



**COMPLIANCE MONITORING UNDER THE  
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT**

**STATE OF ARIZONA GUIDE FOR THE SAFE AND  
APPROPRIATE HOLDING OF JUVENILES IN  
SECURE SETTINGS AND FACILITIES**

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**GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES**

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## INTRODUCTION

This guide has been developed by the Governor's Office for Children, Youth and Families to acquaint Arizona's key players in the juvenile justice system with both the core protection requirements required by the Juvenile Justice and Delinquency Prevention (JJDP) Act and corresponding state statutes regarding the safe and appropriate processing and holding of juveniles. This manual is modeled after the Colorado's Guide for Implementing the Core Protections of the JJDP Act of 2002. The Governor's Division for Children acknowledges and appreciates the Colorado Division of Criminal Justice for their assistance in this regard.

As a participant in the JJDP Act, Arizona maintains and monitors compliance with the core protections of the JJDP Act. The Governor's Office for Children, Youth and Families (GOCYF) is the state agency designated to administer several JJDP Act grant fund programs, to monitor compliance with the core protections of the JJDP Act, and to staff the State Advisory Group (SAG) defined in the JJDP Act. In Arizona, this advisory group is the Governor appointed Arizona Juvenile Justice Commission (AJJC). Working in conjunction with the Commission and other juvenile justice system agencies, the GOCYF provides the leadership necessary to coordinate the JJDP Act and juvenile justice efforts.

Arizona receives JJDP Act Formula Grant Funds annually, dependent on compliance with the core protections of the JJDP Act. The core protection requirements, explained further in this guide, have become tenants for basic professional practice throughout the country. It is incumbent upon all agencies and departments to assist the State in maintaining compliance, to assure safe and appropriate holding of juveniles, and to retain these funds for juvenile justice programming.

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## **Purpose and Intent of the Juvenile Justice and Delinquency Prevention Act**

To address the dire conditions of confinement for juveniles at the time, Congress enacted a piece of reform legislation in 1974, the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. To continue needed improvements in the juvenile justice system, the JJDP Act was amended during most of its reauthorization efforts, scheduled every four years. In 2002, the Act was revised and is now known as the JJDP Act of 2002. Based on these years of discussion and research, the JJDP Act is designed to improve juvenile justice systems through federal direction, coordination and resources. The JJDP Act represents widespread consensus on what is considered “best practice” with juveniles.

Participating states enter a partnership with the federal government. The State Relations and Assistance Division (SRAD) of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) provide technical assistance, training and coordination of resources to the states. Governors of participating states designate a State Planning Agency which oversees implementation of the JJDP Act. The State Planning Agency in Arizona is the Governor’s Office for Children, Youth and Families (GOCYF). This office staffs the governor-appointed State Advisory Group which allocates funds awarded to Arizona through Titles II and V of the JJDP Act. In Arizona, this advisory group is the Arizona Juvenile Justice Commission (AJJC).

Compliance with the core requirements, also known as the core protections, which address juvenile custody issues, is essential to creating a fair and consistent juvenile justice infrastructure which will advance a key goal of the JJDP Act: To increase the effectiveness of juvenile delinquency prevention and control. The core protections include deinstitutionalization of status and non-offenders (DSO); sight and sound separation between juvenile and adult offenders; the removal of juveniles from adult jails and lockups; and addressing disproportionate minority contact (DMC). Once the core protections have been met by the state, funding can support broad-based delinquency prevention and early intervention programs.

Arizona’s level of compliance with each of the four core protections of the JJDP Act determines eligibility for continued participation in the Formula Grants Program. Failure to achieve compliance reduces Arizona’s Formula Grant by 20% for each core requirement not met. In addition, the state must agree to expend at least 50% of all remaining funds it receives under Title II to achieve compliance with the core requirement(s) with which it is not in compliance. It is critical that all agencies and facilities that impact compliance work diligently toward maintaining compliance so that Arizona continues to receive the annual formula grant allocation for juvenile justice programming.

Communities interested in applying for delinquency prevention funds under Title V of the JJDP Act must first be certified as being in compliance with the core protections.

The JJDP Act represents the highest standards for the safe and appropriate holding of juveniles. The protections are endorsed by the American Correctional Association, the American Bar Association, the National Council on Crime and Delinquency, the Coalition for Juvenile Justice, the National Association of Counties, the National Conference of State Legislators, the National Association of Juvenile and Family Court Judges, the National Sheriff’s Association and the National Advisory Commission on Law Enforcement and the National Coalition for Jail Reform.

# The Four Core Protection Requirements of the JJDP Act

## The Juvenile Justice and Delinquency Prevention Act of 2002 Public Law 93-415, 42 U.S.

The protections apply to all juveniles except those under criminal (adult) court jurisdiction.

Section 223(a)(11)(A) Deinstitutionalization of Status Offenders (DSO)	Section 223(a)(12) Sight and Sound Separation of Juveniles from Adult Offenders	Section 223(a)(13) Removal of Juveniles from Adult Jails and Lockups	Section 223(a)(22) Disproportionate Minority Contact (DMC)
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1. **Deinstitutionalization of Status Offenders (DSO)** – An accused status offender is a juvenile who has committed an act that would not be a crime if committed by an adult (excluding juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18 (juvenile possession of a handgun), United States Code, or of a similar state law; juveniles who are charged with or who have committed a violation of a valid court order; and juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State shall not be placed in secure detention facilities or secure correctional facilities. Juveniles who are not charged with any offense and who are aliens or alleged to be dependent, neglected, or abused shall; not be placed in secure detention facilities or secure correctional facilities. Status offenders and non-offenders may not be within a secure area of an adult jail or lockup for any length of time.
2. **Sight and Sound Separation (Separation)** – Juveniles may not be in a secure area of an institution (such as a jail, lockup, juvenile detention center or correctional facility) in which they have sight or sound contact with adult inmates.
3. **Adult Jail and Lockup Removal (Jail Removal)** – Accused juvenile delinquents (a juvenile charged with a criminal act) who are detained in such jail and lockup for a period not to exceed 6 hours for processing and release, while awaiting transfer to a juvenile facility, or in which period such juveniles make a court appearance, and only if such juvenile do not have sight or sound contact with adult inmates. (This regulation does not apply to juveniles transferred to adult court.)
4. **Disproportionate Minority Contact (DMC)\*** – States must review policies at all levels of contact with the juvenile justice system to ensure all ethnic groups are treated equally (inclusive of each point of contact with the system: arrest, diversion, referral, petition, detention, adjudication, commitment to juvenile corrections and transfer to adult court.) Equality includes addressing any areas of institutional and/or system bias, as well as working with communities to build infrastructure to ensure all juveniles have an equal chance at avoiding the system.

\* This guide addresses the first three listed core requirements regarding the holding of juveniles. Compliance monitoring and working with other aspects of the system to address disproportionate minority contact are the responsibility of Arizona Juvenile Justice Commission and the Governor’s Office for Children, Youth and Families.

## Reasons for Compliance with the Core Protection Requirements

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- Juveniles placed in adult jails or lockups commit suicide at a rate of 8 times higher than if they were placed in a juvenile detention center.<sup>1</sup>
- Non-compliance with any of the 4 core protections result in a 20% reduction of the Formula Grant Funds awarded annually to Arizona. In addition, 50% of the remaining funds must be used to achieve compliance with the violated core protection(s). Reduced funding to Arizona means reduced juvenile justice and delinquency prevention funds to local programs.
- Jailing juveniles inappropriately places the community at risk of loss of federal funding, at risk of paying for a civil suit and at risk of being labeled as a community which places Arizona in funding jeopardy.
- The JJDP Act creates an enforceable private right of action. States assume duties when they accept these federal funds and when those duties are breached a juvenile may seek remedy pursuant to 42 U.S.C. Section 1983. See Hendrickson v. Griggs, 672 F. Supp. 1126, N.D. Iowa 1987 and Horn by Parks v. Madison County Fiscal Court, 22 F. 3d. 653, 6<sup>th</sup> Circuit 1994.
- Non-compliance also opens the door to civil suits on conditions of confinement litigation. Jailing juveniles has resulted in damage claims under the 8<sup>th</sup> Amendment Cruel and Unusual Punishment Clause and under the 14<sup>th</sup> Amendment Due Process Clause. In D.B. v. Tewksbury, 545 F. Supp. 896 (D. Oregon 1982) the court found the practice of jailing juveniles to be a per se constitutional violation of the 14<sup>th</sup> Amendment. Other claims that may be raised when jailing a juvenile are: Classification and Safety; Inadequate Programming for Juveniles; Inadequate Educational Programming (especially special education claims) and Inadequate Health Care for Juveniles.
- The majority of professional organizations have embraced the JJDP Act and core protections as standards for the processing and detention of juveniles (American Bar Association, National Sheriff's Association, National Chiefs of Police, National Public Defenders, National Association of Juvenile and Family Court Judges, American Bar Association).

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<sup>1</sup> MG Flaherty, *An Assessment of the National Incidence of Juvenile Suicide in Adult Jails, Lockups, and Juvenile Detention Centers* (1980)

## Glossary of Terms<sup>2</sup>

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**Adult Jail:** A locked facility, administered by state, county or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than 1 year.

**Adult lockup:** Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged.

**Court Holding Facility:** A secure facility, other than an adult jail or lockup, which is used to temporarily detain persons immediately before or after detention hearings or other court proceedings.

**Delayed Egress Device:** A device that precludes the use of exits for a predetermined period of time.

**Delinquent Offender:** (Criminal-type offender) A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of jurisdiction in which the offense was committed, be a crime if committed by an adult.

**Disproportionate Minority Contact:** The 4<sup>th</sup> Core Requirement of the JJDP Act. Occurs when the proportion of juveniles who are members of minority groups come into contact with the juvenile justice system in greater proportion than they represent in the general population. Adult jails and lockups are not monitored for this requirement at this time as this requirement neither establishes nor requires numerical standards or quotas in order for a state to maintain compliance.

**Non-offender:** 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.

**Non-secure Detention:** Law enforcement custody that prevents the juvenile from departing from the presence of an officer or staff member or leaving the premises of a law enforcement facility, without achieving secure detention or confinement status.

**Residential:** Pertains to facilities having the capacity to securely detain juveniles overnight, and may include sleeping, shower and toilet, and day room areas.

**Secure Detention:** Custody of a juvenile that involves physically restricting their movement and activity by use of structural apparatus designed to physically restrain a person or cuffing a juvenile to a stationary object.

**Secure Facility:** Facilities that include construction features designed to physically restrict the movements and activities of persons in custody.

**Sight and Sound Separation:** Juvenile alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have contact with adult persons incarcerated.

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<sup>2</sup> Adapted from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, as Amended*, January 2007

## Glossary of Terms

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- **Contact** is any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees.
- **Sight Contact** is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other.
- **Sound Contact** is defined as direct oral communication between incarcerated adults and juvenile offenders.

**Staff-Secure Facility:** A residential facility which does not include construction features designed to physically restrict the movements and activities of juveniles who are in custody therein; which may establish reasonable rules restricting entrance to and egress from the facility; and, in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

**Status Offender:** A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. Examples of status offenses include truancy, curfew, incorrigibility, runaway, underage possession or usage of tobacco products and violations of probation or warrants that stem from status offense charges.

**Juvenile Offender:** 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.

**Valid Court Order:** The use of the word “valid” permit the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the United States Constitution.

## DETERMINING SECURE AND NON-SECURE CUSTODY STATUS

The JJDP Act and core protections only apply when a juvenile is in secure custody. The following chart and the flowchart on the next page show what constitutes secure and non-secure custody in an adult jail or lockup<sup>3</sup>.

<b>Secure Custody: JJDP Act Applies</b>	<b>Non-Secure Custody: JJDP Act Does Not Apply</b>
If the room where the juvenile is being held is within a larger, secure perimeter; OR	If the room where the juvenile is being held is not within a larger, secure perimeter; AND
If the juvenile is cuffed to a cuffing rail or other stationary object; OR	If the juvenile is not cuffed to a stationary object but may be handcuffed to him/herself; AND
The room where the juvenile is being held is designated, set aside, or used as a secure detention area or is part of such an area; OR	The juvenile is in a room that is not designated, set aside, or used as a secure detention area and it is an unlocked multipurpose area such as a lobby, office or interrogation room; AND
If the room contains construction features designed to physically restrict the movement and activities of persons in custody such as a lock on the door (whether or not the door is actually locked), a cuffing ring or rail, steel bars, etc.; OR	If the room contains no construction fixtures designed to physically restrict the movement and activities of persons in custody such as a lock on the door, a cuffing ring or rail, steel bars, etc.; AND
If the room is designated or intended to be used for residential purposes; OR	If the room is not designated or intended to be used for residential purposes; AND
If the room contains delayed egress devices where the delay is greater than 30 seconds and the facility has not received written approval from the fire inspector to use the room; OR	If the room contains delayed egress devices that do not exceed 30 seconds and the facility has received written approval from the fire inspector to use the room; AND
If the area is being used for purposes other than identification, investigation, processing and release to parents; OR	If the area is used only for the purpose of identification, investigation, processing and release to parents; AND.
If the juvenile is left in a secure booking area after being photographed and fingerprinted; OR	If the juvenile is booked in a secure booking area and is under continuous law enforcement visual supervision and is removed from the secure booking area (if there is no non-secure booking area available within the facility) to a non-secure area immediately following the booking process for interrogation, contacting parents, or arranging placement or transportation; AND
If the juvenile is being processed through a secure booking area when a non-secure booking area is available within the facility.	If the juvenile is under continuous visual law enforcement supervision and physical restriction of movement or activity is provided solely through facility staff (staff secure). A juvenile in a police car is considered to be in non-secure custody.

