

THE DISTRICT OF COLUMBIA'S COMPLIANCE MONITORING POLICIES AND PROCEDURES MANUAL

Compliance Monitor Guide



Last Updated: June 2021

Contents

ABOUT THE COMPLIANCE MANUAL.....	iii
JJDPa CORE REQUIREMENTS AND RELATED REQUIREMENTS FOR THE DISTRICT.....	1
1.0 COMPLIANCE MONITORING AUTHORITY	8
2.0 OVERVIEW OF THE COMPLIANCE MONITORING TASKS.....	9
2.1 IDENTIFICATION OF THE MONITORING UNIVERSE	11
2.2 CLASSIFICATION OF FACILITIES IN THE MONITORING UNIVERSE	13
2.3 INSPECTION OF FACILITIES.....	19
2.4 DATA COLLECTION AND VERIFICATION	22
Data Requests by Facility Type.....	24
Analyzing for Compliance	26
DSO.....	26
Removal.....	27
Contact.....	27
Additional Data Requests for Compliance.....	27
VCO Discovery Procedure.....	28
2.5 COMPLIANCE VIOLATION PROCEDURES.....	32
2.6 COMPLIANCE DATA ANALYSIS AND REPORTING.....	34
ACRONYMS.....	37
Appendix A: GLOSSARY OF TERMS	38
Appendix B: Mayor’s Order 2016-171, Establishment- OVSJG.....	45
Appendix C: FY20 MONITORING TIMETABLE.....	46
APPENDIX D: FY20 MONITORING UNIVERSE	47
Appendix E: FACILITY IDENTIFICATION CHECKLIST.....	57
Appendix F: FACILITY CLASSIFICATION CHECKLIST.....	61
Appendix G: PRE-SITE VISIT NOTIFICATION	64
Appendix H: POST VISIT NOTIFICATION	65
Appendix I: MPD General Order 305.1 Handling Juvenile	67
APPENDIX J: INSPECTION CHECKLIST.....	68
Appendix K: DISTRICT OF COLUMBIA’S COMPLIANCE MONITORING FREQUENTLY ASKED QUESTIONS.....	72
APPENDIX L: PINS DISCOVERY ANALYTIC PLAN	75

APPENDIX M: ANNUAL REPORT QUESTIONS.....	77
APPENDIX N: CERTIFICATION THAT NO JUVENILES WERE SECURELY DETAINED.....	84

ABOUT THE COMPLIANCE MANUAL

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

The Compliance Monitor is responsible for evaluating the District's compliance with the JJDP Act's four core requirements: (1) Deinstitutionalization of Status Offenders, (2) Removal of juveniles from adult jails or lockups, (3) Preventing Sight and Sound Contact between juveniles and adult inmates), and (4) the reduction of racial and ethnic disparities in the juvenile justice system (previously known as Disproportionate Minority Contact).²

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

Compliance with the JJDP Act affects the District's eligibility for Title II formula grant funding offered through OJJDP. Noncompliance with any of the four core requirements results in a 20% reduction in Title II formula grant funds awarded to the District. In addition, 50% of the remaining funds must be solely dedicated to achieving compliance with the core requirement for which the District has been found out of compliance.⁴ An effective compliance monitoring system clarifies gaps in the continuum of care and highlights challenge areas in the District's juvenile justice system. As a result, compliance monitoring can help inform the District's efforts to refine and develop juvenile justice policies and programs.

Pursuant to Section 223(a)(14) of the JJDP Act⁵ (as amended) states must provide for an adequate/effective system of monitoring jails and lock-ups for adults, secure detention facilities, secure correctional facilities, and other secure facilities in which juveniles may detain (including court holding

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

² Section 223(a)(11) of the JJDP Act, Deinstitutionalization of Status Offenders (DSO)
Section 223(a)(12) of the JJDP Act, Sight or Sound Contact (Contact)
Section 223(a)(13) of the JJDP Act, Removal of juveniles from adult jails and lockups (Removal)
Section 223(a)(14) of the JJDP Act, Effective monitoring system
Section 223(a)(22) of the JJDP Act, Racial and Ethnic Disparities (RED)
Section 223(a)(23) of the JJDP Act, Valid Court Order (VCO)

³ 28 CFR part 31, § 31.303. Substantive requirements

⁴ OJJDP, 2019, "An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance with the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act" Retrieved 10/30/2019:

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/Compliance-Monitoring-TA-Tool.pdf>

⁵ Referred in: 34 U.S.C. § 11133 (a)(14) Plan for monitoring for compliance with the DSO, separation, and removal requirements of the Formula Grants Program

facilities) to ensure that the core requirements are met. The Act also calls for annual reporting of the results of such monitoring to the OJJDP Administrator.

Pursuant to 28 C.F.R. § 31.303(f)(1)(i), states must describe their compliance monitoring policies and procedures, and OJJDP recommends that the policies and procedures be posted on the Designated State Agency's (DSA) website. The DSA for the District of Columbia is the Office of Victim Services and Justice Grants (OVSJG). At a minimum, the state's compliance monitoring policies and procedures must:

1. Specify the **legal authority** of the agency or agencies that monitor for compliance in all facilities, including adult facilities, in which a juvenile might be detained or confined pursuant to law enforcement or juvenile court authority (34 U.S.C. § 11133(a)(1) and (2)).
2. Provide a basic **timeline** denoting when and where compliance monitoring will occur (28 C.F.R. § 31.303(f)(1)(i)).
3. Specify how the state **receives, investigates, and reports complaints of instances of noncompliance** with the DSO, separation, and jail removal requirements (28 C.F.R. § 31.303(f)(1)(iii)).
4. Specify how the state **develops and implements plans to address barriers** it faces in implementing and maintaining an adequate monitoring system (28 C.F.R. § 31.303(f)(1)(ii)).
5. Specify how the state **identifies, classifies, and inspects all facilities** in which a juvenile might be detained or confined pursuant to law enforcement or juvenile court authority (monitoring universe) (28 C.F.R. § 31.303(f)(1)(i)(A)-(C)).
6. Specify how the state **collects and verifies data from all facilities** regarding compliance with the DSO, separation, and jail removal requirements ((28 C.F.R. § 31.303(f)(1)(i)(D)).

The Compliance Monitoring Policies and Procedures should be updated annually.

The JJDP Act creates an enforceable private right of action. A private right of action allows a private plaintiff to bring an action based directly on a public statute, the Constitution, or federal common-law, even though the statute itself contains no express right of action. The District assumes duties when federal funds, such as Title II funding, are accepted, and when those duties are breached, a juvenile may seek a remedy pursuant to 42 U.S.C. Section 1983 (see *Hendrickson v. Griggs*, 672 F. Supp. 1126 (N.D. 1987));⁶ *Horn by Parks v Madison County Fiscal Court* 22 F. 3d. 653 (6th Circuit 1994)). Noncompliance may leave the District vulnerable to section 1983 conditions of confinement litigation raising damage claims under the 8th Amendment Cruel and Unusual Punishment Clause and the 14th Amendment due process clause.⁷ In *D.B. v Tewksbury*, 545 F. Supp. (D. Or. 1982) the court found the practice of jailing juveniles to be a per se constitutional violation of the 14th Amendment. Several other claims would likely be raised as well: classification and safety issues, inadequate programming for juveniles, inadequate educational programming (especially special education claims), and inadequate mental health care.

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

⁷ 8th Amendment of the US Constitution

14th Amendment of the US Constitution

JJDP CORE REQUIREMENTS AND RELATED REQUIREMENTS FOR THE DISTRICT

JJDP Act Core Requirements

The JJDP Act includes four core requirements that states must satisfy to avoid reductions in Title II Formula Grant funding. The Compliance Monitor is responsible for monitoring facilities where juveniles could be held pursuant to law enforcement or juvenile court authority to determine whether the jurisdiction is complying with three of the four requirements. The core requirements subject to compliance monitoring include:

- Deinstitutionalization of Status Offenders (DSO)
- Separation of Juveniles from Adult Offenders (Separation)
- Removal of Juveniles from Jails and Lockups for Adults (Removal)

In September 2019, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued updated guidance to assist states in monitoring and achieving compliance with the core requirements, particularly the three that are subject to compliance monitoring. The guidance, entitled *An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance with the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act* (hereafter *OJJDP Compliance Overview*),⁸ describes the three core requirements, including exceptions to the requirements, as follows:

A. Deinstitutionalization of Status Offenders

Pursuant to 34 U.S.C. § 11133(a)(11), juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no status offenders or juveniles who are not charged with an offense and who are aliens or alleged to be dependent, neglected, or abused were placed in secure detention and correctional facilities, or when the state's DSO rate falls below the established threshold annually posted on the OJJDP website.

The following JJDP exceptions apply to the DSO requirement:

1. Youth Handgun Safety Exception

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

⁸The OJJDP Compliance Overview does not reflect amendments to the JJDP Act pursuant to the Juvenile Justice Reform Act of 2018. This manual will be updated accordingly, once updated guidance is issued.

2. Valid Court Order Exception

The Valid Court Order (VCO) exception at 34 U.S.C. § 11133(a)(11)(A)(ii) provides that accused or adjudicated status offenders and juveniles found to have violated a valid court order based on their status as a juvenile may be placed in a secure juvenile detention or correctional facility.⁹ (Note that placement of a VCO violator in a secure detention facility or a secure correctional facility that also meets the definition of an adult jail or lockup, or in which juveniles have contact with an adult inmate, may result in an instance of noncompliance with the DSO, jail removal, and/or the separation requirement.)

The term valid court order is defined at 34 U.S.C. § 11103(16) as a juvenile court judge's order given to a juvenile (a) who was brought before the court and made subject to such order and (b) who received, before the issuance of such order, the full due process rights that the U.S. Constitution guarantees to that juvenile.

States must comply with the following procedures set forth at 34 U.S.C. § 11133(a)(23) when a status offender is taken into custody for violating a valid court order:

- a. An appropriate public agency shall be promptly notified that the juvenile is held in custody for violating a valid court order.
- b. An authorized representative of that agency shall interview within 24 hours, in person, the juvenile who is being held.
- c. Within 48 hours during which the juvenile is held:
 - The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the juvenile.
 - The court shall conduct a hearing to determine whether there is reasonable cause to believe that the juvenile violated the order and the appropriate placement of the juvenile pending disposition of the alleged violation.

Should the court order that the juvenile be detained pending the disposition, OJJDP recommends that the disposition hearing be held as soon as possible, allowing a reasonable time for the court to obtain additional information to make a disposition in the best interest of the status offender.¹⁰

In order to demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to monitor compliance with those

⁹ A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply.

¹⁰ States are not required to follow this recommendation, and should a state choose not to, it will not in itself result in noncompliance with Formula Grants Program requirements.

requirements. Specifically, states must have a process in place to verify whether court orders used to place status offenders (including juveniles who violate valid court orders related to their status as a juvenile) in juvenile detention centers comply with 34 U.S.C. § 11133(a)(23).

