youth Rehabilitation Services (DYRS), juvenile detention and correctional facilities: the Compliance Monitor will work with DYRS Research & Quality Assurance Department for admission/intake data during a specified period:

Name (Last, First)	DOB	Race/Ethnicity
Gender	Arrest Time	Arrest Date
PDID	CCN	Xref
Time juvenile arrived at the processing location	Time-released from processing	All charges (if available)
Top charge	Title 16 (Yes/No)	PINS (Yes/No)

Referred from (Court, Probation, JPC, etc....)	Release (Date/Time)	Court Case/Docket Number
Admission Date/Time	Status (Awaiting adjudication, Awaiting disposition, Committed, etc.)	Initial Placement Location (NB, or YSC) and Unit Assignment
Current Placement Location and Unit Assignment	Release To	

Adult Detention or Correctional

Department of Corrections- Adult Jail: the Compliance Monitor will contact the Department of Corrections (DOC) Strategic Planning and Analysis Division to determine if DOC has detained or confined any persons under the age of 18, and if so, to request demographics, admission, and release information of applicable residents.

Name (Last, First)	Race/Ethnicity	DCDC
DOB	Gender	PDID
Release Date/Time	Intake Date/Time	XRef
Unit Assignment	Charge	

Court Holding

United States Marshal Service (USMS): the Compliance Monitor will request to review the daily population and transportation list during site inspections. At the time of the last update of this manual, the USMS did not have a records management system that identifies individuals held in their court holding facility. As a result, the Compliance Monitor will only be able to examine physical logbooks and other documents while on-site.

Name (Last, First)	DCDC	Unit Assignment
DOB	PDID	Release Date/Time
Race/Ethnicity	XRef	Intake Date/Time
Gender	Charge	

Department of Youth Rehabilitation Services- DYRS At-Risk Unit: the Compliance Monitor will work with DYRS’ Research & Quality Assurance Department for admission/intake data during a specified period:

Name (Last, First)	DOB	Race/Ethnicity
Gender	Arrest Time	Arrest Date
PDID	CCN	Xref
Time juvenile arrived at the processing location	Time-released from processing	All charges (if available)
Top charge	Title 16 (Yes/No)	PINS (Yes/No)
Referred from (Court, Probation, JPC, etc....)	Release (Date/Time)	Court Case/Docket Number
Admission Date/Time	Status (Awaiting adjudication, Awaiting disposition, Committed, etc.)	Initial Placement Location (NB, or YSC) and Unit Assignment
Current Placement Location and Unit Assignment	Release To	

District of Columbia Superior Court - Family Division (DCSC): the Compliance Monitor will review the Justis Information System for every Title 16 youth or person under the age of criminal responsibility that is awaiting trial and detained or confined in a jail or lockup for adults to remain in compliance with

223(a)(11)(B) requirement. The compliance monitor will use the JJDPa [checklist](#) to review the court order collected from the court. The compliance monitor will request verification that the court considered the following seven elements:

- 1) The juvenile’s age;
- 2) the physical and mental maturity of the juvenile;
- 3) the present mental state of the juvenile including whether the juvenile represents a risk of harm to themselves;
- 4) the nature and circumstances of the alleged offense;
- 5) the juvenile's prior delinquent acts;
- 6) the ability of available juvenile and adult facilities to meet the needs of the juvenile and protect public safety and the safety of other detained youth; and
- 7) any other factor that the Court finds to be relevant in making an interests of justice determination (34 U.S.C. § 11133(a)(11)(B)).

Name (Last, First)	DOB	Race/Ethnicity
Gender	Arrest Time	Arrest Date
PDID (Unique Identifier)	CCN	Xref
Time juvenile arrived at the processing location	Time-released from processing	All charges (if available)
Top charge	Title 16 (Yes/No)	PINS (Yes/No)
Referred from (Court, Probation, JPC, etc....)	Petition/Filing (Date/Time)	Court Case/Docket Number
Admission Date/Time	Status (Remained in Adult/Jail Lockup, Transferred to Juvenile Facility)	Initial Placement Location (NB, or YSC) and Unit Assignment
Intake Date/Time	Referral Dates/Time	Type of Hearing
Placement Decision/Location and Unit Assignment	Referred from (court, probation, juvenile probation, etc.)	Documentation or Statement within Court Order demonstrating the Juvenile’s Waiver at or near the 180-day court proceeding

Analyzing for Compliance

Deinstitutionalization of Status Offenses (DSO)

With respect to the DSO requirement, the Compliance Monitor will review the charge information provided by MPD to determine which juveniles were solely arrested for a status offense or “PINS” charge. MPD does not specifically categorize arrest charges as PINS; therefore, the Compliance Monitor, in consultation with MPD and the Statistical Analysis Center staff, will develop a list of potential PINS charges. (Refer to [PINS discovery analytic plan](#)). The Compliance Monitor will generate a flag for all juveniles who were arrested solely for a PINS charge, as well as juveniles arrested for whom charge information is missing. The Compliance Monitor will then determine whether any of the PINS or “missing charge” juveniles were processed at a District station (adult lockup), using the processing location provided by MPD.

The Compliance Monitor will also determine whether any PINS juveniles or juveniles with missing charge information were held in a secure juvenile detention or secure correctional facility. DYRS does not consistently receive charge information for prejudicated juveniles admitted to its facilities (because prejudicated juveniles are technically under the supervision of the Court Social Services Division).

Therefore, the Compliance Monitor will need to match DYRS detention data with arrest charge data from MPD, as well as intake information from Court Social Services Division, to determine whether any PINS juveniles were detained or confined.

The Compliance Monitor will also need to review DOC data to determine if any PINS juveniles or persons under 18 with missing charge information were admitted to the Central Cell Block or the DC Jail (adult jail/lockup).

For any PINS or “missing charge” youth who were admitted to or processed at any of these secure facilities for more than 23 hours, the Compliance Monitor will request case records, including all court orders, for these youth from the D.C. Superior Court to better understand the nature of their charges and whether any of the DSO exceptions apply (Youth Handgun Safety, VCO, Interstate Compact, and Federal Authority).

Jail Removal and Lockup for Adults

With respect to the jail removal and lockup for adult’s requirement, the Compliance Monitor will review the MPD arrest data and the DOC admissions data to determine if any persons under the age of 18 were processed at a District station (adult lockup) or the Central Cell Block (adult lockup) or admitted to the DC Jail (adult jail). For anyone under 18 who was processed at or admitted to one of these secure jails or lockups for adults, the Compliance Monitor will request and review court records in JUSTIS to determine if any of the jail removal and lockup for adults exceptions apply (6-hour exception, rural exception, travel conditions, youth handgun safety exception (pursuant to 34 U.S.C. § 11133(a)(11)(A)(i)(I), or conditions of safety). The Compliance Monitor will also review court records, including any prior convictions, to determine whether the juvenile is a Title 16 juvenile who is being transferred, waived, or charged in adult court.