<sup>3</sup> Adapted from the Colorado Division of Criminal Justice (DCJ) Colorado's Guide for Implementing the Core Protections of the Juvenile Justice and Delinquency Prevention Act of 2002, July 2006.

## ADULT JAILS AND ADULT LOCKUPS

### Applicable Core Protection Requirements Definitions, Rules and Regulations

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**All Adult Jails and Lockups must comply with the following core protections:**

Deinstitutionalization of Status Offenders;  
Separation of Juveniles from Adult Inmates;  
Removal of Juveniles from Adult Jails and Lockups

#### **What is an Adult Jail and Lockup?**

**Adult Jail:** A locked facility, administered by state, county or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than 1 year.

**Adult lockup:** Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged.

Each applicable core protection, its rules and regulations are discussed in the following pages.

**In order for the monitor to determine if a facility is in compliance,  
FACILITY STAFF MUST RECORD  
THE NECESSARY INFORMATION ABOUT  
ALL JUVENILES THAT ARE HELD SECURELY ON A  
Secure Juvenile Holding Log  
(See Sample Secure Juvenile Holding Log - Appendix C)**



## ADULT JAILS AND ADULT LOCKUPS

### Deinstitutionalization of Status Offenders (DSO)

#### Definitions, Rules and Regulations

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##### Definitions:

- Status Offender: A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. Examples of status offenses include truancy, curfew, incorrigibility, runaway, underage possession or usage of tobacco products and violations of probation or warrants that stem from status offense charges.
- Non-Offender: 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.
- Delinquent Offender: A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of jurisdiction in which the offense was committed, be a crime if committed by an adult.

##### Federal Rules and Regulations – DSO:

- No status offender or non-offender may be placed in a secure setting for any period of time in an adult jail or lockup. If they are, complete information about them must be recorded on a *Secure Juvenile Holding Log*, and this action will be counted as a violation of both the DSO and Jail Removal core protection requirements. Therefore, one status offender or non-offender placed in a secured setting counts as two violations.
- Booking: Law enforcement may complete the booking process of a status offender or non-offender in a secure booking area **only** if 1) there is no unsecured booking area available, 2) the juvenile is under continuous law enforcement visual supervision and 3) the juvenile is immediately removed from the secure booking area to a non-secure area for questioning or further processing. If these conditions are not met, the juvenile is considered to be in a “secure setting” and it is a violation of DSO and Jail Removal.
- A status offender or non-offender may be handcuffed to him/herself, but cannot be handcuffed to a stationary object.
- A status offender or non-offender is considered to be in non-secure custody if they are under continuous visual law enforcement supervision and physical restriction of movement or activity is provided solely through facility staff (staff-secure).
- Any juvenile in a police car, or other vehicle in law enforcement control, is considered to be in non-secure custody.
- Information on any juvenile who is placed in secure custody (see chart on page 3-1) must be recorded on a *Secure Juvenile Holding Log* for the compliance monitor’s review.

# ADULT JAILS AND ADULT LOCKUPS

## Sight and Sound Separation Definitions, Rules and Regulations

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### Definitions:

- Sight and Sound Contact:** Any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. **Sight contact** is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. **Sound contact** is defined as direct oral communication between incarcerated adults and juvenile offenders. (See the chart on page 3-1 to determine whether the juvenile is in secure custody).
- Non-Residential Areas:** Areas within a secure facility such as sally ports, admissions and processing areas, and areas used for dining, education, recreation, vocational training, health care, passage of inmates, etc.
- Residential Areas:** Areas within a secure facility used for sleeping and hygiene purposes.
- Time-Phasing:** Use of the same non-residential area for adults and juveniles, but not at the same time. Written policies should be in place to ensure proper use and timing for each area.

### Federal Rules and Regulations – Sight and Sound Separation:

- Separation must be maintained in all secure areas, residential and non-residential, of adult jails and adult lockups. This may be accomplished architecturally or through time-phasing. If time-phasing is used, policies and procedures need to be in place to support this.
- Brief and inadvertent or accidental contact between juvenile offenders in secure custody status and incarcerated adults in secure non-residential areas or areas that are not dedicated for use only by juvenile offenders, does not constitute a reportable violation and does not have to be documented.
- Any contact between juveniles in a secure custody status and incarcerated adults in a dedicated juvenile area or any residential area of a secure facility is a reportable violation.
- Booking a juvenile is not considered to be in secure custody status during booking when a secured booking area is all that is available, continuous visual supervision (supported by policies and procedures) is provided throughout the booking process and the juvenile remains in the booking area only long enough to be photographed and fingerprinted. Therefore, separation protections would not apply during this immediate time. However, if the juvenile is not immediately removed and separated following the booking process, the juvenile is considered to be in a secured status and the event must be recorded on the *Secure Juvenile Holding Log*.

## ADULT JAILS AND ADULT LOCKUPS

### Sight and Sound Separation (Continued)

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- A juvenile who has been transferred, waived, or direct-filed in adult court on criminal felony charges is exempt from the federal separation requirement, however, under Arizona statutes, if they are held securely, they must be physically separated from adult inmates.<sup>4</sup>
- In accordance with current OJJDP policy and proposed regulation, Arizona must assure that no juvenile offender under public authority shall enter, for any amount of time, into a secure setting or secure section of any jail, lockup or correctional facility as a disposition of an offense or as a means of modifying their behavior (e.g. Shock Incarceration, Choices, Scared Straight or Shape Up). However, youth visiting voluntarily i.e. as part of a school project are not violations.

## **ADULT JAILS AND ADULT LOCKUPS**

### **Removal of Juveniles from Adult Jails and Lockups (Jail Removal)**

#### **Definitions, Rules and Regulations**

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##### **Definitions:**

- Accused:** A juvenile accused of, or charged with, committing an offense, or alleged to have committed an offense.
- Adjudicated:** The court has determined that is has been proven beyond a reasonable doubt that the juvenile has committed a delinquent act or status offense, or that the juvenile has pled guilty to committing a delinquent act or status offense.
- Status Offender:** A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. Examples of status offenses include truancy, curfew, incorrigibility, runaway, underage possession or usage of tobacco products, and violations of probation or warrants that stem from status offense charges.
- Non-Offender:** 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.
- Delinquent Offender:** A juvenile who has been charged with, or adjudicated for, any conduct that would be criminal if committed by an adult. Examples include: D.U.I., open container in a vehicle, possession of marijuana, trespass, assault, burglary, etc.

##### **Federal Rules and Regulations – Jail Removal:**

The Jail Removal core requirement states that no juvenile shall be held securely in an adult jail or adult lockup. However, there are two exceptions to this rule: 1) a 6-hour hold exception for alleged and certain adjudicated delinquent offenders and 2) an exception for juveniles judicially transferred to adult criminal court, or filed directly to criminal court by the prosecuting district attorney. These exceptions are explained below. Any secure holding or detention of a juvenile in these facilities for purposes (i.e., punishment or time-out) other than those excepted below is a violation of Jail Removal.

##### **Exceptions to the Jail Removal Requirement**

###### **1) 6-Hour Hold Exception**

The Office of Juvenile Justice and Delinquency Prevention regulations allow for a “6-hour grace period” that permits the secure detention of juveniles in adult jails and lockups under the following circumstances:

- An accused delinquent offender may be detained for up to 6 hours for the purposes of identification, processing, and to arrange for release to parents or transfer to juvenile court, juvenile shelter or a juvenile detention center. During this time no sight and sound contact with adult inmates is allowed.

## ADULT JAILS AND ADULT LOCKUPS

### Removal of Juveniles from Adult Jails and Lockups (Continued)

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- An accused or adjudicated delinquent may be detained for up to 6 hours before a court appearance and up to an additional 6 hours after a court appearance awaiting transport or release. During this time no sight and sound contact with adult inmates is allowed. These times cannot be combined. For example, a delinquent may not be held for 4 hours before court and 8 hours after court for a total of 12 hours.

The 6-hour grace period starts the moment the juvenile is placed in the secured setting and the “clock” cannot be stopped until the juvenile is permanently removed from the secured setting. For example, if a juvenile were placed in a secured setting at 1000 hours, then temporarily removed at 1100 hours for questioning and returned to the secured setting at 1300 hours, the juvenile would be considered in continuous secure custody from the beginning time of 1000 hours or a total of 3 hours. Therefore, in this case, the juvenile must be permanently removed from secure custody no later than 1600 hours or a violation of the Jail Removal core requirement 6-hour grace period occurs.

#### 2) Exceptions for Transferred or Direct File Juveniles

Juveniles who have been judicially waived to, direct filed by the district attorney, or are otherwise under the jurisdiction of the adult criminal court do not fall under the purview of the JJDP Act. However, state law requires that if they are held securely they must be held separately from adults. The transfer or direct filing of charges must have been completed before they are excluded from the JJDP Act and core protections.

#### **The following scenarios constitute violations of the Jail Removal core requirement:**

- Status offenders and non-offenders held in a secured setting of a jail or lock-up for any period of time. Holding status or non-offenders securely counts as 2 violations - one under Deinstitutionalization of Status Offenders (DSO) and one under Jail Removal.
- Accused delinquents held in an adult jail or lockup for purposes other than identification, investigation, processing, release to parents, awaiting transfer to court or transfer to a juvenile facility following initial custody. Therefore, if a juvenile is being held as “punishment” or to teach a lesson it is a violation, no matter what length of time they are securely held.
- A juvenile who is transferred to a jail or lockup from a juvenile detention center for disciplinary reasons unless additional criminal charges are filed relative to the infraction and then only for processing purposes. See the above statement. If a juvenile is brought to an adult jail or lockup after an infraction at another facility and is not being charged with that offense, it is assumed that the holding is for punishment purposes, or for a cooling off period, and is therefore a violation since no other criminal charges were filed.
- Accused delinquents held over the 6-hour grace period. A juvenile may not be removed from the secure setting and placed back again to “stop the 6-hour clock”. Once the clock starts it cannot be turned off until the juvenile is permanently removed from the secure setting.
- Accused or adjudicated delinquent offenders held over the 6-hour grace period prior to or following a court appearance or for any length of time not related to a court appearance. The time periods cannot be combined. For example, a juvenile may not be held for 5 hours before court and 7 hours after court for a total of 12 hours. The time frames are strict: 6 hours before court and 6 hours after court.
- If a juvenile is not sight and sound separated from incarcerated adults.

## ADULT JAILS AND ADULT LOCKUPS

### Guide for Secure Holding

<p>Accused juvenile status offender, non-offender, or civil type juvenile offender</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Truancy</li> <li><input type="checkbox"/> Curfew</li> <li><input type="checkbox"/> Incurrigibility</li> <li><input type="checkbox"/> In-State Runaway</li> <li><input type="checkbox"/> Out-of-State Runaway</li> <li><input type="checkbox"/> Underage possession or usage of tobacco products</li> <li><input type="checkbox"/> Violation of Probation (VOP) charges where a juvenile is on probation for a status offense</li> <li><input type="checkbox"/> Warrant holds that are on warrant status pursuant to a status offense</li> <li><input type="checkbox"/> Any other court-ordered detention stemming from a status offense referral.</li> </ul>	<p style="text-align: center;"><b>SECURE HOLDING PROHIBITED</b></p> <p>A juvenile who is alleged to have committed a status offense (an offense that would not be a crime if committed by an adult) and no final adjudication has been made by the juvenile court.</p>
<p>Adjudicated juvenile status offender</p>	<p style="text-align: center;"><b>SECURE HOLDING PROHIBITED</b></p> <p>No delinquent offender shall enter an adult facility as terms of a punishment or court ordered consequence.</p>	
<p>Accused juvenile delinquent offender**</p>	<p style="text-align: center;"><b>SECURE HOLDING LIMITED TO 6 (SIX) HOURS</b></p> <p>A juvenile who is accused of committing a delinquent act. A delinquent act means an act by a juvenile, which if committed by an adult, would be a criminal offense.</p>	
<p>Adjudicated delinquent offender</p>	<p style="text-align: center;"><b>SECURE HOLDING PROHIBITED</b></p> <p>No delinquent offender shall enter an adult facility as terms of a punishment or court ordered consequence.</p>	
<p><u><b>SIGHT AND SOUND SEPARATION</b></u></p> <p><b>NO PHYSICAL OR SUSTAINED SIGHT AND SOUND CONTACT BETWEEN JUVENILES IN SECURE CUSTODY AND ADULT INMATES.</b></p>		

\*\*Adjudicated Delinquent Offenders who are charged with a new delinquent offense, have a warrant for a delinquent charge or violate probation may be held for up to 6 hours if separated from adults for processing and release or transport to a juvenile facility. Delinquent offenders can be held up to 6 hours after a court appearance prior to release or transport to a juvenile facility.

