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Colorado's Compliance Monitoring Policy and Procedures Manual

For the Juvenile Justice
Delinquency Prevention Act
(JJDA) and Juvenile Justice
Reform Act of 2018 (JJRA)



COLORADO
Division of Criminal Justice
Department of Public Safety

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INTRODUCTION TO COMPLIANCE MONITORING POLICIES AND PROCEDURES

Since its passage in 1974, the JJDPA has changed the way states and communities deal with troubled youth. The original goals of the JJDPA and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) were simple: to help state and local governments prevent and control juvenile delinquency and to improve the juvenile justice system. The reauthorization of the JJDPA in 2002 reaffirmed these goals. A second important element in the 1974 JJDPA was to protect juveniles in the juvenile justice system, including those detained in adult facilities, from inappropriate placements and from the harm—both physical and psychological—that can occur as a result of exposure to adult inmates.

To be eligible to receive a Formula Grants Program award, states must satisfy the 28 state plan requirements described at 34 U.S.C. § 11133(a). Within the 28 state plan requirements are four requirements that are deemed to be “core” because OJJDP will reduce a state’s annual Formula Grants award by 20 percent for each requirement with which the state is determined to be out of compliance. These core requirements are:

- Deinstitutionalization of status offenders (DSO) (34 U.S.C. § 11133(a)(11)).
- Separation of juveniles from adult inmates in institutions (separation) (34 U.S.C. § 11133(a)(12)).
- Removal of juveniles from jails and lockups for adults (jail removal) (34 U.S.C. § 11133(a)(13)).
- Addressing disproportionate minority contact (DMC) where it exists (34 U.S.C. § 11133(a)(22)).

Assessing compliance affects Colorado’s eligibility for formula grant funding and participation in various programs offered through the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). An effective compliance monitoring system clarifies gaps in the continuum of care and highlights challenge areas in a State’s juvenile justice system. As a result, compliance monitoring can represent a component in the process of state policy and program development.

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. The following information describes the Compliance Monitoring system in Colorado. As the State Planning Agency for the JJDPA, the Division of Criminal Justice (DCJ) is responsible for monitoring and reporting under the JJDPA and JJRA. The Division of Criminal Justice compliance monitor will perform statewide monitoring. A detailed description of the process and tasks is contained in subsequent policies. This manual will address both the internal compliance monitoring tasks and responsibilities, as well as the guidance and instruction for the external departments, agencies, and entities.

1.0 JUVENILE JUSTICE DELINQUENCY PREVENTION ACT (JJDP) of 2002 and the JUVENILE JUSTICE REFORM ACT (JJRA) of 2018

1.1 JJDP

Link: JJDP

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/jjact.pdf>

Congress enacted the Juvenile Justice and Delinquency Prevention (JJDP) Act (Pub. L. No. 93-415, 34 U.S.C. § 11101 et seq.) in 1974. This landmark legislation established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to support local and state efforts to prevent delinquency and improve the juvenile justice system.

JJDP Act Milestones:

1974 -

- Act signed into law.
- Created Formula Grants program.
- Established the separation requirement.
- Established the deinstitutionalization of status offenders (DSO) requirement.

1977 -

- Increased and expanded DSO and separation requirements.
- Emphasized prevention and treatment.

1980 -

- Established jail removal requirements.

1984 -

- Enhanced and amended jail removal requirements.

1988 -

- Addressed disproportionate minority confinement (DMC) as a requirement.

1992 -

- Amended DSO, jail removal, and separation requirements.
- Elevated DMC to a core requirement.
- Established the Title V Incentive Grants for Local Delinquency
- Prevention Grants Program (Title V).
- Established new programs to address gender bias.
- Emphasized prevention and treatment, family strengthening, graduated sanctions, and risk-need assessments.

2002 -

- Broadened the scope of the DMC core requirement from "disproportionate minority confinement" to "disproportionate minority contact".
- Consolidated seven previously independent programs into a single Part C prevention block grant.
- Created a new Part D, authorizing research, training and technical assistance, and information dissemination.
- Added Part E, authorizing grants for new initiatives and programs.
- Reauthorized Title V.
- Required states to give funding priorities of their formula and block grant allocations to evidence-based programs.
- Reauthorized Title II Formula Grants Program.
- Revised the Juvenile Accountability Incentive Block Grants program, which is now called the Juvenile Accountability Block Grants program (as part of the Omnibus Crime Control and Safe Streets Act).

1.2 JJDP – Partial Final Rule issued by OJJDP

Link: Partial Final Rule

<https://www.federalregister.gov/documents/2017/01/17/2017-00740/juvenile-justice-and-delinquency-prevention-act-formula-grant-program>

On January 17, 2017, the Office of Juvenile Justice and Delinquency Prevention (“OJJDP”) of the U.S. Department of Justice’s Office of Justice Programs (“OJP”), published a partial final rule to amend portions of the formula grant program (“Formula Grant Program”) regulation to reflect changes in OJJDP policy. That rule became effective on February 16, 2017.

In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” this action hereby temporarily delays the effective date of the final rule entitled “Juvenile Justice and Delinquency Prevention Act Formula Grant Program” until March 21, 2017 (which is 60 days from January 20, 2017). This temporary delay will allow Department of Justice officials an opportunity to review any potential questions of fact, law and policy raised by this regulation, consistent with the Chief of Staff’s memorandum of January 20, 2017.

Summary of the Major Provisions of the Partial Final Rule

This rule amends the Formula Grant Program regulation in the following respects:

- It replaces 28 CFR 31.303(f)(6), which provides standards for determining compliance with the core requirements found at 42 U.S.C. 5633(a)(11), the “deinstitutionalization of status offenders” (DSO); 42 U.S.C. 5633(a)(12), “separation”; and 42 U.S.C. 5633(a)(13), “jail removal”;

- It provides a definition for the term “detain or confine,” clarifying that the term refers to both the secure detention and non-secure detention of juveniles. The partial final rule the revised definition of “detain or confine” clarifies, per the statute, that the term does not apply to situations where juveniles are being held solely pending their return to a parent or guardian or pending transfer to the custody of a child welfare or social services agency. Under the section of the Detained and Confined definition that states, solely for the purpose of returning them to their parents or guardian or pending their transfer to the custody of a child welfare or social service agency (this does NOT include a secure juvenile detention facility);
- The Jail Removal Requirement only applies in an Adult Jail or Lockup, therefore, the 6-hour time exception can only be applied to the time spent at the jail or lockup. However, those status offenders that are picked up on a warrant for Contempt or Failure to Appear, have now committed that offenses that would be criminal if committed by an adult. Because of this, they may now be held under the 6 hours’ rule;
- It changes the deadline to February 28th for States to report their compliance monitoring data for the previous federal fiscal year and provides that the Administrator may, for good cause, grant a State’s request for an extension of the February 28th reporting deadline to March 31st;
- It requires that States provide compliance data for 85% of facilities that are required to report on compliance with the DSO, separation, and jail removal requirements; and
- It adds a requirement that States provide a full twelve months’ worth of compliance data for each reporting period.

1.3 DOJ Rescinded documents (and date when they were originally issued) issued by DOJ

Link: Rescinded Policies by DOJ

<https://drive.google.com/file/d/1J7iwulEZOa0ATdKxE4Fgo7zHOIoQgBP8/view?usp=sharing>

Attorney General Jeff Sessions rescinded 25 documents that were written to provide legal guidance by past administrations. Citing his own November 2017 memo barring agency lawyers from writing rules in ways that deviate from congressional intent. A.G. Sessions released a list of guidance documents that he considered were “unnecessary, outdated, inconsistent with existing law, or otherwise improper.” The items rescinded in 2018, pertaining to JJDPa compliance monitoring are:

- March 17, 2011, OJJDP Memorandum re Status Offenders and the JJDPa.

- October 20, 2010 OJJDP Memorandum re Status Offenders and the JDDPA.
- June 17, 2014, Revised Guidance on Jail Removal and Separation Core Requirements.
- Disaggregating MIP Data from DSO and/or Jail Removal Violations: OJJDP Guidance for States, 2011.
- OJJDP Policy Guidance for Non-secure Custody of Juveniles in Adult Jails and Lockups; Notice of Final Policy.
- OJJDP Guidance Manual: Audit of Compliance Monitoring Systems.

1.4 Juvenile Justice Reform Act of 2018 (JJRPA reauthorization); H.R. 6964

Link: Juvenile Justice Reform Act of 2018 (JJRA)

<https://www.congress.gov/115/plaws/publ385/PLAW-115publ385.pdf>

Link: JJRPA Redlined Version with JJRA Amendments

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/254285.pdf>

Key Amendments to the JJRPA of 2018

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/252961.pdf>

In 2018, the Juvenile Justice Reform Act of 2018 (JJRPA) (the reauthorization of the JJRPA) (Pub. L. No. 115-38) was passed. According to the JJRPA, the amendments made by this Act shall not apply with respect to funds appropriated for any fiscal year that begins before the date of the enactment of this Act.” The JJRPA was enacted on December 21, 2018 (i.e., in FY 2019) and so the amendments do not apply to funds appropriated for FY 2019 or for previous years. Rather, the JJRPA amendments apply to funds appropriated for FY 2020, which is the period beginning on October 1, 2019.

The key changes to the JJRPA based on the passage of the JJRPA, for compliance monitoring, are summarized below:

(1) (Section 102) Definitions have changed for some of the terms used in the statute, including “adult inmate,” “contact” (which is now “sight or sound contact”), and “jail or lockup for adults.”

Adult Jail or Lockup - means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates.

Sight or Sound Contact - means any physical, clear visual, or verbal contact that is not brief and inadvertent.

Adult Inmate -

A. Means an individual who:

- (i) has reached the age of full criminal responsibility under applicable State law; and
- (ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense; and

B. Does not include an individual who:

- (i) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and
- (ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;

(2) (Section 221(2)(A) and (B).) Planning and Administration - States will be required to designate “not less than one individual” for the purpose of coordinating state compliance efforts.

(3) (Section 222(d).) State Plan Requirements Publication on State’s Website - States now will be required to post their final state plans on their public websites 60 days after they are finalized (i.e., have received final approval by OJJDP).

(4) The JJRA added a number of program areas that states may support with formula grant funds, including:

- A. legal representation for juveniles;
- B. informing juveniles of the opportunity for records expungement and sealing, and providing them with assistance;
- C. addressing the needs of girls in or at risk of entering the juvenile justice system;
- D. compliance monitoring; and
- E. providing training and technical assistance on the core requirements to secure facilities.

(5) (Section 223(a)(9).) Juveniles Treated as Adults - By December 21, 2021, unless found by a court to be in the interest of justice, juveniles who are being charged and tried as adults:

- A. may not have sight or sound contact with adults, and
- B. may not be detained in a jail or lockup for adults (except as provided under the jail removal requirement).

The determination of whether such detention would be in the interest of justice must:

- A. be after a hearing;
- B. be in writing; and
- C. take into consideration several criteria (e.g., the juvenile’s age, physical and mental maturity, present mental state, history of delinquency). When the court

finds such detention in the interest of justice, there are additional requirements that must be met. This requirement was added to Section 223(a)(11) which is one of the core requirements with which failure to comply will result in a reduction in funding. (Section 23(a)(11)(B).)

(6) System of Compliance Monitoring must now describe an “effective” system of monitoring for compliance with the core requirements but no longer need include non-secure facilities in their monitoring universe. (Section 223(a)(14).)

(7) **Valid Court Order** Additional requirements have been imposed for use of the valid court order exception to the DSO requirement. Specifically, within 48 hours of the juvenile being taken into custody for violation of the VCO, if the court determines that placement in a secure detention or secure correctional facility is warranted, the court must issue a written order setting out the specific factual circumstances surrounding the violation of the VCO. The written order also must include findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile. Placement may not exceed 7 days and the court’s order may not be renewed or extended. A second or subsequent order is not permitted with respect to violation of a particular VCO. The JJRA also added a requirement that there must be procedures in place to ensure that a status offender is not detained longer than 7 days or the length of time directed by the court (whichever is shorter). (Section 223(a)(23).)

2.0 COMPLIANCE MONITORING PLAN (STATE PLAN)

Link: 2018-19 Compliance Monitoring Plan

<https://drive.google.com/file/d/1qEE10Xj2Uc5rMoOnAVwolDjcAK0-dpkT/view?usp=sharing>

Link: 2017 Colorado's Compliance Monitoring Plan

https://drive.google.com/file/d/1TTpN4J0mC9eOu17VjSUv_r0Ht7I0e0Rl/view?usp=sharing

2.1 Formula Grant Application

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Juvenile Justice and Delinquency Prevention (OJJDP) puts out applications each year for funding under the Title II Formula Grants Program. This program furthers the Department's mission by providing funding to the states to develop programs to address delinquency and improve the juvenile justice system.

Applicants must satisfy all statutory requirements of the state plan under 34 U.S.C. § 111333(a), which includes the four core requirements, adequacy of monitoring system, and State Advisory Group (SAG) provisions (refer to Appendix I). If a state fails to provide the required information or assurances to satisfy each of the statutory requirements prior to acceptance of the award (which may be no later than 45 days from the date of the award), the state will be ineligible for a Formula Grants Program award.

FY19 Title II Formula Grant Solicitation

https://drive.google.com/file/d/1Jq_UpSyTDWBpRqx3pbri-ijMxKBPbYAv/view?usp=sharing

Colorado is required by OJJDP to have a written plan that provides for an adequate (now effective) system of monitoring secure and non-secure facilities to ensure that the core protections of the JJDP Act and Formula Grant Regulations are being complied with.

Assessing compliance affects Colorado's eligibility for formula grant funding and participation in various programs offered through OJJDP. Noncompliance with any of the four core requirements results in a 20% reduction of Formula Grant funds awarded to the state. In addition, 50% of the remaining funds must be spent on the core requirement Colorado is out of compliance with. An effective compliance monitoring system clarifies gaps in the continuum of care and highlights challenge areas in a State's juvenile justice system. As a result, compliance monitoring can represent a component in the process of state policy and program development.