Sight or Sound Contact

Regarding the sight or sound contact requirement, the Compliance Monitor will review the MPD arrest data and the DOC admissions data to determine if any persons under the age of 18 were processed at a District station (adult lockup) or the Central Cell Block (adult lockup) or admitted to the DC Jail (adult jail). Pursuant to DC Law 16-2313, Place of detention or shelter, states that:“(d)(1) No child under eighteen years of age may be detained in a jail or other facility for the detention of adults unless transferred as provided in section 16-2307. The appropriate official of a jail or lockup for adults or other facility for the detention of adults shall inform the Superior Court immediately when a child under the age of eighteen years is received there (other than by transfer) and shall (1) deliver him to the Director of Social Services upon request, or (2) transfer him to a detention facility described in subsection (b)(3); provided, that beginning October 1, 2018, no person under 18 years of age may be held in the custody of the Department of Corrections.”“(2) All persons under 18 years of age who are in the custody of the Department of Corrections shall be transferred to the custody of the Department of Youth Rehabilitation Services before October 1, 2018.”“(3) After October 1, 2018, the Department of Corrections shall immediately inform the Superior Court if a person under 18 years of age is transferred to the Department of Corrections and transfer the individual to the Department of Youth Rehabilitation Services.” For anyone under 18 who was processed at or admitted to one of these secure adult facilities, the Compliance Monitor will review the Unit Assignment information provided by DOC to determine whether juveniles in these facilities were separated from adult inmates. In addition, the Compliance Monitor will request and review court records, including any prior convictions, to determine whether the youth is a Title 16 youth who is being charged as an adult, in which case these youth are not covered by the sight or sound contact requirement.

- A. Also, the Compliance Monitor will determine whether any persons 18 and over were processed at the juvenile processing center (juvenile lockup), using MPD data, or admitted to the juvenile detention or correctional facilities, using DYRS data. For any such individuals, the Compliance Monitor will review their charge information and court records to determine if they are, in fact, adult inmates—that is, individuals who committed their offense at the time they were at or above the age of full criminal responsibility. Juveniles who reach the age of full criminal responsibility after arrest or adjudication are not covered by the Contact requirement.

Additional Data Requests for Compliance

As described above, there will be several instances when the Compliance Monitor will need to request intake data from D.C. Superior Court, such as in instances when charge information is not available. In addition, for any potential PINS youth who were processed at or admitted to a secure facility, or for any juveniles who were processed at or admitted to a secure adult facility, the Compliance Monitor will need to request court records to determine compliance with the DSO, Removal, and Contact requirements.

Intake Data

District of Columbia Superior Court: The Compliance Monitor will contact the District of Columbia Superior Court (DCSC) Strategic Management Division (SMD) to request “intake” data, which includes data on all juveniles referred to the court following arrest (to also include Juvenile Custody Orders or Pre-Petitioned Custody Orders).

Name (Last, First)	RECOM	Adjudication Date
Xref	Ward	Disposition Decision
PDID	Outcome	Disposition Date
DOB	PINS	Court Case/Docket Number
All Charges	DJ	Admission Date/Time
Top Charge	Status Update	Referred from (Court, Probation, JPC, etc....)
Top Charge Category	XRef	Status (Awaiting adjudication, Awaiting disposition, Committed, etc.)
Intake Date/Time	Case/docket number	Initial Placement Location (NB, or YSC) and Unit Assignment
PSA	Petition/Filing Date	Current Placement Location and Unit Assignment
Release Date/Time		

Court Records

The Compliance Monitor will also request court records for each PINS youth who was securely detained or confined for more than 23 hours (excluding holidays and weekends) during the specified period. The applicable court orders include Step-back Orders, Order for Release Upon Conditions Pending Further Division Action, Detention Orders, Orders that specify conditions for detention, etc.). The Compliance Monitor will review the court orders to determine if any DSO exemptions, particularly the VCO exemption, apply. (See below for a description of the VCO review process.)

The Compliance Monitor will also request court orders for any juveniles who were detained or confined in a secure adult facility for more than 6 hours to determine whether any applicable exemptions to the Removal and Contact requirements apply, such as whether the juvenile was charged as an adult (Title 16 youth).

VCO Discovery Procedure

- A. The Compliance Monitor shall verify the lawful detention or containment of PINS youth/status offenders who have been confined or detained for more than 23 hours. Per 223(a)(23) of the JJDP Act, status offenders may be detained for violating a court order up to seven (7) days. The Compliance Monitor must verify whether the PINS youth/status offenders detained or confined are held pursuant to this VCO exception.
1. The Compliance Monitor may need to also rely on JPC's daily lock up list, JPC's PINS Logbook, CSSD's intake data, DYRS PINS youth detention procedures, and a desegregated list that contains all PINS youth/status offenders who have been detained or confined in the District for more than 23 hours to distinguish between DSO violations and VCO exceptions. If the Compliance Monitor is unable to establish the VCO exception, then the incident will be reported as a DSO violation.
- B. The Compliance Monitor will provide the District of Columbia's Superior Court (DCSC) Strategic Management Division with the unique identifier of each PINS youth/status offender who was detained or confined for more than 23 hours (excluding holidays and weekends) during the specified period. For each of these individuals, the Compliance Monitor will request all applicable court orders.
1. The Compliance Monitor will review each court order to determine if it's meets the JJDP Act standard of a valid court order requirement and therefore eligible for the Valid Court Order exemption:
 - i. 223(a)(23)(A) Proper Notification of Custody of PINS youth/status offender
 1. The Compliance Monitor must verify that the court was made aware of PINS youth/status offender arrest.
 - a. JPC/Arresting Officer notified the court of a PINS youth to be added to the docket¹⁷; or
 - b. The CSSD court probation intake notified the court of a PINS youth to be added to the docket.¹⁸
 - ii. 223(a)(23)(B) Interview with Intake Staff within 24 hours
 1. The Compliance Monitor must verify that the PINS youth/status offender received an intake interview within 24 hours of being detained or confined.
 - iii. 223(a)(23)(C)(i) Delivery of the assessment to the court within 48 hours
 1. The Compliance Monitor must verify that the court received the PINS youth/status offender's assessment within 48 hours of being detained or confined.
 - iv. 223(a)(23)(C)(ii)(I) Reasonable cause determination
 1. The Compliance Monitor must verify that the court order which confined or detained the PINS youth/status offender articulates the reasonable cause determination.
 - v. 223(a)(23)(C)(ii)(II) Placement pending disposition
 1. The Compliance Monitor must verify that the court order properly identifies the placement of the PINS youth/status offender pending their disposition of the alleged violation.

¹⁷ The number for the DYRS At-Risk Unit that JPC uses is (202) 715-7571.

¹⁸ The number for the CSSD Court Probation Intake that the DYRS At-Risk uses to inform the court of PINS youth and have them added to the day's docket is 202-879-4742.