## ADULT JAILS AND ADULT LOCKUPS

### Determining Rates of Compliance and Consequences for Non-Compliance

The Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) is responsible for monitoring states' compliance with the core protection requirements. At least once every 4 years, OJJDP conducts a compliance monitoring audit to determine if Arizona's compliance monitoring system is adequate. Arizona's annual report covers the calendar year, January 1 through December 31.

Arizona, by June 30 of each year, is required to submit an annual compliance monitoring report to OJJDP on the number of violations of each core requirement. The Governor's Division for Children compliance monitor must verify that all information is accurate and that all juveniles who were held in violation are reflected in the report.

A formula, described below, is provided by OJJDP to determine rates of violation.

The state's juvenile population (ages 0 through 17) is divided by 100,000 to establish the juvenile population rate per 100,000. In 2008, Arizona's juvenile population, determined by the U.S. Census Bureau, was 1,707,221. Therefore, Arizona's juvenile population rate per 100,000 is 17.07.

The number of violations is divided by the juvenile population rate. If for example, there were 90 violations of the Jail Removal core requirement, the rate of violations would be 5.27. (90 violations ÷ 17.07 = 5.27)

$$\frac{\text{Number of Violations}}{\text{Juvenile Population} \div 100,000} = \text{Rate of Violation}$$

(Juvenile Population rate per 100,000)

OJJDP has set standards for demonstrating compliance based on the rate of violation for each core requirement as shown on the chart on the following page.

## ADULT JAILS AND ADULT LOCKUPS

### Standards for Demonstrating Compliance

Listed below are the levels of compliance for each of the core requirements.<sup>5</sup>

<b>DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)</b>	
<b>Rate per 100,000 juveniles</b>	<b>Criteria for Compliance</b>
0.0	Demonstration of <u>full compliance</u> .
0.1 to 5.7	Demonstration of <u>full compliance with de minimis exceptions</u> .
5.8 to 17.6	Eligible for a finding of <u>compliance with de minimis exceptions</u> if the following two criteria are <b>ADEQUATELY MET</b> : 1. Noncompliant incidents violated State law; and, 2. An acceptable plan has been developed that is designed to eliminate the noncompliant incidents.
17.7 to 29.4	Eligible for a finding of <u>compliance with de minimis exceptions</u> if the following two criteria are <b>FULLY SATISFIED</b> : 1. Noncompliant incidents violated State law; and, 2. An acceptable plan has been developed that is designed to eliminate the noncompliant incidents.
29.5 and greater	Presumptively <u>ineligible</u> for a finding of full compliance with de minimis exceptions because any rate above this level is considered to represent an excessive and significant level of status offenders and non-offenders held in violation.

<b>JAIL REMOVAL</b>	
<b>Rate per 100,000 juveniles</b>	<b>Criteria for Compliance</b>
0.0	Demonstration of <u>full compliance</u> .
0.1 to 9.0	Eligible for the <u>numerical de minimis exception</u> if an acceptable plan is developed to eliminate the noncompliant incidents through the enactment or enforcement of State law, rule, or statewide executive or judicial policy, education, the provision of alternatives, or other effective means.
9.1 and greater	Eligible for the <u>substantive de minimis exception</u> if the following five criteria are met: 1. There are recently enacted changes in State law that are expected to have a significant impact on achieving full compliance. 2. All instances of noncompliance were in violation of state law. 3. The instances of noncompliance do not indicate a pattern or practice but rather constitute isolated instances. 4. There are existing mechanisms to effectively enforce State law. 5. An acceptable plan has been developed to eliminate the noncompliant incidents.

<sup>5</sup> Adapted from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended*, January 2007.

## ADULT JAILS AND ADULT LOCKUPS

### Standards for Demonstrating Compliance (Continued)

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SEPARATION	
Number of Violations	Criteria for Compliance
0	Demonstration of <u>full compliance</u> .
1 and greater	<p>Eligible for a finding of <u>compliance</u> if the instances of noncompliance do not indicate a pattern or practice but rather constitute isolated instances and one of the following criteria is satisfied:</p> <ol style="list-style-type: none"> <li>1. Instances of noncompliance were in violation of State law and existing enforcement mechanisms are such that the instances of noncompliance are unlikely to recur in the future; or,</li> <li>2. An acceptable plan has been developed to eliminate the noncompliant incidents.</li> </ol>

If a State demonstrates compliance with the core requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended, it is eligible for Formula (Title II) and Challenge Grant funds. Moreover, units of local government and federally recognized tribes that have demonstrated compliance with the core requirements are eligible to apply for Title V Community Prevention Grants funds.

## **ADULT JAILS AND ADULT LOCKUPS**

### **Arizona Revised Statutes**

### **Deinstitutionalization of Status Offenders (DSO)**

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#### **ARS 8-201(16) Incurrigible Child**

Adjudicated as a child who refuses to obey the reasonable orders/directions of parent or guardian and is beyond control of that person. Also defined as a child habitually truant from school runaway, habitually injures or endangers morals or health of self or others, or commits any act that can only be committed by a minor and is not designated a delinquent act.

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#### **ARS 8-201(13) Dependent Child**

A child who is adjudicated to be: (i) In need of proper and effective parental care and control and who has no parent or guardian (ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care (iii) A child whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian or any other person having custody or care of the child (iv) Under eight years of age and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child (v) Incompetent or not restorable to competency and who is alleged to have committed a serious offense.

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#### **ARS 8-271(1) Adjudicated Child**

A juvenile who is alleged or found to have committed a delinquent or incorrigible act.

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#### **ARS 8-201(14) Detention**

The temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile or the community pending court disposition or as a condition of probation.

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#### **ARS 8-201 (28) Secure Care**

Confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.

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#### **ARS 31-122 Federal Prisoner**

Any prisoner committed thereto by process or order issued under the authority of the United States.

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#### **ARS 8-305(D) Non-Secure Detention of Status Offenders in Adult Facilities**

A child who is alleged to be... incorrigible shall not be securely detained in a jail or lockup in which adults charged with or convicted of a crime are detained.

## **ADULT JAILS AND ADULT LOCKUPS**

### **Arizona Revised Statutes (Continued)** **Deinstitutionalization of Status Offenders (DSO)**

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#### **ARS 13-3111 Juvenile Handgun Law**

An unemancipated person who is under eighteen years of age and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the unemancipated person's parent or guardian, shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian.

### **Sight and Sound Separation of Juveniles from Adults**

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#### **ARS 8-305(D) Sight and Sound Separation Adult Facility**

A child who is alleged to be delinquent or who is alleged to be incorrigible shall not be securely detained in a jail or lockup in which adults charged with or convicted of a crime are detained.

### **Removal of Juvenile Offenders from Adult Jails and Lockups (Jail Removal)**

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#### **ARS 8-305(D) Non-Secure Detention of Juveniles in Adult Facilities**

A child who is alleged to be delinquent or who is alleged to be incorrigible shall not be securely detained in a jail or lockup in which adults charged with or convicted of a crime are detained.

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#### **ARS 8-305(C) 6 Hour Secure Hold Exception**

A juvenile, pending a juvenile hearing, shall not be confined with adults charged with or convicted of a crime, except that a juvenile who is accused of a criminal offense or who is alleged to be delinquent may be securely detained in such location for up to six hours until transportation to a juvenile detention center can be arranged if the juvenile is kept in a physically separate section from any adult who is charged with or convicted of a crime and no sight or sound contact between the juvenile and any charged or convicted adult is permitted, except to the extent authorized under federal laws or regulations.

## Compliance Strategies

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The following represent some of the many compliance strategies that can be used by law enforcement agencies. Many of these suggestions originate from successful procedures implemented by various Arizona law enforcement agencies.

- Policies and procedures may be all that is required to maintain separation at facilities where juveniles and adults are held securely. Time-phase areas that are used by both juveniles and adults (use the same area for juveniles and adults at different times).
- When planning or remodeling a secure facility, ensure that the juvenile holding area is sight and sound separate from the adult holding area. Designate a non-secure area that can be used for status offenders and simultaneously be monitored by staff. Contact the compliance monitor if assistance is needed.
- Utilize alternative centers for status offenders when parents are not available or the child is afraid to return home. These facilities are staff-secure and may take youth who are minimally under the influence on a case by case basis.
- When approaching the 6-hour hold limit, permanently remove the youth charged with a delinquent offense from the secure area if safety permits prior to release to avoid violation of Jail Removal.
- To minimize flight risk, the juvenile may be handcuffed arm to ankle and still be considered in non-secure custody.
- If the officer must leave a status offender unattended temporarily, locking the juvenile in a squad car will avoid a violation of the DSO requirement.
- Place a log form in any additional secure areas that might be used by juveniles (i.e. secure interview room).
- When a violation occurs, send a group email to remind officers of the federal and/or state regulations.
- Request assistance from the compliance monitor to provide training or to present during sergeant meetings and briefings within the department.
- Utilize community volunteers to monitor low-risk status offenders awaiting release to parent or Child Protective Services to relieve law enforcement officer from “babysitting.”
- Post signs that inform officers of juvenile procedures in areas a juvenile in custody might enter and provide individual reference cards supplied by the compliance monitor to appropriate personnel as needed.

# SECURE JUVENILE FACILITIES

## Applicable Core Protection Requirements Definitions, Rules and Regulations

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**All Juvenile Facilities must comply with the following core protections:**

- Deinstitutionalization of Status Offenders;
- Separation of Juveniles from Adult Inmates

Stand-alone juvenile facilities are not required to comply with the Jail Removal requirement as this applies to adult facilities only. However, when a juvenile facility is located in the same building with an adult jail or lockup or is part of a complex of buildings located on the same grounds as an adult jail or lockup, it is classified as a collocated facility and must be monitored to ensure compliance with the collocated facility criteria.

**Monitored Juvenile Facilities include:**

- All County Juvenile Detention Centers
- All State Juvenile Correctional Facilities
- All other secure juvenile facilities that may house or temporarily hold juveniles pursuant to public authority

Each applicable core protection, its rules and regulations are discussed in the following pages.

**In order for the compliance monitor to determine if a facility is in compliance,  
JUVENILE DETENTION STAFF MUST PROVIDE THE NECESSARY  
INFORMATION ON ALL JUVENILES THAT ARE DETAINED ON THE  
Secure Juvenile Detention Log  
(See sample Secure Juvenile Detention Log - Appendix D)**



# SECURE JUVENILE FACILITIES

## Deinstitutionalization of Status Offenders (DSO) Definitions, Rules and Regulations

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### Definitions:

- Status Offender: A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. Examples of status offenses include truancy, curfew, incorrigibility, runaway, underage possession or usage of tobacco products and violations of probation or warrants that stem from status offense charges.
- Non-Offender: 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.
- Juvenile Detention Center: A secure facility used solely for the lawful custody of accused or adjudicated juvenile offenders and not adjoining an adult jail or lockup. (If it is adjoining, or on the same grounds as, an adult jail or lockup, please refer to the collocated facility requirements on page 6-1).
- Juvenile Correctional Facility: A secure institution used to house committed juvenile offenders often for sentences lasting over a year.

### Federal Rules and Regulations – DSO:

- The JJDP Act states that status offenders and non-offenders may not be housed in secure facilities for any period of time, absent the exceptions listed below.
- Accused or adjudicated status offenders who violate court orders or fail to appear for court hearings remain status offenders; they can not be upgraded to delinquent offenders unless the conduct is in itself delinquent and they are formally charged with the delinquent offense.
- Regulatory Exception - Applies to Accused Status Offenders and Alien Juveniles Only:  
OJJDP regulations allow a juvenile detention center to hold accused status offenders and undocumented immigrants with no delinquent charges for up to 24 hours, exclusive of weekends and legal holidays, prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and legal holidays, immediately following an initial court appearance.
  - Prior to the 2002 reauthorization of the JJDP Act, non-offenders could be held under the 24-hour reporting exception. That is no longer the case. Non-offenders may not be held in a juvenile detention or correctional facility for any period of time.

## SECURE JUVENILE FACILITIES

### Deinstitutionalization of Status Offenders (Continued)

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- Valid Court Order - Statutory Exception - Applies to Adjudicated Status Offenders Only:

In 1980, Congress enacted a provision intended to address concerns that the DSO core requirement deprived juvenile court judges of a significant option in handling chronic status offenders who were not willing to comply with court orders. This provision was meant to be applied sparingly to the small number of status offenders that continually flout the will of the court and have exhausted all non-secure civil sanctions available. The provision provides that adjudicated status offenders found to have violated a Valid Court Order (VCO) may be sentenced to a juvenile detention or correctional facility as a civil penalty for contempt of court.