At Colorado's Division of Criminal Justice (DCJ), the Manager of the Office of Adult and Juvenile Justice Assistance (OAJJA) writes the State Plan. There are 2 segments of the Plan which are written by other staff; the Compliance Monitoring Plan, which addresses the first 3 core requirements, is written by the compliance monitor.

Plan Submission Requirements per OJJDP

Link: 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 – Sept 2019

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

A. Category 1: Due February 14, 2020. Each state should submit the following via [GMS](#):

- Year 3 Eligibility Assurances and Certifications forms.
- Plan for Compliance Monitoring describing an effective system of monitoring, as required under 34 U.S.C. § 11133(a)(14) and detailed [here](#).

Note: An updated copy of the state’s comprehensive Compliance Monitoring Policies and Procedures Manual suffices to meet this requirement where all eight required elements are fully addressed.

- Compliance Monitoring Universe.
- Compliance Plans and Resources Certification, where applicable. (submitted in GMS)

Note: Where a state was found, for the FY 2018 reporting period, to be noncompliant with the Deinstitutionalization of Status Offenders (DSO), Separation, and/or Jail Removal core requirements, the state must submit a narrative plan to achieve compliance with the noncompliant requirement(s), as detailed [here](#).

Note: Applicants must register in GMS for Category 1 no later than 8 p.m. ET on February 5, 2020. Any state/territory **failing** to meet Category 1 eligibility requirements will be notified, in writing, of this ineligibility by no later than March 20, 2020. Refer to the “How to Apply” section for details on GMS registration.

I. State Eligibility Assurances and Certification Forms:

a. DSO

- Compliance Plans and Resources Certification, or
- Submit a Plan

b. Separation

- Compliance Plans and Resources Certification, or
- Submit a Plan

c. Jail Removal

- Compliance Plans and Resources Certification, or

- Submit a Plan

II. Colorado's System for an Effective Compliance Monitoring Plan

The eight required elements of an effective compliance monitoring plan.

(a) Policy and Procedures. *Pursuant to 28 C.F.R. § 31.303(f)(1)(i), the state must provide a written plan and procedure for annually monitoring jails, lockups, detention facilities, and correctional facilities. This plan must detail the state's implementation of key monitoring system elements.*

2019-20 Colorado's Compliance Monitoring Policy and Procedures Manual for JJDPA & JJRA can be publicly accessed on the DCJ Website.

(b) Monitoring Authority. *Pursuant to 34 U.S.C. § 11133(a)(2), the designated state agency must document that it maintains requisite authority to carry out responsibilities imposed by the Formula Grants Program. This includes authority to inspect and collect data from facilities in the monitoring universe. The agency responsible for monitoring should have legal authority to monitor all facilities in which juveniles might be securely placed under public authority. The monitoring authority should be sufficiently broad to permit the monitoring agency to require each facility that could be classified as secure to be inspected for classification purposes, to maintain specific juvenile admission and release records and permit the designated compliance monitor to review these records at selected intervals during the year.*

In Colorado, the Designated State Agency (DSA), which is the Division of Criminal Justice (DCJ), collects and verifies data on all juveniles held securely. Colorado does not contract with any public or private agency to perform the monitoring function.

In 2006, Colorado obtained legislative authority to monitor and collect data. Colorado Revised Statute 24-33.5-503. "Duties of Division (Division of

Criminal Justice) (1) the division has the following duties: (r) to inspect secure juvenile facilities and collect data on juveniles that are held in secure juvenile facilities, jails, and lockups throughout the state."

Link: Duties of the Division C.R.S. 24-33.5-503

<https://drive.google.com/file/d/1i96q1JI6Kedd9XhdSdgd5-1YnLfsan3w/view?usp=sharing>

Link: Fine of up to \$1000, H.B. 06-1112

https://drive.google.com/file/d/1dyh_B48h3usmZu-SwNVr4yV_D70FeHiE/view?usp=sharing

Link: DCJ Data Collection Act C.R.S. 24-33.5518

<https://drive.google.com/file/d/1JyN0xcpRXhwWn2xLLwPg1JAFb7Tks9tq/view?usp=sharing>

Summary of Colorado Policy:

DCJ has the right to develop and enforce, pursuant to state statutes, standards for all secure facilities that might hold juveniles, to inspect the facilities for compliance, to cite facilities for violations of the standards, and to enforce sanctions when violations are not corrected.

The DCJ compliance monitor should be permitted to review records containing detention information with the verbal agreement that the monitor will respect the confidential nature of the information and will not knowingly record or divulge information that might identify a specific child except as may be required to protect the child.

Effective monitoring and enforcement can only be fully implemented when the agency's legal responsibility is defined in clear terms and is known to all parties.

Procedures:

- A. State statutes define the responsibility of agencies that may be holding juveniles securely with regard to the development and implementation of licensing requirements or other standards for operation. The DCJ compliance monitor will utilize existing statutorily defined requirements and standards by reporting and initiating compliance violations to both DCJ and the appropriate sanctioning agency.
- B. House Bill 06-1112 gives DCJ statutory authority to collect data. CRS 24-33.5-503 (1) Duties of (Division of Criminal Justice) Division: “ The division has the following duties:..... (r) to inspect secure juvenile facilities and collect data on juveniles that are held in secure juvenile facilities, jails and lockups throughout the state.”
- C. In terms of violation authority, CRS 19-2-508(8)(b) states: “A Sheriff or Police Chief who violates the provisions of paragraph (a) of this subsection (8) may be subject to a civil fine of not more than one thousand dollars.”
- D. Legislation requires DCJ to develop standards for temporary holding facilities in the State of Colorado. C.R.S. 19-1-103(106) states that temporary holding facilities must be staff-secure, or non-secure, and that they must be sight and sound separated from any area that houses adult offenders. DCJ is responsible for issuing temporary holding standards. These temporary holding standards will be used during onsite inspections of temporary holding facilities by the DCJ compliance monitor. Temporary holding facilities are required to have written policies and procedures.

E. In addition to HB 06-1112, the Governor's Executive Order gives DCJ the responsibility for coordinating the jail removal objective, thereby giving DCJ the authority to inspect and review records when a juvenile is held securely.

F. The DCJ compliance monitor will at all times respect the confidentiality of juvenile names except as may be required to protect the child.

G. The DCJ compliance monitor will report directly to the DCJ OAJJA Manager. The DCJ OAJJA Manager retains the accountability for the overall performance of the monitoring tasks.

Following is a copy of a letter from the Director of the Division of Criminal Justice designating the power to the in-house JJDP/JJRA Compliance Monitor,

“The Division of Criminal Justice (DCJ), which has oversight authority for compliance with the Juvenile Justice and Delinquency Prevention Act of 2002, has delegated the monitoring of all agencies or facilities that may hold juveniles securely to the DCJ OAJJA compliance monitor.

The Governor of the state of Colorado through his designee annually accepts federal funds under the Juvenile Justice and Delinquency Prevention Act. The Division of Criminal Justice is designated by the Governor as the State Planning Agency to administer these funds. A condition for the receipt of these funds is to annually monitor compliance/ non-compliance with the JJDP Act.

The DCJ compliance monitor is authorized by DCJ and state statues (C.R.S. CRS 24-33.5-503) to perform the following tasks:

- *Inspect facilities for compatibility with OJJDP guidelines on sight and sound separation of juveniles from adults and to determine if the DCJ classification of your facility is correct; and to*
- *Review juvenile records to collect data for inclusion in Colorado’s annual monitoring report.*

Confidentiality of the names of juveniles detained at the facilities being monitored will be maintained.

In addition, the OAJJA Unit is available to provide technical assistance for jail removal throughout the state. Please feel free to call for education on the Act, for community problem solving to realize jail removal, for facility review, recommendations, or other concerns.

*Sincerely,
Director
Division of Criminal Justice”*

(c) Violation Procedures. Pursuant to 28 C.F.R. § 31.303(f)(1)(iii), the state's monitoring system must describe any procedures established for receiving,

investigating, and reporting alleged violations of the DSO, Separation, and Jail Removal requirements. This description should include any legislative and administrative procedures and sanctions that exist.

Once a compliance monitoring system has been established to monitor secure and non-secure facilities to ensure that the core requirements of the JJDP Act and Formula Grant Regulations are being complied with; it is critical to then outline the administrative procedures that will be used by DCJ to receive, investigate, and respond to reports of compliance violations.

Inspections or other mechanisms that identify incidences of non-compliance, or other deficiencies which may be dangerous to confined juveniles, are only of value when DCJ can act to correct or eliminate the identified problem. Written violation policies and procedures should be available so all concerned will know what is expected of them and what action may be taken.

In Colorado, violations are addressed at the time of discovery. Once a violation has been discovered, the agency is typically contacted to confirm whether the information, in hand, is accurate. Once the information is verified, and the error is confirmed, a violation letter will be sent. The violation letter specifically states what the violation was, and when it occurred (if applicable), cites the law or regulation it breaks, and the required action expected of them and by when. It depends on the type of violation(s) that has occurred that determines what is required from the agency to correct or address their violation. All agencies cited for a violation is offered technical assistance and/or training.

Please note that state Statute permits civil fines (up to \$1000) for a Sheriff or Police Chief that willfully violates Deinstitutionalization of Status Offenders, Jail Removal or Sight and Sound Separation. See C.R.S. 19-2-508 (II), 19-2-508 (8) (b), 25-1-310 (1) (b) and 27-10-105 (1.1) (b).

Policy:

The Governor's Executive Order, first issued in 1980, gives the Division of Criminal Justice oversight authority in complying with the JJDP Act. The Division of Criminal Justice is therefore responsible for receiving, investigating, and responding to reports of compliance violations. The Division of Criminal Justice is the State Planning Agency for the JJDP Act of 2002.

In addition, House Bill 06-1112 gives DCJ statutory authority to collect data. CRS 24-33.5-503 Duties of (Division of Criminal Justice) Division: "(1) the division has the following duties: to inspect secure juvenile facilities and collect data on juveniles that are held in secure juvenile facilities, jails and lockups throughout the state."

In terms of violation authority, CRS 19-2-508(8)(b) states: "A Sheriff or Police Chief who violates the provisions of paragraph (a) of this subsection (8) may be subject to a civil fine of not more than one thousand dollars."

The mechanisms for violation reports take several forms: through the compliance monitor, the facility itself may report violations, interested citizens, the Public Defender's Office, parents, or the agency with oversight authority. While the DCJ compliance monitor is responsible for the compliance violation investigation and follows up, the DCJ OAJJA Manager retains primary responsibility and merely delegates this task to the DCJ compliance monitor.

Procedures:

- A. The Division of Criminal Justice compliance monitor will perform statewide monitoring; a detailed description of the process and tasks is contained in subsequent policies.
- B. The DCJ compliance monitor will be the primary agent to discover and report compliance violations throughout the state, and to investigate the violations. Violations are most usually found through a detailed review of juvenile holding cell logs. The review occurs either onsite when the DCJ compliance monitor reviews the logs or when the facility mails the logs to DCJ.
- C. When the Division of Criminal Justice receives an independent compliance violation report they will utilize the DCJ compliance monitor to investigate it. Independent sources may include:
- The Juvenile Justice Council
 - The Colorado Division of Youth Corrections
 - Administrators of public and private agencies including the Public Defender's Office
 - Interested citizens and/or parents
- D. The process used to receive, investigate and respond to compliance violation reports is:
- All reports of violations will be turned over to the DCJ compliance monitor. The report may be received through an independent source or from review of the Juvenile Holding Cell logs and Division of Youth Corrections Trails printout.
 - If a violation of DSO, Jail Removal or Sight and Sound is reported or discovered, the DCJ compliance monitor will fully investigate the violation. The investigation will always involve a review of the juvenile's case file to confirm that a violation actually occurred. In many cases, incorrect information is recorded on the Juvenile Holding Cell log and the entry may appear to be a violation. Upon further investigation it may be revealed that the times or charges were recorded incorrectly. All violations will be discussed with the facility

administrator or contact to explain why they were violations and what remedial actions may be taken to prevent future violations.

- The DCJ compliance monitor will complete a Compliance Violation Letter describing the violation. It will be mailed to the facility administrator or contact. Samples of these Compliance Violation Letter are attached below. A copy of this report is placed in the individual Facility File.

E. The DCJ compliance monitor will provide intensive follow-up onsite visits to facilities where meeting core compliance requirements is a problem. Intensive follow-up is defined as at least twice yearly onsite visits to review juvenile holding cell logs. DCJ may follow-up a compliance violation with any action that is deemed responsible and appropriate.

F. The DCJ compliance monitor will provide compliance monitoring progress reports as requested by the OAJJA Manager.

G. For internal tracking purposes, the following steps will be taken on every violation:

- The Compliance Violation Letter is filed in the individual Facility File.
- The violation will be recorded on our internal Violations Tracking Sheet.
- This tracking sheets assist the compliance monitoring in tracking all facilities that had violations and in overseeing the progress of their correction. It also maintains a historical perspective on facilities that have had on-going violations.
- The violations are then recorded for yearly reporting to OJJDP.

H. At juvenile detention or correctional facilities compliance violations are reported on the six-year summary of juveniles held by judicial district at each facility with an explanation of why a violation was counted that way.