- vi. 223(a)(23)(C)(iii)(I)(aa) Written order of court order violation
 - 1. The Compliance Monitor must review the detention order for the violation. The detention order must identify that the previous court order was found to have been violated.
- vii. 223(a)(23)(C)(iii)(I)(bb) Written order that specifies the factual basis for determining that there was reasonable cause to believe the court order was violated
 - 1. The Compliance Monitor must verify that the detention order includes the factual basis used to determine that there was enough reasonable cause to show that the PINS youth/status offender was in violation of the previous court order.
- viii. 223(a)(23)(C)(iii)(I)(cc) Written order showing there is no appropriate less restrictive alternative available and the court's due consideration to the best interest of the juvenile
 - 1. The Compliance Monitor must verify that the detention order includes the court's rationale for detaining or confining the youth, their rationale for not using a less restrictive option, and their due consideration of what is believed to be in the best interest for the PINS youth/status offender.
- ix. 223(a)(23)(C)(iii)(I)(dd), 223(a)(23)(C)(iii)(I)(ee) and 223(a)(23)(C)(iii)(II) Written order for secure detention or confinement to include a release plan, and that the secure custody time cannot exceed seven days or be renewed or extended, and that the court cannot issue a second or subsequent order
 - 1. The Compliance Monitor must verify that the detention order includes a release plan, a written statement that the youth shall not be securely detained or confined for more than seven days. The Compliance Monitor will need to verify the dates of subsequent detention orders to ensure that the PINS youth/status offender time in secure detention is, in fact after the date on which the court issued a finding under a different order.
- x. 223(a)(23)(D) Procedures from secure juvenile detention or correctional facilities prohibiting PINS youth/status offender secure custody for more than seven days
 - 1. The Compliance Monitor must confirm that juvenile detention or correctional facilities have procedures in place to prohibit the detention or confinement of PINS youth/status offenders for more than seven days or the length of time authorized by the court.

C. Based on the findings, the Compliance Monitor will classify the DSO compliance issue appropriately as either meeting the VCO exception as VCO exempted, or as a DSO violation.

Supplemental Data Request from other Agencies

Criminal Justice Coordinating Council: The Compliance Monitor will work with the Criminal Justice Coordinating Council (CJCC) Information Technology division to access the Justice Information System (JUSTIS) as needed for compliance monitoring purposes. JUSTIS receives data across multiple criminal justice agencies in the District. JUSTIS contains information on arrests and court proceedings, including court outcome information. The Compliance Monitor has received permission from the Presiding Judge of the Family Court to use JUSTIS to verify self-reported data or to confirm the delinquency or PINS status of juveniles.

Data Verification

The Compliance Monitor utilizes a rigorous method and process to match youth across multiple datasets. Additionally, each facility completes the “[inspection checklist](#)” and has a follow-up review evaluated by the Compliance Monitor to substantiate violations. These processes, along with actively comparing inspection related data or documentation against the annual requested data at the end of the fiscal year ensure that District meets the requirements of data verification.

IV. COMPLIANCE MONITORING REPORTING REQUIREMENTS

Under [28 C.F.R. § 31.303\(f\)\(5\)](#), annual compliance monitoring reports must cover the previous federal fiscal year, except that the OJJDP Administrator may grant an extension of the reporting deadline, for good cause, upon a state’s request.

Pursuant to 28 CFR § 31.303 (f)(5), annual compliance monitoring reports must cover the previous federal fiscal year, except that the OJJDP Administrator may grant an extension of the reporting deadline for a good cause, upon a state’s request. The DSA must have a documented and traceable process supporting how the agency analyzes and compiles compliance information reported in annual compliance monitoring submissions.

Policy

All data collected for the OJJDP Annual Compliance Monitoring Report will be from October 1st-September 30th of the respective fiscal reporting year. It is the Compliance Monitor’s responsibility to collect, verify, and compile the data each year from 100% of the secure facilities in the monitoring universe. After the data has been collected and analyzed for violations of the core requirements, the Compliance Monitor will extract the data that relates to the annual Compliance Monitoring Report, prepare a draft for review by CJCC’s executive leadership, and submit the final version to OVSJG (Designated State Agency/Juvenile Justice Specialist) for submission. The Compliance Monitor will complete both the narrative portion and the numeric portion of the compliance monitoring report in the format requested by OJJDP.

During year one of the three-year Title II funding cycle, or when prompted, the Compliance Monitor will also include the District’s barriers to implementing and maintaining an effective system of compliance and strategies to overcome the barriers in a separate report submitted to OJJDP.

Procedures

1. The Compliance Monitor will consult with OVSJG (Juvenile Justice Specialist) and download the annual Compliance Monitoring Report questions and [template](#) provided by OJJDP.
2. The Compliance Monitor will populate the report template based on the Compliance Monitor’s analysis of the data provided by the secure facilities in the monitoring universe.
3. The Compliance Monitor will submit a draft of the report to the CJCC Executive Director and Deputy Director and OVSJG (Juvenile Justice Specialist) for review and revisions at a minimum of three weeks prior to OJJDP post submission date.
4. Prior to submitting the Compliance Monitoring Report to OJJDP, and as time permits, the Compliance Monitor, in collaboration with the OVSJG (Juvenile Justice Specialist), will provide an

update of the District's state of compliance to the Juvenile Justice Advisory Group (JJAG) and the CJCC's Juvenile Justice Committee (JJC). The update will include:

- a. The number of DSO, Removal, and Contact violations identified during the reporting period, the circumstances surrounding the violations (in a way that maintains juvenile confidentiality), and corrective actions recommended by the Compliance Monitor;
 - b. Number of site visits conducted;
 - c. Number of instances in which the Compliance Monitor provided or requested training and technical assistance for an agency or facility;
 - d. Any barriers to implementing and maintaining an effective system of compliance monitoring.
 - i. The Compliance Monitor will present recommended strategies for overcoming these barriers to the JJAG and JJC members and modify the strategies based on feedback provided by the members.
 - ii. During year one of the three-year Title II reporting cycle, or when otherwise prompted, the Compliance Monitor, in collaboration with OVSJG will submit a report to OJJDP that identifies the barriers to compliance monitoring and strategies for overcoming the barriers, along with the Compliance Monitoring Report.
 - iii. Once the barriers and strategies report has been approved by OJJDP, the Compliance Monitor, in collaboration with OVSJG, will coordinate efforts to implement the proposed strategies and provide updates to the JJAG and JJC, as requested.
5. Once the data tables and reports are finalized, CJCC and OVSJG leadership provide verification and approval and obtain signed certificates of verification from the DSA Director, as required by historical Title II Formula Grants RFA's
 6. The Compliance Monitor will submit the Compliance Monitoring Report by the deadline established by OJJDP and provide OJJDP with any additionally requested documentation.

V. APPENDIX

Compliance Monitor Contact: Toni Lemons

APPENDIX A. DATE OF LAST REVIEW OF MONITORING ELEMENTS

Item	Initial Issue	Next Update	Contact
Compliance Manual	5/2022	5/2023	Compliance Monitor
Annual DSO Plan	10/2022	In Process	Compliance Monitor
Annual Contact Plan	10/2022	In Process	Compliance Monitor
Annual Removal Plan	10/2022	In Process	Compliance Monitor
Annual R/ED Plan	6/2022	In Process	Compliance Monitor
Annual Compliance Monitoring Plan	4/2022	10/2022	Compliance Monitor
Annual Identification and Monitoring Universe	4/2022	10/2022	Compliance Monitor
Annual VCO Exception	10/2022	In Process	Compliance Monitor
3 Year Plan	10/2021	Completed	Compliance Monitor

APPENDIX B. MONITORING UNIVERSE

Facility Name (Facility Type)	CLASSIFICATION										Recent Inspection Date	Next Inspection Date	POC	Data Sources			
	Secure Status			Setting			Popu latio n			Compliance Requirement							
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile-Only	Adults-Only	Both						DSO Removal Contact		
Juvenile Processing Center (Secure Facility – Juvenile Lockup) Note: JPC is located in the same building as the Sixth District (6D) Police Station, which is an Adult Lock-up. However, JPC and 6D are operated by		X		X			X				X		X	4/4/2022	PENDING	Lt. Lindsay Tyler; Lindsay.Tyler@dc.gov	<u>MPD</u> -Arrest and PINS Log Books -COLBALT - Data Pull from Risk Management