3. Interstate Compact on Juveniles Exception

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

4. Juveniles Held in State or Local Facilities under Federal Authority

Because the Formula Grants Program addresses juveniles in state custody within a state juvenile justice system, placement, for purposes of the DSO requirement, refers to situations in which the state (or a local government) is acting as a sovereign (or a subdivision of a sovereign), rather than as an agent of the federal government. Thus, for example, when a state has contracted with a federal agency to detain or confine a juvenile alien in secure detention or a secure correctional facility, pursuant to federal law, the state has not placed the juvenile in the facility. Rather, the state is acting as an agent of the federal government, and the juvenile has been placed pursuant to federal authority. In this instance, although detained in a state facility, the juvenile is in federal custody, and the DSO requirement does not apply.

B. Separation of Juveniles from Adult Inmates

Pursuant to 34 U.S.C. § 11133(a)(12), juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are aliens or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have contact with adult inmates.

1. Transferred, Waived, or Certified Juveniles

Juveniles who have been transferred, certified, or waived to criminal court, whether accused of or found to have committed a misdemeanor or a felony, are not under the jurisdiction of the juvenile court and thus are not covered by the separation requirement.

2. Juveniles Who Reach the Age of Full Criminal Responsibility After Arrest or Adjudication

Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication are not adult

inmates and need not be separated from juveniles until they have reached the state's maximum age of extended juvenile jurisdiction.

3. Programs in Which Juveniles Have Contact with Adult Inmates

Programs in which juveniles are brought into contact with adult inmates as a means of educating juveniles about life in prison and/or deterring them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the separation (and possibly DSO and jail removal) requirements. Whether these programs result in instances of noncompliance will depend on the specific way the program operates and the circumstances of the juveniles' participation in such a program.

Instances of noncompliance with the separation requirement may only occur if a juvenile's participation in such a program is pursuant to law enforcement or juvenile court authority. In addition, for violations to occur, the juvenile must not be free to leave or withdraw from participation, even if her/his parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile's participation. States are encouraged to contact OJJDP for more detailed guidance about whether a program is resulting—or has resulted—in instances of noncompliance.

C. Removal of Juveniles from Jails and Lockups for Adults

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

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

1. The 6-Hour Detention Exception

The jail removal requirement at 34 U.S.C. § 11133(a)(13)(A) allows the detention or confinement in an adult jail or lockup of juveniles accused¹¹ of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:

- a. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a

¹¹ The statutory exceptions to the jail removal requirement do not apply to juveniles who have been adjudicated as delinquent, whose detention or confinement in an adult jail or lockup will result in a jail removal violation.

juvenile facility. OJJDP recommends that any detention of juveniles be limited to the absolute minimum time necessary to complete these purposes,¹² but in any case, not to exceed 6 hours.

- b. Any detention of a juvenile adjudicated as a delinquent in an adult jail or lockup is an instance of noncompliance with the jail removal requirement.

The following is noted about this exception:

A juvenile accused of a delinquent offense may be detained in an adult jail or lockup for a combined total of no more than 6 hours, so long as the juvenile does not have contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles. This does not allow a state to detain an accused delinquent offender in a jail or lockup for adults for more than a cumulative total of 6 hours, for instance, 3 hours before, and then for an additional 4 hours following a court appearance.

The following three exceptions allow states to detain or confine juveniles accused of non-status offenses in adult jails or lockups for more than 6 hours while awaiting an initial court appearance and so long as the juveniles do not have contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles:

2. Rural Exception

The exception found at 34 U.S.C. § 11133(a)(13)(B)(ii)(I) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget), and the state has no existing acceptable alternative placement available. Pursuant to 28 C.F.R. § 31.303(f)(4), states must have received prior approval from OJJDP to use the rural exception.

OJJDP strongly recommends that jails and lockups for adults, in which juveniles are detained or confined, provide youth-specific admissions screening and continuous visual supervision of juveniles detained or confined pursuant to this exception.

3. Travel Conditions Exception

Under 34 U.S.C. § 11133(a)(13)(B)(ii)(II), states may detain a juvenile accused of a delinquent offense in an adult jail or lockup, if the facility is located where

¹² States are not required to follow this recommendation, and should a state choose not to, it will not in itself result in noncompliance with Formula Grants Program requirements.

conditions of distance to be traveled, or the lack of highway, road, or transportation does not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable.

4. Conditions of Safety Exception

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

Related Requirements for the District

The District has several statutes and orders that institutionalize, at a local level, many of the same protections afforded to juveniles per the JJDP Act. The existence of these statutes and the procedural and structural changes the District has made to ensure compliance with them demonstrates the District's existing statutes that are aligned with the core requirements of the JJDP Act.

Regarding status offenders, DC Law 16-2320, Disposition of child who is neglected, delinquent, or in need of supervision, states that:

"(d)(1) No child found in need of supervision unless also found delinquent shall be committed to or placed in a secure juvenile residential facility, as defined in § 22-2603.01(7), or a secure residential treatment facility for delinquent juveniles.

"(2) Except as provided in paragraph (1) of this subsection, a child found in need of supervision shall be released to the child's parent, guardian, or custodian; provided, that the child may be committed to or placed in a foster home, group home, youth shelter, or other appropriate home for children in need of supervision if the return of the child will result in placement in, or return to, an abusive situation, or the child's parent, guardian, or custodian is unwilling or unable to care for or supervise the child. If the return of the child will result in placement in, or return to, an abusive situation, or if the child's parent, guardian, or custodian is unwilling or unable to care for or supervise the child, the Child and Family Services Agency shall open a neglect investigation."

Regarding contact and removal provisions, DC Law 16-2313, Place of detention or shelter, states that:

"(d)(1) No child under eighteen years of age may be detained in a jail or other facility for the detention of adults unless transferred as provided in section 16-2307. The appropriate official of a jail or other facility for the detention of adults shall inform the Superior Court immediately when a child under the age of eighteen years is received there (other than by transfer) and shall (1) deliver him to the Director of Social Services upon request, or (2) transfer him to a detention facility described in subsection (b)(3); provided,

that beginning October 1, 2018, no person under 18 years of age may be held in the custody of the Department of Corrections."

"(2) All persons under 18 years of age who are in the custody of the Department of Corrections shall be transferred to the custody of the Department of Youth Rehabilitation Services before October 1, 2018.

"(3) After October 1, 2018, the Department of Corrections shall immediately inform the Superior Court if a person under 18 years of age is transferred to the Department of Corrections and transfer the individual to the Department of Youth Rehabilitation Services."

1.0 COMPLIANCE MONITORING AUTHORITY

Date Issued:	January 2014
Last Review:	June 2021
Related Regulations:	Mayor's Order 2016-171 Juvenile Justice Reform Act of 2018 (JJPD Act) 34 U.S.C. § 11133(a)(1) and (2)

Statement of Purpose

This section describes the compliance monitoring authority in the District of Columbia (District).

Statutory and Regulatory Requirements:

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

Policy

For the District, the Mayor has the authority to designate a District agency as being responsible for carrying out the provisions of the JJDP Act.

Mayor's Order 2016-171 establishes the Office of Victim Services and Justice Grants (OVSJG) as the Designated State Agency (DSA) responsible for carrying out the provisions of the JJDP Act, and the sole agency responsible for supervising the preparation and administration of the state plan according to Section 223(a)(1) of the JJDP Act.¹³ OVSJG awarded the Criminal Justice Coordinating Council (CJCC) Title II grant funding to carry out the District's compliance monitoring functions per the JJDP Act.

Procedure

The Compliance Monitor must work in conjunction with the CJCC executive leadership annually to apply for the Compliance Monitoring - Disproportionate Minority Contact (CM/DMC) grant awarded by OVSJG to conduct compliance monitoring activities in the District.

¹³ Also referenced in:
34 U.S.C. 11133(a)
42 U.S.C. § 5633(a)

2.0 OVERVIEW OF THE COMPLIANCE MONITORING TASKS

Date Issued:	January 2014
Last Review:	June 2021
Related Regulations:	Juvenile Justice Reform Act of 2018 (JJPD) 223(a)(14) of the JJPD Act 28 CFR part 31, § 31.303 (f) Monitoring of jails, detention facilities and correctional facilities.

Statement of Purpose:

This policy describes, in general terms, the compliance monitoring system in the District.

Statutory and Regulatory Requirements:

Pursuant to section 223(a)(14) of the JJDP Act (as amended), states must provide for an adequate/effective system of monitoring jails, detention facilities, and correctional facilities to ensure that the core requirements are met and that compliance monitoring results are reported annually. A detailed description of the monitoring tasks, as well as the identification of the agency or agencies responsible for those tasks, is a necessary element to a monitoring system.

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

1. Identification of the Monitoring Universe (**Section 2.1**)
2. Classification of the Monitoring Universe (**Section 2.2**)
3. Inspection of Facilities (**Section 2.3**)
4. Data Collection and Verification (**Section 2.4**)
5. Description of Violation Procedures (**Section 2.5**)
6. Compliance Reporting (**Section 2.6**)
7. Plans to Address Compliance Monitoring Barriers (**Sec. 2.7**)

Policy:

The Compliance Monitor will annually review and update the District's Monitoring Timetable. The Monitoring Timetable will cover all monitoring tasks to be accomplished during the applicable fiscal year (**Refer to Appendix C Current Fiscal Year's Monitoring Timetable**).

Procedures:

1. The Compliance Monitor/RED Coordinator and the Criminal Justice Coordinating Council's (CJCC) executive leadership apply for the applicable fiscal year Compliance Monitoring/Disproportionate Minority Contact (CM/DMC) grant from the Office of Victim Services and Justice Grants (OVSJG).
2. Upon award, the Compliance Monitor will schedule a meeting with the CJCC executive leadership to discuss and plan the monitoring tasks for the coming fiscal year.
3. The Compliance Monitor will complete a "Monitoring Timetable" outlining all required tasks and status of compliance monitoring activities.
4. The monitoring tasks, at a minimum, will include:
 - a. identification of the monitoring universe
 - b. classification of the monitoring universe
 - c. inspection of facilities
 - d. data collection and data verification
 - e. completion and the timely submission of the annual compliance monitoring report or other requests specified by the OJJDP.
5. The CJCC executive leadership will supervise the Compliance Monitor and ensure that all the monitoring tasks are accomplished.
6. The Compliance Monitor will provide scheduled updates to the CJCC's Juvenile Justice Committee on the state of compliance in the District.
7. The Compliance Monitor is responsible for managing the monitoring timeline and universe that identifies all facility inspections scheduled during the fiscal year and any other scheduled compliance monitoring activities. The timeline should be updated at the beginning of each fiscal year and provided to the CJCC's Executive Director, Deputy Executive Director, and the OVSJG for review and final approval.

2.1 IDENTIFICATION OF THE MONITORING UNIVERSE

Date Issued:	January 2014
Last Review:	June 2021
Related Regulations:	Juvenile Justice Reform Act of 2018 (JJPD) 223(a)(14) of the JJPD Act 28 CFR part 31, § 31.303 (f)(A) Identification of monitoring universe DC Code § 16–2313. Place of detention or shelter

Statement of Purpose:

This policy addresses the annual identification of facilities to include in the monitoring universe.