Link: JJDP A Violation Letter for Jail Removal

https://drive.google.com/file/d/1GxXgT_O3QSZiThcIMbv1DmlgkKY1sZuK/view?usp=sharing

Link: 2018 JJDP A DSO Violation Letter for Secure Juvenile Detention Center Template

https://drive.google.com/file/d/1L4qTAUuOIhbxBXq1cnCzPUZ_DEVYFuzY/view?usp=sharing

Link: JJDP A Violation Letter for Sight and Sound Separation

<https://drive.google.com/file/d/1OBeZ2HtIFnFWz8Q0NyZQaYOJSzkFEN-G/view?usp=sharing>

(d) Definition of Terms. *States might have different definitions for juvenile and criminal justice terms than those in the JJDP Act and provided at 28 C.F.R. § 31.304. It is critical that any such differences are identified and fully documented. The state must indicate that where its definitions differ from federal definitions in the monitoring process, the latter will be used.*

Colorado uses federal definitions exclusively for all monitoring activities. Colorado does have some juvenile justice legislation that requires more stringent practices than those cited in Federal law and regulations, but for reporting purposes, we follow all Federal requirements.

One new Colorado State Law, **House Bill 18-1156, Limits on Penalties for Truancy**, was passed which institutes a more stringent penalty than what is mandated by Federal Law.

The truancy bill CONCERNING LIMITATIONS ON PENALTIES FOR TRUANCY that is intending to further limit the use of detention for failing to obey by a valid court order. It would change the cap from 5 days to 48 hours which would also be inclusive of any time the juvenile was securely held prior to the hearing and after they were picked up by law enforcement on a court warrant. The court would also have to find it was in the child's and public's best interest and address a number of enumerated factors which include evidence of the adverse effects of detention on truants.

Link: Colorado H.B. 18-1156, Limits on Penalties for Truancy

https://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1156_ren.pdf.

Link: State Definitions

https://drive.google.com/file/d/1TZmW4-1xeIeQkeiHK_YSOZ_ShE6RJpu/view?usp=sharing

Link: Federal Definitions

https://drive.google.com/file/d/1fMYcJ_pX86FYNS4yI-Sf3397bygVMXn5/view?usp=sharing

(e) Identification of the Monitoring Universe. *All public and private facilities in the state that might detain juveniles and/or adult inmates pursuant to law enforcement or criminal or juvenile court authority must be fully identified and included in the monitoring universe, pursuant to 28 C.F.R. § 31.303(f)(1)(i)(A).*

This task requires the compliance monitor to query all state partners to determine what facilities have been added and what facilities are no longer operational. The written and documented universe must contain all facilities that might hold juveniles pursuant to public authority. The monitoring universe list should include the following facilities:

-Adult Jails

- Adult Lockups (including substations, campus police, State Patrol, airports, event centers, malls, etc)*
- Division of Youth Services (Secure Juvenile Detention and Correctional Facilities)*
- Court-holding Facilities*
- Non-secure Facilities (Law Enforcement, Department of Human Services facilities (group homes, residential childcare treatment facilities, foster homes, detox and treatment facilities, etc), Juvenile Assessment Centers, Temporary Holding Facilities)*
- Division of Mental Health (Psychiatric hospitals and treatment facilities)*
- Department of Corrections (Adult Prisons)*

The identification of the Monitoring Universe is an ongoing process in Colorado. During all on-site visits, the compliance monitor asks that agency if they have any plans to add, close, or change any of their facilities. In addition, the monitor asks if they are aware of any other new law enforcement or juvenile services agencies in their part of the state that have opened or closed. And finally, we have a minimum of an annual correspondence with the all state's law enforcement agencies, juvenile detention and correctional agencies, and court-holding facilities which gives them the opportunity to provide us with updated contact information for their facilities, and to provide us with any other facility information that they are aware of.

Colorado's 2019-20 CM Monitoring Universe as of 4-10-20

https://drive.google.com/file/d/1egme8mg4R7aE3wqa4ZE21_4fU0-3IDNm/view?usp=sharing

The process of identifying facilities is discussed further in Section 4.

(f) Classification of Monitoring Universe. Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(B), the state must classify facilities in the monitoring universe to determine facility's classification; the options of which are

- *Adult jails and lockups,*
- *Institutions, and/or*
- *Secure Juvenile Detention or Correctional Facility (as of 2018).*

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 residential or nonresidential; and whether the population is juveniles only, adults only, or juveniles and adults.

Facility Types	Facility Classifications			
	Adult Jails or Lockups	Institutions	Secure Juvenile Detention or Correction facilities	Non-reporting
Adult Jails or Lockups	X	X		
Secure Court Holding Facilities		X		
Secure Juvenile Detention or Correctional Facilities		X	X	
Temporary Holding Facilities				X
Dept of Corrections – Adult Prisons and the Youthful Offender System		X		
Non-secure CDHS facilities				X
Secure Residential Treatment Facilities (CDHS)		X		
Juvenile Assessment Centers (JAC)				X
Mental Health Facilities				X
Collocated Facility	X	X	X	
Tribal Facilities				X
Secure, Non-holding Facilities	X	X		Don't submit holding logs
Non-secure Law Enforcement facilities				X

The classifications are defined as:

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

Jail or lockup for adults means a locked facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adults (1) pending the filing of a charge of violating a criminal law, (2) awaiting trial on a criminal charge, or (3) convicted of violating a criminal law.

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

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

The new Classifications have been added to Colorado's Monitoring Universe Spreadsheet. In addition, "Residential vs Non-residential and Holding population (adult, juvenile, or both) were added. The information is determined through on-site visits and the Facility Classification Certification forms.

The classification certification process is an annual process in Colorado. Facility classifications are always verified on every on-site visit. The compliance monitor requests that facilities notify her/him if any changes are made to their facilities so it can be determined if their facility classification has changed. In addition, Colorado has a process to help ensure that facility classifications are accurate, kept up-to-date, and documented.

Link: Facility Types and Classifications

<https://drive.google.com/file/d/1PywdlB18nzGm1jAwwg1rnLi9gTTHHpXL/view?usp=sharing>

All facility classifications are documented on Colorado's Monitoring Universe List. In addition, the compliance monitor keeps its Access Database, which contains all the secure adult jails and lockup facilities, updated with the classification information.

Required Annual Facility Classification Certifications:

Non-secure law enforcement facilities in Colorado have always had to submit a **Non-secure Law Enforcement Facility Certification form** attesting to the fact that their facility is still non-secure and does not have the means of securely holding a juvenile (i.e. no secure holding cells, no locked interview rooms, and no stationary cuffing benches).

Link: 2019 Non-secure Law Enforcement Facility Classification Certification

<https://drive.google.com/file/d/1AYtwxeA6FVTcwl0bBr0vkyFEwvhT0MF2/view?usp=sharing>

Colorado has implemented additional Facility Classification Certification forms to help the compliance monitor stay current on classification changes. In addition to keeping facility classifications up-to-date, it also helps maintain current contact information and facility addresses. Each form describes the Core requirement(s) applicable to their type of facility, then asks them to attest to their compliance with these requirements. These certification forms must be signed by a person of authority at each facility to ensure its validity. These certification forms include:

Secure Juvenile Detention/Correctional Facility Certification form. The questions on this form inquire about both DSO and S&S Separation requirements to ensure that they are maintaining compliance.

Link: 2019 Secure Juvenile Detention & Correctional Facility Classification Certification

https://drive.google.com/file/d/1tNHli8aHqOJGDKL_MHkktUR6Oi4ojvNH/view?usp=sharing

Court-holding Facility Certification Form. Court-holding facilities currently do not have to report on the individual juvenile holds, but they are still required to report any instances of juveniles not be sight and sound separated from adults. The questions on this form inquire about S&S Separation requirements.

Link: 2019 Secure Court-Holding Facility Classification Certification

https://drive.google.com/file/d/1pxGML5_Z5fS7yXGxzRjRvvgg59HZjgjFB/view?usp=sharing

Collocated Facility Certification Form. The questions on this form address S&S Separation and facility lay-out; separation of program, activities, and residential areas; and training of staff for each separate population. Even though these facilities must be visited annually, we still collect this data to have on file.

Link: 2019 Collocated Facility – Certification of Compliance with JJRA

<https://drive.google.com/file/d/1fMzs8g-SrnGYSPVE7wBnRNCZrF2RM3kB/view?usp=sharing>

Non-secure Facility Certification Form. This form is sent to known non-secure JACs, community-based facilities, temporary holding facilities, etc., where juveniles may be taken by law enforcement, or other juvenile justice partners. This certification form is used to ensure that juveniles are not being detained or confined in these non-secure facilities.

Link: 2019 Non-secure Facility - Certification of Compliance

<https://drive.google.com/file/d/1hCjYqGWJNKvgxyGifdL0cz3sc18emxfI/view?usp=sharing>

Secure, Non-holding Facility Certification Form. In 2018, Colorado offered a new facility status (informal classification) to law enforcement agencies that was called “Secure, Non-holding”. The questions on this form are asked to ensure that the facility has submitted all of the required documentation to establish itself as a secure facility but, per policy and procedures, does not detain or confine juveniles, except in instances where the juvenile presents a risk of harm to self or others.

Link: 2019 Secure, Non-holding Facility Status Certification

https://drive.google.com/file/d/1P-uEbXFgMjDDfX4AW_N5qAHJ0E0szls3/view?usp=sharing

The following is the communication sent by the compliance monitor to all secure law enforcement facilities:

“If a secure facility, such as an adult jail, would NEVER hold a juvenile in the secure areas of that facility, it can now be considered a “Secure, Non-holding Facility.” For example, there might be a secure adult jail connected to a non-secure Sheriff’s office. If juveniles would NEVER be taken into the adult jail or lockup, and would always be escorted into the non-secure portion of that facility, then this facility could have a status of “Secure, Non-holding”. If a facility is considered to be Secure, Non-holding, it acknowledges that part of the facility is secure, but they attest that no juveniles are taken into that section of the facility and they can identify where the juvenile would be taken. The facility would also have to provide to the compliance monitor a copy of their policy or procedure that specifies that they do not hold juveniles securely. These facilities would no longer have to submit Secure Juvenile Holding Logs to the Division of Criminal Justice because they do not hold juveniles securely, per policy. Since it is now allowable to classify certain “areas” of a facility, the separate parts of a facility can now be classified distinctly from each other. In this example, the Sheriff’s office could be classified as a Non-secure facility and the adult jail would be a Secure, Non-holding facility, thereby creating a dual classification for the facility. Having a dual classification allows Law Enforcement to identify specifically where (or if) juveniles are held within a facility. Documentation would have to be submitted for each separate facility classification. The facility could even have more than 2 different areas, such as a secure, secure non-holding and non-secure. Each area would have to be identified and classified.

A single law enforcement facility, such as a police lock-up, might also be able to change their secure facility classification to a Secure, Non-holding facility classification if it can meet the requirements. If, for example, a facility is non-secure except that they have a cuffing bench in the back of the facility, but have a policy stating that juveniles will not be taken in this back area and won’t be cuffed to this bench, then that whole facility could be considered a Secure, Non-holding facility.

In order for a facility to be considered as Secure, Non-holding, a facility must meet the following three requirements:

- have a written policy that specifically states that it DOES NOT hold juveniles in the identified secure part of the facility,
- provide a description and/or diagram of where juveniles will be processed and seated in the facility (if applicable), **and**
- submit a Secure, Non-holding Certification Form annually confirming that the facility’s structure or layout has not changed, AND that in the prior program year NO juveniles had been held in the secure area of the facility.

For JJDP or JJRA purposes, this would still be classified as a secure facility and there would be 0 juvenile hold reported. If any juveniles happen to be detained or contained, these incidents must be reported to the compliance monitor promptly.

It would be beneficial for Adult Jails and Lockups (that securely hold ONLY adults) to submit a request for the facility classification of Secure Non-holding because then they would no longer have to keep (and submit) secure juvenile holding logs. Data collection from these facilities has always difficult because they don't think they need to submit holding logs since they had no hold. This will save time for both DCJ staff and law enforcement staff.

If a facility meets the requirements for a Secure, Non-holding facility, an agency can request a possible change of classification by submitting a request with the required documentation to Monal.Barnes@state.co.us. Remember, the advantage to this classification is that the agency would no longer have to submit quarterly Secure Juvenile Holding Logs. **The Division of Criminal Justice will make the final determination on whether or not a facility meets the definition of a Secure, Non-holding facility.**

The process of classifying facilities is discussed further in Section 4, including the classifying facilities as Adult Jails or Lockups, Institutions, or Secure Juvenile Detention facilities.

(g) Inspection of facilities. *Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(C), the state must inspect facilities to confirm classification and to verify that they are maintaining adequate sight and sound separation between detained juveniles and adult inmates. Such inspections must also verify that facilities maintain an effective process for collecting data to demonstrate compliance with the Core Requirements - Sight and Sound Separation and Jail Removal.*

Inspection of facilities is required to classify according to federal regulations and to review whether adequate sight and sound separation occurs for juveniles housed in facilities that also confine adult offenders. Such inspections are necessary to ensure the Act requirements are followed and to determine whether adequate data are maintained to determine compliance with the three statutory core requirements. The inspection process should include a method of reporting compliance with the separation core requirement for each secure facility. Reports on each facility's compliance or non-compliance will be made available to the facility as a record of findings of the inspection.

The basic requirement for inspection of facilities, per OJJDP, is that states strive to inspect 100% of all secure facilities within the monitoring universe once every 3 years. It is recommended, but not required, that states periodically inspect (spot check) non-secure facilities to determine whether their physical characteristics have changed (such as the addition of holding cells, cuffing rails, cuffing benches, or other construction fixtures designed to securely detain individuals) that may could result in a change the

classification of the facility. It is also recommended that other facilities, such as those under the Colorado Department of Human Services be periodically spot-checked as well.

If it is a non-secure, a Non-Secure Facility Certification Form is completed and placed in the Facility File.