  - Adjudicated status offenders cannot be held in juvenile detention centers unless all of the conditions of the VCO are met.
  - For the purpose of determining whether a VCO exists and a juvenile has been found in violation of that order, all of the following conditions must be present prior to secure incarceration.
    - A. The juvenile must be brought before a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile. Prior to issuance of the order, the juvenile must have received the full due process rights guaranteed by the Constitution of the United States.
    - B. The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.
    - C. The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile and to the juvenile's attorney and/or legal guardian in writing and be reflected in the court record and proceedings.
    - D. If the juvenile is held in a juvenile detention facility for allegedly violating the Valid Court Order, a representative from an appropriate public agency must interview the juvenile in person within 24 hours (excluding weekends and holidays) of being placed into detention.
    - E. The juvenile can continue to be held in a juvenile detention facility if the juvenile has a reasonable cause hearing within 48 hours (excluding weekends and holidays) of being placed in detention. The reasonable cause hearing must include the following:
      - A judicial determination that there is reasonable cause to believe the juvenile violated the valid court order, and
      - A judicial determination that the juvenile is being held in the most appropriate placement pending disposition of the violation. This determination is based upon an assessment submitted by an appropriate public agency representative that reviews the immediate needs of the juvenile.

## SECURE JUVENILE FACILITIES

### Deinstitutionalization of Status Offenders (Continued)

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- F. In entering any order that directs or authorizes the placement of a status offender in a secure facility, the judge presiding over an initial probable cause hearing must determine that all the elements of a valid court order and the applicable due process rights were afforded the juvenile.
- G. A non-offender such as a dependent and neglected child cannot be placed in secure detention or correctional facilities for violating a valid court order.

The presence of all of the above elements must be verified by the compliance monitor before the event qualifies as a Valid Court Order exception. If all are not present, the detention constitutes a violation. Please refer to Appendix G for recommended forms used to document this process.

- Out of State Runaways

Out-of-state runaways securely held beyond 24 hours, not including weekends and holidays, solely for the purpose of being returned to proper custody in another state in response to a want, warrant, or request from a jurisdiction in the other state or pursuant to a court order must be reported as violations of the DSO requirement. Juveniles held pursuant to the Interstate Compact on Juveniles enacted by the state are excluded from the DSO requirements in total.

- Federal Wards

Holds pursuant to a contract with a federal agency (such as FBI, ICE, U.S. Marshall) that exceed 24 hours, not including weekends or holidays, when the subject is held for the purposes of appearing as a material witness, jurisdictional transfer or return to lawful country of citizenship should be counted as violations of the DSO requirement.

- Youth Handgun Exception

Juveniles accused or adjudicated under the juvenile handgun law (ARS 13-3111) can be held in a secure detention or correctional facility without violating the DSO requirement. The number of juveniles held securely under this exception is reported monthly to the compliance monitor.

# SECURE JUVENILE FACILITIES

## Sight and Sound Separation Definitions, Rules and Regulations

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### Definitions:

- Sight and Sound Contact: Any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. **Sight contact** is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. **Sound contact** is defined as direct oral communication between incarcerated adults and juvenile offenders.
- Non-Residential Areas: Areas within a secure facility such as sally ports, admissions and processing areas, and areas used for dining, education, recreation, vocational training, health care, passage of inmates, etc.
- Residential Areas: Areas within a secure facility used for sleeping and hygiene purposes.
- Time-Phasing: Use of the same non-residential area for adults and juveniles, but not at the same time. Written policies should be in place to ensure proper use and timing for each area.

### Federal Rules and Regulations – Sight and Sound Separation:

- Separation from adult inmates must be maintained in all secure areas, residential and non-residential areas of juvenile facilities. This may be accomplished architecturally or through time-phasing. If time-phasing is used, policies and procedures need to be in place to support this.
- Brief and inadvertent or accidental contact between juvenile offenders in secure custody status and incarcerated adults in secure non-residential areas or areas that are not dedicated for use only by juvenile offenders, does not constitute a reportable violation and does not have to be documented.
- Any contact between juveniles in a secure custody status and incarcerated adults in a dedicated juvenile area or any residential area of a secure facility is a reportable violation.
- A juvenile who has been transferred, waived, or direct-filed in adult court on criminal felony charges is exempt from the federal separation requirement, however, under Arizona statutes, if they are held securely, they must be physically separated from adult inmates. While the Federal Act does not prohibit juveniles charged as adults held in a juvenile facility to be separated from juveniles under the jurisdiction of the juvenile court, Arizona law does require sight and sound separation at all times.
- In accordance with current OJJDP policy and proposed regulation, no juvenile offender under public authority shall be placed into a secure setting or section of any jail, lockup, correctional facility or secure juvenile facility for any amount of time with an adult inmate or trustee as a disposition of an offense or as a means of modifying their behavior (e.g. Shock Incarceration, Choices, Scared Straight or Shape Up).

## SECURE JUVENILE FACILITIES

### Guide for Secure Holding

Non Offender	A juvenile subject to jurisdiction of the juvenile court, usually under abuse, dependency or neglect status.	SECURE HOLDING PROHIBITED
Accused Juvenile Status Offender	<ul style="list-style-type: none"> <li>✓ Truancy</li> <li>✓ Curfew</li> <li>✓ Incurrigibility</li> <li>✓ In-State Runaway</li> <li>✓ Out-of-State Runaway</li> <li>✓ Underage possession or usage of tobacco products</li> <li>✓ Violation of Probation (VOP) charges where a juvenile is on probation for a status offense</li> <li>✓ Warrant holds that are on warrant status pursuant to a status offense</li> </ul>	Secure holding limited to 24 hours prior to and 24 hours after initial court appearance (excluding holidays and weekends)
Federal Wards	<ul style="list-style-type: none"> <li>✓ Holds pursuant to a contract with a Federal agency (such as ICE, U.S. Marshall, FBI) not charged with a criminal or delinquent offense.</li> </ul>	Secure holding limited to 24 hours (excluding holidays and weekends)
Adjudicated Status Offender	<p><b>SECURE HOLDING PROHIBITED</b></p> <p>A juvenile, whom the juvenile court has determined has committed a status offense. If a juvenile is detained pursuant to a new status offense, the 24 hour grace period applies as with accused status offenders. Charged with a new delinquent offense, juvenile is considered an accused delinquent offender (see below).</p>	
Status offender accused of violating VCO	<p>Juvenile must be interviewed by appropriate public agency within 24 hours of being placed in secure custody. The court must receive an assessment from the public agency and juvenile must have a reasonable cause hearing within 48 hours of being placed in secure custody. Time limits exclude holidays and weekends.</p>	
Accused or Adjudicated Delinquent Offenders	NO RESTRICTIONS ON HOLDING	
<p><b><u>SIGHT AND SOUND SEPARATION</u></b></p> <p><b>NO SUSTAINED SIGHT AND SOUND CONTACT BETWEEN JUVENILES AND ADULT INMATES.</b></p>		

## SECURE JUVENILE FACILITIES

### Determining Rates of Compliance Consequences for Non-Compliance

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) is responsible for monitoring states' compliance with the core protection requirements. At least once every 4 years, OJJDP conducts a compliance monitoring audit to determine if Arizona's compliance monitoring system is adequate. Arizona's annual report covers the calendar year, January 1 through December 31.

Arizona, by June 30 of each year, is required to submit an annual compliance monitoring report to OJJDP on the number of violations of each core requirement. The Governor's Division for Children compliance monitor must verify that all information is accurate and that all juveniles who were held in violation are reflected in the report.

A formula, described below, is provided by OJJDP to determine rates of violation.

The state's juvenile population (ages 0 through 17) is divided by 100,000 to establish the juvenile population rate per 100,000. In 2008, Arizona's juvenile population, determined by the U.S. Census Bureau, was 1,707,221. Therefore, Arizona's juvenile population rate per 100,000 is 17.07.

The number of violations is divided by the juvenile population rate. If for example, there were 90 statewide violations of the DSO core requirement, the rate of violations would be 5.27. (90 violations ÷ 17.07 = 5.27)

$$\frac{\text{Number of Violations}}{\text{Juvenile Population} \div 100,000} = \text{Rate of Violation}$$

(Juvenile Population rate per 100,000)

OJJDP has set standards for demonstrating compliance based on the rate of violation for each core requirement as shown on the chart on the following page.

# SECURE JUVENILE FACILITIES

## Standards for Demonstrating Compliance

Listed below are the levels of compliance for each of the core requirements.<sup>6</sup>

<b>DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)</b>	
<b>Rate per 100,000 juveniles</b>	<b>Criteria for Compliance</b>
0.0	Demonstration of <u>full compliance</u> .
0.1 to 5.7	Demonstration of <u>full compliance with de minimis exceptions</u> .
5.8 to 17.6	Eligible for a finding of <u>compliance with de minimis exceptions</u> if the following two criteria are <b>ADEQUATELY MET</b> : 1. Noncompliant incidents violated State law; and, 2. An acceptable plan has been developed that is designed to eliminate the noncompliant incidents.
17.7 to 29.4	Eligible for a finding of <u>compliance with de minimis exceptions</u> if the following two criteria are <b>FULLY SATISFIED</b> : 1. Noncompliant incidents violated State law; and, 2. An acceptable plan has been developed that is designed to eliminate the noncompliant incidents.
29.5 and greater	Presumptively <u>ineligible</u> for a finding of full compliance with de minimis exceptions because any rate above this level is considered to represent an excessive and significant level of status offenders and non-offenders held in violation.

<b>SEPARATION</b>	
<b>Number of Violations</b>	<b>Criteria for Compliance</b>
0	Demonstration of <u>full compliance</u> .
1 and greater	Eligible for a finding of <u>compliance</u> if the instances of noncompliance do not indicate a pattern or practice but rather constitute isolated instances and one of the following criteria is satisfied: 1. Instances of noncompliance were in violation of State law and existing enforcement mechanisms are such that the instances of noncompliance are unlikely to recur in the future; or, 2. An acceptable plan has been developed to eliminate the noncompliant incidents.

If a State demonstrates compliance with the core requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended, it is eligible for Formula (Title II) and Challenge Grant funds. Moreover, units of local government and federally recognized tribes that have demonstrated compliance with the core requirements are eligible to apply for Title V Community Prevention Grants funds.

<sup>6</sup> Adapted from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended*, January 2007.

## SECURE JUVENILE FACILITIES

### Arizona Revised Statutes Deinstitutionalization of Status Offenders (DSO)

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#### **ARS 8-201(16) Incorrigible Child**

Adjudicated as a child who refuses to obey the reasonable orders/directions of parent or guardian and is beyond control of that person. Also defined as a child habitually truant from school runaway, habitually injures or endangers morals or health of self or others, or commits any act that can only be committed by a minor and is not designated a delinquent act.

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#### **ARS 8-201(13) Dependent Child**

A child who is adjudicated to be: (i) In need of proper and effective parental care and control and who has no parent or guardian (ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care (iii) A child whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian or any other person having custody or care of the child (iv) Under eight years of age and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child (v) Incompetent or not restorable to competency and who is alleged to have committed a serious offense.

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#### **ARS 8-201(11) Delinquent Juvenile**

A child who is **adjudicated** to have committed a delinquent act.

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#### **ARS 8-201(14) Detention**

The temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile or the community pending court disposition or as a condition of probation.

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#### **ARS 8-201 (28) Secure Care**

Confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.

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#### **ARS 31-122 Federal Prisoner**

Any prisoner committed thereto by process or order issued under the authority of the United States

## **SECURE JUVENILE FACILITIES**

### **Arizona Revised Statutes (Continued) Deinstitutionalization of Status Offenders (DSO)**

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#### **ARS 13-3111 Juvenile Handgun Law**

An unemancipated person who is under eighteen years of age and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the unemancipated person's parent or guardian, shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian.

### **Arizona Court Rules Deinstitutionalization of Status Offenders (DSO)**

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#### **ARIZONA REVISED STATUTES ANNOTATED RULES OF PROCEDURE FOR THE JUVENILE COURT PART II. DELINQUENCY AND INCORRIGIBILITY 2. DELINQUENCY AND INCORRIGIBILITY PROCEEDINGS RULE 23. DETENTION AND PROBABLE CAUSE HEARING Accused Juveniles Held In Secure Detention Up To 48 Hours Before Hearing**

No juvenile shall be held in detention for more than twenty-four (24) hours unless a petition alleging incorrigible or delinquent conduct or a criminal complaint has been filed. No juvenile shall be held longer than twenty four (24) hours after the filing of a petition unless so ordered by the court after a hearing. If a hearing is not held within twenty-four (24) hours of the time of filing of the petition, the juvenile shall be released from the detention facility to a parent, guardian, custodian or other responsible person. If no parent, guardian, custodian or other responsible person can be located, the court shall release the juvenile to the Department of Economic Security.

### **Sight and Sound Separation**

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#### **ARS 8-305(A) Sight & Sound Separation Juvenile Facility**

The county board of supervisors or the county jail district, if authorized pursuant to title 48, chapter 25, shall maintain a detention center that is separate and apart from a jail or lockup in which adults are confined and where juveniles who are alleged to be delinquent or children who are incorrigible and within the provisions of this article shall be detained when necessary before or after a hearing or as a condition of probation.