Statutory and Regulatory Requirements:

Pursuant to 28 CFR 31, § 31.303 (f)(1)(i)(A), states must ensure that they identify and include as part of the monitoring universe all state and local facilities that might detain or confine individuals pursuant to law enforcement or juvenile court authority. Such facilities include jails, lockups, secure detention facilities, secure correctional facilities, adult prisons, court holding facilities, and nonsecure facilities. Nonsecure facilities may include law enforcement administrative offices or community-based facilities, such as group homes, shelters, or other residential facilities.¹⁴

Pursuant to 28 CFR 31, § 31.303 (f)(1)(i)(C), states must periodically inspect these nonsecure facilities to determine whether their physical characteristics have changed (e.g., through the addition of cells, cuffing rails, cuffing benches, or other construction fixtures designed to securely detain individuals), such that those facilities are now secure and required to report compliance data.¹⁵

Policy:

The Compliance Monitor will maintain a census, known as the “Monitoring Universe,” that shall contain an active list of all public and private facilities in the District that might hold juveniles pursuant to the public authority.¹⁶ **(Refer to Appendix D Monitoring Universe)** The compliance monitor will update the list on an annual basis and/or when notified of any additional facilities or structural changes at a facility that may change the classification of the facility.

Procedures:

¹⁴ OJJDP, 2019, “An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance with the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act” Retrieved 10/30/2019:

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/Compliance-Monitoring-TA-Tool.pdf>

¹⁵ Ibid.

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

1. 1At the beginning of each fiscal year, the Compliance Monitor will monitor legislation that bestows arrest powers to any District or Federal agencies in the District and add any new private or public facilities that might securely hold or detain juveniles pursuant to public authority. Additionally, at the start of the fiscal year, the Compliance Monitor will query each agency in the District that operates, or contracts facilities already included in the monitoring universe to obtain information on the status of their current facilities, planned facilities, and contracted facilities.
2. The Compliance Monitor will complete section 1 of the “Facility Identification Form” **(Refer to Appendix E Facility Identification Form)** annually for each new or existing facility.¹⁷
3. To further assist in the identification of the facility, the Compliance Monitor will request that the POC for each facility completes section 2 of the “Facility Identification Form.”
4. Based on the responses, the Compliance Monitor will make a preliminary classification of the facility for compliance monitoring purposes, tentatively include the facility in the monitoring universe, and arrange a date for an inspection with the facility’s POC to determine if the facility should, in fact, be included in the monitoring universe. **(Refer to Appendix D Current Fiscal Year’s Monitoring Universe)**.
5. The identification of the monitoring universe should be treated as an on-going, collaborative, and irritative process. The Compliance Monitor is encouraged to treat each inspection as an opportunity to update the monitoring universe and provide technical assistance accordingly.

¹⁷ At minimum, the agencies that must be queried include the: Metropolitan Police Department (MPD), Department of Corrections (DOC), Department of Youth Rehabilitation Services (DYRS), Court Social Services Division (CSSD), and the Child and Family Service Agency (CFSA).

2.2 CLASSIFICATION OF FACILITIES IN THE MONITORING UNIVERSE

Date Issued:	January 2014
Last Review:	June 2021
Related Regulations:	Juvenile Justice Reform Act of 2018 (JJPD) <ul style="list-style-type: none">- 223(a)(14)- 103(28) 28 CFR part 31, § 31.303 (f)(B) Classification of the monitoring universe An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance with the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act (September 2019)

Statement of Purpose:

This policy relates to the annual classification of facilities in the monitoring universe.

Statutory and Regulatory Requirements:

States are required under 28 CFR 31, § 31.303 (f)(1)(i)(B) to classify all facilities in the monitoring universe to determine facility type. This information is critical to determining the applicability of the DSO, separation, and jail removal requirements in each facility. In addition, classification determines whether each facility is secure or nonsecure, residential or non-residential and whether the population is juveniles-only adults-only, or juveniles and adults (note: some of these categories may overlap).¹⁸

Policy:

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

To create a uniformed classification system, the Compliance Monitor will (1) evaluate the facility's residential setting, (2) evaluate the facility's secure status, (3) determine the population served, and (4) determine the applicable compliance requirements.

¹⁸ OJJDP, 2019, "An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance with the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act" Retrieved 10/30/2019:
<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/Compliance-Monitoring-TA-Tool.pdf>

Residential Setting

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

Secure Status

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

Population

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

Facility Types

The Compliance Monitor must classify the facilities as one or more of the following: (1) jail or lockup for adults; (2) secure detention facility (adult); (3) secure detention facility (juvenile); (4) secure correctional facility (adult); (5) secure correctional facility (juvenile); (6) institution (secure facility in which juveniles might have contact with adult inmates, such as a court holding facility); (7) other secure facility; or (8) nonsecure facility. Below is the guidance for determining facility type.

Adult Jails and Lockups

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

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

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

Table 2. Secure Adult Jails/Lockups Applicable Core Requirements

<u>Facility</u> <u>Type</u>	<u>DSO Requirements</u> <u>Apply</u>	<u>Removal Requirements</u> <u>Apply</u>	<u>Contact Requirements</u> <u>Apply</u>
Secure: District Stations/Lockups	Yes	Yes	Yes

Juvenile Detention and Correctional Facilities

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

Section 103(13) of the JJDP Act defines “secure correctional facility” as any public or private residential facility that includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility and is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

The key difference between juvenile detention and correctional facilities is the adjudication status of the youth. Any facility that securely detains youth who have been adjudicated and placed by the court shall be classified as a correctional facility. The Compliance Monitor is required to understand the youth’s adjudication status for classification purposes (**Refer to Appendix F Facility Classification Checklist**).

Juvenile Detention and Correctional facilities must be monitored for the DSO requirement, as well as the Contact requirement if adult inmates are present.

Table 1. Secure Juvenile Detention and Correctional Facilities Applicable Core Requirements

<u>Facility Type</u>	<u>DSO Requirements Apply</u>	<u>Removal Requirements Apply</u>	<u>Contact Requirements Apply</u>
Secure: Juvenile Detention and Correctional Facilities	Yes	No	Yes

Court Holding Facilities

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 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 court appearances, are not considered adult jails or lockups. However, such facilities remain subject to section 223(a)(12) (Contact) requirement of the Act. A PINS youth/status offender or delinquent offender placed in a court holding facility is exempt from the DSO requirement if the facility meets the criteria listed above. It is important to note that court holding facilities impose an inherent or practical time limitation in that juveniles must be brought to and removed from the facility during the same judicial day.

Another key determinate factor is the residential status of court holding facilities. Since court holding facilities are meant to serve as a temporary space to securely detain or confine an individual for their court appearance, then the person should not remain in the area for an extended period. If the court holding facility is used for purposes other than court holding or is used for punitive purposes, it no longer qualifies as a court holding facility and should be classified as an adult jail or lockup. The Compliance Monitor must monitor court-holding facilities to ensure that they continue to meet the definition and purpose listed above.

Court Holding facilities must be monitored for Contact requirements.

Table 3. Secure Court Holding Facilities Applicable Core Requirements

<u>Facility Type</u>	<u>DSO Requirements Apply</u>	<u>Removal Requirements Apply</u>	<u>Contact Requirements Apply</u>
Secure: Court Holding	No	No	Yes

Institutions

The term institution means a secure facility that law enforcement or a juvenile or criminal court authority uses to detain or confine juveniles or adults who are accused of having committed a delinquent or criminal offense, awaiting adjudication or trial for the delinquent or criminal offense, or found to have committed the delinquent or criminal offense. Pursuant to the JJDP Act, separation violations may only occur in facilities that meet this definition. Currently, the District has classified each facility with a definitive facility type (i.e., court holding, DC Jail, Juvenile Correctional, etc.). The institution's category will only be applied to facilities that cannot be readily classified with any preexisting facility types.

Non-Secure Facilities

Group and Shelter Homes

The District has both shelter and group homes that house pre- and post-adjudicated youth. The DYRS classifies these non-secure facilities as Community-Based Residential Facilities (group homes) and Community-Based Shelter Homes (shelter homes). Both shelter and group homes are licensed in accordance with the District Municipal Regulations (29 DCMR 6200).

Local group homes provide supervision, counseling services, structured recreational activities, and programs designed to promote positive youth development. These placements are staffed 24 hours a day and exclusively house 6-8 adjudicated or committed youth. Local group homes can be used as a step-down option to assist youth with transitioning to the community after a residential placement or can be used for community youth when they require additional support before they can be successfully placed back with their parent(s)/guardian(s) or other identified caregiver. Although youth reside full-time in the program, they attend local schools, hold outside jobs, participate in family visits, and receive support services within the community.

Shelter homes are used as an alternative to secure detention for alleged or adjudicated juvenile offenders prior to disposition by a court. Shelter homes are staffed 24 hours a day and typically house 6-8 youth. Staff in these facilities help ensure that youth arrive on time to their scheduled court appointment and remain crime-free while their court case is being processed. DYRS operates shelter homes; however, the youth who reside in shelter homes are under Court Social Services Division (CSSD) supervision. Therefore, both DYRS and CSSD should be informed of any shelter home inspections.

Non-secure, community-based programs or facilities are exempt for the purposes of monitoring for compliance with the core requirements. The core requirements only apply to secure facilities.

Under the 2002 reauthorization of the JJDP Act, the Compliance Monitor should visit non-secure facilities that hold juveniles to verify their non-secure status. Starting in FY2021, non-secure facilities will not be included in the monitoring universe. However, if a non-secure facility becomes a secure facility, the Compliance Monitor will be required to classify and inspect.

District Sub-Police Stations

A substation provides the same functions as the main station, except it does not contain a holding area, detective area, or evidence/property storage. Substations have office space, community/roll call rooms, and locker rooms. MPD acquired the substations to have additional police facilities for services such as filing a police report.

Procedures:

1. The Compliance Monitor will conduct an onsite inspection of each facility identified in the monitoring universe (**Refer to 2.1 Identification of the Monitoring Universe**). During the inspection, the Compliance Monitoring will complete the Facility Classification Checklist to determine the residential setting, secure status, and the population placed at each facility (**Refer to Appendix F Facility Classification Checklist**). The Compliance Monitor will also verify the facility type during the inspection.

2. The Compliance Monitor will record the facility type, the secure status (secure, non-secure, or both), the setting (residential, non-residential, or both), and the population (juvenile only, adult only, or collocated/both) of each facility in the Monitoring Universe document.
3. Using Table 4 as a guide, the Compliance Monitor will determine which core requirements (DSO, Removal, and Contact) apply to each facility. This information will also be included in the monitoring universe and in the individual facility records.
4. When an existing facility is reclassified, it must be properly documented in the monitoring universe and stored in the individual facility record.
5. The Compliance Monitor is responsible for all inspection records.

