



# Florida Guidance Manual

for monitoring  
Juvenile Assessment Centers,  
Juvenile Detention Centers, and  
Juvenile Residential Facilities  
under the  
Juvenile Justice & Delinquency  
Prevention Act (JJJPA) of 2002

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## Preface

This Guidance Manual has been developed by the Florida JJDPa Compliance Monitoring Project under Contract #10108 with the Florida Department of Juvenile Justice (DJJ) to acquaint Florida's Juvenile Assessment Centers (JAC), Juvenile Detention Centers (JDC), and Juvenile Residential Facilities with the requirements and benefits of the federal Juvenile Justice Delinquency Prevention Act (JJDPa) with respect to the processing and holding of juveniles. As a voluntary participant in the JJDPa, Florida must maintain and monitor compliance with the core requirements of the Act. This Guidance Manual will describe those requirements and detail the allowable exceptions to them.

In return for this demonstrated and documented compliance the State annually receives federal funds that the Governor, Legislature, and DJJ may use to support a variety of local, community-based programs to promote public safety and reduce juvenile delinquency. The JJDPa funds often provide the initial revenue for both the development and implementation of pilot programs for juveniles so that the effectiveness of the programs can be assessed before instituting them on a statewide level.

The Florida Department of Juvenile Justice is the designated state agency responsible for the administration of federal JJDPa and related funds and is responsible for the ongoing monitoring of all secure and non-secure facilities in the State that hold, or potentially could hold, juveniles pursuant to public authority.

This Guidance Manual is based in large part on the Guidance Manual for Monitoring Facilities under the Juvenile Justice and Delinquency Prevention Act of 2002 published in September 2003 by the federal Office of Juvenile Justice and Delinquency Prevention. The information contained in this Manual is for guidance purposes and is believed to be current and accurate; however, all final decisions regarding compliance in Florida rests solely with the Florida Department of Juvenile Justice.

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## **Juvenile Justice & Delinquency Prevention Act (JJDP)**

The United States Congress does not have the power under the Constitution to direct how the states design and implement their respective juvenile justice systems. In order to encourage states to participate in the Act and implement its goals, Congress made it possible for the states to receive federal funding, but only if each state voluntarily accepted a number of provisions, as a condition of receiving those funds. The Act, as amended through 2002, establishes four core requirements (also referred to as “core protections”):

Section 223(a)(11) --Deinstitutionalization of Status Offenders,  
Section 223(a)(12) --Sight and Sound Separation,  
Section 223(a)(13) --Jail Removal, and  
Section 223(a)(22) --Disproportionate Minority Confinement.

Congress established the Juvenile Justice and Delinquency Prevention Act of 1974 to, 1) provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and, 2) provide resources to increase the capacity of state and local governments, and public and private agencies, to conduct effective juvenile justice and delinquency prevention and rehabilitation programs. [JJDP; Public Law 93-415, 42 U.S.C 5601] This legislation was designed to provide federal direction, coordination, and resources to increase the effectiveness of state juvenile justice systems. The Act also promoted the development of effective programs to prevent delinquency, divert juveniles from the juvenile justice system, and provide alternatives to institutionalization. These goals were reaffirmed in the reauthorization of the Act in 2002.

A second important element in the 1974 Act was to protect juveniles in the juvenile justice system from inappropriate placements and from the harm — both physical and psychological — that can occur as a result of exposure to and contact with adult criminal offenders.

President George W. Bush signed the JJDP Act of 2002 on November 2, 2002. This renewed Act updates the 1974 legislation by incorporating many of the federal regulations that have been developed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) over the years to define and refine the compliance monitoring process.

## JJDP Core Requirements Regarding

### Juvenile Assessment Centers, Juvenile Detention Centers, & Juvenile Residential Facilities

#### Introduction

The JJDP Act provides definitions for secure juvenile detention and correctional facilities, as well as staff secure facilities. There is no similar definition for a juvenile assessment center (JAC). It is the responsibility of the State to classify all of the facilities in the State that are authorized to hold juveniles pursuant to public authority. In reviewing the characteristics and applicable procedures of JACs, it has been determined that these facilities, in design and function, most resemble a juvenile detention center. Thus, the JJDP Act requirements, relating to secure juvenile detention centers, will be applied to the monitoring of secure JACs in Florida. All references in this Manual to secure juvenile detention facilities are applicable to JACs. JACs that are entirely non-secure or staff-secure do not come within the monitoring purview of the JJDP Act.