# SECURE JUVENILE FACILITIES

## Compliance Strategies

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Detaining status and non-offenders in juvenile detention centers uses valuable bed space and strains an already limited pool of juvenile justice resources. Detention beds should be used primarily for serious delinquent offenders. In determining what resources should be made available to status and non-offenders, key players in the juvenile justice community need to be part of the discussions. Community collaboration, cooperation and buy-in are keys to successful outcomes. Below are strategies that have worked in communities:

- Intake screening tool. Detention facilities that restrict the intake of non-criminal offenders minimize incidents secure status offender detention, a violation of the DSO requirement when the juvenile is held over 24 hours.
- Court orders that involve a consequence including a term of detention should follow the Valid Court Order exception process. In order for the VCO exception to be valid, all conditions of the VCO process must be completed.
- Judge's review. In some jurisdictions juveniles who are placed in juvenile detention centers for status and non-offenses are subject to a judge's review of the case. Judges who order the detainment of status offenders are required to staff the case with the presiding judge to provide justification for the disposition.
- Truancy programs. Attention devoted to reducing petitions by providing assistance to families with truancy issues can have the dual effect of reducing truants from entering the juvenile justice system while promoting classroom attendance.
- Runaway programs. According to statistics, girls are more often than boys brought to juvenile detention centers for running away from home or from placement. Gender-specific programs that provide advocacy, one-on-one case management, mentoring and counseling to girls who chronically run away from home or from placement can help reduce this behavior.
- Funding opportunities that provide options for status offenders other than secure detainment may be available through grants administered by the Governor's Office for Children, Youth and Families. Go to [gocyf.az.gov](http://gocyf.az.gov) for details.

# COURT HOLDING AND COLLOCATED FACILITIES

## Court Holding Facilities

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A court holding facility is a secure facility, other than an adult jail or lockup, which is used to temporarily detain persons immediately before or after detention hearings or other court proceedings. Court holding facilities, where they do not detain individuals overnight, (i.e., are not residential) and are not used for punitive purposes or other purposes unrelated to a court appearance, are not considered adult jails or lockups.

Court holding facilities that meet the above definition are only subject to the sight and sound separation core requirement. All juveniles placed in court holding facilities must be sight and sound separated from adult offenders. Accused and adjudicated status offenders, non-offenders and accused and adjudicated delinquent offenders may be held in court holding facilities.

It is important to note that court holding facilities by their very nature are for use only during normal court hours and that juveniles must be brought in and removed on the same judicial day. Court holding facilities must be monitored to ensure that they are not being used for purposes other than court appearances. If they are being used for other purposes they no longer qualify as court holding and must be reclassified, usually as an adult jail or lockup. For court holding criteria, please reference Appendix F: Court Holding Exception Form.

## Collocated Facilities

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A collocated facility is a juvenile facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. 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.

The collocated requirements reflect the commitment of OJJDP to promote the best practice principles with juveniles. OJJDP maintains that states should not rely on the development of collocated facilities as the primary strategy for achieving and maintaining compliance. The emphasis on facility, program design and separate staff support the principles that the needs of juveniles are fundamentally different from the needs of adults.

**Each of the following four criteria must be met in order to ensure the requisite separateness of a juvenile detention facility that is collocated with an adult jail or lockup:**

1. The facility must ensure separation between juveniles and adults such that there could be no sustained sight and sound contact between juveniles and incarcerated adults in the facility. Separation can be achieved architecturally or through time phasing of common use non-residential areas; and
2. The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time phasing of common use non-residential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and

## COURT HOLDING AND COLLOCATED FACILITIES

### Collocated Facilities (Continued)

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3. The facility must have separate staff for the juvenile and adult populations, including management, security, and direct care staff. Staff providing specialized services (e.g., medical care, food service, laundry, maintenance, and engineering) who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of juveniles and adults can serve both populations (subject to State standards or licensing requirements). The day-to-day management, security, and direct care functions of the juvenile detention center must be vested in totally separate staff, dedicated solely to the juvenile population within the collocated facilities; and

4. In states that have established standards for licensing requirements for juvenile detention facilities, the juvenile facility must meet the standards (on the same basis as a free-standing juvenile detention center) and be licensed as appropriate. If there are no state standards or licensing requirements, OJJDP encourages states to establish administrative requirements that authorize the state to review the facility's physical plant, staffing patterns, and programs in order to approve the collocated facility based on prevailing national juvenile detention standards.

The compliance monitor must determine that the four criteria are fully met. It is incumbent upon the State to make the determination through an on-site facility review (for full construction and operations plan), and through the exercise of Arizona's oversight responsibility, to ensure that the separate character of the juvenile detention facility is maintained by continuing to fully meet the four criteria above. Collocated facilities must be reviewed on-site annually. If at any time any one of the four criteria is not being adhered to, the facility reverts to an adult jail or lockup and is monitored as such.

Collocated facilities comply with the core protections regulations in the same way a juvenile detention center complies. See Tab 5: Secure Juvenile Facilities and more specifically, the Compliance Chart on page 5-6.

# APPENDICES

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## **Appendix A**

SUMMARY DOCUMENT OF JJDP ACT CORE REQUIREMENTS, ARIZONA STATE STATUTES, AND JUVENILE COURT RULES OF PROCEDURE

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## **Appendix B**

FLOWCHART TO DETERMINE SECURE STATUS

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## **Appendix C**

ADULT JAIL AND LOCKUP REPORTING FORMS AND INSTRUCTIONS

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## **Appendix D**

SECURE JUVENILE FACILITY REPORTING FORMS AND INSTRUCTIONS

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## **Appendix E**

NON-SECURE FACILITY EXEMPTION FORM

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## **Appendix F**

COURT HOLDING FACILITY EXEMPTION FORM

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## **Appendix G**

ADULT ONLY FACILITY ANNUAL REPORTING FORM

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## **Appendix H**

VALID COURT ORDER EXCEPTION FORMS AND INSTRUCTIONS

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## **Appendix I**

ARIZONA JUVENILE JUSTICE FLOW CHART

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**Appendix A  
Comparative Table**

**COMPARATIVE TABLE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (JJDP) ACT OF 2002  
CORE REQUIREMENTS, ARIZONA STATE LAW,<sup>1</sup> AND JUVENILE COURT RULES OF PROCEDURE<sup>2</sup>**

Offender Type	Adult Jail or Lockup	Juvenile Detention Facility	Comparison
<p><b>Non-Offender:</b> A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile</p>	<p><b>JJDP Act:</b> May not be within a secure area for any length of time.</p> <p><b>State Law:</b> This type of offender not specifically addressed in A.R.S. § 8-305. However, A.R.S. § 8-303 states that a juvenile taken into temporary custody shall not be detained in a police station, jail or lockup where adults charged with or convicted of a crime are detained except as defined in A.R.S. § 8-305.</p>	<p><b>JJDP Act:</b> May be securely detained in a juvenile detention facility or correctional facility for up to 24 hours, exclusive of weekends and holidays, prior to an initial court appearance, and for an additional 24 hours, exclusive of weekends and holidays, immediately following an initial court appearance.</p> <p><b>State Law:</b> This type of offender not specifically addressed in A.R.S. § 8-305. Paragraph A authorizes a detention center to be maintained where juveniles who are alleged to be delinquent or children who are incorrigible shall be detained when necessary before or after a hearing or as a condition of probation. The definition does not provide for detention of non-offenders.</p> <p><b>Juvenile Court Rules of Procedure:</b> Restricts the length of detention to 24 hours unless a petition alleging incorrigible or delinquent conduct is filed.</p>	<p><b>Adult Jails and Lockups:</b> JJDP Act and State law appear to be consistent. However, this category not specifically defined in State law.</p> <p><b>Juvenile Detention Facilities:</b> JJDP Act, State law, and Rules of Procedure appear to be consistent. However, they appear to correlate only by omission, as current State law and Rules of Procedure do not address detention of non-offenders</p>

<sup>1</sup> State law references A.R.S. § 8-305 unless otherwise noted.

<sup>2</sup> Juvenile Court Rules of Procedure references Rule 23 unless otherwise noted.

**Appendix A  
Comparative Table**

<b>Offender Type</b>	<b>Adult Jail or Lockup</b>	<b>Juvenile Detention Facility</b>	<b>Comparison</b>
<p><b>Accused Status Offender:</b> A juvenile offender who has been charged with conduct, which <u>would not</u>, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.<sup>3</sup></p>	<p><b>JJDP Act:</b> May not be within a secure area for any length of time.</p> <p><b>State Law:</b> May not be securely detained in a jail or lockup.</p>	<p><b>JJDP Act:</b> May be securely detained in a juvenile detention facility or correctional facility for up to 24 hours, exclusive of weekends and holidays, prior to an initial court appearance, and for an additional 24 hours, exclusive of weekends and holidays, immediately following an initial court appearance.</p> <p><b>State Law:</b> Provides for a detention center to be maintained where juveniles who are alleged to be delinquent or children who are incorrigible shall be detained when necessary before or after a hearing or as a condition of probation. No time restrictions outlined.</p> <p><b>Juvenile Court Rules of Procedure:</b> Time restrictions include up to 24 hours unless a petition is filed; if filed, another 24 hours is permitted prior to the initial court appearance. After the initial court appearance, no time restrictions outlined (court discretion).</p>	<p><b>Adult Jails and Lockups:</b> JJDP Act and State law appear to be consistent. However, this category not specifically defined in State law.</p> <p><b>Juvenile Detention Facilities:</b> JJDP Act, State law, and Rules of Procedure appear to be consistent. However, they appear to correlate only by omission, as current State law and Rules of Procedure do not address detention of non-offenders</p>

<sup>3</sup> Status offenses for purposes of compliance with the JJDP Act of 2002 include truancy, curfew, incorrigibility, runaway, underage possession or usage of tobacco products and violations of probation or warrants that stem from status offense charges.

**Appendix A  
Comparative Table**

Offender Type	Adult Jail or Lockup	Juvenile Detention Facility	Comparison
<p><b>Adjudicated Status Offender:</b> A juvenile offender who has been adjudicated for conduct which <u>would not</u>, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.</p>	<p><b>JJDP Act:</b> May not be within a secure area for any length of time.</p> <p><b>State Law:</b> This type of offender not specifically addressed in A.R.S. § 8-305. However, A.R.S. § 8-341 does not provide for secure detention in any facility as a dispositional alternative.</p>	<p><b>JDP Act:</b> If found by the court to have violated a Valid Court Order (all criteria on Valid Court Order checklist must be met), this type of offender may be securely detained in a juvenile detention or correctional facility without time restriction.</p> <p><b>State Law:</b> This type of offender not specifically addressed in A.R.S. § 8-305. However, paragraph A states that a detention center will be maintained and may be utilized for juveniles as a condition of probation. Section A.R.S. § 8-341 describes dispositional options for incorrigible children, which includes protective supervision of the probation department, but does not include a period of incarceration as an option.</p> <p><b>Juvenile Court Rules of Procedure:</b> Time restrictions include up to 24 hours unless a petition is filed; if filed, another 24 hours is permitted prior to the initial court appearance. After the initial court appearance, no time restrictions outlined (court discretion).</p>	<p><b>Adult Jails and Lockups:</b> JJDP Act and State law appear to be consistent. However, this category not specifically defined in State law.</p> <p><b>Juvenile Detention Facilities:</b> There are conflicts between all three sets of rules. Court practice around the state may not be consistent with all elements of the Valid Court Order checklist (which may include hearing time parameters and person/agency preparing the report to the court). Also, A.R.S. § 8-305 only describes detention of <b>alleged</b> juvenile offenders before or after a court appearance when necessary (does not address adjudicated juveniles.) A correlation between JJDP Act regulation and State law is that while A.R.S. § 8-305 language provides for detention as a condition of probation, A.R.S. § 8-341 does not provide for detention as a disposition for an incorrigible child.</p>