Facility Name (Facility Type)	CLASSIFICATION										Recent Inspection Date	Next Inspectio n Date	POC	Data Sources	
	Secure Status			Setting			Popu latio n			Compliance Requirement					
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Both						DSO Removal Contact
entirely different MPD units in separate parts of the building															
New Beginnings Youth Development Center (Juvenile Correctional Facility)		X			X		X			X		4/11/2022	PENDING	Levi, Adina; adina.levi@dc.gov	DYRS -Security and Operation's Log Book -FAMCare Data Pull from DYRS - JUSTIS
Youth Services Center (Juvenile Detention Facility)		X			X		X			X		4/11/2022	PENDING	Levi, Adina; adina.levi@dc.gov	DYRS -Intake Log Book -FAMCare Data Pull from DYRS -JUSTIS

Facility Name (Facility Type)	CLASSIFICATION										Recent Inspection Date	Next Inspectio n Date	POC	Data Sources
	Secure Status			Setting			Popu latio n			Compliance Requirement				
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Both	DSO Removal Contact				
First District Police Station (Adult Lockup)		X		X			X			X	4/4/2022	PENDING	Augustine, David Cpt.; david.augustine@dc.gov	MPD -Arrest Log Book -Data Pull from Risk Management - Arrest Log Book -COLBALT
Second District Police Station (Adult Lockup)		X		X			X			X	4/8/2022	PENDING	Augustine, David Cpt.; david.augustine@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT
Third District Police Station (Adult Lockup)		X		X			X			X	4/8/2022	PENDING	Augustine, David Cpt.; david.augustine@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT

Facility Name (Facility Type)	CLASSIFICATION										Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Popu latio n			Compliance Requirement					
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Both						DSO Removal Contact
Fourth District Police Station (Adult Lockup)		X		X			X			X		4/8/2022	PENDING	Augustine, David Cpt.; david.augustine@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book Management -COLBALT
Fifth District Police Station (Adult Lockup)		X		X			X			X		4/8/2022	PENDING	Augustine, David Cpt.; david.augustine@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT
Sixth District Police Station (Adult Lockup)		X		X			X			X		4/4/2022	PENDING	Augustine, David Cpt.; david.augustine@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT

Facility Name (Facility Type)	CLASSIFICATION										Recent Inspection Date	Next Inspectio n Date	POC	Data Sources	
	Secure Status			Setting			Popu latio n			Compliance Requirement					
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile.Only	Adults.Only	Both						DSO Removal Contact
Seventh District Police Station (Adult Lockup)		X		X			X			X		4/4/2022	PENDING	Augustine, David Cpt.; david.augustine@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT
Department of Corrections – Correctional Treatment Facility/ Central Detention Facility (Adult Jail)		X			X		X			X		08/30/2018	PENDING	Captain John Armstrong, CCS Central Cellblock/ Transport Unit Commander D.C. Department of Corrections Office: (202) 727- 5818 Cell: (703) 906-8376 Cell: (202) 641-8819 johnm.armstrong@d c.gov	DOC -Data Pull from DOC Central Office -Roster from Intake and Control -Certification of Juvenile Population Count

Facility Name (Facility Type)	CLASSIFICATION										Recent Inspection Date	Next Inspectio n Date	POC	Data Sources		
	Secure Status			Setting			Popu latio n			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Both	DSO Removal Contact						
Department of Corrections - Central Cell Block (CCB) (Adult Lockup)		X		X			X				X		08/30/2018	PENDING	Captain John Armstrong, CCS Central Cellblock/ Transport Unit Commander D.C. Department of Corrections Office: (202) 727-5818 Cell: (703) 906-8376 Cell: (202) 641-8819 johnm.armstrong@d c.gov	DOC -Data Pull from DOC Central Office -Roster from Intake and Control -Certification of Juvenile Population Count
COOP Court (NESO/BARJ) DYRS-At- Risk Unit U.S. Marshal's Holding Cell		X		X				X	X	X	X		5/18/2022	PENDING	Clark, Eric; Eric.Clark@usdoj.gov Buford, Joi; Joi.Buford@dc.gov	USMS -Intake Log Book -FAMCare Data Pull from DYRS -JUSTIS -CSSD Records

Facility Name (Facility Type)	CLASSIFICATION										Recent Inspection Date	Next Inspectio n Date	POC	Data Sources		
	Secure Status			Setting			Popu latio n			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Both						DSO Removal Contact	
(Court Holding)														-CSSD Intake Forms -MPD Lock Up List		
Juvenile Processing Center 5002 Hayes Street NE		X		X			X			X	X	X	4/4/2022	PENDING	Lt. Lindsay Tyler Lindsay.Tyler@dc.gov (202) 576-6858	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT
MPD Traffic Division 501 New York Avenue NW		X		X			X				X		4/8/2022	PENDING	Director La'Mont Hinton Lamont.hinton@dc.gov (202) 492-1150	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT

APPENDIX C. POST VISIT LETTER

DATE

NAME

TITLE

AGENCY

AGENCY ADDRESS

CITY, STATE, ZIP

Dear Mr./Ms. :

Pursuant to Title II of the Juvenile Justice and Delinquency Prevention (JJDP) Act, in order to receive federal juvenile justice, grant funding, jurisdictions must demonstrate compliance with the core requirements of the Act. The purpose of the JJDP Act is to protect the nation’s youth from certain harmful conditions in the justice system. The core requirements of the Act intended to achieve that purpose include deinstitutionalization of status offenders, sight or sound contact of juveniles from adult inmates, removal of juveniles from jails and lockups for adults, and addressing racial and ethnic disparities.

Pursuant to an agreement with the Office of Victim Services and Justice Grants (OVSJG), and Mayor’s Order 2016-171, the District’s Juvenile Justice Compliance Monitor, who is employed by the Criminal Justice Coordinating Council (CJCC), performs the following tasks, among others, to help ensure the District is compliant with the JJDP Act:

- Identify secure and non-secure facilities that house alleged or adjudicated juvenile delinquents or status offenders.
- Inspect secure and non-secure facilities for compliance with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) guidelines (see attachment).
- Provide technical assistance to help facilities comply with the OJJDP guidelines, as needed.
- Obtain and review information on juveniles admitted to secure facilities, including admission and release dates, race, gender, age, and charges.
- Submit a report to OJJDP describing the District’s level of compliance with the core requirements and the District’s plan for ensuring compliance in the future.

The Juvenile Justice Compliance Monitor Insert Compliance Monitor Name conducted a site visit at your facility on. On her/his visit, they found your facility to be in/out compliance with the following core requirements of the JJDP Act listed below.

Date of Violation(s):	Date the violation(s) occurred
Violation Narrative:	Describe the violation. “On this date, the juvenile was detained from hour until hour for offense”
Reason for Violation:	Describe why it is a violation and what core requirement(s) was/were violated.