There are several other differences between the federal JJDP Act regulations, which are used to monitor compliance, and the laws and policies that control the operations of JACs in Florida:

#### Time Frames:

Florida DJJ policy states that a juvenile shall not be kept or held in a JAC for longer than six (6) hours; however, if the juvenile is held longer than six hours, the JAC must document the reasons and actions taken to release the juvenile in a timely fashion.

The time frames under the JJDP Act vary, according to the legal status of the juvenile. There is no time limitation for juveniles alleged to be or adjudicated delinquent. Alleged status offenders may be securely held in a JAC or JDC for up to 24 hours (excluding weekends and holidays), either before to subsequent to a court hearing. Adjudicated status offenders (who have not been found to have violated a valid court order), non-offenders and civil law offenders may not be held securely for any period of time. Adjudicated status offenders found to have violated a valid court order may be securely held for any period ordered by the court.

#### Criminal Court Jurisdiction:

Florida DJJ policy prohibits direct filed juveniles or juveniles previously adjudicated as an adult (who received adult sanctions) from being held in the secure area of a JAC or JDC when a juvenile is present (unless that "adult" offender is still within the jurisdiction of the juvenile court). The JJDP Act does not consider this co-mingling to be a violation.

#### Non-Delinquent Youth:

Florida DJJ policy prohibits the processing or placing of a non-delinquent youth in the same area as a delinquent youth for any length of time. The JJDP Act limits this prohibition to secure areas only.

## **Behavior Management:**

Florida DJJ policy allows a JAC or JDC to utilize disciplinary confinement in certain instances. The secure confinement of a non-offender or civil-type offender youth, otherwise held non-securely, would be a violation of the JJDP Act.

## **Minor in Possession:**

In Florida, Section 562.111, F.S., makes it unlawful (second-degree misdemeanor) for any person under the age of 21 to possess alcoholic beverages or to misrepresent or misstate his or her age to obtain alcoholic beverages. The JJDP Act regulations, however, consider this offense to be a “status offense”, regardless of how it is classified under state law.

Conversely, disorderly intoxication, also a second degree misdemeanor under Florida law [s. 856.011, F.S.], is not considered a status offense because it applies equally to all adults and juveniles. Thus, it is classified a criminal act for JJDP Act purposes, and a juvenile taken into custody for this offense would be classified as an alleged delinquent.

The following sections detail the specific compliance monitoring regulations that apply to secure JAC’s, JDC’s and Juvenile Residential Facilities.

## **Section 223(a)(11) — Deinstitutionalization of Status Offenders**

The JJDP Act provides that status offenders, non-offenders, and civil-type offenders not be detained or confined in secure detention or correctional facilities. There may be rare situations, however, where short-term secure custody of accused status offenders may be necessary. For example, detention in a juvenile facility for a brief period of time prior to formal juvenile court action for investigative purposes, for identification purposes, or for the purpose of allowing return to the juvenile’s parents or guardian may be necessary. Detention for a brief period of time under juvenile court authority may also be necessary in order to arrange for appropriate shelter care placement. Therefore, OJJDP regulations allow a facility to hold an accused status offender in a secure juvenile detention facility for up to 24 hours, exclusive of weekends and legal holidays, prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and legal holidays, immediately following an initial court appearance. Status offenders who fail to appear for court hearings remain status offenders; they cannot be upgraded to delinquent offenders for their failure to appear.

This limited 24 hour exception does not apply to non-offenders and civil-type offenders. The admission to a secure JAC or secure area of a JAC for any period of time of these juveniles would be a violation of the JJDP Act.

Status offenders cannot be securely detained after adjudication unless all of the conditions of the Valid Court Order (VCO) Exception (see below) are met. Juveniles who have committed a violation of the Youth Handgun Safety Act or are held in accordance with the interstate Compact on Juveniles, as enacted by the state, are excluded from the DSO requirement in total.