Each facility will have an individual file, located at the compliance monitor's office called a Facility File that will contain:

1. Facility Information Form
2. Facility Classification Certification Form (if applicable)
3. Copies of Compliance Violation Forms sent to the facility
4. A copy of all the Facility On-Site Visit Summary forms

It is important that all facility administrators or contacts be provided with all applicable information on compliance with the JJDP Act and related regulations. Updates or revisions of laws, regulations, policy, and/or procedures from the Office of Juvenile Justice Delinquent Prevention or DCJ are provided during this visit, and it provides an opportunity for them to ask questions.

During each on-site inspection, the compliance monitor will complete an Onsite Facility Visit Summary form to document the facility's current classification, staff contact information, facility address, findings, and general notes from the visit. A copy of this form will be provided to the person who has accompanied the compliance monitor on this visit. We recommend that this form be kept on-site for a minimum of 5 years.

The compliance monitor will conduct on-site facility visits to ensure an accurate assessment of each facility's classification and record keeping. The inspection will include:

1. The compliance monitor will contact the facility to schedule a date and time for a visit.
2. A review of the physical accommodations to determine whether it is a secure or non-secure facility, and the appropriate facility classification.
3. A "walk-through" of the facility to determine the level of sight and sound separation between juveniles and incarcerated adults.
4. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with 223 (a) (11), (12), (13), and (23).
5. An interview (when applicable) with the facility administrator or contact to share onsite findings, violations, or concerns and to offer suggestions on how to resolve these issues, to review current JJDP Core Requirements, to provide DCJ guidance materials, to answer any questions they may have, to discuss any local or regional factors, and to have an open dialogue with them to build rapport. A copy of the

On-site Visit Summary form will be provided to the facility for their records. If access to the facility is restricted, an in-depth Facility Information Form may be used to collect this information.

6. Completion of a Facility On-site Visit Summary form

Link: Compliance Monitoring – Facility On-site Visit Summary Template for Access
<https://drive.google.com/file/d/1Ry9xDV2OeZRO4PHFKaJBVHcKn0qa9ZKD/view?usp=sharing>

In addition, during on-site visits, the compliance monitor can share with agencies information regarding DOJ funding opportunities or offer other resources and information that may be beneficial to them, such as entities that can provide or fund law enforcement equipment for police and sheriff’s offices/units, and other information that the DCJ OAJJA Manager deems appropriate. This not only provides the facility administrator or contact with valuable information but also serves to develop and maintain the very important working relationships between the facility and compliance monitor.

Link: JJDP – JJRA Guidance for Law Enforcement
https://drive.google.com/file/d/1WkCvR9LuUMBg1YnguT_jEDvIsP5-cOR7/view?usp=sharing

Link: JJRA of 2018 Guidance for Secure Juvenile Detention and Correctional Facilities
https://drive.google.com/file/d/1OezbBmyz_4LO0y-v3xr2P6v1eu2ypdfZ/view?usp=sharing

(h) Data Collection and Verification. Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(D), this is the actual collection and reporting of data to determine whether the facility is in compliance with the applicable core requirements. If the data are self-reported by the facility or are collected and reported by an agency other than the state agency designated pursuant to 34 U.S.C. § 11133(a)(1), the plan must provide a statistically-valid procedure used to verify the reported data.

Data Collection Changes Per OJJDP (2019):

- States are no longer required to track “Minors in Possession of Alcohol”. Possession of Alcohol is a delinquent offense. Possession of Marijuana is treated the same as possession of alcohol.
- States are no longer required to track juvenile “Possession of Handgun”.
- OJJDP has not yet mandated the collection of court-holding logs, and until they do, we do not have to collect juvenile hold information from court-holding facilities.

On an annual basis, the compliance monitor collects and/or reviews:

1. Secure Juvenile Holding Cell logs from all secure law enforcement facilities annually to ensure compliance Jail Removal Core Requirements,
2. Data from the Colorado Department of Human Services’ “Trails” database that maintains a record of all juveniles held at a Secure Juvenile Detention Facility to ensure compliance with the DSO Core Requirements. Information logged by court

personnel into the Colorado State Court Database which records all District Court appearances by juveniles and provides details on the court's actions and sentencing.

3. On-site Visit Summary form – confirms Sight and Sound Separation

4. Facility Classification Certification Forms – to verify facility classifications.

5. Valid Court Order (VCO) documents

The process of Data Collection and Verification is discussed further in Section 5.

B. Category 2: Due March 30th each year.

Each state should submit the following via the online [OJJDP Compliance Reporting Tool](#) for the period October 1, 2019, to September 30, 2020 (and future years for the same monthly date range):

- State compliance data for the DSO, Separation, and Jail Removal core requirements of the JJDP Act (34 U.S.C. §§ 11133(a)(11), (12), and (13)) and supporting documentation.
- Training Policy Certification.
- Compliance Monitoring Data Certification.
- Rural Removal Exception Certification, if applicable.

I. State Compliance Data for DSO, Separation and Jail Removal

a. Colorado's Deinstitutionalization of Status Offenders Results Pursuant to the JJDP Act at Sec. 223. 34 U.S.C. § 11133(a)(11), in its state plan, the state must provide that juveniles who commit status offenses and juveniles who are not charged with any offense and are aliens or alleged to be dependent, neglected, or abused, will not be placed in secure detention or secure correctional facilities except as allowed under the exceptions set forth in the JJDP Act at 34 U.S.C. § 11133 (a)(11)(A).

Colorado's DSO Trend Analysis: The following chart shows the # of violations and the DSO standards.

Total number of Status Offenders violations from 2009 – 2019

DSO Rate of Compliance - Section 223(a)(11): Rate of Status Offender and Non-offender detention and correctional institutionalization per 100,000 populations under the age of 18.

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Accused Status Offenders held over 24 hours in JDCs	112	155	53	43	63	32	18	17	9	15	18
Non-offenders Held	0	0	0	0	0	0	0	0	0	0	0
Adjudicated Status Offenders in JDC's held without a proper VCO	66	64	7	16	20	10	26	3	5	0	2
DSO – Adult Jails and Lockups	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Accused and Adjudicated Status Offenders held for any period of time in jails or lockups	40	46	9	18	17	28	11	9	28	0	0
TOTAL DSO VIOLATIONS	93	127	146	218	265	69	77	29	37	15	20
DSO RATE of Compliance	7.8	10.7	12.3	18.3	22.2	5.63	6.28	2.31	2.93	1.19	2.01
DSO Standard								9.89	8.5	5.85	4.87

Adult Jails and Lockups: Accused and Adjudicated Status Offenders

The majority of status offenders that are picked up by law enforcement are those arrested on warrants issued by a judge where the original charge was a status offense, such as truancy, runaway, or curfew violations. Courts sometimes issue warrants on juveniles who have Failed to Appear (FTA) in court or Failed to Comply (FTC) with court orders. Any contempt charge issued by the court (including FTA) will bump the status offense up to a delinquent offense. Any warrant issued by the court typically results in Law Enforcement picking up the juvenile and taking them to a law enforcement office or holding facility. DCJ also trains law enforcement, during on-site visits, on how to avoid situations where status offenders may be detained or confined. DCJ will continue to work with law enforcement in developing non-secure areas within their facility for this type of juvenile.

Secure Juvenile Detention Centers: Accused Status Offenders or D&N Juveniles

In 2017 there were 9 juveniles held in violation of the “24-hour reporting exception.” These types of violations are primarily caused when juveniles are taken to a secure juvenile detention facility pending a court appearance but due to scheduling conflicts, the detention hearings are not held within 24 hours (excluding weekends and holidays), and/or if juveniles are not released within 24 hours (excluding weekends and holidays) immediately following the initial court appearance, which are typically due to transportation issues.

Link: Department of Justice, Federal Register, Rules and Regulations, Final Rule
<https://www.govinfo.gov/content/pkg/FR-1996-12-10/pdf/96-31316.pdf>

Deinstitutionalization of Status Offenders. The revised regulation provides that it is permissible 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 up to 24 hours, exclusive of weekends and legal holidays, immediately following an initial court appearance.

Link: 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

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

Placed or placement refers to what has occurred:

1. When a juvenile charged with a status offense:
 - a. Is detained or confined in a secure correctional facility for juveniles or a secure detention facility for juveniles;
 - (1) For 24 hours or more before an initial court appearance;
 - (2) For 24 hours or more following an initial court appearance; or
 - (3) For 24 hours or more for investigative purposes or identification;

b. Is detained or confined in a secure correctional facility for adults or a secure detention facility for adults or with respect to any situations not described in paragraph (1) or (2) of this definition, is detained or confined pursuant to a formal custodial arrangement that a court has ordered or other entity authorized by state law to make such an arrangement; or

2. When a juvenile who is not charged with any offense, and who is an alien or alleged to be dependent, neglected, or abused, is detained or confined in a secure correctional facility for juveniles or adults or a secure detention facility for juveniles or adults, that placement results in an instance of non-compliance with the DSO requirements.

Link: Compliance Monitoring FAQ provided by OJJDP

https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/state_compliance_faq.pdf

Q: Under the definition of “detain or confine” juveniles who are runaways, abandoned, endangered due to mental illness, homelessness, or drug addiction, or are victims of sex trafficking or other crimes, can be held for an indefinite period of time, as long as they are held "solely for the purpose of returning them to their parent or guardian or pending their transfer to the custody of a child welfare or social service agency?

A: Although under the current regulatory definition of “detain or confine” there is no limit on how long a state may hold a juvenile who is being held while awaiting reunification with a parent or guardian, or pending transfer to the custody of a child welfare or social service agency, OJJDP expects that states will ensure that juveniles not be held in a secure facility any longer than is absolutely necessary. OJJDP intends to amend the regulatory definition of “detain or confine” to indicate that in order for a juvenile not to be detained or confined while being held solely for the purpose of returning him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency he must be held for no more than 24 hours (excluding weekend and legal holidays).

Q: Can juveniles who are being held solely for the purpose of returning them to their parent or guardian or pending their transfer to the custody of a child welfare or social service agency, be held in any type of facility, including secure ones (e.g., an adult jail)?

A: Although the regulation does not specifically require that juveniles held under these circumstances must be held in a non-secure area, OJJDP expects that states will continue the best practice of holding them non-securely. OJJDP intends to amend the definition of “detain or confine” to clarify that in order for a juvenile not to be detained or confined, he must be held non-securely.

State laws or legislation that could impact our compliance with DSO:

House Bill 13-1021

This bill signed into law in August 2013, requires school districts to explore best practices and research-based interventions to reduce court involvement and, specifically, the use of detention.

House Bill 17 – 1207

The bill creates provisions that remove the requirements for the department of human services to receive, detain, or provide care for any juvenile who is 10 years of age and older but less than 13 years of age, unless the juvenile has been arrested or adjudicated for a felony or a weapons charge that is a misdemeanor or felony. Provisions remain in statute for other programs and services for the age group that will no longer require placement of the juvenile in a detention facility.

CRS 13-5-145 Truancy detention reduction policy (Senate Bill 15 184)

No later than March 15, 2016, the Chief Judge in each Judicial District shall convene a meeting of community stakeholders to create a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction for truancy. In developing the policy, the Chief Judge and community stakeholders shall consider best practices for addressing truancy, evidence-based practices to address and reduce truancy, using a wide array of reasonable sanctions and reasonable incentives to address and reduce truancy, using detention only as a last resort after exhausting all reasonable sanctions and, when imposing detention, appropriately reducing the number of days served, and research regarding the effect of detention on juveniles.

CRS 19-3-403 (2) Time limitations on holding status offenders securely

“A child requiring physical restraint may be placed in a juvenile detention facility operated by or under contract with the department of human services for a period of not more than twenty-four hours, including Saturdays, Sundays, and legal holidays.”

CRS 19-2-508 (2) Time limitations on processing valid court order offenders

A new law was passed in 2014 under House Bill 12-0213 which states that a juvenile being held in (juvenile) detention on a warrant for violating a valid court order on a status offense the court will hold the next hearing within 24 hours of admission, excluding weekends and legal holidays.

CRS 22-33-104 Compulsory school attendance

Boards of Education are encouraged to establish attendance procedures to identify students who are chronically absent and to implement best practices and research-based strategies to improve attendance.

CRS 22-33-107 Enforcement of compulsory school attendance

- Defines “Local Community Services Group” as the local juvenile services planning group, local collaborative management group or another local group of

public agencies that collaborate with the school district to identify and support services for students.

- Boards of Education shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant.
- The policies and procedures must include provisions for development of a plan which must be developed with the goal of assisting the child to remain in school.
- Appropriate school personnel are encouraged to work with the local community services group to develop the plan.
- Policies and procedures may include procedures to monitor the attendance of each child enrolled in the school district to identify each child who has a significant number of unexcused absences and to work with the local community services group and the child's parent to identify and address the likely issues underlying the child's truancy including any non-academic issues.

CRS 22-33-108 Judicial Proceedings relating to truants (House Bill 13-1021)

- Schools can file a truancy petition only as a last resort approach and only after the plan developed pursuant to 22-33-107, C.R.S. has been created and implemented and child continues to be habitually truant.
- Before initiating court proceedings, the school district shall give the child and parent written notice that the schools district will initiate proceedings if the child does not comply with attendance requirements.
- School must at a minimum submit to court 1) attendance record of student before and after the student was identified as habitually truant, 2) whether the child was identified as chronically absent (22-33-104, C.R.S.) and if so, the strategies the school district used to improve the child's attendance, 3) the interventions and strategies used to improve the student's attendance before the school created the plan identified in 22-33-107(3), C.R.S., 4) the child's plan and efforts by the child, child's parent and school or school district personnel to implement the plan.
- The court may issue an order against the child, the child's parent, or both compelling the parent to take reasonable steps to assure the child's attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child.
- If the child does not comply with the court order, the court may order an assessment for neglect be conducted by DSS pursuant to 19-3-102 (1), C.R.S.
- If the court finds the child has refused to comply with the plan approved by the court, the court may impose on the child as a sanction for contempt of court a sentence of detention for no more than five days in a juvenile detention facility.
- As a result of the work and discussions around House Bill 13-1021 the number of status offenders sentenced to detention dropped from 360 in 2012 to 267 in 2013. One District Court (Arapahoe) ruled against using detention for status offenders. Other District Courts (El Paso and Jefferson) are limiting the use of detention to historic lows.