Investigation Date:	Date you either reviewed logs on-site or by mail.
---------------------	---

To remain/become in compliance, CJCC recommends the following:

Suggested Follow Up:	This section will describe follow up action(s) that are required or requested by the facility. It may be a memo to all officers, maybe modification in handling juveniles, and/or maybe that the Compliance Monitor needs to provide technical assistance.
----------------------	--

Insert Compliance Monitor Name scheduled next visit to your facility will be Month DD, YEAR. If you have any questions, feel free to contact me at (202) 442-7739 or Insert Compliance Monitor Name at Compliance Monitor Phone Number or Compliance Monitor Email Address. Thank you for your time and cooperation.

Sincerely,

Deputy Executive Director
Criminal Justice Coordinating Council

cc:
X, Executive Director, CJCC
[Other relevant agency officials]
Enclosures (X)

APPENDIX D. FACILITY IDENTIFICATION CHECKLIST

FACILITY IDENTIFICATION CHECKLIST

The District of Columbia receives formula grant funding pursuant to Title II of the Juvenile Justice and Delinquency Prevention Act (JJDP), which is used to fund several juvenile justice initiatives throughout the city. To be eligible for this funding, the District must demonstrate compliance with the four core requirements of the JJDP: deinstitutionalization of status offenders (DSO), sight or sound contact of juveniles from adult inmate (Contact), removal of juveniles from jails and lockups for adults (Removal), and the reduction of Racial and Ethnic Disparities (R/ED) in the juvenile justice system.

The Mayor has identified the Office of Victim Services and Justice Grants (OVSJG) as the Designated State Agency for all matters pertaining to Title II of the JJDP. OVSJG has awarded a grant to the Criminal Justice Coordinating Council (CJCC) to help fund the Compliance Monitor position. The Compliance Monitor is responsible for determining whether facilities in the “monitoring universe” are complying with the core requirements of the JJDP. The monitoring universe if comprise of all facilities in the District that *may* hold juveniles pursuant to law enforcement or court authority, which includes facilities that are designed to hold adult inmates.

To help determine which facilities should be included in the monitoring universe, the Compliance Monitor requests that your agency complete the attached form for each facility that your agency owns, operates, or contracts that hold adult inmates or juveniles pursuant to law enforcement or court authority. The Compliance Monitor will review the form and subsequently schedule a site visit to confirm whether the facility should be included in the monitoring universe and which of the JJDP core requirements apply to the facility.

Name of Person Completing this form Date

Facility Name

Facility Address

Agency/Organization that Operates Facility

Identify the Facility’s Point of Contact

Name Title

Email

Phone 1

Phone 2

Fax

Preliminary Classification (Pre-Site Visit)

Facility Type		
To your knowledge, does this facility function as any of the following (please check all that apply):	YES	NO
Adult Lockup	<input type="checkbox"/>	<input type="checkbox"/>
Adult Detention Facility	<input type="checkbox"/>	<input type="checkbox"/>
Adult Correctional Facility	<input type="checkbox"/>	<input type="checkbox"/>
Adult Court Holding Facility	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile Lockup	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile Detention Facility	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile Correctional Facility	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile Court Holding Facility	<input type="checkbox"/>	<input type="checkbox"/>
Other Secure Facility (describe):		
Police substation	<input type="checkbox"/>	<input type="checkbox"/>
Group Home	<input type="checkbox"/>	<input type="checkbox"/>
Shelter Home	<input type="checkbox"/>	<input type="checkbox"/>
Other Nonsecure Facility (describe):		
Who operates this facility?		
<input type="checkbox"/> Government-owned and operated		
<input type="checkbox"/> Government-owned and privately operated		
<input type="checkbox"/> Privately owned and operated		

Security Level	YES	NO
1. Does this facility include construction fixtures (e.g., cells, locked rooms with controlled exits, cuffing rings/benches) designed to physically restrict the movements and activities of individuals held in lawful custody at this facility?	<input type="checkbox"/>	<input type="checkbox"/>

Preliminary Security Rating:

Based on the responses from the above section, the Compliance Monitor will rate the new facility with a preliminary classification of:

- Secure, if “YES” was selected for Question 1.
- Non-Secure, if “NO” was selected for Question 1.

Residential Status	YES	NO
1. Is this facility equipped with beds, cots, or other sleeping quarters?	<input type="checkbox"/>	<input type="checkbox"/>
2. Does this facility have the capacity to provide for overnight accommodations for individuals who are accused of committing or who have committed an offense?	<input type="checkbox"/>	<input type="checkbox"/>
3. Does this facility specifically confine or detain individuals for a period of 24 hours or longer, excluding holidays or weekends, for reasons other than court?	<input type="checkbox"/>	<input type="checkbox"/>

Preliminary Residential Rating:

Based on the responses from the completed form, the Compliance will rate the new facility with a preliminary classification to include it in the monitoring universe.

- Residential, if Questions 1, and 2 is “YES,” and Question 3 is “NO.”
- Non-Residential, if Questions 1, and 2 is “NO,” and Question 3 is “YES.”

Population	YES	NO
1. Can <u>Adults</u> be processed at or admitted to this facility?	<input type="checkbox"/>	<input type="checkbox"/>
2. Can <u>Juveniles</u> be processed at or admitted to this facility?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is this facility used for the temporary placement of individuals <u>accused</u> of having committed an offense or non-offenders?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is this facility used for the post-adjudication/post-disposition placement of individuals who have been <u>adjudicated or convicted</u> of committing an offense or nonoffenders?	<input type="checkbox"/>	<input type="checkbox"/>

Preliminary Population Rating:

Based on the responses from the above section, the Compliance will rate the new facility with a preliminary classification of:

- Adult Facility, if “YES” was selected for Question 1.
- Juvenile Facility, if “YES” was selected for Question 2.
- Both, if “YES” to Questions 1 and 2.

To determine if an adult or secure juvenile facility is rated either as a Correctional or Detention facility, use the following logic:

- Detention, if “YES” was only selected for Questions 4.
- Correctional, if “YES” was selected for Question 5, or if “YES” was selected for both Questions 4 and 5.

FOR COMPLIANCE MONITOR USE

Preliminary Classification: The facility listed on this form has the following settings			
Secure	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure	<input type="checkbox"/> Both
Residential	<input type="checkbox"/> Residential	<input type="checkbox"/> non-Residential	<input type="checkbox"/> Both
Population	<input type="checkbox"/> Adult	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Both

APPENDIX E: Pins Discovery Analytic Plan

Goal: Create an exhaustive list of all potential PINS youth who were securely detained, including overnights, in the fiscal year.

- Note: this list does not affirmatively identify PINS youth, nor does it identify potential violations.

Data Process

Part 1: Create a list of all potentially PINS youth based on MPD arrest data

- MPD Dataset File: O:\Compliance Monitoring Documents\ComplianceData
- Step 1: Create a dataset that includes all arrest incidents associated with no PDID and all arrest incidents where the top charge could be PINS
 - o "Possible DEL or PINS Charges" – Review Document with Potential PINS codes
 - MPD Sheet
- Step 2: Create a UniqueID variable by concatenating: Arrest Date, Arrest Address, Last Name, First Name, DOB. Sort data by Last Name, Arrest Date, and Charge Number.
- Step 3: Deduplicate data on Unique ID to create individual-level data containing the names of all youth who had no associated PDID or had a top charge that *could* be PINS.
- Step 4: Save list as "MPD Potential PINS List"

Part 2: Add CSSD PINS identified youth to the MPD Potential PINS List

- CSSD Dataset File: O:\Compliance Monitoring Documents\ComplianceData
- Step 1: Identify all CSSD youth identified at PINS and put into a new dataset
 - o "Possible DEL or PINS Charges" – Review Document with Potential PINS codes
 - CSSD Sheet
 - 1) separate out PINS based on Charge – see list
 - 2) with remaining youth (which youth whose charge is DEL), identify those with Status indicated PINS – see list
 - 3) Add youth with DEL identified by STATUS as PINS to the PINS based on charge
 - o SAVE AS SEPARATE FILE
- Step 2: Match CSSD identified PINS to the MPD Potential PINS List
- Step 3: Add any CSSD identified PINS who were not matched to the MPD Potential PINS list
- Step 4: Save list as "MPD CSSD Potential PINS List."