**Appendix A  
Comparative Table**

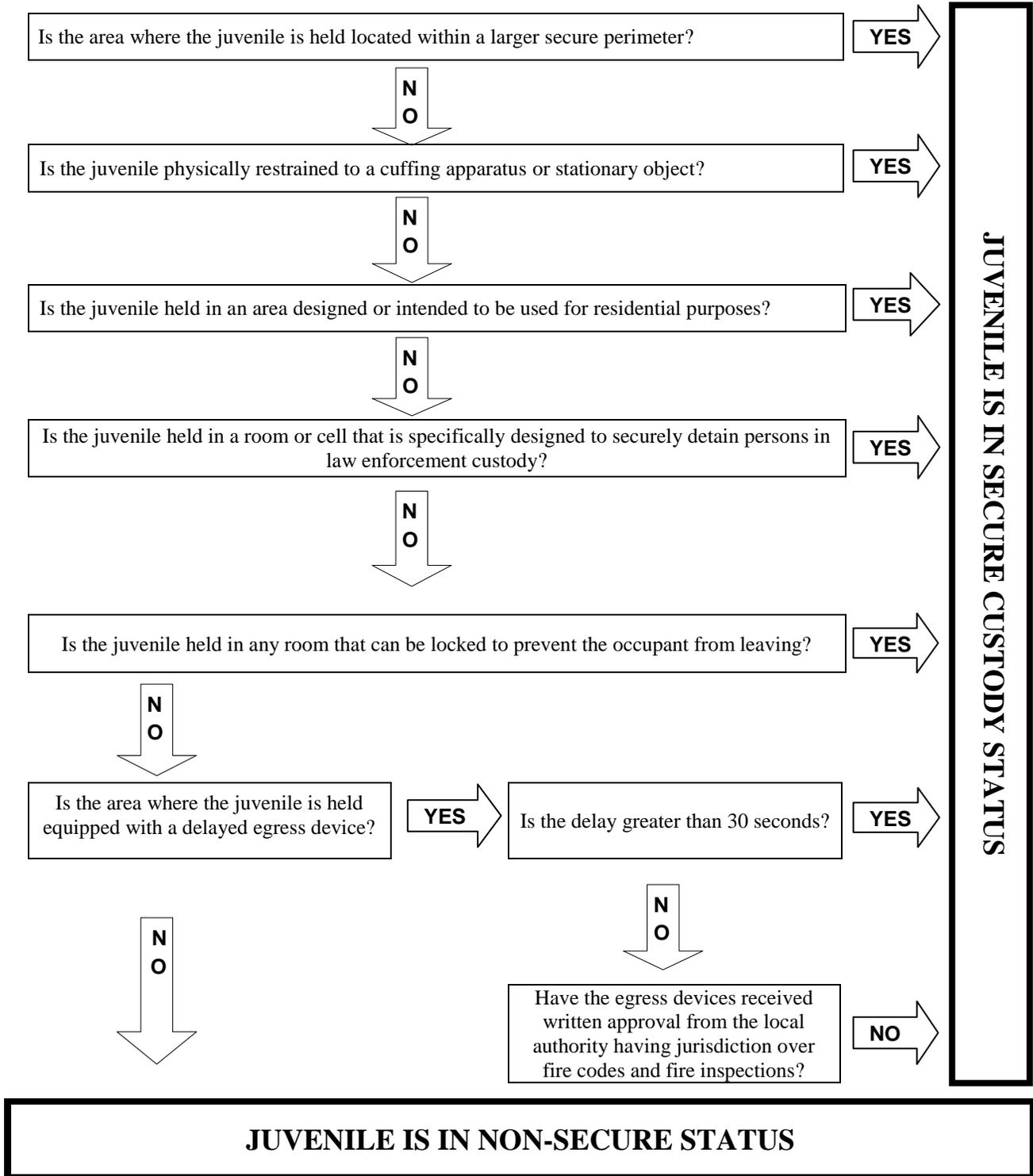
Offender Type	Adult Jail or Lockup	Juvenile Detention Facility	Comparison
<p><b>Accused Delinquent:</b> Juvenile offender charged with conduct that, under the law of jurisdiction in which the offense was committed, would be a crime if committed by an adult.</p>	<p><b>JJDP Act:</b> May be within a secure area, separate from adults in custody, for up to six hours to identify, process, and to arrange for release to parents or transfer to a juvenile facility. Or may be securely detained, while from adults in custody, for up to six hours before a court appearance and an additional six hours after the court appearance. Each six hour time period is exclusive of each other and cannot be combined.</p> <p><b>State Law:</b> Has conflicting descriptions of how this type of offender may be held. A.R.S. § 8-305, paragraph C1, provides for secure detention for up to six hours until transportation to a juvenile detention center is arranged, as long as the juvenile is separated from adults in custody. However, A.R.S. § 8-305, paragraph D, states that an alleged delinquent <u>may not</u> be secured and may only be held non-securely for up to six hours to obtain the child's name, age, residence, or other identifying information, and to arrange for transportation to shelter care or other appropriate placement.</p>	<p><b>JJDP Act:</b> No restrictions on holding.</p> <p><b>State Law:</b> Provides for a detention center to be maintained where juveniles who are alleged to be delinquent or children who are incorrigible shall be detained when necessary before or after a hearing or as a condition of probation. No time restrictions outlined.</p> <p><b>Juvenile Court Rules of Procedure:</b> Time restrictions include up to 24 hours unless a petition is filed; if filed, another 24 hours is permitted prior to the initial court appearance. After the initial court appearance, no time restrictions outlined (court discretion).</p>	<p><b>Adult Jails and Lockups:</b> JJDP Act and State law appear to be inconsistent due to current conflicting language within A.R.S. § 8-305. (See description under Adult Jail or Lockup.)</p> <p><b>Juvenile Detention Facilities:</b> There are no conflicts between these three sets of rules, as the JJDP Act does not define any restrictions on detention of delinquent offenders in a juvenile detention facility.</p>

**Appendix A  
Comparative Table**

Offender Type	Adult Jail or Lockup	Juvenile Detention Facility	Comparison
<p><b>Adjudicated Delinquent:</b> Juvenile offender who has been adjudicated for conduct that <u>would</u>, under the law of jurisdiction in which the offense was committed, be a crime if committed by an adult.</p>	<p><b>JJDP Act:</b> May not be held in a secure area for any length of time as a disposition.</p> <p><b>State Law:</b> This type of offender not specifically addressed in A.R.S. § 8-305. However, A.R.S. § 8-341 does not provide for secure detention in an adult jail or lockup as a dispositional alternative.</p>	<p><b>JJDP Act:</b> No restrictions on holding.</p> <p><b>State Law:</b> This type of offender not specifically addressed in A.R.S. § 8-305. However, A.R.S. § 8-305, paragraph A, states that a detention center will be maintained and may be utilized for juveniles as a condition of probation. A.R.S. § 8-341 describes dispositional options for delinquent children, which includes supervision of the probation department, and does include a period of incarceration for up to one year as an option.</p> <p><b>Juvenile Court Rules of Procedure:</b> Time restrictions include up to 24 hours unless a petition is filed; if filed, another 24 hours is permitted prior to the initial court appearance. After the initial court appearance, no time restrictions outlined (court discretion).</p>	<p><b>Adult Jails and Lockups:</b> JJDP Act and State law appear to be consistent. However, this category not specifically defined in State law.</p> <p><b>Juvenile Detention Facilities:</b> There are no conflicts between these three sets of rules, as the JJDP Act does not define any restrictions on detention of delinquent offenders in a juvenile detention facility.</p>
<p><b>Waived or Transferred Juvenile:</b> Juvenile who is being tried in the adult criminal court system.</p>	<p><b>JJDP Act:</b> Juvenile who has been waived, transferred, or direct filed into the adult criminal court system does not fall under the scope of the JJDP Act of 1974.</p> <p><b>State Law:</b> Juvenile who is either transferred pursuant to the transfer process outlined in A.R.S. § 8-327 or direct filed pursuant to A.R.S. § 13-501, after being formally charged as an adult, may be held in a county jail as long as the juvenile is in a physically separate section from any adult charged with or convicted of a crime.</p>	<p><b>JJDP Act:</b> Not applicable.</p> <p><b>State Law:</b> Juvenile who is either transferred pursuant to the transfer process outlined in A.R.S. § 8-327 or direct filed pursuant to A.R.S. § 13-501 may be detained in a juvenile facility until formally charged as an adult.</p> <p><b>Juvenile Court Rules of Procedure:</b> Time restrictions: up to 24 hours unless petition filed. If filed, another 24 hours permitted prior to initial court appearance. After initial court appearance, no time restrictions outlined (court discretion). Also provides upon filing of criminal compliant charging juvenile with an offense listed in ARS § 13-501, juvenile may be released from the juvenile facility to county jail.</p>	<p><b>Adult Jails and Lockups:</b> There are no conflicts between these three sets of rules, as juveniles transferred to the adult criminal court system do not fall under the scope of the JJDP Act.</p> <p><b>Juvenile Detention Facilities:</b> No conflicts between these 3 sets of rules; juveniles transferred to the adult criminal court system do not fall under the scope of the JJDP Act.</p>

Appendix B  
Flowchart

**FLOWCHART TO DETERMINE CUSTODY STATUS  
IN AN ADULT JAIL OR LOCKUP<sup>1</sup>**



<sup>1</sup> Adapted from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended*, January 2007

**Appendix C**  
**Adult Jail and Lockup Reporting Forms and Instructions**

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**ADULT JAIL/LOCK-UP REPORTING FORM**  
**INSTRUCTION SHEET**



**PURPOSE**

This sheet is designed to serve as an instructional tool to assist with the completion of the monthly reporting form (REV: April 2011).

**Please note: The reporting form is designed to capture violations only. If all juveniles were held in accordance with federal regulations, the reporting form will display all zeros.**

**DEFINITIONS**

**Federal Wards:** Holds for federal agencies including but not limited to ICE, U.S. Marshalls or FBI and for the purposes of returning to lawful country of citizenship, appearing as a material witness or jurisdictional transfer. Juveniles under federal jurisdiction who are accused or adjudicated with criminal charges follow the same requirements as delinquent offenders in custody.

**Non-offender:** 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.

**Non-secure Detention:** Placement in an area that is not equipped to restrain movement or prevent egress from the facility. Secure detention does not apply to transport.

**Examples of NON-secure detention within a secure facility:**

- Handcuffing the juvenile to themselves or to a non-stationary object, i.e. a light-weight chair;
- Placing the juvenile in a non-secure multi-purpose area, such as a lobby, office, squad room, or non-secure interview room;
- Transporting the juvenile in a patrol car.
- Juvenile is in secure area only for processing (fingerprinting, photograph, intoxilyzer) and is physically monitored by the facility staff during the duration. The juvenile should not be listed as held secure if he/she is in this area for this purpose and is immediately removed after processing.

**Out-of-State Runaway:** A juvenile who has been found out of the jurisdiction of the state and is neither accused nor adjudicated with any delinquent offense.

**Secure Facility:** Facilities that include construction features designed to physically restrict the movements and activities of persons in custody. This includes rooms that may be locked from the outside and not opened from the inside when the lock is engaged, secure perimeter device, cuffing bench or rings within the facility, etc. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

**Examples of secure detainment within a secure facility:**

- Placing the juvenile in a holding cell, even if the door remains open or unlocked;
- A juvenile placed in an unlocked room within the secure perimeter of an adult jail or lockup or detention center;

## **Appendix C**

### **Adult Jail and Lockup Reporting Forms and Instructions**

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- Placing a juvenile in a secure room (a room which has some type of locking device that does not provide the capability for the detainee to unlock it, i.e. key lock, deadbolt on the outside of the door, etc.). Secure detention occurs even if the door remains unlocked or open;
- Handcuffing the juvenile to a stationary object (cuffing ring, chair, table, etc);
- Placing a juvenile in a room with secure detention devices, such as a holding cell, cuffing ring, secure bench, etc, even if those secure devices are not in use;
- A juvenile remaining in a secure processing area after processing activities have been completed; or
- A juvenile placed in a room that contains doors with unapproved delayed egress devices or, if approved, the delay is greater than 30 seconds.

**Status Offender:** A juvenile who is alleged to have committed a status offense (an offense that would not be a crime if committed by an adult) or has been adjudicated by the juvenile court as having committed such offense. Status offenses for the purposes of this report include: truancy, curfew, incorrigibility, runaway, underage possession or usage of tobacco products and warrants issued stemming from a status offense referral.

#### **6-HOUR EXCEPTION**

A juvenile accused of a delinquent offense can be placed in a secure area for the purposes of identification, investigation, processing, pending release to parent(s), transfer to court, or pending transfer to a juvenile facility for up to 6 hours. Delinquent offenders may not be held in a jail or lockup for strictly punitive purposes or participation in a “Scared Straight” type program.

A juvenile initially placed in secure custody and then moved to non-secure custody is classified as non-secure for the remainder of their presence in the facility, as long as the juvenile does not return to secure custody. Example: Juvenile placed in secure custody status for 4 hours, the juvenile was taken to a non-secure interview room for the remainder of the time the juvenile is at the facility. In this instance, the log entry should reflect only the time juvenile was held secure.

Please note, the clock stops only when the juvenile is permanently removed. If they return to the secure area for any reason, the total time held in secure custody includes the period they were held non-secure. Example: Juvenile in holding cell for 4 hours, then is taken to a non-secure interview room for 1 hour, then returned to holding cell for an additional 2 hours. The total time reported is 7 hours and thus would be a violation of the 6-hour limit.