## **Youth Handgun Safety Act Exception**

The Youth Handgun Safety Act (18 U.S.C. 922(x)) prohibits possession of a handgun by a minor under the age of 18. There are exceptions to this act such as using a handgun in a gun safety course or hunting under the supervision of an adult. Because the Youth Handgun Safety Act applies only to juvenile offenders, it fits the definition of a status offense; however, the Violent Crime Control and Law Enforcement Act of 1994, Subtitle B, Youth Handgun Safety, amended the JJDP Act to provide

that juveniles who violate United States Code, Title 18, Section 922(x), or a similar State law, can be placed in secure detention or secure correctional facilities without violating the JJDP Act. In Florida, that similar law would be s. 790.22 [Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited]. Because of this exception to the JJDP Act, violations of the Youth Handgun Safety Act or a similar state law can be considered either status offenses punishable by detention or confinement or delinquent offenses. The number of these offenders held securely must be reported to OJJDP in the state's annual monitoring report.

### **Out-of-State Runaways**

Out-of-state runaways securely held beyond 24 hours solely for the purpose of being returned to proper custody in another state in response to a want, warrant, or request from a jurisdiction in the other state or pursuant to a court order must be reported as violations of the Deinstitutionalization of Status Offenders requirement. Juveniles held pursuant to the Interstate Compact on Juveniles enacted by the state are excluded from the DSO requirements in total.

### **Federal Wards**

The JJDP Act states that "juveniles....who are aliens shall not be placed in secure detention facilities or secure correctional facilities." Federal wards held beyond 24 hours in state and local secure detentions and correctional facilities pursuant to a written contract or agreement with a federal agency and for the specific purpose of affecting a jurisdictional transfer, or appearances as a material witness, or for return to their lawful residence or country of citizenship must be reported as violations of the deinstitutionalization of status offenders requirement.

### **Exception for Status Offenders who Violate a Valid Court Order (VCO Exception)**

The VCO Exception provides that adjudicated status offenders found to have violated a valid court order may be securely detained in a juvenile detention or correctional facility. The JJDP Act of 2002 defines a valid court order 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 juvenile by the Constitution of the United States.

For the VCO Exception to apply, the Act requires that the following actions occur when an adjudicated status offender is taken into custody for violating a valid court order:

- An appropriate public agency must be promptly notified that the juvenile is held in custody for violating the order;
- Not later than 24 hours during which the juvenile is held, an authorized representative of the agency shall interview, in person, the juvenile; and
- Not later than 48 hours during which the juvenile is held:
  - The representative must submit an assessment to the court that issued the order regarding the immediate needs of the juveniles; and
  - 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.

In the event the court orders the juvenile detained pending the disposition, the disposition hearing should be held as soon as possible while still allowing reasonable time for the court to obtain additional information to enable it to make a disposition in the best interest of the status offender.

Because the JJDP Act does not provide substantive legal authority to a state, where state legislation

currently prohibits the secure confinement of status offenders who violate a valid court order, legislative amendment would be required if a state wanted to have the ability to confine status offenders who violate valid court orders.

Although some states' common laws or statutes allow the courts to use traditional contempt power, failure to appear, or probation violation to upgrade a status offender to a delinquent offender, a status offender held for violating a valid court order remains a status offenders, and the VCO Exception process must be followed, unless the violation itself is a delinquent act as defined under federal law.

To demonstrate compliance with the process governing the VCO Exception, the state must report in its annual compliance monitoring report the total number of status offenders held in any secure detention or correctional facility pursuant to the VCO Exception. The state must have a system in place to verify whether court orders used to hold status offenders in juvenile detention center comply with the conditions listed above. At a minimum, the state must randomly verify 10 percent of all adjudicated status offenders held securely because of violating a valid court order. If a system is not in place to monitor compliance with the conditions and process governing the VCO Exception, all uses of the VCO Exception must be reported as violations of DSO.

### **Section 223(a)(13) - Jail Removal - Collocated Facilities**

Within the JAC, JDC or Residential Program, there is no time frame in which a delinquent youth must be removed from the facility as all of these facilities are juvenile only. However, in Florida we have some collocated facilities. A collocated facility is a juvenile facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered related when it shares physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water, and sewer). Juvenile facilities collocated with adult facilities are considered adult jails or lockups, absent compliance with the collocated facility criteria.

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

- 1 The facility must ensure separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults in the facility. Separation can be achieved architecturally or through time phasing of common use nonresidential areas. This includes adult inmates on the outside of the fence and able to see within the program doing such tasks as lawn maintenance, waster removal, etc; and
- 2 The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and
- 3 The facility must have separate staff for the juvenile and adult populations, including management, security, and direct care staff. Staff providing specialized services (e.g., medical care, food service, laundry, maintenance, and engineering) who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of juveniles and adults can serve both populations (subject to State standards or licensing requirements).