Table 4: Compliance Requirements by facility type¹⁹

<u>Facility Type</u>	<u>DSO Requirements</u> <u>Apply</u>	<u>Removal Requirements</u> <u>Apply</u>	<u>Contact Requirements</u> <u>Apply</u>
Secure: Adult Lockup	Yes	Yes	Yes
Secure: Juvenile Detention Facility	Yes	No	Yes
Secure: Juvenile Correctional Facilities	Yes	No	Yes
Secure: Court Holding	No	No	Yes
Secure: Adult Jail	Yes	No	Yes
Secure: Collocated	Yes	No	Yes
Non-Secure and Staff Secure Facilities	No	No	No

¹⁹ OJJDP, 2019, "An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance with the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act" Retrieved 10/30/2019:

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/Compliance-Monitoring-TA-Tool.pdf>

2.3 INSPECTION OF FACILITIES

Date Issued:	January 2014
Last Review:	June 2021
Related Regulations:	Juvenile Justice Reform Act of 2018 (JJPD) <ul style="list-style-type: none">- 103(25)- 103(26)- 103(12-13)- 223(a)(14) DC Code § 46–101. Enumerated (Age of Majority) D.C. Code § 16-2301(3). Age of Full Criminal Responsibility D.C. Code § 16-2303. Retention of jurisdiction 28 CFR part 31, § 31.303 (f)(C) Inspection of facilities 29 DCMR 6200. Child Development Facilities

Statement of Purpose:

This policy addresses the timeline and process for inspecting facilities in the monitoring universe.

Statutory and Regulatory Requirements:

Pursuant to 28 CFR part 31, § 31.303 (f)(1)(i)(C), the inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping. The inspection must include (1) a review of the physical accommodations to determine whether it is a secure or non-secure facility or whether adequate sight and sound separation between juvenile and adult offenders exists and; (2) a review of the record-keeping system to determine whether sufficient data are maintained to determine compliance with the core requirements of the JJDP Act.

Under the 2002 reauthorization of the JJDP Act, the following facilities must be inspected: Adult jails and lockups, secure detention facilities, secure correctional facilities, court holding facilities, and collocated facilities (which includes facilities previously listed). Non-secure facilities must be inspected periodically to ensure that they have not changed characteristics such that they have become secure facilities.

Policy

The Compliance Monitor will annually inspect all secure and nonsecure facilities in the monitoring universe to ensure an accurate assessment of each facility's classification and record keeping. The inspection process should include a method of reporting compliance with core requirements for each secure facility. The Compliance Monitor will request the arrest and/or admissions data from the facility prior to an inspection and may verify such data during inspections. The Compliance Monitor will create and disseminate a post-site visit

letter detailing each facility's compliance with the core requirements of the JJDP Act. The post-site visit letter shall be made available to the facility and retained for record-keeping purposes.

The OJJDP suggests that 33% of secure facilities be inspected annually with the goal that all facilities would have received a visit within a three-year period. However, the District's Compliance Monitor will visit 100% of the secure and non-secure facilities in the monitoring universe annually. Starting in FY2021, per the JJRA, the Compliance Monitor will only be required to visit 100% of secure facilities within the three years of the Title II funding cycle.

Procedures:

Prior to the Inspection

1. The Compliance Monitor will request data from the facility (or the agency that operates the facility) prior to scheduling a site visit. The data requested will be dependent upon the type of facility, as shown in Table A. **(Refer to section 2.4 Data Collection and Verification).**

Table. A Data Request Chart

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

The Compliance Monitor will review the data to determine if there are any instances of potential noncompliance with DSO, Removal, or Separation requirements. For example, the Compliance Monitor will review the data to determine if any status offenders were processed or admitted to secure facilities and whether persons under 18 were processed or admitted to adult facilities. Such instances may require further review to determine compliance with the JJDP Act. The process for analyzing data is described in detail in **Section 2.4 Data Collection and Verification.**

2. The Compliance Monitor shall schedule an on-site inspection within three weeks of receiving the data using a “Pre-Site Visit Notification” letter (**Refer to Appendix F Pre-Site Visit Notification**).
 - a. If the date and time suggested are inconvenient, another time must be negotiated between both parties.
3. Where applicable, the Compliance Monitor will request advanced access to data (e.g., rosters and facility’s logbooks) and the most recent census of juveniles to have while on-site during the inspection.

During the Inspection

4. During the inspection, the Compliance Monitor will review any flagged cases identified by the facility or discovered during the Compliance Monitor’s review of the data by examining relevant information (i.e., logbooks, data systems, and other records) or areas within the facility to evaluate compliance with the applicable core requirements .
5. At all inspections, the Compliance Monitor will complete, update, or revise the classification of the facility, using the Facility Classification checklist (**Refer to Section 2.2 Classifications in the Monitoring Universe**).
6. In addition, the Compliance Monitor will use the **Inspection Checklist** (Appendix J) during the inspection to determine if there are any potential issues of noncompliance with the DSO, Removal, and Separation requirements of the JJDP.
7. Immediately following the inspection, the Compliance Monitor will meet with the facility’s leadership or designated contact to discuss findings and observations, recommend methods for maintaining or achieving compliance, and address any questions the facility leadership may have regarding compliance monitoring.
8. Within 30 days after the inspection, the Compliance Monitor will memorialize this discussion in a “Post Visit Notification” letter (**Refer to Appendix G Post Visit Notification**), share findings with the agency’s POC and leadership, and insert the letter in the facility’s individual file.

2.4 DATA COLLECTION AND VERIFICATION

Date Issued:	January 2014
Last Review:	June 2021
Related Regulations:	28 CFR part 31, § 31.303 (f)(D) Data collection and data verification 28 CFR part 31, § 31.303 (f)(5) Reporting requirement 34 U.S.C. § 1133(a)(2) Monitoring authority

Statement of Purpose:

This policy addresses the annual data collection and verification.

Statutory and Regulatory Requirements:

Pursuant to 28 CFR part 31, § 31.303 (f)(1)(D) and (5), states must collect and verify data from all facilities in the monitoring universe that are required to report data for the 12-month federal fiscal year (FY) reporting period to determine whether the facilities are in compliance with the applicable requirements of DSO, Separation, and Removal. OJJDP will accept and review state compliance data only for the applicable reporting period. States that are unable to report data for 100 percent of facilities must report data for at least 85 percent of facilities within the state that are required to report and must extrapolate and report, in a statistically valid manner, data for the remaining facilities.

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

Policy:

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

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

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

- 1) prior to each bi-annual inspection
- 2) no more than 3 months following the end of the fiscal year .

Understanding Valid Court Orders Exception

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

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

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

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

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

The District's judicial practice ensures that all youth detained under the VCO receive the full protections of due process accorded by the United States Constitution. Section 16-2309(a)(9) of the D.C. Code provides the statutory basis for the District's use of the VCO exception to the Deinstitutionalization of Status Offenders' core requirement of the JJDP Act.²⁰

Procedures

As of the last review date of this section, the following agencies and/or divisions should provide at a minimum demographic, arrest, admission and release information to the Compliance Monitor prior to inspections and for reporting requirements. The Compliance Monitor will make an annual data request for OJJDP reporting purposes and additional requests before facility inspections to assist with data verification efforts.

Data Requests by Facility Type

1. The Compliance Monitor will request from each facility written policies regarding training staff to work with juveniles.
2. The Compliance Monitor will collect data from all secure facilities in the monitoring universe.

District Stations/Lockups

Metropolitan Police Department: The Compliance Monitor will request the following data from MPD's Office of Risk Management for arrestees under 18 years of age during a specified period:

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

Juvenile Detention and Correctional

Department of Youth Rehabilitation Services, Secure Placements: The Compliance Monitor will work with DYRS' Research & Quality Assurance Department for admission/intake data during a specified period:

Name (Last, First)	DOB	Race/Ethnicity
--------------------	-----	----------------

²⁰ District code § 16-2309 provides that a child may be taken into custody "by a law enforcement officer when the officer has reasonable grounds to believe that the child has violated a court order." However, youth alleged to be status offenders may not be securely detained for violating a valid court order. Section § 16-2320 (d)(1) of the Comprehensive Youth Justice Amendment Act (CYJAA) makes it clear that no child found in need of supervision (PINS youth), unless also found delinquent, shall be committed to or placed in a secure juvenile residential facility, as defined in § 22-2603.01(7), or a secure residential treatment facility for delinquent juveniles.

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

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

Adult Detention or Correctional

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

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

Court Holding

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

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

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

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

Name (Last, First)	DOB	Race/Ethnicity
Gender	Arrest Time	Arrest Date
PDID	CCN	Xref

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

Analyzing for Compliance

DSO

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

The Compliance Monitor will also determine whether any PINS youth or youth with missing charge information were held in a juvenile detention or correctional facility. DYRS does not consistently receive charge information for prejudicated youth admitted to its facilities (because prejudicated youth are technically under the supervision of the Court Social Services Division). Therefore, the Compliance Monitor will need to match DYRS admissions data with arrest charge data from MPD, as well as intake information from Court Social Services Division, to determine whether any PINS youth were securely detained or confined.

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

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

Removal

With respect to the Removal requirement, the Compliance Monitor will review the MPD arrest data and the DOC admissions data to determine if any persons under the age of 18 were processed at a District station (adult lockup) or the Central Cell Block (adult lockup) or admitted to the DC Jail (adult jail). For anyone under 18 who was processed at or admitted to one of these secure adult facilities, the Compliance Monitor will request and review court records to determine if any of the Removal exceptions apply (6-hour exception, rural exception, travel conditions, or conditions of safety). The Compliance Monitor will also review court records, including any prior convictions, to determine whether the youth is a Title 16 youth who is being charged as an adult.

Contact

Regarding the Contact requirement, the Compliance Monitor will review the MPD arrest data and the DOC admissions data to determine if any persons under the age of 18 were processed at a District station (adult lockup) or the Central Cell Block (adult lockup) or admitted to the DC Jail (adult jail). For anyone under 18 who was processed at or admitted to one of these secure adult facilities, the Compliance Monitor will review the Unit Assignment information provided by DOC to determine whether juveniles in these facilities were separated from adult inmates. In addition, the Compliance Monitor will request and review court records, including any prior convictions, to determine whether the youth is a Title 16 youth who is being charged as an adult, in which case these youth are not covered by the separation requirement.