#### **REPORTING**

The reporting form should be sent with the juvenile log that correlates with the month(s) reported (i.e. August 2010 for the time period of Aug 1, 2010 through Aug 31, 2010). Please submit the reporting form and log by the 15<sup>th</sup> of the following month reported. Reports can be submitted by fax, email or regular mail. The following table provides instructions on completing the form, allowing agencies to self report any violations occurring for the month reported:

**Appendix C**  
**Adult Jail and Lockup Reporting Forms and Instructions**

Question #1	Criteria
1.	<p>The number of juveniles that had sustained <b>SIGHT OR SOUND CONTACT</b> with a detained adult within a secure area of the facility.</p> <p><i>“Contact” is defined to include any <u>sustained</u> physical or sight and sound contact between juvenile offenders in secure custody and incarcerated adults, including inmate trustees. Incidental, brief, inadvertent, or accidental contact may happen and must be reported as a violation only if it occurs in secure areas that are dedicated to use by juveniles.</i></p>
2.	<p>The number of <b>JUVENILE STATUS OFFENDERS</b>, including <b>OUT OF STATE RUNAWAYS</b> held <b>SECURE</b> for <b>ANY</b> length of time.</p> <p><i>If a juvenile is accused of multiple offenses, the most serious offense should be used as the official offense for reporting purposes. Therefore, if a juvenile is charged with a status offense and a delinquent offense, he/she is considered an accused delinquent and the facility has a total of six hours to securely hold the juvenile.</i></p>
3.	<p>The number of <b>NON-OFFENDERS</b> (i.e. under abuse, dependent, or neglect status) held <b>SECURE</b> for <b>ANY</b> length of time.</p> <p><i>These are juveniles who are recognized as dependent under juvenile court jurisdiction and are not charged or adjudicated with an offense.</i></p>
4.	<p>The number of <b>FEDERAL WARDS</b> (i.e. holds for ICE or U.S. Marshall for the purposes of appearing as a material witness, jurisdictional transfer or return to lawful country of citizenship) held <b>SECURE</b> for <b>ANY</b> length of time.</p> <p><i>A juvenile is only considered a Federal Ward if held pursuant to a contract with a Federal agency as referenced above. Most adult jails and lockups do not hold juveniles according to this provision.</i></p>
5.	<p>The number of <b>ACCUSED DELINQUENT OFFENDERS</b> held <b>SECURE</b> for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody for <b>ANY</b> length of time.</p> <p><i>This includes those held for punitive purposes or pursuant to a “Scared Straight” program.</i></p>
6.	<p>The number of <b>ADJUDICATED DELINQUENT OFFENDERS</b> held <b>SECURE</b> for <b>LONGER THAN 6 HOURS</b> prior to or following a court appearance or for any length of time not related to a court appearance (i.e. serving a sentence, participation in “Scared Straight” program).</p> <p><i>This includes only adjudicated delinquents serving a sentence in an adult jail or lockup as terms of their disposition or for a “cooling off” period. Most jails and lockups do not hold juvenile delinquents in this manner.</i></p>
7.	<p>The number of <b>ACCUSED DELINQUENT OFFENDERS</b> held <b>SECURE</b> for <b>LONGER THAN 6 HOURS</b> pending identification, processing, investigation, release to parents or transfer to a juvenile facility.</p> <p><i>Juveniles <u>must</u> be sight and sound separated from adult while in secure custody.</i></p>
8.	<p>The number of juveniles held pursuant to the <b>YOUTH HANDGUN SAFETY ACT (U.S.C., Section 922(x))</b> or similar <b>ARS § 13-3111</b>.</p> <p><i>This is an exception to the status offender rule. Juveniles held with this offense and no additional delinquent/criminal charges should be reported but are not violations.</i></p>

**Appendix C**  
**Adult Jail and Lockup Reporting Forms and Instructions**

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Please note it is not necessary to report juveniles transferred or waived to criminal court jurisdiction and against whom criminal felony charges have been filed as regulations under the JJDP Act do not apply.

**RETENTION:**

It is requested that data submitted to the Governor's Office is retained for the current reporting year and at least the previous 3 calendar years. This helps to ensure that data from recent years can be accessed during an audit by the Department of Justice if necessary. Data from years prior to this timeframe should be destroyed unless the reporting agency's policy dictates a longer retention period.

If you would like additional information or have any questions, please contact Steve Selover at the Governor's Office for Children, Youth and Families at 602-542-2393 or [sselover@az.gov](mailto:sselover@az.gov).

Thank you for your participation and assistance.

# ADULT JAIL/LOCK-UP MONTHLY REPORTING FORM

## COMPLIANCE WITH THE JJDP ACT OF 2002

**Please return reporting form and documents used to complete the report to:**

Steve Selover, Compliance Monitor  
 Governor's Office for Children, Youth and Families  
 1700 W. Washington Street, Suite 230  
 Phoenix, AZ 85007  
 Phone (602) 542-2393 Fax (602) 542-4644  
 Email: sselover@az.gov

Reporting Period:		Prepared by:
Name of Facility:		Substation:
Address:		Date:
City:	County:	Direct Phone Number:
Zip:	E-mail:	
<b>WERE <u>ANY</u> JUVENILES HELD SECURELY DURING THIS REPORTING PERIOD?</b> *If the answer is NO, the table does not need to be completed. Submit reporting form and monthly tracking log only		YES <input type="checkbox"/>  NO <input type="checkbox"/>
No.	Criteria	# of Incidents
1.	Juveniles in <b>SECURE</b> custody that had <b>sustained SIGHT OR SOUND CONTACT</b> with an adult inmate or trustee.	
2.	<b>STATUS OFFENDERS</b> , including <b>OUT OF STATE RUNAWAYS</b> detained <b>SECURE</b> .	
3.	<b>NON-OFFENDERS</b> (i.e. under abuse, dependent, or neglect status) detained <b>SECURE</b> .	
4.	<b>FEDERAL HOLDS</b> (i.e. I.C.E. or U.S.M.) <u>not charged with a criminal offense</u> detained <b>SECURE</b> .	
5.	<b>DELINQUENT OFFENDERS</b> detained <b>SECURE</b> as a <u>disposition</u> or other punitive reason.	
6.	<b>DELINQUENT OFFENDERS</b> held <b>SECURE</b> for <b>LONGER THAN 6 HOURS</b> <u>before or after a court appearance</u> .	
7.	<b>DELINQUENT OFFENDERS</b> held <b>SECURE</b> for <b>LONGER THAN 6 HOURS</b> pending identification, processing, investigation, release to parents or transport to a juvenile facility.	
8.	Juveniles held pursuant to the <b>YOUTH HANDGUN SAFETY ACT U.S.C. SECTION 922[x] or ARS § 13-3111</b> . <b>Note: These incidents are not counted as violations.</b>	





**GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES  
ADULT JAIL/LOCK-UP REPORTING FORM  
COMPLIANCE WITH THE JJDP ACT**



VIOLATION REPORT

Name of Agency: \_\_\_\_\_ Substation: \_\_\_\_\_

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Reporting Period: \_\_\_\_\_

<b>Date of Violation</b>	
DR/File Number	
<b>Circumstances of Violation</b> (please describe in detail)	
<b>Primary Cause of Violation</b>	<input type="checkbox"/> Training Issue <input type="checkbox"/> Safety Concern <input type="checkbox"/> Staffing Issue (available officers on duty) <input type="checkbox"/> Lengthy/Complex Investigation <input type="checkbox"/> Other (please list) _____
<b>Department Follow Up Action</b> (i.e. notification of officer/supervisor, training provided, etc.)	
<b>Assistance required to address situation causing violation</b>	
<b>Other Comments</b>	

**Appendix D**  
**Secure Juvenile Facility Reporting Forms and Instructions**

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**GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES**  
**JUVENILE DETENTION CENTER REPORTING FORM**  
**COMPLIANCE WITH THE JJDP ACT OF 2002**  
**INSTRUCTION SHEET**



**Please note: The reporting form is designed to capture violations only. There is no place on the report to indicate the total number of juveniles detained during the reporting period. If all juveniles were held in accordance with Federal regulations, the reporting form will display all zeros.**

**PURPOSE**

This sheet is designed to serve as an instructional tool to assist with the completion of the monthly reporting form.

**IMPORTANT INFORMATION**

The following violations are considered status offenses for the purposes of this report: truancy, curfew, incorrigibility, in-state runaway, out-of-state runaway, underage possession or usage of tobacco products, and violations of probation when a juvenile is on probation for a status offense, and warrants stemming from status offense charges.

All juveniles held for any length of time pursuant to Title 18 U.S.C., Section 922(x) (The Youth Handgun Safety Act) or similar State law (A.R.S. § 13-3111) as the most serious charge must be included on the reporting form (Box 7). These incidents are not considered violations; however, the number must be reported to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

**DEFINITIONS**

- **Accused status offender** - a juvenile who is alleged to have committed a status offense (an offense that would not be a crime if committed by an adult) and no final adjudication has been made by the juvenile court.
- **Adjudicated status offender** – a juvenile with respect to whom the juvenile court has determined has committed a status offense. If an adjudicated status offender is detained pursuant to a new delinquent offense charge, they are considered delinquent offenders.
- **Non-offender** – 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.
- **Valid Court Order Exception** – a juvenile who is being held pursuant to violating an order issued by the court of jurisdiction. All conditions of the valid court order exception as provided in the JJDP definition must be met to claim this exception.

**Appendix D**  
**Secure Juvenile Facility Reporting Forms and Instructions**

**REPORTING INSTRUCTIONS**

No.	Criteria
1.	<p>The number of <b>ACCUSED</b> status offenders securely detained <b>OVER 24 HOURS</b> either <b>prior to</b> or <b>after</b> an initial court appearance, <b>excluding weekends and holidays</b>.</p> <p><b>Do not include Non-Offenders, Federal Wards, or Out-of State runaways in this number.</b> Non-Offenders are reported in Box 2, Federal Wards in Box 3, and Out of State Runaways in Box 4. Do not duplicate.</p> <p><b><i>Please note: If a juvenile is admitted on multiple offenses, the most serious offense should be used as the official offense for reporting purposes.</i></b></p>
2.	<p>The number of <b>NON-OFFENDERS</b> secured for <b>any length of time</b> (i.e. a juvenile subject to jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, or for reasons other than legally prohibited conduct of the juvenile).</p> <p><b>Secure holding of Non-Offenders for any period of time is prohibited.</b></p>
3.	<p>The total number of <b>FEDERAL WARDS SECURELY</b> detained <b>OVER 24 HOURS</b> pursuant to a written contract or agreement with a Federal agency for the purpose of obtaining a jurisdictional transfer, appearance as a material witness, or for return to their lawful residence or country of citizenship.</p>
4	<p>The number of <b>OUT-OF-STATE RUNAWAYS</b> securely detained <b>OVER 24 HOURS</b> solely for the purpose of being returned to proper custody in another state. <b>(Exclude juveniles held pursuant to the Interstate Compact on Juveniles).</b></p>
5.	<p>The number of <b>ADJUDICATED</b> status offenders <b>securely</b> detained for any period of time as a term of disposition or held <b>OVER 24 HOURS</b> prior to or following their court appearance, <b>EXCLUDING</b> those held pursuant to a judicial determination that they are in violation of a valid court order (<b>VCO</b>) or those held strictly relating to a court appearance.</p> <p><b><i>Include juveniles held over the 24 hour court hearing/release exception for probation violation, warrant or failure to appear when the original charge is a status offense. If a status offender is formally charged or adjudicated with a new delinquent offense, they are considered delinquent offenders.</i></b></p>
6.	<p>The number of <b>ADJUDICATED</b> status offenders securely detained <b>DUE</b> to a judicial determination that the juvenile is in violation of a 'Valid Court Order'. <b>(All conditions of the valid court order exception, as provided in the JJDP Act definition, must be met to claim this exception including adherence to Arizona State Law.)</b></p>
7.	<p>The total number of juveniles held pursuant to Title 18 U.S.C., Section 922(x) (<b>The Youth Handgun Safety Act</b>) or similar State law (<b>A.R.S. § 13-3111</b>), <b>SECURELY DETAINED</b> for <b>any</b> length of time.</p>
8.	<p>The total number of juveniles that had <b>sustained SIGHT OR SOUND</b> contact with an adult inmate, <b>including trustees</b>.</p>

If you would like electronic copies, have any questions on completion of the reporting form or questions on how to determine if a regulation violation has occurred, please contact Steve Selover at the Governor's Office for Children, Youth and Families at 602-542-2393 or [sselover@az.gov](mailto:sselover@az.gov). Thank you for your participation and assistance.