Part 3: Identify which potential PINS were detained, including overnights

- DYRS Dataset File: O:\Compliance Monitoring Documents\ComplianceData
- Step 1: Deduplicate to create individual-level data containing names of all youth who were detained during the fiscal year.
 - o SAVE AS SEPARATE FILE
- Step 2: Match DYRS individual-level data to "MPD CSSD Potential PINS List"
- Step 3: Only retain youth who are matched to DYRS data
- Step 4: Save list as "Potentially PINS Detained List."

Part 4: Identify previous FY PINS youth who were detained in the subsequent FY

- Dataset File: O:\Compliance Monitoring Documents\ComplianceData

- Step 1: Match DYRS individual-level data to (previous) FY PINS data and identify any matched youth
- Step 2: Add the matched individuals to the “Potentially PINS Detained List.”
- Step 4: Save list as “Potentially PINS Detained List with FY_____.”

Part 5: JUSTIS verification

- Step 1: Check the names from the “Potentially PINS Detained List with FY_____” in JUSTIS
- Step 2: Eliminate individuals that are not classified as PINS.

Part 6: CSSD Verification

- Step 1: Send the list to CSSD to retrieve applicable court documentation

APPENDIX F. PRE-SITE VISIT EMAIL

Agency Director/POC Name,

Please see the attached letter regarding the upcoming compliance monitoring visits and data collection to help ensure the District's compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP). The District's Juvenile Justice Compliance Monitor CM's Name will contact you or your staff soon to arrange a date and time for the visit. The attached letter also identifies the specific data elements requested of your agency.

Please feel free to contact me or Compliance Monitor's Name, at 202-442-4996, with any questions.

Attached Letter:

Director's Name,

Pursuant to Title II of the Juvenile Justice and Delinquency Prevention (JJDP) Act, in order to receive federal juvenile justice, grant funding, jurisdictions must demonstrate compliance with the core requirements of the Act. The purpose of the JJDP Act is to protect the nation's youth from certain harmful conditions in the justice system. The core requirements of the Act intended to achieve that purpose include deinstitutionalization of status offenders, sight or sound contact of juveniles from adult inmates, removal of juveniles from jails and lockups for adults, and addressing racial and ethnic disparities.

Pursuant to an agreement with the Office of Victim Services and Justice Grants (OVSJG), and Mayor's Order 2016-171, the District's Juvenile Justice Compliance Monitor, who is employed by the Criminal Justice Coordinating Council (CJCC), performs the following tasks, among others, to help ensure the District is compliant with the JJDP Act:

- Identify secure and non-secure facilities that house alleged or adjudicated juvenile delinquents or status offenders.
- Inspect secure and non-secure facilities for compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP Act).
- Provide technical assistance to help facilities comply with the JJDP Act, as needed.
- Obtain and review information on juveniles processed at and admitted to secure facilities, including admission and release dates, race, gender, age, and charges.
- Submit a report to OJJDP describing the District's level of compliance with the core requirements and the District's plan for ensuring compliance in the future.

The Juvenile Justice Compliance Monitor Insert Compliance Monitor Name will be conducting site visits to secure and non-secure facilities from Month DD, YEAR, through Month DD, YEAR. Below are the facilities for which your agency/organization is responsible that the compliance monitor will visit:

- [Name of Facility],[Address],[Classification "secure" or "non-secure"]

Compliance monitor will contact you or your staff to arrange a specific date and time for the visit.

In addition, Compliance Monitor Name, submitted a request on Month DD, YEAR for explanation of data. We ask that your agency provide the requested data by Due Date.

Please refer to the enclosed Compliance Monitoring [frequently asked questions](#) form for additional information regarding the scope and purpose of annual site inspections and for additional information on the JJDP Act.

If you have any questions, feel free to contact me at (202) 442-7739 or Insert Compliance Monitor Name at or Compliance Monitor Email Address. Thank you for your time and cooperation.

Sincerely,

Deputy Director's Name
Deputy Executive Director Criminal Justice Coordinating Council

cc:
Deputy Director's Name, Executive Director, Criminal Justice Coordinating Council
Other Relevant Agency Director Name, Position Title, Agency Name

APPENDIX G. INSPECTION REVIEW LOG

Inspection Review Log

Full Name	Unique ID (PDID, or X-Ref)	DOB	SEX	Race/Ethnicity	Applicable Core Requirement Review	DSO: Issuing Judge (if applicable)	Removal: Arresting Officer (if applicable)	Contact: Location of Adult Contact (if applicable)	Intake Date/Time	Release Date/Time (if applicable)
Carey, Mariah	1234567890	01/01/01	X	BLK	All: DSO, Removal, Contact	Lopez, Jennifer	Matters, Marshall	New Beginnings, Unit X, Dayroom	02/29/01	12/31/01

FACILITY CLASSIFICATION CHECKLIST

The District of Columbia receives formula grant funding pursuant to Title II of the Juvenile Justice and Delinquency Prevention Act (JJDP), which is used to fund several juvenile justice initiatives throughout the city. To be eligible for this funding, the District must demonstrate compliance with the four core requirements of the JJDP: deinstitutionalization of status offenders (DSO), sight or sound contact of juveniles from adult inmate (Contact), removal of juveniles from jails and lockups for adults (Removal), and the reduction of Racial and Ethnic Disparities (R/ED) in the juvenile justice system.

The Mayor has identified the Office of Victim Services and Justice Grants (OVSJG) as the Designated State Agency for all matters pertaining to Title II of the JJDP. OVSJG has awarded a grant to the Criminal Justice Coordinating Council (CJCC) to help fund the Compliance Monitor position. The Compliance Monitor is responsible for determining whether facilities in the “monitoring universe” are complying with the core requirements of the JJDP. The monitoring universe if comprise of all facilities in the District that *may* hold juveniles pursuant to law enforcement or court authority, which includes facilities that are designed to hold adults.

This form is to be completed by the Compliance Monitor during an initial site visit of a newly identified facility that holds juveniles or adults pursuant to law enforcement or court authority or during a scheduled site visit/inspection of a facility that is already included in the monitoring universe.