The day-to-day management, security, and direct care functions of the juvenile detention center must be vested in a totally separate staff, dedicated solely to the juvenile population within the collocated facilities; and

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

If the juvenile facility meets these four criteria, it would qualify as a separate secure juvenile detention center or correctional facility and would follow the reporting requirements listed for juvenile facilities. In the converse, if it does not meet these criteria it would be considered an adult jail or lockup and follow the rules and exceptions for those facilities.

### **County or Municipal Operated Juvenile Detention Facilities**

Florida § 985.688 in 2011 was enacted to provide for counties or municipalities to run their own juvenile detention facility. There are two types of programs.

- *A county or municipality government may establish and operate a juvenile detention facility if certified by FDJJ; or*
- *A county or municipality government may operate a juvenile detention facility if the following are met:*
  - The county provides for full cost for pre-adjudicated detention for juveniles;
  - The county authorizes the county sheriff, any other county jail operator, or a contracted provider located inside or outside the county to provide pre-adjudication detention care for juveniles;
  - The county sheriff or other county jail operator is accredited by the Florida Corrections Accreditation Commission (FCAC) or American Correctional Association (ACA); and
  - The facility is inspected annually and meets the Florida Model Jail Standards.
- Florida Model Jail Standards, Chapter 20 – *Youth Detention Facilities*, provides some further requirements for county or municipality government run Juvenile Detention Centers.
  - Section 20.01 states that (1) “Each facility shall be pre-inspected by a FMJS Inspector for compliance prior to operation” and (2) “Annual regular inspections shall commence upon initial FMJS pre-inspection compliance.”
  - Section 20.02 *Use of Force* states:
    - Each agency shall develop policies and procedures on use of force, which is consistent with the Florida Department of Law Enforcement (FDLE) Use of Force Continuum and/or the Florida Department of Juvenile Justice (FDJJ) Use of Force Continuum regarding resistance and control techniques as well as local, state and federal laws.
      - (1) FDLE approved training for certified corrections officers is required
      - (2) FDJJ approved training for non-corrections certified employees is required
    - Each agency will adopt a comprehensive annual training program for employees consistent with policies and procedures and the Florida

Department of Law Enforcement (FDLE) Use of Force Continuum and/or the Florida Department of Juvenile Justice (FDJJ) Use of Force Continuum regarding resistance and control techniques.

(1) FDLE approved training for certified corrections officers is required

(2) FDJJ approved training for non-corrections certified employees is required

- Employees who are assigned to adult inmate duties shall not directly supervise in a county operated youth detention facility on the same shift, unless the adult inmate duties come after youth detention duties; except in life-threatening situations. (Once adult inmate duties are performed, an employee shall not return to the direct supervision of youth duties during the same work-shift). (20.02(l))
- Adult inmates shall not be allowed to serve meals or provide miscellaneous duties in a youth detention facility. (20.02(m))

### **Section 223(a)(12) - Sight and Sound Separation**

Accused or adjudicated delinquent offenders, status offenders, and non-offenders cannot have contact with adult inmates, including inmate trustees. Contact is defined to include any physical or sustained sight and sound contact. Sight contact is defined as clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between adult inmates and juvenile offenders. It is important to note that the separation requirement prohibits a state from transferring adult offenders to a juvenile correctional authority for placement in a juvenile facility. For example, an adult could not be transferred to a juvenile detention center to alleviate overcrowding in an adult jail. Inmate trustees who perform maintenance or other duties at a juvenile detention center or juvenile training school must be sight and sound separated from the juvenile detainees at all times. Separation may be accomplished architecturally or through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by juveniles and adults. The state must monitor all juvenile detention facilities and juvenile training schools for separation.

### **Transferred, Waived or Direct Filed Youth**

A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court may be detained or confined in a juvenile correctional facility or juvenile detention center with other juveniles who are under the jurisdiction of the juvenile court. This is not a violation of the separation requirement because the youth is not a juvenile "alleged to be or found to be delinquent" (he or she has been charged with a criminal, not delinquent act) and the youth is not an "adult inmate."

### **Adults Under the Jurisdiction of the Juvenile Court**

An adult held for a delinquency proceeding can be held in a juvenile detention center or a juvenile training school. For example, if a 17-year-old juvenile committed a burglary and was charged with this delinquent offense at age 18, he or she could be held in a juvenile detention center. This does not violate the separation requirement because the 18-year-old adult has not been "convicted of a crime or is awaiting trial on criminal charges."