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

Additional Data Requests for Compliance

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

Intake Data

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

Name (Last, First)	RECOM	Adjudication Date
Xref	Ward	Disposition Decision
PDID	Outcome	Disposition Date

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

Court Records

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

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

VCO Discovery Procedure

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

- B. The Compliance Monitor will provide the District of Columbia's Superior Court (DCSC) Strategic Management Division with the unique identifier of each PINS youth/status offender who was detained or confined for more than 23 hours (excluding holidays and weekends) during the specified period. For each of these individuals, the Compliance Monitor will request all applicable court orders.
1. The Compliance Monitor will review each court order to determine if it meets the JJDP Act standard of a valid court order requirement and therefore eligible for the Valid Court Order exemption:
 - a. 223(a)(23)(A) Proper Notification of Custody of PINS youth/status offender
 - i. The Compliance Monitor must verify that the court was made aware of PINS youth/status offender arrest.
 - a) JPC/Arresting Officer contacts the DYRS At-Risk Court Holding Unit to prepare them for court arrival of the PINS Youth²¹
 - b) DYRS At-Risk Court Holding Unit notifies CSSD's Court Intake Probation of Youth Arrival, and they add them to the court docket²²
 - b. 223(a)(23)(B) Interview with Intake Staff within 24 hours
 - i. The Compliance Monitor must verify that the PINS youth/status offender received an intake interview within 24 hours of being detained or confined.
 - c. 223(a)(23)(C)(i) Delivery of the assessment to the court within 48 hours
 - i. The Compliance Monitor must verify that the court received the PINS youth/status offender's assessment within 48 hours of being detained or confined.
 - d. 223(a)(23)(C)(ii)(I) Reasonable cause determination
 - i. The Compliance Monitor must verify that the court order which securely confined or detained the PINS youth/status offender articulates the reasonable cause determination.
 - e. 223(a)(23)(C)(ii)(II) Placement pending disposition
 - i. The Compliance Monitor must verify that the court order properly identifies the placement of the PINS youth/status offender pending their disposition of the alleged violation.
 - f. 223(a)(23)(C)(iii)(I)(aa) Written order of court order violation

²¹ The number for the DYRS At-Risk Unit that JPC uses is 202-715-7571.

²² The number for the CSSD Court Probation Intake that the DYRS At-Risk uses to inform the court of PINS youth and have them added to the day's docket is 202-879-4742.

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

Supplemental Data Request from other Agencies

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

Data Verification

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

2.5 COMPLIANCE VIOLATION PROCEDURES

Date Issued:	January 2014
Last Review:	June 2021
Related Regulations:	Juvenile Justice Reform Act of 2018 (JJPD) 223(a)(23)(A-D) Valid Court Orders Mayor's Order 2016-171 In re Gault 28 CFR part 31, § 31.303 (3) Valid Court Order substantive requirements 34 U.S.C. § 1133(a)(2) Monitoring authority D.C. Code § 16-2309(a)(9) Taking into custody (violated a custody order) 34 U.S.C. § 11103(16) Valid Court Order D.C. Code § 16-2310(a) & (b) Criteria for detaining children D.C. Code § 16-2337 Additional powers of the Director of Social Services

Statement of Purpose:

The purpose of this section is to outline the administrative procedures for use by the Compliance Monitor to receive, investigate, and respond to reports of compliance violations.

Statutory and Regulatory Requirements:

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

Policy:

Reports of possible violations can come from various sources to include, but not limited to, the public, any facility or its staff in the monitoring universe, government officials, parents, former or current residents in a secure facility, or any agencies/organizations with oversight authority. The Compliance Monitor shall take any report of a violation seriously and work with the appropriate parties to investigate, establish, and absolve the agency that was initially accused of the violations. Violations are most often found through a detailed review of facility logs and other data submitted for compliance purposes to the Compliance Monitor. Violations must be confirmed and validated by the Compliance Monitor. All violations must be verified by reviewing applicable data and a documented inspection. All findings shall be stored in the facility's individual record.

Procedures:

1. If a DSO, Removal, or Contact violation is reported or discovered, the Compliance Monitor will fully investigate the alleged violation.
2. The Compliance Monitor will notify the facility of the discovery of a possible violation; request any additional data that could help determine if there was, in fact, a violation, and schedule an inspection.
3. The investigation will include a review of all available data needed to determine the existence of the violation, to include but not limited to demographics, admission, and release information of the applicable residents in the facility **(Refer to 2.4 Data Collection and Verification)**.
4. After the data has been reviewed, the Compliance Monitor will schedule an inspection of the facility.
5. If the violation is confirmed after the inspection, the Compliance Monitor will first notify the POC of the facility of the nature of the violation.
6. The Compliance Monitor will follow up with a "Post Visit Notification" letter to the facility's POC and the agency's leadership:
 - a. describing the incident that led to the violation and details about maintaining compliance with the core requirements;
 - b. offering training and technical assistance to ensure compliance with the core requirements; and
 - c. providing other findings and recommendations to prevent a reoccurrence.
7. The Compliance Monitor will inform the CJCC's Juvenile Justice Committee of the violation(s) at the next regularly scheduled meeting and discuss any observed barriers and strategies for compliance.
8. The Compliance Monitor will ensure that the violation is reflected in the annual report submitted to OJJDP.

2.6 COMPLIANCE DATA ANALYSIS AND REPORTING

Date Issued:	January 2014
Last Review:	June 2021
Related Regulations:	<p>28 CFR part 31, § 31.303 (c)(2) Barriers related to the Deinstitutionalization of status offenders and non-offenders requirement</p> <p>28 CFR part 31, § 31.303 (d)(1)(iii) Barriers related to the Contact with incarcerated adults requirement</p> <p>28 CFR part 31, § 31.303 (e)(2) Barriers related to the Removal of juvenile from adult jails and lockups requirement</p> <p>28 CFR part 31, § 31.303 (f)(5) Reporting requirement</p> <p>28 CFR part 31, § 31.303 (f)(6) Compliance</p> <p>28 CFR part 31, § 31.303 (f)(D)(ii) Barriers related to the Data collection and data verification</p> <p>34 U.S.C. § 1133(a)(2) Monitoring authority</p>

Statement of Purpose:

The purpose of this section is to describe the process of preparing and submitting the annual Compliance Monitoring Report.

Statutory and Regulatory Requirements:

Pursuant to 28 CFR part 31, § 31.303 (f)(5), annual compliance monitoring reports are due from the states by February 28 of each year and must cover the previous federal fiscal year, except that the OJJDP Administrator may grant an extension of the reporting deadline to March 31, for a good cause, upon a state's request. The DSA must have a documented and traceable process supporting how the agency analyzes and compiles compliance information reported in annual compliance monitoring submissions.

Under 28 C.F.R. § 31.303(f)(ii), as part of an adequate/effective system of compliance monitoring, each state must describe the barriers that the state faces in implementing and maintaining a system for monitoring and reporting compliance with the DSO, separation, and jail removal requirements. In addition, the state must describe its plans to overcome those barriers.

Policy:

All data collected for the OJJDP Annual Compliance Monitoring Report will be from October 1st- September 30th of the respective fiscal reporting year. It is the Compliance Monitor's responsibility to collect, verify, and compile the data each year from 100% of the secure facilities in the monitoring universe. After the data has been collected and analyzed for violations of the core requirements, the Compliance Monitor will extract the data that relates to the annual Compliance Monitoring Report, prepare a draft for review by CJCC's executive

leadership, and submit the final version to OVSJG (Designated State Agency/Juvenile Justice Specialist) for submission. The Compliance Monitor will complete both the narrative portion and the numeric portion of the compliance monitoring report in the format requested by OJJDP.

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

Procedures:

1. The Compliance Monitor will consult with OVSJG (Juvenile Justice Specialist) and download the annual Compliance Monitoring Report questions and template provided by OJJDP. **(Refer to Appendix K Annual Report Questions)**
2. The Compliance Monitor will populate the report template based on the Compliance Monitor's analysis of the data provided by the secure facilities in the monitoring universe.
3. The Compliance Monitor will submit a draft of the report to the CJCC Executive Director and Deputy Director and OVSJG (Juvenile Justice Specialist) for review and revisions at a minimum of three weeks prior to OJJDP post submission date.
4. Prior to submitting the Compliance Monitoring Report to OJJDP, and as time permits, the Compliance Monitor, in collaboration with the OVSJG (Juvenile Justice Specialist), will provide an update of the District's state of compliance to the Juvenile Justice Advisory Group (JJAG) and the CJCC's Juvenile Justice Committee (JJC). The update will include:
 - a. The number of DSO, Removal, and Contact violations identified during the reporting period, the circumstances surrounding the violations (in a way that maintains juvenile confidentiality), and corrective actions recommended by the Compliance Monitor.
 - b. Number of site visits conducted
 - c. Number of instances in which the Compliance Monitor provided or requested training and technical assistance for an agency or facility
 - d. Any barriers to implementing and maintaining an adequate/effective system of compliance monitoring.
 - i. The Compliance Monitor will present recommended strategies for overcoming these barriers to the JJAG and JJC members and modify the strategies based on feedback provided by the members.
 - ii. During year one of the three-year Title II reporting cycle, or when otherwise prompted, the Compliance Monitor, in collaboration with OVSJG will submit a report

to OJJDP that identifies the barriers to compliance monitoring and strategies for overcoming the barriers, along with the Compliance Monitoring Report.

- iii. Once the barriers and strategies report has been approved by OJJDP, the Compliance Monitor, in collaboration with OVSJG, will coordinate efforts to implement the proposed strategies and provide updates to the JJAG and JJC, as requested.

- 5. The Compliance Monitor will submit the Compliance Monitoring Report by the deadline established by OJJDP and provide OJJDP with any additionally requested documentation.

ACRONYMS

<u>Acronym</u>	<u>Full Reference</u>
ATU (Population)	Adult Transiting Unit (Title 16 Youth at DYRS secure facilities)
CFR	Code of Federal Regulations
CFSA	Children and Families Service Agency
CJCC	Criminal Justice Coordinating Council
CSSD	Court Social Services Division
CYJAA	Comprehensive Youth Justice Amendment Act
DCMR	District of Columbia Municipal Regulations
DOC	Department of Corrections
DSA	Designated State Agency
DSO	Deinstitutionalization of Status Offenders
DYRS	Department of Youth Rehabilitation Services
JJAG	Juvenile Justice Advisory Group
JJDP Act	Juvenile Justice Delinquency and Prevention Act
JJRA	Juvenile Justice Reform Act, the 2018 reauthorization of the JJDP Act.
JPC	Juvenile Processing Center
JUSTIS	Justice Information System
MPD	Metropolitan Police Department
OVSJG	Office of Victim Services and Justice Grants
Title 16 Youth	Youth that are being charged as adults.

Appendix A: GLOSSARY OF TERMS

The District of Columbia uses federal definitions for compliance monitoring purposes. This glossary of terms contains all applicable federal terms, definitions, and source.