CRS 22-22-108 requires a valid court order to sentence status offenders

Please note that it is a violation of State law to sentence status offenders to detention without benefit of the Valid Court Order, see C.R.S. 22-22-108, Judicial Proceedings, “After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106(a) (4) of the Colorado rules of civil procedure and Rule 3.8 of the Colorado Rules of Juvenile Procedures.” Rule 3.8 refers to the Colorado Valid Court Order process which is identical to the OJJDP VCO process prior to the 2002 Act reauthorization.

CRS 19-2-508 (8) (a) Secure holding of status offenders in adult jails and lockups is a violation

“A juvenile who allegedly commits a status offense or is convicted of a status offense shall not be held in a secure area of a jail or lockup.”

CRS 19-2-508 (8) (b) Establishment of a fine for holding a status offender in a jail or lockup

A sheriff or police chief who violations the provisions of paragraph (8) (a) may be subject to a civil fine of no more than one thousand dollars.

b. Plan for Sight and Sound Separation of Juveniles from Adult Inmates

Pursuant to the JJDP Act at Sec. 223. 34 U.S.C. § 11133(a)(12), in its state plan, the state must provide that:

(1) juveniles alleged or found to be delinquent, charged with or found to have committed a status offense, or who have not committed an offense and are aliens or are alleged to be OJJDP-2018-13503 48, and

(2) the state has a policy in effect that requires individuals who work with both the juveniles described in (1) and adult inmates, including in collocated facilities, have been trained and certified to work with juveniles.

(3) Plan for removal of youth from adult jails and lockups. Pursuant to the JJDP Act at 34 U.S.C. § 11133(a)(13), in its state plan, the state must provide that (with limited exceptions) no juvenile shall be detained or confined in any adult jail or lockup.

Pursuant to 28 C.F.R. 31.303 (e), the state must:

- a. Describe its plan, procedure, and timetable for assuring that the jail and lockup removal requirement will be met, and;*
- b. Describe the barriers that the state faces in meeting this requirement.*

These plan elements may include strategies for achieving and maintaining compliance, such as:

- a description of any state or local laws or pending legislation that impact or may impact compliance;*
- information on how the designated state agency and state advisory group (SAG) will work together to address circumstances that have caused DSO violations to occur;*

- any recent or pending changes that could impact the state's compliance (e.g., staffing changes); and
- detailed goals, objectives, and activities to achieve full compliance, including the title of the individual responsible for each activity and the date by which it will occur. Goals, objectives, and activities should be designed to address the circumstances in which DSO violations have occurred.

Colorado’s Sight and Sound Separation of Juveniles from Adult Inmates Results

Colorado’s Separation Trend Analysis: The following chart shows the number of Separation violations by secure facility type for the last 10-year period beginning in 2009 and ending in 2019.

SEPARATION Rate of Compliance - Section 223 (a)(12): Separation rate per 100,000 juveniles under the age of juvenile court jurisdiction which is 18.

Separation	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Secure Juvenile Detention Center Separation Violations	24	0	1	1	0	0	0	0	0	0	0
Secure Adult Jail and Lock-up Separation Violations	0	0	1	1	0	0	0	0	0	1	0
Total Separation Violations	0	0	1	1	0	0	0	0	0	1	0
Separation RATE of Compliance									0.00	.08	0
S&S Standard								.28	0.32	0.30	2.56

State laws or legislation that could impact our compliance with Sight and Sound Separation:

CRS 19-2-508 (4) (d) (I) Sight and sound separation.

A juvenile may be detained in an adult jail or lockup only for processing for no longer than six hours and during such time shall be placed in a setting that is physically segregated by sight and sound from adult offenders.

CRS 19-2-508 (4) (d) (I) Sight and sound separation fines imposed if violated.

CRS 19-2-508 (4) (g) Prohibition on Scared Straight type of programming

A juvenile may not be ordered to enter a secure setting or secure section of an adult jail, lockup or prison as a means of modifying their behavior.

The new Partial Final Rule addresses scared straight programs and notes that “whether such programs may result in instances of non-compliance with the separation and/or jail removal requirements will depend on the specific manner in which the program operates and the circumstances of the juvenile’s participation in the program.” Key to this determination is whether the young person was free to leave while in sight and sound contact with adult inmates, and whether their parents gave consent for their participation. Parental consent, they noted, can be withdrawn at any time.

CRS 19-2-508 (3) (IV) (II) Prohibition on holding direct file juveniles in adult jails

Juveniles who have been direct filed into district court on adult felony charges shall be held in juvenile detention facilities pending their disposition except in cases where they, or other juveniles, or staff is at risk of harm in juvenile detention centers. They may be moved into an adult jail if the district court finds, after a hearing, that the adult jail is the appropriate placement for the juvenile.

c. Plan for Removal of Youth from Adult Jails and Lockups

Pursuant to the JJDP Act at 42 U.S.C. 5633(a)(13), the state must develop a plan that provides that (with limited exceptions) no juvenile shall be detained or confined in any adult jail or lockup.

Jail Removal Trend Analysis: The following chart shows the number of violations and the rate of violations by facility type for the last 10-year period beginning in 2009 and ending in 2018.

JAIL REMOVAL Rate of Compliance – Section 223(a)(13): Rate of Jail Removal violations per 100,000 population under the age of original juvenile court jurisdiction which is 18.

JAIL REMOVAL	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
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Accused delinquents held over 6 hours	12	13	9	4	2	9	3	12	22	34	11
Accused delinquents held unrelated to processing	0	0	0	0	0	0	0	0	0	0	0
Delinquents held over 6 hours before or after a court appearance or held unrelated to court appearance	0	0	0	0	0	0	0	0	0	0	0
JAIL REMOVAL VIOLATIONS	52	59	18	22	19	37	14	12	22	34	11
Accused and adjudicated status offenders held securely in adult jails and lockups reported in DSO worksheet.	40	46	9	18	17	28	11	9	28	9	6
TOTAL JR Violations	92	105	27	40	36	65	25	21	50	43	17
Jail Removal RATE of Compliance for Colorado	4.4	4.9	1.47	1.80	1.55	3.02	1.76	1.67	3.96	3.49	1.47
Jail Removal Standard								8.94	8.41	7.04	5.40

Due to law enforcement staff turnover and new officer hires, DCJ anticipates that a small percentage of all arrested youth will continue to be violations despite on-going training and state laws that mirror the Jail Removal requirement. All of Colorado law enforcement facilities report data.

Colorado will continue to enforce the Jail Removal requirement to ensure that we continue to meet compliance standards. In FY2017, we will be reviewing Secure Juvenile Holding Logs on a quarterly basis so that we can provide more timely technical assistance when Jail Removal violations are discovered. Also, with the change to the definition of Detained and Confined, guidance/training will be provided to all Law Enforcement agencies in FY2017.

State Laws or legislation that could impact out compliance with Jail Removal:

CRS 19-2-508 (4) (d) (I) Delinquents may be held for up to 6 hours in an adult jail or lockup

Delinquents may be held in an adult jail or lockup, in a sight and sound separated area, for processing purposes only, for up to six hours.

CRS 19-2-508 (4) (d) (II) Fine of up to \$1000 for each such offense

A sheriff or police chief may be fined up to \$1000 for each such offense of holding a delinquent over the six-hour time limit.

CRS 24-33.5-503 Duties of Division (DCJ)

DCJ has the authority and responsibility to inspect adult jails, lockups and juvenile only facilities for compliance with the JJDP Act.

CRS 19-2-508 (4) (g) Prohibition on Scared Straight type of programming

A juvenile may not be ordered to enter a secure setting or secure section of an adult jail, lockup or prison as a means of modifying their behavior.

II. Training Policy Certification

OJJDP requires each state to have in effect a policy requiring individuals who work with both adult inmates and juveniles to be trained and certified to work with juveniles. This typically applies to staff working in collocated facilities. Colorado has one collocated facility which is on an Indian Reservation and operates under Tribal Authority. They do have separate staff to work with the juveniles and adult inmates.

Law enforcement facilities that have secure holding capabilities for both adults and juveniles are operated by trained law enforcement personnel. Every law enforcement officer in Colorado is required to be P.O.S.T. (Peace Officer Standards and Training Board) certified. P.O.S.T. academies are offered at certain law enforcement agencies (for example, the Colorado State Patrol and the Jefferson County Sheriff's Department have their own academies) and at community colleges throughout the State. If a person attends a community college for P.O.S.T. Certification they will also obtain an Associate of Arts in Criminal Justice. All college academies must be certified by P.O.S.T.; they all offer the same curriculum and the same content. The Colorado community colleges also offer additional course work in criminal justice so the student will have the credit hours to obtain an Associate of Arts in Criminal Justice. Commissioned jail deputies are not required to be P.O.S.T. certified but may receive training through the County Sheriffs of Colorado training division. Prior to beginning employment at any department officers must be P.O.S.T. certified. The basic mandatory curriculum includes training on:

- Law Enforcement Ethics and Anti-Bias Policing
- Colorado's Children's Code, Criminal Code and Related Federal Statutes

- Dynamics of Family Relationships
- Incest, Child Abuse, Sexual Exploitation of Children, Harboring a Minor, Domestic Violence
- Transfer of juveniles to adult court
- Juvenile custody and officer obligations
- Legal Liability
- Liquor Code
- Controlled Substances
- Court Testimony
- Crisis Intervention
- Victim Rights
- Interactions with Special Populations
- Community Policing and Community Partnerships
- Gangs
- Verbal Communication Techniques

Additional supplemental course work is available through P.O.S.T. and at community colleges on:

- D.A.R.E (Drug Abuse Resistance Education)
- School Resource Officer training (each law enforcement department is required to have one SRO)
- Delinquent behavior; to include juvenile development, family dynamics
- Human relations and social conflict
- Child abduction
- Interviewing juveniles

Link: P.O.S.T. Basic Academic Training Program

<https://drive.google.com/file/d/1Ibt3rEb74Bfm8j9HBto-aqPQn1HzCDxX/view?usp=sharing>

2.3 Repercussions of Failing to Meet Core Requirement Standards

OJJDP Annual Compliance Determination Assessment - Using compliance monitoring information and data that the state submits by February 28 of each year as part of its Title II

Formula Grants Program application, OJJDP will determine whether the state has provided for an effective system of monitoring, as described in its application and whether it is in compliance with each of the four core requirements. The comprehensive assessment will include:

A. a review to assess the adequacy of internal controls over the state's compliance monitoring process for collecting and reporting compliance monitoring data, and

B. verification and analysis of the data that the state submits to evaluate compliance with DSO, separation, and jail removal requirements.

Based on a review of the state's compliance data and other supporting compliance monitoring information, the OJJDP Administrator will issue a compliance determination, including details regarding why OJJDP determined the state did not provide for an effective system of monitoring or why OJJDP determined the state was out of compliance with any of the four core requirements.

If a state is determined to be out of compliance), OJJDP will reduce a state's Formula Grants funding by 20 percent for each core requirement with which OJJDP has determined the state to be out of compliance (as required by 34 U.S.C. § 11133(c)(1). In addition, pursuant to 34 U.S.C. § 11133(c)(2), a state subject to any such reduction is ineligible to receive any of its remaining formula grant award unless the state meets one of the following two conditions:

A. The state agrees in writing to submit a separate plan and budget as a condition of its award and to expend 50 percent of its remaining formula award for that fiscal year to achieve compliance with any core requirement with which it was found to be out of compliance, or

B. By the time of its grant award, the OJJDP Administrator grants a waiver after determining that the state has both:

I. Achieved substantial compliance with all core requirements with which it was found to be out of compliance.

II. Made, within a reasonable time and through appropriate executive or legislative action, an unequivocal commitment to achieve full compliance with the core requirements with which it was found to be out of compliance.

The waiver request must be in writing and documentation that addresses the two criteria noted above in paragraph 2 must support the request.

Pursuant to 28 C.F.R. Part 18, a state that has been notified by OJJDP that (1) it has not provided for an effective system of monitoring and is therefore ineligible for a Formula Grants award, or (2) it is out of compliance with one or more of the core requirements such that its Formula Grants funding will be reduced, may appeal the denial, termination, or reduction of funding to OJP's Office of the General Counsel, OGC_OJP@ojp.usdoj.gov. The appeal request must be filed consistent with 28 C.F.R. §18.5(c) within 30 calendar days of receipt of notification of the noncompliance determination, the termination, or denial of funding.

3.0 COMPLIANCE MONITORING REQUIREMENTS

3.1 JJDP/JJRA Core Requirements

A. Deinstitutionalization of Status Offenders Pursuant to Sec. 223. 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 (non-offender) were placed in secure detention and correctional facilities.

In determining whether or not a DSO violation has occurred, it needs to be determined whether or not a juvenile was Placed in a secure facility or environment.

Placed or placement refers to what has occurred:

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

In other words, 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, immediately prior to or immediately following an initial court appearance. If a status offender is held beyond 24 hours, this would constitute a DSO violation.

Note: When a **juvenile delinquent** is taken to a secure juvenile detention facility to await a court appearance, he or she must be seen before the court within 48 hours excluding weekends and holidays.

Detain or Confine - A Brief Review: As defined in regulation, “detain or confine” means to hold, keep, or restrain a person such that he is not free to leave, except that a juvenile held by law enforcement solely for the purpose of returning him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency is not detained or confined within the meaning of this definition. Under the section of the Detained and Confined definition that states, “solely for the purpose of returning them to their parents or guardian or pending their transfer to the custody of a child welfare or social service agency”, does NOT include a secure juvenile detention facility. However, those status offenders that are picked up on a warrant for contempt or Failure to Appear, have now committed that offenses that would be criminal if committed by an adult. Because of this, they may now be held under the 6-hour rule.