## **Section 223(a)(22)-Disproportionate Minority Confinement**

While 32 percent of the Nation's population age 12 to 17 is minority, 68 percent of the confined juvenile population is composed of minority youth. In 1988, Congress took note of this problem by focusing State attention on the phenomenon of disproportionate minority confinement in the juvenile justice system. In 1992, Congress required States to address disproportionate minority confinement as a condition for receiving 25 percent of the State's Formula Grants program allocation, making it the fourth and final core protection of the JJDP Act.

This protection requires States to determine if minority juveniles are disproportionately confined in secure detention and correctional facilities and, if so, to address any features of their juvenile justice systems that may account for the disproportionate confinement of minority juveniles. This core requirement neither requires, nor establishes, numerical standards or quotas in order for a State to achieve or maintain compliance. Rather, it requires States to identify whether minority juveniles are disproportionately detained or confined in secure facilities, provide a complete assessment of why disproportionate minority confinement exists, and provide an intervention plan that seeks to reduce the disproportionate confinement of minority juveniles in secure facilities.

In 2002 Congress broadened this requirement to apply to the state's entire juvenile justice system, not solely confinement.

To gather data for the disproportionate minority confinement requirement, the State may request the race and/or ethnicity of each juvenile offender brought to each facility.

A summary of the types of offenders and the secure holding allowed in juvenile assessment centers is available on the next page.

**Summary of the JJDP A:  
Juvenile Detention or Correctional Facilities**

	<b>Secure Juvenile Detention or Juvenile Correctional Facility</b>
Non-Offenders	Secure holding prohibited
Accused Juvenile Status Offender	Secure hold limited to 24 hours prior to and 24 hours after an initial court appearance (excluding weekends and holidays)
Adjudicated Juvenile Status Offender	Secure holding prohibited
Status Offender accused of violating a valid court order	Juvenile must be interviewed by an appropriate public agency within 24 hours of being placed in secure custody. The court must receive an assessment from the public agency and the juvenile must have a reasonable cause hearing within 48 hours of being placed in secure custody. Time limits exclude weekends and holidays.
Status Offender adjudicated for violating a valid court order	No restrictions on holding
Accused Juvenile Delinquent	No restrictions on holding
Adjudicated Juvenile Delinquent	No restrictions on holding
Juvenile transferred to criminal court and charged with a misdemeanor	No restrictions on holding
Juvenile transferred to criminal court and convicted of a misdemeanor	No restrictions on holding
Juvenile transferred to criminal court and charged with or convicted of a felony	No restrictions on holding
Adult accused of or convicted of a criminal offense	Secure holding prohibited

## Monitoring for Compliance:

### Juvenile Assessment Centers, Juvenile Detention Centers, & Juvenile Residential Facilities

#### Monitoring Process

In order for states to receive JJDP and related funding, they must be in compliance with the core requirements of the JJDP Act. Each state annually prepares and submits to the OJJDP a Monitoring Report on these requirements. The Report is based on data the state collects from both juvenile and adult facilities. Data collection includes self-reporting to state agencies, on-site data collection, and verification by a state agency (or its contracted agent), or a combination of these methods. All state agencies administering JJDP Act funds are required to verify data that are self-reported by facilities or received from other state agencies. [Section 223(a)15]

In Florida the Department of Juvenile Justice has been designated by the Governor as the reporting agency. The primary responsibility lies with the DJJ Office of Research and Planning. DJJ contracts with G4S Youth Services, LLC to collect data from local facilities and conduct compliance monitoring activities.

The JJDP Act, as amended in 2002, stipulates that if a state fails to comply with one or more of the core requirements, the State's allocation shall be reduced by not less than 20% for each such requirement, and shall agree to expend 50% of the amount allocated to the State for that fiscal year to achieve compliance with any of the requirements in noncompliance.