<u>TERM</u>	<u>SOURCE</u>	<u>MEANING</u>
Adjudication/ Adjudicatory	D.C. Code § 162316	<p>The Division shall, without a jury, hear and adjudicate cases involving delinquency, need of supervision, or neglect. The Corporation Counsel shall present evidence in support of all petitions arising under this subchapter and otherwise represent the District in all proceedings.</p> <p>(b) Evidence which is competent, material, and relevant shall be admissible at fact-finding hearings. Evidence which is material and relevant shall be admissible at detention hearings, transfer hearings under section 16-2307, and dispositional hearings.</p> <p>Where the petition alleges a child is a neglected child by reason of abuse, evidence of illness or injury to a child who was in the custody of his or her parent, guardian, or custodian for which the parent, guardian or custodian can give no satisfactory explanation shall be sufficient to justify an inference of neglect.</p>
Adult	D.C. Code § 16301(5)	The term "adult" means an individual who is twenty-one (21) years of age or older.
Adult Inmate	42 USC 5603 Sec 103(26)	An adult inmate is an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge or is convicted of a criminal offense.
Adult Jail	28 CFR § 31.304(m)	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 one year.
Adult Lockup	28 CFR § 31.304(n)	Like an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.
Child	DC Code § 162301 (3)	<p>The term "child" means an individual who is under 18 years of age, except that the term "child" does not include an individual who is sixteen (16) years of age or older and</p> <p>(A) charged by the United States attorney with (i) murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, or</p> <p>(ii) an offense listed in clause (i) and any other offense properly joinable with such an offense; (B) charged with an offense referred to in subparagraph (A) (i) and convicted by plea or verdict of a lesser included offense; or (C) charged with a traffic offense.</p>

Collocated Facility	28 CFR § 31.303 (e)(3)(l)(c)(1)-(4)	<p>Collocated facilities are facilities that are in the same building or are part of a related complex of buildings located on the same grounds.</p> <p>A related complex of buildings is two or more buildings that share physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or the specialized services such as medical care, food service, laundry, maintenance, engineering services, etc.</p> <ul style="list-style-type: none"> • Separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults. Separation can be achieved architecturally or through time phasing of common use nonresidential areas and; • 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 a full range of separate program services. Juveniles and adult inmates may share no program activities. Time phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and • If the state will use the same staff to serve both the adult and juvenile populations, there is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles; and <p>In states that have established standards or licensing requirements for secure juvenile detention facilities, the juvenile facility meets the standards 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.</p>
Court Holding	Federal Registry	<p>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 hearing, 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 for purposes of section 223(a)(14) of the JDP Act. However, such facilities remain subject to the section 223(a)(13)(42 U.S.C. 5633 (a)(13)) separation requirement of the Act.</p>
Delinquency	D.C. Code § 16301(7)	<p>The term "delinquent act" means an act designated as an offense under the law of the District, or of a State if the act occurred in a State, or under Federal law. Traffic offenses shall not be deemed delinquent acts unless committed by an individual who is under the age of sixteen.</p>

Detention Hearing	D.C. Code § 162312	<p>Detention or shelter care hearing; intermediate disposition</p> <p>(1) When a child is not released as provided in section 16-2311 and the child is alleged to be abused or neglected:</p> <p>(A) A guardian ad litem shall be appointed to represent the child's best interest within 24 hours (excluding Sundays) of the child having been taken into custody;</p> <p>(B) A shelter care hearing shall be commenced not later than 72 hours (excluding Sundays) after the child has been taken into custody; and</p> <p>(C) A petition shall be filed at or prior to the shelter care hearing.</p> <p>(2) When a child is not released as provided in section 16-2311 and the child is alleged to be delinquent or a child in need of supervision:</p> <p>(A) A detention hearing shall be commenced not later than the next day (excluding Sundays) after the child has been taken into custody or transferred from another court as provided by section 16-2302; and</p> <p>(B) A petition shall be filed at or prior to the detention hearing.</p> <p>Rule 29-1299 DC Municipal Regulations (DCMR) "Community Status Review Hearing" - an administrative process to evaluate recommendations for modifying a youth's community placement.</p>
Facility	28 CFR § 31.304(c)	A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.
Juvenile	D.C. Code § 16-2301(3)	<p>The term "child" means an individual who is under 18 years of age, except that the term "child" does not include an individual who is sixteen years of age or older and —</p> <p>(A) charged by the United States attorney with (i) murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, or (ii) an offense listed in clause (i) and any other offense properly joinable with such an offense;</p> <p>(B) charged with an offense referred to in subparagraph (A)(i) and convicted by plea or verdict of a lesser included offense; or</p> <p>(C) charged with a traffic offense.</p> <p>For purposes of this subchapter the term "child" also includes a person under the age of twenty-one who is charged with an offense referred to in subparagraph (A)(i) or (C) committed before he attained the age of sixteen, or a delinquent act committed before he attained the age of eighteen.</p>
	18 U.S.C. § 5031	A "juvenile" is a person who has not attained his eighteenth birthday, and "juvenile delinquency" is the violation of a law of the United States committed by a person prior to his eighteenth birthday which

		would have been a crime if committed by an adult. A person over eighteen but under twenty-one years of age is also accorded juvenile treatment if the act of juvenile delinquency occurred prior to his eighteenth birthday.
<i>Juvenile (Interchangeable with youth, child, and resident)</i>	D.C. Code § 2-1515.01(12)	"Youth" means a "child" as that term is defined by § 16-2301(3). The terms "juvenile," "child," and "resident" are used interchangeably.
<i>Juvenile (Extended Juvenile Jurisdiction)</i>	D.C. Code § 16-2303	Jurisdiction obtained by the Division in the case of a child shall be retained by it until the child becomes twenty-one years of age, unless jurisdiction is terminated before that time.
<i>Juvenile Charged as an Adult (Title 16 Youth)</i>	D.C. Code § 16-2307	<p>(a) Within twenty-one days (excluding Sundays and legal holidays) of the filing of a delinquency petition, or later for good cause shown, and prior to a factfinding hearing on the petition, the Corporation Counsel may file a motion, supported by a statement of facts, requesting transfer of the child for criminal prosecution, if —</p> <p>(1) the child was fifteen or more years of age at the time of the conduct charged, and is alleged to have committed an act which would constitute a felony if committed by an adult;</p> <p>(2) the child is sixteen or more years of age and is already under commitment to an agency or institution as a delinquent child;</p> <p>(3) a minor eighteen years of age or older is alleged to have committed a delinquent act prior to having become eighteen years of age; or</p> <p>(4) a child under 18 years of age is charged with the illegal possession or control of a firearm within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade, or youth center, or an event sponsored by any of the above entities. For the purposes of this paragraph “playground” means any facility intended for recreation, open to the public, and with any portion of the facility that contains 1 or more separate apparatus intended for the recreation of children, including, but not limited to, sliding boards, swingsets, and teeterboards. For the purposes of this paragraph “video arcade” means any facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement, and which contains a minimum of 10 pinball or video machines. For the purposes of this paragraph “youth center” means any recreational facility or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provide athletic, civic, or cultural activities.</p>

Juvenile Offender	D.C. Code § 16301(6)	The term "delinquent child" means a child who has committed a delinquent act and is in need of care or rehabilitation.
Juvenile who has been adjudicated as having committed an offense	28 CFR § 31.304(e)	A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal type offender or a status offender.
Juvenile who is accused of having committed an offense	28 CFR § 31.304(d)	A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal type offender or a status offender and no final adjudication has been made by the juvenile court.
Non-Offender	28 CFR § 31.304(l)	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 Custody:	Federal Registry	The following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in a building that houses an adult jail or lockup facility: (1) the area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room which is not designated, set aside or used as a secure detention area or is not a part of such an area, or, if a secure area, is used only for processing purposes; (2) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility; (3) the use of the area(s) is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parent, or arranging transfer to an appropriate juvenile facility or to court; (4) in no event can the area be designed or intended to be used for residential purposes; and (5) the juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.
Private Agency	28 CFR § 31.304(a)	A private non-profit agency, organization or institution is: A. Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control. B. Any other agency, organization, or institution which operates primarily for scientific, education, service charitable or similar public purposes, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax exempt under the provisions of section 501 (c)(3) of the 1954 Internal Revenue Code.
Public Agency	34 U.S.C. 11103	The term "public agency" means any State, unit of local government, combination of such States or Units, or any department, agency or instrumentality of any of the forgoing.
Reasonable Cause Hearing	D.C. Code § 162301(16)	The term "fact-finding hearing" means a hearing to determine whether the allegations of a petition are true.

<i>Residential</i>	An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance with the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act (September 2019)	Residential means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.
<i>Secure correctional facility</i>	34 U.S.C. 11103 (13)(A)(B)	<p>The term "secure correctional facility" means any public or private residential facility which:</p> <p>A. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.</p> <p>B. Is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense.</p>
<i>Secure Custody</i>	28 CFR § 31.304(b)	As used to define a detention or correctional facility this term includes residential facilities that include construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.
<i>Secure Detention Facility</i>	34 U.S.C. 11103 (12)(A-B)	<p>The term "secure detention facility" means any public or private residential facility which:</p> <p>A. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.</p> <p>B. Is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, or of any other individual accused of having committed a criminal offense.</p>
<i>Shelter Care</i>	D.C. Code § 162301	The term "shelter care" means the temporary care of a child in physically unrestricting facilities, designated by the Division, pending a final disposition of a petition.
<i>Sight and Sound Separation (Contact)</i>	28 CFR § 31.303 (d)(I)(I)	Secure custody status is when a juvenile offender is physically detained or confined in a locked room or area. Secure detention or confinement may result either from being placed in such a room or area and/or being physically secured to a cuffing rail or other stationary object. Separation must be accomplished architecturally or through policies and procedures in all secured areas. Sight contact is when a juvenile has clear visual contact with an incarcerated adult within close proximity. Sound contact is when a juvenile can have

		direct oral communication with an incarcerated adult. In accordance with OJJDP policy the state must assure that no juvenile offender shall enter, under public authority, 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.
Status Offender	D.C. Code § 24-1102 Article II (8)(C) and (D)	"Accused status offender" -- a person charged with an offense that would not be a criminal offense if committed by an adult; "Adjudicated status offender" — a person found to have committed an offense that would not be a criminal offense if committed by an adult;
Status Offender	28 CFR § 31.304(h)	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. (Status offenses include truancy, violations of curfew, runaway, underage possession of alcohol or tobacco, underage alcohol offenses).
Status Offender (PINS)	D.C. Code § 16–2301(8) "PINS" Child in Need of Supervision	A child in need of supervision (PINS) is defined as a child who - (A)(i) subject to compulsory school attendance and habitually truant from school without justification; (ii) has committed an offense committable only by children; or (iii) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; and (B) is in need of care or rehabilitation.
Valid Court Order -	28 CFR § 31.304(o)	The term means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word "valid" permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States.