Security Characteristics

Security Level	YES	NO
1. Does this facility have <u>secure areas</u> , such that there are construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody at this facility?	<input type="checkbox"/>	<input type="checkbox"/>
- If yes, complete the next items in this section:		
Cells	<input type="checkbox"/>	<input type="checkbox"/>
Locked rooms with controlled exist	<input type="checkbox"/>	<input type="checkbox"/>
Cuffing rings/benches	<input type="checkbox"/>	<input type="checkbox"/>
Secure perimeter fence	<input type="checkbox"/>	<input type="checkbox"/>
Other Secure Apparatus (describe):		
2. Are the following areas secured, meaning that they contain construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody at the facility?		
-Multipurpose room	<input type="checkbox"/>	<input type="checkbox"/>
-Lobby area	<input type="checkbox"/>	<input type="checkbox"/>
-Interrogation room	<input type="checkbox"/>	<input type="checkbox"/>

Security Level	Yes	No
3. Are there any non-secure areas where persons accused or adjudicated can be held while awaiting a court appearance or placement, or for another reason in the facility?	<input type="checkbox"/>	<input type="checkbox"/>
If yes, identify the non-secure area(s):		

Security Rating:

Based on the responses from the completed form, the Compliance Monitor will classify the security status of the facility as:

- Secure, if “YES” was selected for Questions 1 and 2
- Non-Secure, if “NO” was selected for Question 1 and “Yes” selected for Question 3

Residential Characteristics		
Residential Status	YES	NO
1. Is this facility equipped with beds, cots, or other sleeping quarters?	<input type="checkbox"/>	<input type="checkbox"/>
2. Does this facility have the capacity to provide for overnight accommodations for individuals who are accused of committing or who have committed an offense?	<input type="checkbox"/>	<input type="checkbox"/>
3. Does this facility specifically confine or detain individuals for a period of 24 hours or longer, excluding holidays or weekends, for reasons other than court?	<input type="checkbox"/>	<input type="checkbox"/>

Residential Rating:

Based on the responses from the completed form, the Compliance Monitor will classify the residential status of the facility as:

- Residential, if Questions 1, 2, and 3 is “YES.”
- Non-Residential, if Questions 2, and 3 is “NO.”

Population Characteristics		
Population	YES	NO
1. Can <u>Adults</u> be processed at or admitted to this facility?	<input type="checkbox"/>	<input type="checkbox"/>
2. Can <u>Juveniles</u> be processed at or admitted to this facility?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is this facility used for the temporary placement of individuals <u>accused</u> of having committed an offense or non-offenders?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is this facility used for the post-adjudication/post-disposition placement of individuals who have been <u>adjudicated or convicted</u> of committing an offense or nonoffenders?	<input type="checkbox"/>	<input type="checkbox"/>

Population Rating:

Based on the responses from the above section Based on the responses from the completed form, the Compliance Monitor will classify the population status of the facility as:

- Adult Facility, if “YES” was selected for Question 1.
- Juvenile Facility, if “YES” was selected for Question 2.
- Both, if “YES” was selected for Questions 1 and 2.

To determine if a secure adult or juvenile facility is rated either as a Correctional or Detention facility, use the following logic:

- Detention, if “YES” was only selected for Questions 3.
- Correctional, if “YES” was selected for Question 4, or if “YES” was selected for both Questions 3 and 4.

FOR COMPLIANCE MONITOR USE

Certified By:			
Certification Date:			
Classification: The facility listed in this form has the following settings			
SECURE	<input type="checkbox"/> Secure	<input type="checkbox"/> Non-Secure	<input type="checkbox"/> Both
RESIDENTIAL	<input type="checkbox"/> Residential	<input type="checkbox"/> non-Residential	<input type="checkbox"/> Both
POPULATION	<input type="checkbox"/> Adult	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Both

APPENDIX I: INSPECTION CHECKLIST

INSPECTION CHECKLIST

The District of Columbia receives formula grant funding pursuant to Title II of the Juvenile Justice and Delinquency Prevention Act (JJDP), which is used to fund several juvenile justice initiatives throughout the city. To be eligible for this funding, the District must demonstrate compliance with the four core requirements of the JJDP: deinstitutionalization of status offenders (DSO), sight or sound contact of juveniles from adult inmate (Contact), removal of juveniles from jails and lockups for adults (Removal), and the reduction of Racial and Ethnic Disparities (R/ED) in the juvenile justice system.

The Mayor has identified the Office of Victim Services and Justice Grants (OVSJG) as the Designated State Agency for all matters pertaining to Title II of the JJDP. OVSJG has awarded a grant to the Criminal Justice Coordinating Council (CJCC) to help fund the Compliance Monitor position. The Compliance Monitor is responsible for determining whether facilities in the “monitoring universe” are complying with the core requirements of the JJDP. The monitoring universe if comprise of all facilities in the District that *may* hold juveniles pursuant to law enforcement or court authority, which includes facilities that are designed to hold adults.

This form is to be completed by the Compliance Monitor during an on-site visit of facilities listed in the monitoring universe that holds juveniles or adults pursuant to law enforcement or court authority. Based on the classification of the facility, the Compliance Monitor will work with the facility’s point of

contact to ensure compliance with the applicable core requirements of the Juvenile Justice Delinquency and Prevention Act (JJDP). Any suspected incidents of non-compliance with the core requirements discovered will be entered into the "Inspection Review Log." All inspection review log entries will be treated as potential violations unless the facility or the courts provide the Compliance Monitor with the appropriate documentation to grant any exceptions or exemptions.

Name of Person Completing this form

Date

Facility Name

Facility Address

Agency/Organization that Operates Facility

Identify the Facility's Point of Contact

Name

Title

Email

Phone 1

Phone 2

Fax

Check all applicable core requirements that the facility must meet for compliance:	YES	NO
DSO Requirement: Facilities that have (1) a "secure," secure status; (2) a non-residential or residential setting; and (3) detains or convines juvenile or an adult population.	<input type="checkbox"/>	<input type="checkbox"/>
Removal Requirement: Facilities that have (1) a "secure," secure status; (2) a non-residential or residential setting; and (3) that confine or detain adults only.	<input type="checkbox"/>	<input type="checkbox"/>
Contact Requirement: Facilities that have (1) a "non-secure" or "secure," secure status, (2) a non-residential or residential setting, and (3) confines or detains juvenile and adult populations.	<input type="checkbox"/>	<input type="checkbox"/>

General Questions	Yes	No
1. Does the facility maintain records of residents placed under their custody (i.e., logbooks, data systems, and other records)?	<input type="checkbox"/>	<input type="checkbox"/>
2. Based on the initial review of data and records provided by the facility, are there any noncompliance concerns?	<input type="checkbox"/>	<input type="checkbox"/>

If “Yes” for question 2, list all compliance concerns:

Compliance with the DSO Requirement	Yes	No
1. Are status offenders or PINS youth detained in your facility?	<input type="checkbox"/>	<input type="checkbox"/>
2. From the start of the current fiscal year to today, how many PINS youth were admitted to or processed at this facility?		
3. How many of those PINS youth were held in nonsecure areas of this facility?		
4. How many of those PINS youth were detained in this facility?		
5. Of the PINS youth who were detained, how many of them had detention orders?		
Enter the information of each juvenile identified in the above question onto the “Inspection Review Log.”		

Compliance with the Removal Requirement	Number (#)
1. From the start of the current fiscal year to today, how many persons under 18 have been admitted to or processed at this facility?	
2. How many of those persons under 18 were PINS youth?	
3. How many of those persons under 18 were Title 16 youth?	
4. For those persons under 18 who were not Title 16 youth, how many were held in this facility for more than 2 hours?	
Enter the information of each juvenile who was present in an adult only secure facility for more than two hours as identified onto the “Inspection Review Log.”	