The following JJDPa exceptions apply to the DSO requirement:

1. Youth Handgun Safety Exception Under Sec. 223. 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.
2. Valid Court Order Exception. The Valid Court Order (VCO) exception at Sec. 223. 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.
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 a secure detention or 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.

A DSO violation may only occur in a facility meeting the statutory definition of a secure detention or correctional facility (or in some cases an adult jail or lockup): a status or non-offender who has been placed in a building that is wholly non-secure or in the non-secure portion of an otherwise secure detention or correctional building (e.g. the administrative area of a jail)

would not violate the DSO core requirement. In addition, it "...provides that juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult...and non-offenders who are aliens, or are alleged to be dependent, neglected, abused, shall not be placed in secure detention or correctional facilities." The DSO requirement only applies in residential facilities.

Examples of being Detained and Confined:

1. A juvenile placed in a cell within an adult jail or lockup, whether or not the cell door is locked.
2. A juvenile placed in an unlocked room within the secure perimeter of an adult jail or lockup or a juvenile detention center.
3. A juvenile left in a secure booking area after being photographed and fingerprinted.
4. A juvenile being processed in a secure booking area where an un-secure booking area is available within a facility.
5. A juvenile handcuffed to a rail in an unlocked lobby area of an adult jail or lockup.
6. A juvenile handcuffed to a stationary object in any area of the facility.
7. A juvenile placed in a room that contains egress doors with unapproved delayed egress devices or approved delayed egress devices with a delay of more than 30 seconds.

In determining whether there has been an instance of non-compliance with the core requirements, it is critical to note that the threshold inquiry must be "In what type of facility was the juvenile held?" Core requirements do not apply in non-secure buildings or non-secure areas of a law enforcement agency. The DSO requirement applies only in secure detention or secure correctional facilities, and in adult jails or lockups but only if they meet the definition of a residential facility.

B. Separation of Juveniles from Adult Inmates Pursuant to Sec. 223. 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 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.

Juveniles must be kept sight and sound separated from adult inmates (including trustees) at all times. Sight contact is clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders.

Under the new Juvenile Justice Reform Act, **Adult Inmate** is defined as an individual who:

A. (i) has reached the age of full criminal responsibility under applicable State law; and

(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense; and

does not include an individual who:

B. (i) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

(ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law.

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, which is 21 in Colorado. If the juvenile is under the jurisdiction of juvenile court, he could stay in youth detention for the full term of the disposition order (even if over the age of 18). Once the juvenile turns 18, they can be removed from the juvenile detention facility if it is determined that it is in the best interest of the public or other juveniles at the juvenile detention facility, for example, for safety from violence or bullying, or for exposure to criminal behaviors. In the Colorado Children's Code, this is addressed at 19-2-910 which basically says the same thing.

If the juvenile (under 18) was tried in criminal court but was detained in a youth correctional facility, once they turn 18, they must be removed from youth corrections and transferred to an adult facility. If the juvenile is going to be direct filed as an adult in criminal court, that is addressed in the Children's Code at 19-2-517.

In Colorado, our Facility Certification forms assist the compliance monitor in ensuring that sight and sound separation is occurring.

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 manner in which 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.

Detained or confined delinquents, status or non-offenders who have contact with adult inmates in a non-secure facility OR in the non-secure portion of any other entity, would not violate the separation core requirement. The separation requirement applies only in secure facilities in which juveniles might have contact with adult inmates.

Detain/Confine: Impacts on Separation

Section 223(a)12 "juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates"

The notice making amendments to the Formula Grants regulation (as published in the Federal Register on January 17, 2017) clarifies that the term "institution," as used in the separation requirement, must be understood to represent a secure facility.

Colorado receives a letter each year from the Department of Corrections that attests to whether any of these types of programs were conducted within their Adult Prisons.

C. Removal of Juveniles from Jails and Lockups for Adults Pursuant to Sec. 223. 34 U.S.C. § 11133(a)(13), no juvenile shall be detained or confined in any jail or lockup for adults, with 4 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. Any detention of an adjudicated juvenile in an adult jail or lockup is an instance of noncompliance with the jail removal requirement. The Jail Removal requirement applies only in secure facilities that meet the definition of "adult jails and lockups".

The term "jail or lockup for adults" means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults--

- A. pending the filing of a charge of violating a criminal law;
- B. awaiting trial on a criminal charge; or
- C. convicted of violating a criminal law.

A jail removal violation may only occur in a facility meeting the statutory definition of an adult jail or lockup (i.e. "locked" or secure areas):

- A delinquent, status or non-offender who has been detained in a law enforcement building that is entirely non-secure OR in the non-secure portion of a jail or police agency, would not violate the jail removal core requirement; and
- An accused delinquent offender detained in a law enforcement building that is entirely non-secure OR in the non-secure portion of a jail or police agency would not be subject to the 6-hour rule.

Detain/Confine: Impacts on Jail Removal

Section 223(a)13 “no juvenile shall be detained or confined in any jail or lockup for adults...”

- An understanding of a jail or lockup that encompasses only the secure portions of the building is, therefore, consistent with both statute and regulation.
- All secure areas of a law enforcement agency (assuming common administrative control) are presumptively included as a part of a single jail or lockup. This includes those areas with cuffing fixtures
- Because non-secure areas of an otherwise secure law enforcement agency do not meet the statutory standard of a “locked facility,” such areas would be separately classified as non-secure and would not be considered as a part of the jail or lock-up.
- Similarly, law enforcement buildings that are completely non-secure, do not meet the statutory standard of a “locked facility,” and would not be classified as jails or lock-ups.
- Historically, OJJDP interpreted the statutory term, “jail or lockup for adults” to include the entirety of a law enforcement building where juveniles or others may be detained or confined, including both secure and non-secure areas.

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** allows juveniles accused of committing a delinquent offense (i.e., offenses that would be a criminal offense if committed by an adult) to be detained or confined in an adult jail or lockup for the purposes of processing or while awaiting transportation. OJJDP recommends that any detention of juveniles be limited to the absolute minimum time necessary to complete these purposes, but in any case, not to exceed 6 hours. Time in a transport or law enforcement vehicle does not count towards the 6 hours. 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. 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, for 3 hours before, and then for an additional 4 hours following a court appearance would exceed the 6-hour limit.

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:

1. **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 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. 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. 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.

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.

Colorado currently does not allow for this exception.

2. Travel Conditions Exception

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

Colorado currently does not allow for this exception.

3. Conditions of Safety Exception

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

Colorado currently does not allow for this exception.

3.2 Overview of Responsibilities for Compliance Monitoring

Objective A: Properly identify, classify and inspect all facilities in Colorado			
Action Step	Who is responsible	Due Date	Measure
Identify and classify all facilities in CO that could hold juveniles pursuant to public authority. Provide the option to LE to be considered a “Secure, Non-	Compliance Monitor	For submission of the CM Plan	Updated monitoring universe

holding” facility, where applicable.			
Inspect all law enforcement facilities.	Compliance Monitor	On-going: 33% of secure facilities are inspected annually; non-secure facilities are required to be spot-checked, but are typically on the same rotation schedule as secure facilities. Under JJRA, the core requirements do not apply to non-secure facilities.	Updated inspection list on the Colorado database of facilities
Inspect all secure juvenile only facilities	Compliance Monitor	On-going: 33% of facilities are inspected annually	Updated inspection list on the Colorado database of facilities
Spot check all other juvenile facilities	Compliance Monitor	On-going	Updated classification list and Monitoring Universe

Objective B: Collect and verify data on 100% of all juveniles held securely in adult jails and lockups

Action Step	Who is responsible	Due Date	Measure
Run the DYC Trails report to determine if status offenders were held over 24 hours at, or sentenced to, juvenile facilities.	Compliance Monitor	Due for the CM Report due on March 30 th .	Completed spreadsheets for each juvenile facility.
Verify the valid court orders issued by District Courts.	Compliance Monitor	Due for the CM Report due on March 30 th .	Verification VCO was used correctly.
Collect secure juvenile holding logs from all adult jails and lockups.	Compliance Monitor	Due for the CM Report due on March 30 th .	Logs collected from all facilities holding juveniles securely.
Verify data from adult jails and lockups.	Compliance Monitor	Due for the CM Report due on March 30 th .	Verification of data from law enforcement (LE).
Verify non-secure law enforcement facilities are still non-secure.	Compliance Monitor	Annually in October	Request all non-secure LE facilities to return a non-secure certification form to verify their classification is still accurate. Classifications are also verified during on-site visits.
Review all facility classification certification forms – verifies classification and S&S separation.	Compliance monitor	Due for the Category 1 of the Plan submission.	Emails are sent out at the end of each program year.

Objective C: Notify all pertinent parties in a timely manner when a JJDP/JJRA violation is discovered.

Action Step	Who is responsible	Due Date	Measure
Mail a Compliance Violation Form when violations are discovered at law enforcement agencies.	Compliance Monitor	On-going	Copy of the Compliance Violation Form is contained in each Facility File.
Notify Judges of violations.	Compliance Monitor	On-going	Identification of specific violations.
Email year-end total number of violations to SB94, Judges, and DYC leadership.	Compliance Monitor	As requested	Chart of violations at juvenile facilities.

Objective D: Provide training and technical assistance			
Action Step	Who is responsible	Due Date	Measure
Provide technical assistance to all partners on the new JJDP Final Partial Rule.	Compliance Monitor	On-going	Number of status offenders held; number of requests for guidance from LE agencies
Discussions with the juvenile justice partners on strategies to address violations of accused status offenders/non-offenders held over the 24 hour reporting exception with a focus on truancy holds.	Juvenile Justice Specialist Compliance Monitor	On-going	Number of accused status offender violations
Meet with SB 94 Coordinators and NYC leadership at their quarterly, regional meetings	Juvenile Justice Specialist Compliance Monitor	On-going and as needed	Number of violations at juvenile detention centers
Train law enforcement during regular on-site visits	Compliance Monitor	All facilities are inspected once every three years (rate is 33%).	All facilities will have up to date guidance materials on the JJDP Act and state laws.
Provide TA to LE agencies regarding the use of DCJ's new mandatory Secure Juvenile Holding Log and the new submission process.	Compliance Monitor	On-going	The number of logs we receive that aren't using the new form.

3.3 Juveniles Direct-Filed, Transferred, or Waived to Criminal Court

Transferred, Waived, or Certified 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 JJRA Sight and Sound Separation requirement.

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, which is 21 in Colorado.

If the juvenile is under the jurisdiction of juvenile court, he could stay in youth detention for the full term of the disposition order (even if over the age of 18).

A juvenile may be sentenced to the youthful offender system created pursuant to this section under the circumstances set forth in section 19-2-517(6)(a)(II) or 19-2-518(1)(d)(II), C.R.S. A young adult offender may be sentenced to the youthful offender system created pursuant to this section under the circumstances set forth in section 18-1.3-407.5.

In order to sentence a juvenile or young adult offender to the Youthful Offender System, the court shall first impose upon such person a sentence to the Department of Corrections in accordance with CRS 18-1.3-401. The court shall thereafter suspend such sentence conditioned on completion of a sentence to the Youthful Offender System, including a period of community supervision. Suspended adult sentences are typically 2 to 3 times greater than the YOS sentence. To be eligible for YOS sentencing consideration, the offender must be age 14-19 at the time of the offense, and must be sentenced prior to their 21st birthday. Sentences are determinate and range from 2 to 7 years.

SB15-182 – CRS 18-1.3-407 ◦ Allows the DOC to transfer certain offenders age 24 or under into and out of YOS.

HB10-1413 – CRS 19-2-517 ◦ Removes 14 or 15 year olds from Direct filing except for First Degree Murder (F1), or sex offense from direct file consideration. 14 and 15 year old offenders are still subject to Transfer Hearings in order to be charges as adults in District Court.

HB12-1271 – CRS 19-2-517 ◦ Limits direct file to juveniles age 16 or 17 for F1, F2, crime of violence felonies or sex offenses. Either the prosecution or the defense can request a Warden Determination for YOS eligibility. When making a determination, the Warden shall consider the nature and circumstances of the crime; the age and criminal history of the offender; the available bed space and any other appropriate considerations, such as criminogenic needs, and mental health or disability concerns. Warden Determination information is then sent back to Probation to complete the PSIR. Offenders, age 24 or under, sentenced to DOC, transferred to YOS to participate in age appropriate programming. They are required to complete OTP and participate in all required YOS programming. Transfer offenders who do not meet the terms and conditions set forth in AR Form 1600-01A, Youth Transfer Agreement will be reviewed and transferred back to a DOC facility.

If the juvenile (under 18) was tried in criminal court but was detained in a youth correctional facility, once they turn 18, they must be removed from youth corrections and transferred to an adult facility.

Under the new H.R.6964 (JJRA of 2018) Sec. 223 (34 U.S.C. 11133) (a)

(11).....

(B) require that -

(i) not later than 3 years after the date of enactment of the Juvenile Justice Reform Act of 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

(I) shall not have sight or sound contact with adult inmates; and

(II) except as provided in paragraph (13), may not be held in any jail or lockup for adults;

(ii) in determining under clause (i) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight or sound contact with adult inmates, a court shall consider—

(I) the age of the juvenile;

(II) the physical and mental maturity of the juvenile;

(III) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

(IV) the nature and circumstances of the alleged offense;

(V) the juvenile's history of prior delinquent acts;

(VI) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and

(VII) any other relevant factor; and

(iii) if a court determines under clause (i) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—

(I) the court shall hold a hearing not less frequently than once every 30 days, or in the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and

(II) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;

(12) provide that –

(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have sight or sound contact with adult inmates; and

(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in colocated facilities, have been trained and certified to work with juveniles;

In Colorado, a juvenile can be filed on automatically as an adult if they commit a certain class of offense. They may also be transferred to adult court by the judge or they may be filed on in adult court by the District Attorney's office.