Appendix C. FY20 MONITORING TIMETABLE

Item	Creation Date	Last Update	Next Review	Start Date	End Date	Responsible Party
Annual Compliance Monitoring Policies and Procedure Manual Review and Update	01/14	09/19	09/20	10/19	09/20	Compliance Monitor
Annual Compliance Monitoring Plan Update	N/A	09/18	10/19	09/18	10/19	Compliance Monitor
Annual RED/DMC Plan Update	N/A	05/19	10/19	09/18	10/19	Compliance Monitor
Monitoring Universe (Identification and Classification)	N/A	05/19	10/19	09/18	10/19	Compliance Monitor
Annual Inspection of Facilities (100% Completion)	N/A	09/17	10/19	09/18	10/19	Compliance Monitor
Data Collection and Data Verification (100% Completion)	N/A	04/19	04/20	10/19	04/20	Compliance Monitor
OVSJG Semi-Annual Progress Report Submission	N/A	07/19	10/19	09/19	10/19	Compliance Monitor
OVSJG Annual Grant Report Submission	N/A	07/19	10/19	09/19	10/19	Compliance Monitor
OJJDP Report Submission	N/A	04/19	2020	10/19	09/20	Compliance Monitor
3 Year Plan Submission	04/18	N/A	2020	10/19	09/20	OVSJG (Juvenile Justice Specialist)

Compliance Monitor Contact: Keith Hasan-Towery

APPENDIX D: FY20 MONITORING UNIVERSE

Facility Name (Facility Type)	CLASSIFICATION											Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Population			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal					Contact
Youth Investigation Branch -JPC (Juvenile Detention Facility)		X		X			X			X			2/23/2021;	PENDING	Cook, Brian brian.cook@dc.gov	MPD -Arrest and PINS Log Books -COLBALT - Data Pull from Risk Management
New Beginnings Youth Development Center (Juvenile Correctional Facility)		X			X		X			X			02/01/2021;	PENDING	McGhee, Mack; mack.mcghee@dc.gov	DYRS -Security and Operation’s Log Book -FAMCare Data Pull from DYRS - JUSTIS

Facility Name (Facility Type)	CLASSIFICATION											Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Population			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal					Contact
Youth Services Center (Juvenile Detention Facility)		X			X		X			X			02/01/21;	PENDING	McGhee, Mack; mack.mcghee@dc.gov	DYRS -Intake Log Book -FAMCare Data Pull from DYRS -JUSTIS
First District Police Department (Adult Lockup)		X		X				X			X		2/22/2021;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Arrest Log Book -Data Pull from Risk Management - Arrest Log Book -COLBALT
First District Substation Police Department (Non-Secure Facility)	X			X									2/22/2019;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Data Pull from Risk Management

Facility Name (Facility Type)	CLASSIFICATION											Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Population			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal					Contact
																- Arrest Log Book Management -COLBALT
Second District Police Department (Adult Lockup)		X		X				X			X		2/22/2021;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT
Third District Police Department (Adult Lockup)		X		X				X			X		2/24/2021;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT

Facility Name (Facility Type)	CLASSIFICATION											Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Population			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal					Contact
Fourth District Police Department (Adult Lockup)		X		X				X			X		2/25/2021;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book Management -COLBALT
Fourth District Substation Police Department (Non-Secure Facility)	X			X									2/25/2019;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book Management -COLBALT
Fifth District Police Department (Adult Lockup)		X		X				X			X		2/25/2021;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book

Facility Name (Facility Type)	CLASSIFICATION												Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Population			Compliance Requirement							
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal	Contact					
																	-COLBALT
Sixth District Police Department (Adult Lockup)		X		X				X			X		2/23/2021;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT	
Sixth District Substation Police Department (Non-Secure Facility)	X			X									2/26/2018;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book Management -COLBALT	

Facility Name (Facility Type)	CLASSIFICATION											Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Population			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal					Contact
Seventh District Police Department (Adult Lockup)		X		X				X			X		2/26/2021;	PENDING	Cook, Brian; brian.cook@dc.gov	MPD -Data Pull from Risk Management - Arrest Log Book -COLBALT
Department of Corrections- CTF (Adult Jail)		X			X			X			X		08/30/2018	PENDING	Chakraborty, Reena (Data); reena.chakraborty@dc.gov Wesley, LaToya (Visits) ; latoya.wesley@dc.gov	DOC -Data Pull from DOC Central Office -Roster from Intake and Control -Certification of Juvenile Population Count

Facility Name (Facility Type)	CLASSIFICATION											Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Population			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal					Contact
Central Cell Block (CCB) (Adult Lockup)		X		X				X			X		08/30/2018	PENDING	Chakraborty, Reena (Data); reena.chakraborty@dc.gov Wesley, LaToya (Visits); latoya.wesley@dc.gov	DOC -Data Pull from DOC Central Office -Roster from Intake and Control -Certification of Juvenile Population Count
D.C. Superior Court- U.S. Marshal’s Holding Cell (Court Holding)			X	X					X	X	X	X	08/30/2018	PENDING	Knutson, Brett; Brett.Knutson2@usdoj.gov Dixon, Robert; Robert.Dixon3@usdoj.gov	DCSC -CSSD Records -CSSD Intake Forms -MPD Lock Up List

Facility Name (Facility Type)	CLASSIFICATION											Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Population			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal					Contact
DYRS At- Risk Unit At Superior Court (Court Holding)		X		X			X			X			08/30/2018	PENDING	McGhee, Mack; mack.mcghee@dc.gov	DYRS -Intake Log Book -FAMCare Data Pull from DYRS -JUSTIS
COOP Court (NESO/BARJ) DYRS-At- Risk Unit U.S. Marshal’s Holding Cell (Court Holding)			X	X					X	X	X	X	PENDING	PENDING	Clark, Eric; Eric.Clark@usdoj.gov	-Intake Log Book -FAMCare Data Pull from DYRS -JUSTIS -CSSD Records -CSSD Intake Forms -MPD Lock Up List

Facility Name (Facility Type)	CLASSIFICATION												Recent Inspection Date	Next Inspection Date	POC	Data Sources
	Secure Status			Setting			Population			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal	Contact				
Buddy's Place PPTCH (Non-Secure Facility)	X				X		X						04/04/2019	PENDING	Mr. Brown; dbrown@cgcdc.net	
Sasha Bruce Youthwork, Inc. (REACH) (Non-Secure Facility)	X				X		X						12/15/2018	PENDING	Johnson, G.; gjohnson@sashabruce.org	N/A
Sasha Bruce Youthworks, Inc. (CHLOE) (Non-Secure Facility)	X				X		X						01/17/2019	PENDING	Johnson, G.; gjohnson@sashabruce.org	N/A
Umbrella (E Street) Therapeutic Services, Inc. (Imani House) (Non-Secure Facility)	X				X		X						04/04/2019;	PENDING	Mr. Saunders; umbrella50@yahoo.com	N/A

Facility Name (Facility Type)	CLASSIFICATION											Recent Inspection Date	Next Inspection Date	POC	Data Sources	
	Secure Status			Setting			Population			Compliance Requirement						
	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile Only	Adults Only	Collocated (Both)	DSO	Removal					Contact
Umbrella (50th Street) Therapeutic Services, Inc. (Non-Secure Facility)	X				X		X						12/17/2018;	PENDING	Ms. Saunders; umbrella50@yahoo.com	N/A
Kendall- PINS Shelter (Hope House) (Non-Secure Facility)	X				X		X						08/17/2018;	PENDING	McGhee, Mack; mack.mcgee@dc.gov	N/A
Universal Healthcare Management Services, Inc. (Daybreak) (Non-Secure Facility)	X				X		X						12/17/2018;	PENDING	Brooks, Ebony; 202-832-4148	N/A
Universal Healthcare Management Services, Inc. (Grandma’s House) (Non-Secure Facility)	X				X		X						12/17/2018;	PENDING	Brooks, Barbara; 202-347-7616	N/A

Appendix E: FACILITY IDENTIFICATION CHECKLIST

FACILITY IDENTIFICATION CHECKLIST

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

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

To help determine the operating status of your facility, the Compliance Monitor requests that your agency complete the attached form for each facility that your agency owns, operates, or contracts that hold adults or juveniles pursuant to law enforcement or court authority. The Compliance Monitor will review the form with the facility’s point of contact during the site visit to determine whether there are any potential or actual violations of the JJDP core requirements.

Name of Person Completing this form

Date

Facility Name

Facility Address

Agency/Organization that Operates Facility

Identify the Facility’s Point of Contact

Name

Title

Email

Phone 1

Phone 2

Fax

Preliminary Classification (Pre-Site Visit)

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

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

Preliminary Security Rating:

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

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

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

Preliminary Residential Rating:

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

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

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

Preliminary Population Rating:

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

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

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

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

FOR COMPLIANCE MONITOR USE

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

Appendix F: FACILITY CLASSIFICATION CHECKLIST

FACILITY CLASSIFICATION CHECKLIST

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

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

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

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

court appearance or placement, or for another reason in the facility?		
If yes, identify the non-secure area(s):		

Security Rating:

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

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

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

Residential Rating:

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

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

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

Population Rating:

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

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

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

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

FOR COMPLIANCE MONITOR USE

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

Appendix G: PRE-SITE VISIT NOTIFICATION

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

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

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

The Juvenile Justice Compliance Monitor (Mx. X) will be conducting site visits to secure and non-secure facilities from Month DD, YEAR, through Month DD, YEAR. Below are the facilities for which your agency/organization is responsible that Mr. Towery will be visiting:

- [Name of Facility], [Address], [Classification].

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

In addition, Mr. X, submitted a request on [DATE] for [explanation of data]. We ask that your agency provide the requested data by [DUE DATE].

Please refer to the enclosed Compliance Monitoring Frequently Asked Questions form for additional information regarding the scope and purpose of annual site inspections and for additional information on the JJDP Act.

If you have any questions, feel free to contact me at (202) 442-7739 or Mx. X at (202) 442-4996 or x.x@dc.gov. Thank you for your time and cooperation.

Sincerely,

X

Deputy Executive Director
Criminal Justice Coordinating Council

cc:

X, Executive Director, CJCC

[Other relevant agency officials]

Enclosures (X)

Appendix H: POST VISIT NOTIFICATION

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

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

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

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

Date of Violation(s):	Date the violation(s) occurred
Violation Narrative:	Describe the violation. “On this date, the juvenile was held securely from hour until hour for offense”
Reason for Violation:	Describe why it is a violation and what core requirement(s) was/were violated.
Investigation Date:	Date you either reviewed logs on-site or by mail.

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

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

Mx. X scheduled next visit to your facility will be Month DD, YEAR. If you have any questions, feel free to contact me at (202) 442-7739 or Mx. X at (202) 442-4996 or x.x@dc.gov. Thank you for your time and cooperation.

Sincerely,

Deputy Executive Director

Criminal Justice Coordinating Council

cc:

X, Executive Director, CJCC

[Other relevant agency officials]

Enclosures (X)

Appendix I: MPD General Order 305.1 Handling Juvenile

APPENDIX J: INSPECTION CHECKLIST

INSPECTION CHECKLIST

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

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

This form is to be completed by the Compliance Monitor during an on-site visit of facilities listed in the monitoring universe that holds juveniles or adults pursuant to law enforcement or court authority. Based on the classification of the facility, the Compliance Monitor will work with the facility’s point of contact to ensure compliance with the applicable core requirements of the Juvenile Justice Delinquency and Prevention Act (JJDP). Any suspected incidents of non-compliance with the core requirements discovered will be entered into the “Inspection Review Log.” All inspection review log entries will be treated as potential violations unless the facility or the courts provide the Compliance Monitor with the appropriate documentation to grant any exceptions or exemptions.

Name of Person Completing this formDate

Facility Name

Facility Address

Agency/Organization that Operates Facility

Identify the Facility’s Point of Contact

NameTitle

Email

Phone 1Phone 2

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

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

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

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

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

Inspection Review Log

[illegible]

Appendix K: DISTRICT OF COLUMBIA'S COMPLIANCE MONITORING FREQUENTLY ASKED QUESTIONS

The Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) awards funding through the Title II Formula Grant Program to support state and local efforts in planning, operating, and evaluating projects that seek to prevent at-risk youth from entering the juvenile justice system or intervene with first-time and non-serious offenders to provide services that maximize their chances of leading productive, successful lives. All states that receive Title II Formula Grants from OJJDP must monitor for compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act. The Criminal Justice Coordinating Council (CJCC) is responsible for monitoring the District of Columbia's compliance with the JJDP Act.