**JUVENILE DETENTION/CORRECTIONS MONTHLY REPORTING FORM  
COMPLIANCE WITH THE JJDP A OF 2002**

**Please return reporting form and documents used to complete the report to:**

Steve Selover, Compliance Monitor  
Governor's Office for Children, Youth and Families  
1700 W. Washington, Suite 101  
Phoenix, AZ 85007  
Phone (602) 542-2393 Fax (602) 542-4644  
Email: sselover@az.gov

<b>Reporting Period:</b>	<b>Prepared By:</b>
<b>Name of Facility:</b>	<b>E-Mail:</b>
<b>Physical Address:</b>	<b>Date:</b>
<b>City:</b>	<b>County:</b>
<b>Zip Code:</b>	<b>Phone:</b>

No.	Criteria	Incidents in Reporting Period
1.	The number of <b>ACCUSED STATUS OFFENDERS SECURELY</b> detained over 24 hours <b>either prior to or after</b> an initial court appearance, <b>excluding weekends and holidays</b> .	
2.	The number of <b>NON-OFFENDERS SECURELY</b> detained for <b>ANY LENGTH OF TIME</b> (i.e. a juvenile subject to jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes).	
3.	The total number of <b>FEDERAL WARDS SECURELY</b> detained over 24 hours pursuant to a written contract or agreement with a Federal agency for the purpose of obtaining a jurisdictional transfer, appearance as a material witness, or for return to their lawful residence or country of citizenship.	
4.	The number of <b>OUT-OF-STATE RUNAWAYS SECURELY</b> detained over 24 hours solely for the purpose of being returned to proper custody in another state. (Exclude juveniles held pursuant to the interstate compact).	
5.	The number of <b>ADJUDICATED STATUS OFFENDERS SECURELY</b> detained for any period of time or held over 24 hours <b>either prior to or after</b> their court appearance, <b>EXCLUDING</b> those held pursuant to a judicial determination that they are in violation of a valid court order (VCO).	
6.	The number of <b>ADJUDICATED STATUS OFFENDERS SECURELY</b> detained <b>DUE</b> to a judicial determination that the juvenile is in violation of a 'Valid Court Order'. (All conditions of the <b>valid court order exception</b> , as provided in the JJDP Act definition, must be met to claim this exception including adherence to Arizona State Law.)	
7.	The number of <b>juveniles SECURELY</b> detained over 24 hours pursuant to Title 18 U.S.C., Section 922(x) (The Youth Handgun Safety Act) or similar State law ( <b>A.R.S. § 13-3111</b> ).	
8.	The total number of juveniles that had sustained <b>SIGHT OR SOUND CONTACT</b> with an adult offender, including inmate trustees.	



**Appendix E**  
**Non-Secure Facility Exemption Form**



**Governor's Office for Children, Youth and Families**  
**Certification for Non-Secure Classification**

To ensure the proper classification of Arizona law enforcement facilities for the purposes of monitoring compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, The Governor's Office for Children, Youth and Families requests completion of this form. It will then be included in the Arizona Monitoring Universe as documentation for the Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP).

*If your agency operates from more than one facility, please complete a separate form for each facility.*

Agency: \_\_\_\_\_

Facility: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Prepared by: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mark each item below as True (T) or False (F) to determine classification of the facility listed above. **If this facility is classified as non-secure, it should be inspected on site at least every three years to review the classification. If this facility is secure, reporting data of juveniles held in this facility should be maintained.**

- 1) \_\_\_\_\_ Within this facility there are no holding cells or locked rooms. **(If True, skip to Question 3)**
  - 2) \_\_\_\_\_ Within this facility there are holding cells but they are not used to detain juveniles or adults for any reason (i.e. used for storage). Our agency has informal or formal policies that state this directive. **(If False, Stop & classify Secure)**
  - 3) \_\_\_\_\_ There are no cuffing rings, cuffing benches or other stationary objects that officers use to cuff people to prevent them from leaving the building or room. **(If False, Stop & classify Secure)**
  - 4) \_\_\_\_\_ There is an interview room which we may use for victim interviews, suspect interrogations, and/or temporary holding. **(If False, Stop & classify Non-Secure)**
    - \_\_\_\_\_ The interview room has no locks on the door and is not used as secure holding for any person our agency takes into custody. **(If True, classify Non-Secure).**
    - \_\_\_\_\_ The interview room has a lock on the door but no officer can lock it (i.e. they do not have the key). **(If True, classify Non-Secure).**
    - \_\_\_\_\_ The interview room has a lock on the door but the lock is only operational from the inside, therefore, the suspect or victim can lock themselves in but they cannot be locked in from the outside. **(If True, classify Non-Secure).**
- Included in our agency's written policies and procedures are directives that suspects will not be cuffed to stationary object within the facility.

**Certification:** This form must be signed by agency personnel with the authority to certify the accuracy of the information provided on this form. If any of the above information changes, contact the compliance monitor at the Governor's Office to review classification status.

\_\_\_\_\_  
Authorized Official, Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Classification:** Based on the information provided, the facility named above is currently classified as non-secure.

\_\_\_\_\_  
Compliance Monitor, Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Appendix F**  
**Court Holding Facility Exemption Form**

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**Governor's Office for Children, Youth and Families**  
**Court Holding Facility Certification**



To ensure the proper classification of Arizona law enforcement facilities for the purposes of monitoring compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, The Governor's Office for Children, Youth and Families requests completion of this survey.

Agency: \_\_\_\_\_ Substation: \_\_\_\_\_

Agency Address: \_\_\_\_\_

Contact Person and Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Mark each item below as True (T), or False (F). Accurate responses are an essential part in determining your facility's classification. This certification applies to the handling of juveniles only.

**A court holding facility is a secure facility other than an adult jail or lockup that is used to temporarily detain persons immediately before or after court hearings.**

1. \_\_\_\_ This agency manages a Court Holding Facility, per the above noted definition.
2. \_\_\_\_ Juveniles in custody for a court hearing are held in this facility awaiting court and/or transport. **(If False, skip to question 5)**
3. \_\_\_\_ This court holding facility is not used to house persons residentially.  
**(If False, Stop and classify as Jail or Lockup)**
4. \_\_\_\_ Sight and sound separation of juveniles from adults is maintained in the court holding facility. **(If False, Stop and classify as Lockup)**
5.  Check if juveniles are not held in this court holding facility awaiting a hearing and/or transport for a hearing. These youth are held \_\_\_\_\_  
 Check if agency has court holding policies and procedures. (Please attach a copy)

**CERTIFICATION:** This form must be signed by the authorized supervisor. In signing this form, you are certifying the accuracy of the information provided.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

**Appendix G**  
**Valid Court Order Instructions and Forms**

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**GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES**  
**JUVENILE DETENTION REPORTING FORM**  
**COMPLIANCE WITH THE JJDP ACT OF 2002**  
**INSTRUCTION SHEET**



**Valid Court Order<sup>1</sup>**

A juvenile commits a status offense such as truancy, runaway, curfew, incorrigible, or minor in possession of tobacco. The valid court order provision may not be used for non-offenders.

A valid court order is 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 such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.

After its issuance, the juvenile violates the valid court order.

The juvenile may be held in a juvenile detention facility or a non-secure facility. The juvenile may not be held in an adult jail or lockup for any amount of time.

If the juvenile is held in a juvenile detention facility, a representative from an appropriate public agency must interview the juvenile in person within 24 hours (excluding weekends and holidays) of being placed into detention.

The juvenile can continue to be held in a juvenile detention facility if the juvenile has a reasonable cause hearing within 48 hours (excluding weekends and holidays) of being placed in detention. The reasonable cause hearing must include the following:

- A judicial determination that there is reasonable cause to believe the juvenile violated the valid court order, and
- A judicial determination that the juvenile is being held in the most appropriate placement pending disposition of the violation. This determination is based upon an assessment submitted by an appropriate public agency representative that reviews the immediate needs of the juvenile.

If all of the items listed above were satisfied during the reasonable cause hearing, the juvenile may be held in a juvenile detention center but should not be held any longer than necessary to make an informed disposition. The juvenile cannot be held in an adult jails or lockup for any length of time.

If you would like electronic copies or have any questions regarding the VCO process, please contact Steve Selover at the Governor's Office for Children, Youth and Families at 602-542-2393 or [sselover@az.gov](mailto:sselover@az.gov). Thank you for your participation and assistance.

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<sup>1</sup> Adapted from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002, as Amended*, January 2007.

**Valid Court Order for Status Offenders  
First Order Compelling Behavior**

---

In the Juvenile Court of \_\_\_\_\_ County, State of Arizona, Case Number \_\_\_\_\_, juvenile \_\_\_\_\_.  
(Child's Name)

This matter comes before the Court in the exercise of proper jurisdiction upon petition concerning the above-named child.  
This matter was heard before Honorable \_\_\_\_\_, on \_\_\_\_\_.  
(Judge's Name) (Date)

A. Personally before the Court were:


B. Counsel present for the child was:

\_\_\_\_\_

C. Upon testimony of the witnesses, the evidence received, reports received, statements and arguments of counsel, and the entire records, the Court FINDS:

- That the child has, within a reasonable time, been served with a written copy of the charges
- That the child has been informed he/she has the right to a hearing on the matter before the court;
- That the child has been informed of the nature of this proceeding and the possible consequences associated with it;
- That the child has been informed that he/she has a right to legal counsel and that counsel can be appointed at no charge to the child if the child is deemed indigent and cannot afford counsel;
- That the child has been informed that he/she has the right to call witnesses in his/her own behalf and to confront and cross examine witnesses against him/her;
- That the child has been informed that he/she has a right to have a transcript or record of this proceeding;
- That the child was warned that the child could be sanctioned for violating this Valid Court Order and such sanction could include placement in a secure detention facility;
- That a written copy of this order was provided to the child, the child's attorney and the child's parent or legal guardian; and;
- That the child was informed that they have a right to appeal this order

D. Based on the foregoing, it is ORDERED:

- That the future conduct of the child should be regulated by requiring that the child do the following:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

And/or prohibiting the said child from:

\_\_\_\_\_

\_\_\_\_\_

Entered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Judge/Commissioner/Hearing Officer)

**A copy of this order should be given to the juvenile, juvenile's attorney, and parent/guardian.  
A copy should also be placed in the juvenile's court file.**

**Valid Court Order for Status Offenders**  
**Second Order Allowing for Secure Placement for Alleged Violation of the Valid Court Order**

---

In the Juvenile Court of \_\_\_\_\_ County, State of Arizona, Case Number \_\_\_\_\_,  
juvenile \_\_\_\_\_,  
(Child's Name)

This matter comes before the Court in the exercise of proper jurisdiction before Honorable \_\_\_\_\_,  
on \_\_\_\_\_ (Date) (Judge's Name)

The juvenile is brought before the court upon allegation of violation of a Valid Court Order concerning the above-named child. The Valid Court Order was issued by this court on \_\_\_\_\_.

A. Personally before the Court were:


B. Counsel present for the child was:

\_\_\_\_\_

C. Upon testimony of the witnesses, the evidence received, reports received, statements and arguments of counsel, and the entire records, the Court FINDS:

- An appropriate public agency was promptly notified that such juvenile is held in custody for violating such order;
- The juvenile was interviewed, in person, by an appropriate public agency representative within 24 hours of the juvenile's placement in secure detention, excluding weekends and holidays;
- The public agency representative submitted an assessment to the court, prior to the 48 hour reasonable cause hearing, regarding the immediate needs of the juvenile and the most appropriate placement needs of the juvenile pending disposition of the violation;
- The reasonable cause hearing was held within 48 hours of the juvenile's placement in secure detention, excluding weekends and holidays;
- There was a judicial determination that there was reasonable cause to believe the juvenile violated such order;

D. Based on the foregoing, it is ORDERED:

- That the juvenile should be placed in the juvenile detention facility to best serve the interests of the child and the community until \_\_\_\_\_.

Entered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Judge/Commissioner/Hearing Officer)

**A copy of this order should be given to the juvenile, juvenile's attorney, and parent/guardian.**  
**A copy should also be placed in the juvenile's court file.**

**Valid Court Order for Status Offenders  
Written Report**

---

IN THE INTEREST OF: \_\_\_\_\_ DOB: \_\_\_\_\_  
(Child's Name)

Case No. \_\_\_\_\_

COMES NOW, \_\_\_\_\_  
(Person Completing Report)

with the \_\_\_\_\_ and reports to the Court as follows:  
(Agency Person Completing Report Represents)

- The juvenile was placed in the \_\_\_\_\_ Juvenile Detention Facility on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ time.
- The juvenile was interviewed in person on \_\_\_\_\_ at \_\_\_\_\_ time.

Describe the circumstances, events, or behaviors relevant to this incident:

---

---

---

---

---

Describe the immediate needs of this juvenile:

---

---

---

---

Describe the most appropriate placement alternatives available for this juvenile awaiting disposition on the alleged violation:

---

---

---

---

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Agency

**A copy of this report should be placed in the juvenile's court file.**

**Appendix H**  
**Adult Only Facility Annual Reporting Form**

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**Governor's Office for Children, Youth and Families**  
**Secure Adult Only Facility Annual Reporting Form**



Please submit completed form to:  
**Governor's Division for Children**  
1700 W. Washington, Suite 101  
Phoenix, Arizona 85007  
ATTN: Steve Selover  
[sselover@az.gov](mailto:sselover@az.gov)  
Phone: (602) 542-2393  
Fax: (602) 542-4644

Reporting Period: Jan 1 - Dec 31 Reporting Year: \_\_\_\_\_

Name of Agency: \_\_\_\_\_

Facility: \_\_\_\_\_

Address: \_\_\_\_\_

Prepared by: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

It is certified that the above-named facility has policies and procedures in practice that prohibit juveniles from entering into any secure area of the facility (not including any juveniles transferred to adult court).

The signatory verifies that no juvenile (any person under the age of eighteen) was held securely (placed in a cell, lockable room or cuffed to any object) during this reporting period.

The submission of this form serves as the annual reporting requirements as required by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) set forth in the Juvenile Justice and Delinquency Prevention (JJDP) Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please be advised that a community's compliance status will affect their eligibility to apply for federal delinquency prevention grants from the Governor's Division for Children.**

Thank you for your assistance in maintaining Arizona's compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act.

# Juvenile Justice Flowchart