Procedures:

If criminal felony charges have been filed against a juvenile in a court exercising adult criminal Jurisdiction; the juvenile can be detained in an adult jail or lockup for any period of time. The jail and lockup removal requirement does not apply to those juveniles formally waived or transferred to criminal court and against whom criminal felony charges have been filed. Note that waiver or transfer and the filing of criminal felony charges does not transform a juvenile into an adult. Therefore, such a juvenile can be detained or confined after conviction in a juvenile facility and commingled with juvenile offenders. In 2012 state legislation was passed requiring these juveniles to be housed at the juvenile detention center.

Under the JJRA, a juvenile who has been transferred or waived or is otherwise under the jurisdiction of an adult criminal court does not have to be separated from adult criminal offenders. This is due to the fact that such a juvenile is not alleged to be or found to be delinquent (i.e., the juvenile is under a criminal proceeding, not a delinquency proceeding). Likewise, an adult held in an adult jail or lockup for delinquency proceeding (generally related to a crime committed before reaching the age of full criminal responsibility) can be held securely in an adult jail or lockup because the adult is not juvenile alleged to be or found to be delinquent. Both types of individuals can be placed wherever the legislature or courts, where authorized, deem appropriate.

3.4 Use of the Valid Court Order (VCO)

How the Valid Court Order is monitored in Colorado

DCJ is responsible for collecting data; see C.R.S. 24-33.5-503. Duties of Division. (1) The division has the following duties: (r) To inspect secure juvenile facilities and to collect data on juveniles that are held in secure juvenile facilities, jails, and lockups throughout the State. DCJ coordinated access to the Colorado Courts Database for the compliance monitor. This allows the compliance monitor to access court summaries, docket numbers and judge's names from a search of either the docket number or juvenile's name.

The Chief Justice of the Colorado Supreme Court Issued Rule Change 1997(17), effective January 1, 1998, under Chapter 28, Colorado Rules for Judicial Procedure, clarifying the use of the Valid Court Order for Status Offenders and the order for Secure Placement as a Disposition for the Violation of a Valid Court Order. The Rule Change and samples of the two orders precede this explanation. Colorado follows the VCO regulation issued prior to 2002 as our Judicial Rule mirrors it.

Colorado District Court judges must use these orders when initially placing status offenders in a secure juvenile detention facility under a Valid Court Order and later when sentencing a status offender to secure juvenile detention facility for violation of that court order. These two orders mirror, word for word, the criteria contained in the OJJDP regulation issued prior to the 2002 reauthorization.

The Initial VCO cites the juvenile's behavior that has been determined by the Court to be unacceptable. It will prescribe what the juvenile must do to satisfy the Court, and it will outline the consequences if the juvenile fails to abide by the Court's orders.

The Written Report must be completed, signed and dated either before or on the date the sentencing hearing was held.

The Written Report must contain the following information:

- A. Description of the behavior of the juvenile and the circumstances under which the juvenile was brought before the court; and
- B. Reasons for the juvenile's behavior; and
- C. A determination that all dispositions, other than secure confinement, have been exhausted or are clearly inappropriate.

There must be time between the Initial VCO and the Written Report for the juvenile to comply with the court order.

The Sentenced Order for the VCO will occur if the juvenile fails to meet the requirements outlined in the Initial VCO. These situations are not recorded as violations if there are copies of the Valid Court Order for Status Offenders, the Written Report, and the order for Secure

Placement as a Disposition for the Violation of a Valid Court Order in the juvenile's file. If one of these is missing; or not completed properly or signed, it is recorded as a violation.

The DCJ compliance monitor must ensure that the three VCO forms are contained in each District Court file where the VCO was used. The VCO required forms are:

- Form 1. Initial Valid Court Order for Status Offenders,
- Form 2. Valid Court Order Written Report, AND
- Form 3. Secure Placement as Disposition for Violation of Valid Court Order.

Juvenile Detention Centers: Adjudicated Status Offenders

While the use of the VCO has declined significantly over the years, the continued use of a detention sentence via the VCO process for truants continues to be a focus area for Colorado. DCJ will continue to work with our State and Local Truancy partners to work towards ending the use of a detention sentence for truants.

Link: Colorado's VCO Process

https://drive.google.com/file/d/1cwG4pzdx9olkqC5047_QURvyXos93V2w/view?usp=sharing

Link: VCO Required Forms 1, 2, and 3

<https://drive.google.com/file/d/14NUIBS9YCFoWQsACkzwn1YaQP7-SDt5c/view?usp=sharing>

Link: VCO Requirements

<https://drive.google.com/file/d/1BdwJchgdWTVVCWP8CXn7fxenDUnNdVW1c/view?usp=sharing>

There have been slight changes to the requirements for issuing a VCO under the JJRA of 2018, the following elements are required:

This VCO guidance went into effect October 1, 2019

Under the new H.R.6964 (JJRA of 2018) Sec. 223 (34 U.S.C. 11133) (a)

(23) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

(A) an appropriate public agency shall be promptly notified that such juvenile status offender is held in custody for violating such order;

(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile status offender; and

(C) not later than 48 hours during which such juvenile status offender is so held—

(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile status offender; and

(ii) such court shall conduct a hearing to determine--

(I) whether there is reasonable cause to believe that such juvenile status offender violated such order; and

(II) the appropriate placement of such juvenile status offender pending disposition of the violation alleged; and

(iii) if such court determines the status offender should be placed in a secure detention facility or correctional facility for violating such order—

(I) the court shall issue a written order that—

(aa) identifies the valid court order that has been violated;

(bb) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;

(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;

(dd) specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and

(ee) may not be renewed or extended; and

(II) the court may not issue a second or subsequent order described in sub-clause (I) relating to a status offender unless the status offender violates a valid court order after the date on which the court issues an order described in sub-clause (I); and

(D) there are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter;”

In addition, Colorado H.B. 18-1156 set new requirements for the use of VCO by reducing the length of time a juvenile can be sentenced to detention as a sanction for contempt of court.

Colorado H.B. 18-1156 Limit Penalties for Juvenile Truancy

“(c) (I) If the court finds that the child OR YOUTH has refused to comply with the plan created for the child OR YOUTH pursuant to section 22-33-107 (3), the court may impose on the child OR YOUTH, as a sanction for contempt of court, a sentence of detention for no more than

FORTY-EIGHT HOURS in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402 C.R. S., and any rules promulgated by the Colorado supreme court. THE COURT SHALL NOT SENTENCE A CHILD OR YOUTH TO DETENTION AS A SANCTION FOR CONTEMPT OF COURT UNLESS THE COURT FINDS THAT DETENTION IS IN THE BEST INTEREST OF THE CHILD OR YOUTH AS WELL AS THE PUBLIC. IN MAKING SUCH A FINDING, THE COURT SHALL CONSIDER THE FOLLOWING FACTORS, INCLUDING THAT:

(A) THE CHILD OR YOUTH HAS VIOLATED A VALID COURT ORDER;

(B) NATIONAL AND COLORADO-SPECIFIC EVIDENCE SHOWS THAT DETAINING CHILDREN AND YOUTH FOR TRUANCY ALONE IS COUNTERPRODUCTIVE AND HARMFUL TO CHILDREN AND YOUTH;

(C) THE LEGISLATIVE INTENT IS THAT A CHILD OR YOUTH WHO IS TRUANT MUST NOT BE PLACED IN SECURE CONFINEMENT FOR TRUANCY ALONE;

(D) DETENTION IS LIKELY TO HAVE A DETRIMENTAL EFFECT ON THE CHILD'S OR YOUTH'S SCHOOL ATTENDANCE; AND

(E) DETENTION IS LIKELY TO HAVE AN EFFECT ON THE CHILD'S OR YOUTH'S FUTURE INVOLVEMENT WITH THE CRIMINAL JUSTICE SYSTEM.

(II) THERE IS A REBUTTABLE PRESUMPTION THAT A CHILD OR YOUTH MUST RECEIVE CREDIT FOR TIME SERVED IF HE OR SHE IS SENTENCED TO DETENTION PURSUANT TO SUBSECTION (7)(c)(I) OF THIS SECTION FOR VIOLATING A VALID COURT ORDER TO ATTEND SCHOOL. IF THE COURT REBUTS THIS PRESUMPTION, IT SHALL EXPLAIN ITS REASONING ON THE RECORD.”

Other Colorado Laws that could impact the detention of juveniles:

CRS 19-2-402: (b) Detention facilities operated by or under contract with the department of human services, subject to limitations on physical capacity and programs, shall receive and provide care for any juvenile arrested for or convicted of a violation of provision of articles 1 to 15 of title 33, C.R.S., or any rule or promulgated there under; or any article of title 42, C.R.S., or any municipal or county ordinance and for any juvenile found in contempt of court in connection with a violation or alleged violation of any of those articles or any municipal or county ordinance.

CRS 19-2-507: (3) the juvenile shall be released to care of such juvenile’s parents or other responsible adult. The court may make reasonable orders as conditions of said release. In addition, the court may provide that any violation of such orders shall subject the juvenile to contempt of court sanctions of the court.

CRS 19-3-504: (1) any person summoned or required to appear as provided in section 19-3-5-3 who has acknowledged service and fails to appear without reasonable cause may be proceeded against for contempt of court.

In addition, the Supreme Court of the State of Colorado, in legal opinion No. 90SA357, J.E.S. and concerning E.S. and D.S. ruled that, “In our view, the legislature’s enactment of the amended section 22-33-108(7) has so deprived those courts having jurisdiction over truants of their inherent contempt power as to render them unable to preserve the dignity of the court and to administer their judicial functions in an effective manner. If responsibility for the enforcement of compulsory school attendance is to remain in the courts, the judiciary’s power to enforce its orders must remain intact.”

Therefore, 22-3-108 was rewritten the following year, in 1992, to state the following:
CRS 22-3-108 (7): If a child does not comply with the valid court order issued against the child or against both parent and the child, the court may order that an investigation be conducted and the court may order the child to show cause why he or she should not be held in contempt of court. The court may include as a sanction after a finding of contempt and appropriate treatment plan that may include, but not be limited to, community service to be performed by the child, supervised activities, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education. (b) The court may impose on the child as a sanction for contempt of court a sentence to incarceration to any juvenile detention facility owned or operated by or under contract with the department of human services pursuant to section 19-2-402, and any rules promulgated by the Colorado Supreme Court.

In 2008, HB 1112 was enacted; a portion of this legislation concerns the Valid Court Order.

CRS 22-22-108 Judicial Proceedings: (3) After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106(a) (4) of the Colorado rules of civil procedure and Rule 3.8 of the Colorado Rules of Juvenile Procedures. (7)(a) If the child does not comply with the Valid Court Order issued against the child or against both the parent and the child, the court may order that an investigation be conducted as provided in section 19-2-510(2) CRS, and the court may order the child to show cause why he or she should not be held in contempt of court. The court may include as a sanction after a finding of contempt an appropriate treatment plan that may include, but not be limited to, community service to be performed by the child, supervised activities, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education. (8) The court may impose on the child as a sanction for contempt of court a sentence to incarceration to any juvenile detention facility operated by or under contract with the department of human services pursuant to section 10-2-402 CRS, and any rules promulgated by the court.

3.5 Interstate Compact

Interstate Compact on the Placement of Children

The Interstate Compact on the Placement of Children (ICPC) is a law that has been enacted by all 50 states, the District of Columbia and the U.S. Virgin Islands. This law establishes orderly procedures for the interstate placement of children and fixes responsibilities for those involved in placing the child.

Pursuant to ICJ Rules 6-101, 6-102, and 6-103, a non-delinquent runaway may be securely

detained to allow such juvenile to be safely returned to a parent or guardian having custody of the youth.

Despite the clear language of the ICJ Rules, controversies sometimes arise regarding secure detention because the federal Juvenile Justice and Delinquency Prevention Act (JJDP) generally prohibits placing status offenders in custody. The JJDP's deinstitutionalization of status offenders (DSO) requirement provides that youth charged with status offenses, and abused and neglected youth involved with the dependency courts, may not be placed in secure detention or locked confinement, except under very limited circumstances. As described in JJDP, 34 U.S.C. 11133 (a) 11(A)(i), the JJDP clearly provides an exemption for secure detention for out-of-state runaway youth held under the ICJ.

The JJDP expressly creates an exemption to the deinstitutionalization of status offenders and permits detention of "a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State;" see 34 U.S.C. 11133(a)(11)(A)(III). Moreover, there is no specific time frame set forth in the above provision.

Probation/parole absconders, escapees or accused delinquents who have an active warrant shall be detained in secure facilities until returned by the home/demanding state. In the absence of an active warrant, the holding state shall have the discretion to hold the juvenile at a location it deems appropriate.

Runaways and accused status offenders who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.

While the federal Juvenile Justice and Delinquency Prevention Act (JJDP) generally prohibits placing status offenders in custody, the JJDP clearly provides an exemption for secure detention for out-of-state runaway youth held under the ICJ. Pursuant to a Memorandum issued by OJJDP, May 12, 2010, "Juveniles held pursuant to the Interstate Compact for Juveniles enacted by the state are excluded from the DSO (deinstitutionalization of status offenders) requirements in total."

The Juvenile Justice Reform Act of 2018 retains an exception for juveniles "held in accordance with the Interstate Compact on Juveniles."

Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of 90 calendar days. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.

During the compliance monitor's review of the holds at a Secure Juvenile Detention Center, there may be juveniles that be identified as "Runaway, Out of State" or Status Offender, "Out of State". The compliance monitor will make a list of these juveniles and send it to Colorado's Interstate Compact Coordinator. She will review the list to ensure that all were on the Interstate Compact registry which would then exclude them from the DSO requirement.