The State, i.e., FDJJ, is responsible for monitoring for compliance with the JJDP. There are four major tasks to be completed:

1. *Identification of the monitoring universe:* This refers to the identification of all facilities in the State that might hold juveniles pursuant to public authority. Every facility that has this potential, regardless of the purpose for housing juveniles, comes under the purview of the monitoring requirements. This also includes those facilities owned or operated by public and private agencies.
2. *Classification of the monitoring universe:* This is the classification of all facilities in the State to determine which ones should be considered as a secure detention or correctional facility, adult correctional institution, jail, lockup, or other type of secure or non-secure facility.
3. *Inspection of facilities:* inspection of facilities is necessary to ensure an accurate assessment of each facility classification and record keeping. All facilities classified as secure detention or correctional facilities, jails, lockups, and other facilities must have periodic, on-site inspections to determine compliance with the core protections. The inspection must include:
  - a. 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,
  - b. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with DSO, jail removal, and separation.

4. *Data collection and data verification:* Data collection and reporting are required to determine whether facilities in the State are in compliance with the applicable requirements of DSO, Jail Removal, and Separation. The length of the reporting period should be 12 months, but in no case less than 6 months. If reporting 6 months of data, the data must be projected for a full year in a statistically valid manner. If the data is self-reported by the facility or is collected and reported by an agency other than the State agency receiving Federal Grant funds, the plan must describe a statistically valid procedure used to verify the reported data.

In Florida most monitoring activities involve county jails and correctional facilities, municipal lockups, juvenile assessment centers, and juvenile residential commitment facilities. These activities include monthly/annual reporting by the facilities, on-site compliance monitoring and data verification visits conducted by the Florida JJDP A Compliance Monitoring Project staff, and the collection and analysis of compliance-related data to be included in the State's annual report to OJJDP.

### **Site Visit**

States are annually required to visit a minimum of 10% of all of the facilities in each category in the State's monitoring universe to verify compliance with the JJDP Act. Florida JJDP A Compliance Monitoring Project Staff make every effort to provide at least 30 days advance notice to the Administrators of facilities that are scheduled to be visited.

The primary purposes of the site visit include the following:

1. Review the physical design and accommodations of the facility to determine whether it is a secure or non-secure facility, or in the alternative, which portions of the facility may be secure or non-secure.
2. Determine the level of sight and sound separation between juveniles and adults.
3. Review and discuss any facility policies and procedures or post orders that may be relevant to compliance.
4. Review the record keeping and reporting systems to determine whether sufficient data relating to compliance are maintained and properly reported.
5. Provide any technical assistance or information requested by the facility.

## Definitions

**Adult inmate.** 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 (42 U.S.C. 5603 Sec 103 (26)).

**Civil-type juvenile offender.** A juvenile offender who has been charged with or adjudicated for an offense that is civil in nature. Examples include noncriminal traffic violations and noncriminal fish and game violations.

**Collocated facilities.** Collocated facilities are facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds. (42 U.S.C. 5603 Sec 103 (28)).

**Contact (sight and sound).** Any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between incarcerated adults and juvenile offenders (28 CFR 31 .303(d)).

**Criminal-type juvenile offender.** A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(g)).

**Facility.** 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 (28 CFR 31 .304(c)).

**Juvenile offender.** An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law, i.e., a criminal-type offender or a status offender (28 CFR 31 .304(f)).

**Juvenile who is accused of having committed an offense.** 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 (28 CFR 31.304(d)).

**Juvenile who has been adjudicated as having committed an offense.** 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 (28 CFR 31.304(e)).

**Lawful custody.** The exercise of care, supervision, and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree (28 CFR 31.304(j)).

**Non-offender.** A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile (28 CFR 31.304(i)). These cases are referred to by many names including Children in Need of Services (CHINS), Children in Protective Services (CHIPS), and Families in Need of Services (FINS).

**Related complex of buildings.** Related complex of buildings means 2 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. (42 U.S.C. 5603 Sec 103 (28)).

**Secure custody.** As used to define a detention or correctional facility, this term 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)).

**Secure juvenile detention center, assessment center or correctional facility.** A secure juvenile detention or correctional facility is any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders. Many states use the term "training school" for juvenile correctional facilities.

**Staff secure facility.** A staff secure facility may be defined as a residential facility (1) which does not include construction features designed to physically restrict the movements and activities of juveniles who are in custody therein; (2) which may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

**Status offender.** A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(h)) (i.e., Truancy, violations of curfew, runaway, ungovernable, underage possession and/or consumption of tobacco products, and underage alcohol offenses).



## **Florida JJDPa Compliance Monitoring Project**

The Florida JJDPa Compliance Monitoring Project conducts the State's JJDPa compliance monitoring under Contract #10108 between the Florida Department of Juvenile Justice and G4S Youth Services, LLC.

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