Compliance with the Contact Requirement	Yes	No	N/A
1. Are Adult Inmates and Juveniles within the same facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Can the adult inmates and juveniles see each other?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Can the adult inmates and juveniles hear each other?			
4. Is it possible for adult inmates and juveniles to have any physical contact with each other?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is there any chance of a conversation between the adult inmates and juveniles?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Does your facility utilize any adult trustees in or near the juvenile unit or designated area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Does the facility participate in any type of programming like “Scared Straight” or any other type of programming that allows non-adjudicated or accused youth to interact with an adult inmate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes to the above question, how many youth have participated in this “Scared Straight” type of programming:			
The Compliance Monitor must visually inspect and listen for sight or sound compliance issues while on-site. In addition to recording any reported contact violations from the facility or identified by the			

questions above, the Compliance Monitor should note any potential contact issues between juvenile and adult inmates onto the “Inspection Review Log.”

APPENDIX J: Annual Report Questions

A. DSO Core Requirement Elements:

- i. Number of accused and adjudicated status offenders who were placed in secure detention or secure correctional facilities (including both juvenile and adult facility types).
- ii. Number of accused and adjudicated status offenders who were placed in secure detention or secure correctional facilities who were charged with or committed a violation of a valid court order. (Note: This is a statutory exception to the total number of instances of non-compliance with DSO.)
- iii. Number of accused and adjudicated status offenders who were placed in secure detention or secure correctional facilities in accordance with the Interstate Compact on Juveniles as enacted by the State. (Note: This is a statutory exception to the total number of instances of non-compliance with DSO.)
- iv. Calculated total number of status offenders placed in secure detention or secure correctional facilities that do not meet one of the statutory exceptions and therefore result in instances of non-compliance with DSO).
- v. Number of non-offenders who are aliens or who were alleged to be dependent, neglected, or abused, who were placed in secure detention or secure correctional facilities.

B. Contact Requirement Elements:

- i. Does the state have a policy in effect that requires individuals who work with both juveniles and adult inmates to have been trained and certified to work with juveniles? (Policy Request)
- ii. Number of juveniles alleged to be or found to be delinquent detained or confined in secure juvenile detention and secure juvenile correctional facilities who were not sight and sound separated from adult inmates, including inmate trustees (Secure Juvenile Detention or Secure Juvenile Correctional Facilities)
- iii. Number of juvenile status offenders and juvenile non-offenders who are aliens or alleged to be dependent, neglected, or abused, detained or confined in secure juvenile detention and secure juvenile correctional facilities who were not (Secure Juvenile Detention or Secure Juvenile Correctional Facilities)
- iv. sight and sound separated from adult inmates, including inmate trustees (Secure Juvenile Detention or Secure Juvenile Correctional Facilities)
- v. Number of juveniles alleged to be or found to be delinquent, detained or confined in jails or lockups for adults or adult prisons who were not sight and sound separated from adult inmates (Adult Jails, Adult Lockups, and Prisons)
- vi. Number of juvenile status offenders and juvenile non-offenders who are aliens or alleged to be dependent, neglected, or abused, detained or confined in jails or lockups for adults or adult prisons, without sight and sound contact from adult inmates (Adult Jails, Adult Lockups, and Prisons)
- vii. Number of juveniles alleged to be or found to be delinquent, detained or confined in court holding facilities who were not sight and sound separated from adult inmates (Court Holding Facilities)
- viii. Number of juvenile status offenders and juvenile non-offenders who are aliens or alleged to be dependent, neglected, or abused detained or confined in court holding facilities who were not sight and sound separated from adult inmates (Court Holding Facilities)

C. Removal Requirement Elements:

- i. Is there a state policy in effect requiring individuals who work with both adult inmates and juveniles to be trained and certified to work with juveniles? (Policy Request).
- ii. Number of Adult Jails and Adult Lockups in which juveniles were detained or confined that meet rural exception criteria (pursuant to Section 223(a)(13)(B)(ii)(I) of the JJDP Act) and for which approval has been granted by OJJDP. (Facilities in Which Juveniles Were Detained or Confined)
- iii. Number of juveniles accused of delinquent offenses detained or confined in Adult Jails or Adult Lockups 6 hours or less for processing or release, awaiting transfer to a juvenile facility, or prior to/following a court appearance,

- but who had contact with adult inmates (pursuant to Section 223(a)(13)(A) of the JJDP Act) (Juveniles Detained within Sight or Sound Contact of Adult Inmates)
- iv. Number of juveniles accused of delinquent offenses detained or confined in Adult Jails and Adult Lockups in excess of 6 hours, and not pursuant to a valid use of the rural, travel conditions or safety exceptions, as detailed in Section 223(a)(13)(B) of the JJDP Act (Juveniles Accused of Delinquent Offenses or Adjudicated Delinquent)
 - v. Number of juveniles accused of delinquent offenses detained or confined in Adult Jails and Adult Lockups, for 6 hours or less for purposes other than processing or release, while awaiting transfer to a juvenile facility, or periods during which such juveniles are making court appearances (pursuant to Section 223(a)(13)(A) of the JJDP Act) (Juveniles Accused of Delinquent Offenses or Adjudicated Delinquent)
 - vi. Number of juveniles accused of delinquent offenses who were detained or confined in excess of 6 hours but less than 48 hours (not including weekends and legal holidays) awaiting an initial court appearance in an Adult Jail or Adult Lockup approved by OJJDP for use of the rural exception, provided that during this time there was no contact with adult inmates (pursuant to Section 223(a)(13)(B)(ii)(I) of the JJDP Act) (Note: This is a statutory exception to the total number of instances of non-compliance with jail removal.) (Juveniles Accused of Delinquent Offenses or Adjudicated Delinquent)
 - vii. Number of juveniles accused of delinquent offenses who were detained or confined in excess of 48 hours but less than 96 hours (not including weekends and legal holidays) awaiting an initial court appearance in an Adult Jail or Adult Lockup due to conditions of distance to be traveled or the lack of highway, road, or transportation, provided that during this time there was no contact with adult inmates (pursuant to Section 223(a)(13)(B)(ii)(II) of the JJDP Act) (Note: This is a statutory exception to the total number of instances of non-compliance with jail removal.) (Juveniles Accused of Delinquent Offenses or Adjudicated Delinquent)
 - viii. Number of juveniles accused of delinquent offenses awaiting an initial court appearance in an Adult Jail or Adult Lockup where conditions of safety existed (e.g., severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel) and who were detained or confined for in excess of 6 hours but not more than 24 hours after the time that such conditions allowed for reasonably safe travel, provided that during this time there was no contact with adult inmates (pursuant to Section 223(a)(13)(B)(ii)(III) of the JJDP Act) (Note: This is a statutory exception to the total number of instances of non-compliance with jail removal.) (Juveniles Accused of Delinquent Offenses or Adjudicated Delinquent)
 - ix. Number of juveniles adjudicated of delinquent offenses who were detained or confined in Adult Jails and Adult Lockups for any length of time. (Juveniles Accused of Delinquent Offenses or Adjudicated Delinquent)
 - x. Number of accused or adjudicated status offenders detained or confined for any length of time in Adult Jails or Adult Lockups (Juvenile Status and Nonoffenders)
 - xi. Number of juvenile non-offenders detained or confined for any length of time in Adult Jails or Adult Lockups (Juvenile Status and Nonoffenders)