Background: The Juvenile Justice and Delinquency Prevention Act

The federal Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 1974, as amended [42 U.S.C. § 5601] established nationwide standards for juvenile delinquency prevention, offender rehabilitation, and juvenile justice system improvements. Section 223(a)(14) of the JJDP Act requires states that receive Formula Grant funds to comply with the JJDP Act's core requirements. The Office of Victim Services and Justice Grants (OVSJG) is the designated state agency in charge of administering the JJDP Act in the District. OVSJG awards funding to the Criminal Justice Coordinating Council (CJCC) to monitor the District's compliance with the JJDP Act.

What are the Core Requirements?

To be eligible to receive Formula Grant funding, a state must commit to achieve and maintain compliance with the following core requirements of the JJDP Act:

1. **Deinstitutionalization of status offenders (DSO).** A status offender, also known in the District as PINS Youth (runaway or truant) or non-offender (abused or neglected child) cannot be held in secure adult facilities for any length of time and can only be held in secure juvenile facilities for up to 24 hours in specific instances. Although the JJDP Act allows for the secure detention or confinement of a status offender for up to 24 hours, the District's Law, the Comprehensive Youth Justice Amendment Act (CYJAA), forbids the secure detention of PINS Youth for any length of time.
2. **Sight and sound contact.** Alleged and adjudicated delinquents cannot be detained or confined in a secure institution (such as a jail, lockup, or secure correctional facility) in which they have sight or sound contact with adult offenders.
3. **Adult jail and lockup removal.** Juveniles (individuals who may be subject to the original jurisdiction of a juvenile court based on age and offense limitations established by state law) cannot be securely detained or confined in adult jails and lockups.
4. **Racial and Ethnic Disparities (RED), formerly known as Disproportionate Minority Contact (DMC).** States are required to address juvenile delinquency prevention and system improvement efforts designed to reduce the disproportionate number of juvenile members of minority groups who are contacted and confined by the juvenile justice system.

Why is Compliance Important?

If the District of Columbia fails to demonstrate compliance, the District of Columbia's federal Formula Grant allotment will be reduced by 20% for each core requirement not being met. This funding supports various juvenile justice-related initiatives in the city.

What are the responsibilities of the Compliance Monitor?

- Identify and Classify all secure facilities authorized to detain or confine juveniles in the District of Columbia;
- Visit each facility to ensure their compliance with the core requirements of the JJDP Act;
- Collect and Verify data from each of the secure facilities that hold juveniles in the District of Columbia;

- Prepare an annual report that contains the number of core requirements violations, description of barriers which the District of Columbia faces in implementing and maintain a monitoring system, and how it plans to overcome such barriers; and
- To describe procedures established for receiving, investigating, and reporting complaints of violation of the core requirements.

How are facilities classified?

Per federal requirements, there will be three categories for classification of each facility after an on-site visit:

- Secure Status (Secure, Non-secure, or both)
- Setting (Residential, Non-residential, or both)
- Population (Juvenile or Adult Only, or both)

What is a secure facility?

A secure facility includes residential facilities that include construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff (28 CFR § 31.304(b)).

What is a residential facility?

Residential is understood to mean any space within a facility that was created to house a juvenile for an extended period; usually, placed by a judge for a defined period.

Which facilities receive on-site visits?

All secure facilities that may hold youth under public authority must be visited. At a minimum, this means that all secure juvenile residential facilities in the District's monitoring universe must be visited by the Compliance Monitor.

How frequently are facilities visited?

At a minimum, the federal government requires the Compliance Monitor to visit all secure facilities on the monitoring universe once within a three-year period. However, the District requires the Compliance Monitor to conduct at least one site visit at each secure facility annually. The Compliance Monitor and your agency's leadership determines the frequency of visits to your facility.

What is the Compliance Monitor looking for during a visit?

The Compliance Monitor is working with your agency to ensure that your facility is following the core requirements of the JJDP Act. Specifically, the Compliance Monitor job is to (1) account for any PINS Youth securely confined or detained for more than 24 hours without a valid court order; (2) ensure that no juvenile is housed in an adult facility for more than six hours, and in instances where both juvenile and adult inmates are present, that the juveniles are sound, or sight separated to prevent contact; and (3) make sure that there is an adequate recordkeeping system for the facility. The District must supply sufficient documentation to demonstrate that each of these objectives were met.

What type of data does the Compliance Monitor collect?

At a minimum, the Compliance Monitor may request demographic, admission, and release information of applicable residents during site visits, and for reporting requirements.

What happens if the Compliance Monitor identifies a potential violation?

If a potential violation is discovered, the Compliance Monitor will examine additional data to verify if the incident qualifies as a violation. Once the Compliance Monitor makes a violation determination, they will inform your agency's leadership of the violation,

and offer your facility training and technical assistance to help provide solutions to limit the future occurrence of the violations. At the end of the fiscal year, the Compliance Monitor will submit all violations (in the aggregate) to OJJDP in the annual compliance monitoring report.

What is included in the report that is submitted to OJJDP?

Each year, the Compliance Monitor is responsible for reporting the number of core requirements (DSO, Contact, and Removal) violations. The report also includes a description of any barriers that may prevent the District from complying with the core requirements and offers strategies that the District will undertake to address such barriers.

How does the District of Columbia Maintain Compliance with the JJD Act?

The Compliance Monitor is authorized by OVSJG to visit every facility that may hold youth under public authority to conduct:

A review of the facility’s physical accommodations to determine whether it is a secure or non-secure facility or whether adequate sight and sound separation between juvenile and adult offenders exists; and

A review of the recordkeeping system to determine whether sufficient data are maintained to determine compliance with the core requirements of the JJD Act (§§ 223(a)(11), (12), and/or (13)).

Which core requirements does my facility need to be aware of?

Table 5: All Compliance Requirements by facility type

<u>Facility Type</u>	<u>DSO Requirements</u> <u>Apply</u>	<u>Removal Requirements</u> <u>Apply</u>	<u>Contact Requirements</u> <u>Apply</u>
Secure: District Stations/Lockups	Yes	Yes	Yes
Secure: Juvenile Detention and Correctional Facilities	Yes	No	Yes
Secure: Court Holding	No	No	Yes
Secure: DOC Jail	Yes	No	Yes
Secure: Collocated	Yes	No	Yes
Non-Secure and Staff Secure Facilities	No	No	No

APPENDIX L: PINS DISCOVERY ANALYTIC PLAN

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

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

Data Process

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

- MPD Dataset File: S:\10. Compliance Monitoring\Data\2019\
 - Step 1: Create a dataset that includes all arrest incidents associated with no PDID and all arrest incidents where the top charge could be PINS
 - o "Top Charge Arrest Category" – Potential PINS codes:
S:\10.%20Compliance%20Monitoring\Data\PossiblePINSCharges.xlsx
 - MPD Sheet
 - Step 2: Deduplicate data to create individual-level data containing the names of all youth who had no associated PDID or had a top charge that *could* be PINS.
 - Step 3: Save list as "MPD Potential PINS List"

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

- CSSD Dataset File: S:\10. Compliance Monitoring\Data\2019\
 - Step 1: Identify all CSSD youth identified at PINS and put into a new dataset
 - o CSSD Identified PINS Codes from "STATUS UPDATED":
S:\10.%20Compliance%20Monitoring\Data\PossiblePINSCharges.xlsx
 - CSSD Sheet
 - 1) separate out PINS based on Charge – see list
 - 2) with remaining youth (which youth whose charge is DEL), identify those with Status indicated PINS – see list
 - 3) Add youth with DEL identified by STATUS as PINS to the PINS based on charge
 - o SAVE AS SEPARATE FILE
 - Step 2: Match CSSD identified PINS to the MPD Potential PINS List
 - Step 3: Add any CSSD identified PINS who were not matched to the MPD Potential PINS list
 - Step 4: Save list as "MPD CSSD Potential PINS List."

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

- DYRS Dataset File: S:\10. Compliance Monitoring\Data\2019\
 - Step 1: Deduplicate to create individual-level data containing names of all youth who were detained during the fiscal year.
 - o SAVE AS SEPARATE FILE
 - Step 2: Match DYRS individual-level data to "MPD CSSD Potential PINS List"
 - Step 3: Only retain youth who are matched to DYRS data
 - Step 4: Save list as "Potentially PINS Securely Detained List."

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

- Dataset File:
 - Step 1: Match DYRS individual-level data to (previous) FY2017 PINS data and identify any matched youth
 - Step 2: Add the matched individuals to the "Potentially PINS Securely Detained List."
 - Step 4: Save list as "Potentially PINS Securely Detained List with FY2017."

Part 5: JUSTIS verification

- Step 1: Check the names from the "Potentially PINS Securely Detained List with FY2017" in JUSTIS

- Step 2: Eliminate individuals that are not classified as PINS.

Part 6: CSSD Verification

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

LINK PLUS matching notes

Save files as “.CSV” once in matching form

- Remove commas from data in order to correctly read in data

APPENDIX K: ANNUAL REPORT QUESTIONS

A. DSO Core Requirement Elements:

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

B. Contact Requirement Elements:

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

C. Removal Requirement Elements:

- i. Is there a state policy in effect requiring individuals who work with both adult inmates and juveniles to be trained and certified to work with juveniles? (Policy Request).
- ii. Number of Adult Jails and Adult Lockups in which juveniles were detained or confined that meet rural exception criteria (pursuant to Section 223(a)(13)(B)(ii)(I) of the JJDP Act) and for which approval has been granted by OJJDP. (Facilities in Which Juveniles Were Detained or Confined)
- iii. Number of juveniles accused of delinquent offenses detained or confined in Adult Jails or Adult Lockups 6 hours or less for processing or release, awaiting transfer to a juvenile facility, or prior to/following a court appearance, but who had contact with adult inmates (pursuant to Section 223(a)(13)(A) of the JJDP Act) (Juveniles Detained within Sight or Sound Contact of Adult Inmates)
- iv. Number of juveniles accused of delinquent offenses detained or confined in Adult Jails and Adult Lockups in excess of 6 hours, and not pursuant to a valid use of the rural, travel conditions or safety exceptions, as detailed in Section 223(a)(13)(B) of the JJDP Act (Juveniles Accused of Delinquent Offenses or Adjudicated Delinquent)

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

Appendix N: CERTIFICATION THAT NO JUVENILES WERE SECURELY DETAINED

As described in Section 2.4 Data Collection and Verification, the Compliance Monitor will request admissions and intake data from each secure facility in the compliance monitoring universe for the relevant fiscal year. In instances when the facility indicates that they did not admit any persons under 18 in their facility during the specified fiscal year, the agency will be asked to certify that in writing, using the template provided below. The agency shall place the certification letter on agency letterhead .

[DATE]

Juvenile Justice Compliance Monitor,

This letter certifies that during fiscal year [YEAR], no individuals under the age of 18 were securely confined or detained in the following [AGENCY NAME] facility(ies): [LIST RELEVANT FACILITIES].

Sincerely,

Name

Title

Division

Agency