The ICJ Executive Committee requested the following legal analysis to ensure courts and other agencies are aware of ICJ's requirements and rules. This analysis will serve as a resource to

document the circumstances under which a non-adjudicated juvenile may permissibly be detained under the ICJ as a recognized exception to the Juvenile Justice and Delinquency Prevention Act (JJDP) and the continued need for this exemption to be maintained. Analysis of Relevant Law ICJ Rule 1-101 defines “Runaways” as “persons within the juvenile jurisdictional age limit established by the home state who have voluntarily left their residence without permission of their legal guardian or custodial agency but who may or may not have been adjudicated.”

The Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) was established in 1974 and consists of members from all 50 states as well as the District of Columbia and the U.S. Virgin Islands.

An ICPC can be initiated by private individuals, the court, child placement agencies, adoption agencies and public agencies.

Link: 2019 Interstate Compact

<https://drive.google.com/file/d/1q3Z3JeKMaeX5uN8Rm7nxOt2rmRS9IFAQ/view?usp=sharing>

3.6 Colorado State Laws that may impact JJDP Core Requirements

States’ definitions for juvenile and criminal justice terms sometimes differ from those provided in the JJDP Act. It is critical that these differences are identified and addressed in the monitoring process. Colorado uses federal definitions exclusively for all monitoring activities.

The following provides description of state and local laws that might impact compliance monitoring of the JJDP/JJRA.

House Bill 17 – 1207

The bill creates provisions that remove the requirements for the department of human services to receive, detain, or provide care for any juvenile who is 10 years of age and older but less than 13 years of age, unless the juvenile has been arrested or adjudicated for a felony or a weapons charge that is a misdemeanor or felony. Provisions remain in statute for other programs and services for the age group that will no longer require placement of the juvenile in a detention facility.

House Bill 18-1156

The truancy bill CONCERNING LIMITATIONS ON PENALTIES FOR TRUANCY intends to further limit the use of detention for failing to obey by a valid court order. It would change the cap from 5 days to 48 hours which would also be inclusive of any time the juvenile was securely held prior to the hearing and after they were picked up by law enforcement on a court warrant. The court would also have to find it was in the child’s and public’s best interest and address a number of enumerated factors which include evidence of the adverse effects of detention on truants.

Link: Colorado H.B. 18-1156

https://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1156_ren.pdf

C.R.S. 13-5-145 Truancy detention reduction policy (Senate Bill 15 184).

No later than March 15, 2016, the Chief Judge in each Judicial District shall convene a meeting of community stakeholders to create a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction for truancy. In developing the policy, the Chief Judge and community stakeholders shall consider best practices for addressing truancy, evidence-based practices to address and reduce truancy, using a wide array of reasonable sanctions and reasonable incentives to address and reduce truancy, using detention only as a last resort after exhausting all reasonable sanctions and, when imposing detention, appropriately reducing the number of days served, and research regarding the effect of detention on juveniles.

C.R.S. 19-1-103 (8) (a) Adult: Means a person eighteen years of age or older, except that any person eighteen years of age or older who is under the continuing jurisdiction of the court, who is before the court for an alleged delinquent act committed prior to the person's 18th birthday, or concerning whom a petition has been filed for the person's adoption other than under this title shall be referred to as a juvenile.

C.R.S. 19-1-103 (18) Child: Means a person under eighteen years of age.

C.R.S. 19-1-103 (36) Delinquent act: As used in article 2 of this Title, means a violation of any statute, ordinance, or order enumerated in section 19-2-104(1) (a). If a juvenile is alleged to have committed or is found guilty of a delinquent act, the classification and degree of the offense shall be determined by the statute, ordinance or order that the petition alleges was violated.

C.R.S. 19-1-103 (40) Detention: Means the temporary care of a child who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment.

C.R.S. 19-1-103 (109) Training school: Means an institution providing care, education, treatment, and rehabilitation for juveniles in a closed setting and includes a regional center established in part 3 of article 10.5 in title 27.

C.R.S. 19-1-103 (103.7) Status offense shall have the same meaning as defined in federal law in 28 CFR 31.304, as amended.

C.R.S. 19-2-508 (2) Time limitations on processing valid court order offenders.

A new law was passed in 2014 under House Bill 12-0213 which states that a juvenile being held in (juvenile) detention on a warrant for violating a valid court order on a status offense the court will hold the next hearing within 24 hours of admission, excluding weekends and legal holidays.

C.R.S. 19-2-508 (8) Detention and shelter--hearing--time limits--findings--review--confinement with adult offenders—restrictions.

(a) A juvenile who allegedly commits a status offense or is convicted of a status offense shall not be held in a secure area of a jail or lockup.

(b) A sheriff or police chief who violates the provisions of paragraph (a) of this subsection (8) may be subject to a civil fine of no more than one thousand dollars. The decision to fine shall be based on prior violations of the provisions of paragraph (a) of this subsection (8) by the sheriff or police chief and the willingness of the sheriff or police chief to address the violations in order to comply with paragraph (a) of this subsection (8).

C.R.S. 19-3-403 (2) Time limitations on holding status offenders securely.

“A child requiring physical restraint may be placed in a juvenile detention facility operated by or under contract with the department of human services for a period of not more than twenty-four hours, including Saturdays, Sundays, and legal holidays.”

C.R.S. 22-22-108 Requires a valid court order to sentence status offenders.

Please note that it is a violation of State law to sentence status offenders to detention without benefit of the Valid Court Order, see C.R.S. 22-22-108, Judicial Proceedings, “After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106(a) (4) of the Colorado rules of civil procedure and Rule 3.8 of the Colorado Rules of Juvenile Procedures.” Rule 3.8 refers to the Colorado Valid Court Order process which is identical to the OJJDP VCO process prior to the 2002 Act reauthorization.

C.R.S. 22-33-104 Compulsory school attendance.

Boards of Education are encouraged to establish attendance procedures to identify students who are chronically absent and to implement best practices and research-based strategies to improve attendance.

C.R.S. 22-33-107 Enforcement of compulsory school attendance.

- Defines “Local Community Services Group” as the local juvenile services planning group, local collaborative management group or another local group of public agencies that collaborate with the school district to identify and support services for students.
- Boards of Education shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant.
- The policies and procedures must include provisions for development of a plan which must be developed with the goal of assisting the child to remain in school.
- Appropriate school personnel are encouraged to work with the local community services group to develop the plan.
- Policies and procedures may include procedures to monitor the attendance of each child enrolled in the school district to identify each child who has a significant number of unexcused absences and to work with the local community services group and the child’s

parent to identify and address the likely issues underlying the child's truancy including any non-academic issues.

C.R.S. 22-33-108 Judicial Proceedings relating to truants (House Bill 13-1021)

Schools can file a truancy petition only as a last resort approach and only after the plan developed pursuant to 22-33-107, C.R.S. has been created and implemented and child continues to be habitually truant.

Before initiating court proceedings, the school district shall give the child and parent written notice that the schools district will initiate proceedings if the child does not comply with attendance requirements.

School must at a minimum submit to court 1) attendance record of student before and after the student was identified as habitually truant, 2) whether the child was identified as chronically absent (22-33-104, C.R.S.) and if so, the strategies the school district used to improve the child's attendance, 3) the interventions and strategies used to improve the student's attendance before the school created the plan identified in 22-33-107(3), C.R.S., 4) the child's plan and efforts by the child, child's parent and school or school district personnel to implement the plan.

The court may issue an order against the child, the child's parent, or both compelling the parent to take reasonable steps to assure the child's attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child.

If the child does not comply with the court order, the court may order an assessment for neglect be conducted by DSS pursuant to 19-3-102 (1), C.R.S.

If the court finds the child has refused to comply with the plan approved by the court, the court may impose on the child as a sanction for contempt of court a sentence of detention for no more than five days in a juvenile detention facility.

As a result of the work and discussions around House Bill 13-1021 the number of status offenders sentenced to detention dropped from 360 in 2012 to 267 in 2013. One District Court (Arapahoe) ruled against using detention for status offenders. Other District Courts (El Paso and Jefferson) are limiting the use of detention to historic lows.

3.7 Compliance monitoring timetable and schedule.

The monitoring timetable is an annual calendar denoting when and what compliance monitoring will occur.

Link: FY2020 Compliance Monitoring Timetable and Schedule

<https://drive.google.com/file/d/1cLY1ix72jLz4J99SqLn9T2d5HuDn7kRL/view?usp=sharing>

Timetable Index:

Collect required Compliance Monitoring (CM) data from agencies and facilities. Annually.

Collect, upload, and review secure juvenile holding logs. Quarterly. (160 secure facilities).

Write and submit Compliance Monitoring reports. Quarterly and Annually.

Collect data/information and writing the Annual JJDPA Compliance Monitoring Report.

Run and review information from Trails database (entered by secure juvenile detention centers). Contact SB94 Coordinators and Court staff regarding questions on data. Verify VCOs. Twice a year.

Conduct on-site facility inspections and enter that information into Access. 141 Facilities visited in 2019.

Update CO's Policy and Procedures Manual with new OJJDP guidance and signed Colorado legislation.

Implementation of any new law.

Throughout the year, cite any violations as they are discovered and send the DCJ Compliance Violation Form.

Participate in OJJDP and CJJ compliance monitoring calls and webinars through the year. Spot check these facilities every 3-5 years: Prison, Mental Health 27-65 facility, Residential Group home.

3.8 Barriers and Strategies

Colorado's compliance monitor attends the quarter SAG (JJ Council) meetings which provides an opportunity to update the on all compliance monitoring activities. In addition, the JJ Council has established a compliance monitoring sub-committee to discuss compliance monitoring concerns if they should arise.

The annual compliance monitoring data and findings are also presented to the JJ Council so that they are kept abreast of all compliance monitoring work and the state's overall performance on meeting JJDPA/JJRA core requirements.

Colorado 2019 Barriers and Strategies included:

Barrier #1: DCJ recognizes that Juvenile Detention Centers and counties in Colorado are struggling with the D & N runaways and lack of alternatives, on an emergency basis especially, for temporary holding and placements. During the course of compliance monitoring over the past year, Colorado's compliance monitor identified 7 instances where juveniles under the jurisdiction of juvenile court for dependence and neglect and receiving out-of-home placement

services from the local county department of human/social services were detained after being picked up by law enforcement for running away. Although, typically such juveniles are non-offenders, we have been told by OJJDP these detention placements are not automatic violations because they were runaways from placement. After receiving that clarification, we determined that 5 of these juveniles were still held over 24 hours prior to or after an initial court hearing so will be moved into that DSO violation category and the other two were not violations. Colorado remains concerned that this would not be considered a best practice for our state for juveniles who are subject to dependency and neglect court and social services involvement.

Many Colorado communities do not have adequate non-secure holding facilities, such as shelter homes, temporary holding, or other human services facilities. This is particularly true when it comes to addressing the needs of Dependent and Neglected (D&N) juveniles. For example, if there was a D&N juvenile that ran away from their placement, the judge may order a bench warrant for the police to pick him up and bring him to court. For status offenders, they can be held at a juvenile detention facility 24 hours before and after an initial court appearance, but that doesn't apply to D&N juveniles. If court can't be held until the next day, what should the police do in terms of making sure this juvenile will appear before the court the next day? If the police call human services and they can't respond promptly or they don't have any facility openings, what should be done with this juvenile. In addition, Colorado's law enforcement agencies also struggle with what to do with runaways where it appears that the juvenile's well-being and safety may be a concern. A prime example of this are those juveniles that law enforcement may suspect of being a part of human trafficking. Law enforcement and Human Service Agencies want to keep these juveniles safe, but laws prohibit the option of holding them securely until appropriate arrangements can be made. This issue reflects a larger concern for the state, the lack of a continuum of placement options for county department of social services as well as within the detention continuum.

Strategy #1: The Juvenile Justice Specialist contacted the Division of Youth Services (who are responsible for the Detention Continuum Program and detention placements), the Judicial and Legislative Administrator from the Colorado Department of Human Services and the Family Law Program Manager from the Colorado State Court Administrator's Office to discuss the issue. After understanding that detention was an option for these cases, we all agreed that indeed it still remains a concern from a best practice perspective. Ultimately we hope to send a cross agency communication that will inform all systems involved, from court to detention to county social services, about what is available and processes to access a more robust continuum to avoid unnecessary and damaging detention placement for non-offenders.

Barrier #2: Lack of training of law enforcement officers by their predecessors (due to turnover)

Strategy #2: This has been, and more than likely will continue to be, an ongoing issue for the compliance monitor. Law enforcement officers move around a lot in order to move up in rank or to move to other offices for various reasons. This often includes the officers that are collecting, reporting, and/or submitting the secure juvenile holding logs. When officers with these responsibilities move on, many times the new officers won't receive appropriate training on this process. This leads to errors occurring or to holding logs not even being submitted. The

process for submitting the logs is not complicated in and of itself, but attention to detail is required. The smallest of detail left unreported or incorrectly reporting can lead to what appears to be a violation. When the compliance monitor follows up on these errors, that is when it is usually discovered that there is a new person in the position that reports this data. Technical assistance is provided at that time, but this change of law enforcement personnel does continue to create either a lack of reporting or inaccurate reporting, both of which are caught during the data verification process, but it slows the process down.

Barrier #3: Closing of regional secure juvenile detention facilities

In 2018, Colorado pulled the contracts from the private subcontractor that operated 2 of the secure juvenile detention centers in the state. Those facilities were abruptly closed which left law enforcement agencies in a bind because that eliminated the facilities that were allowed to hold a juvenile 24 hours prior to or immediately following an initial court appearance. One of these facilities, covered the entire SW part of the state.

Strategy #3: The cities, counties, and judicial districts that were impacted by these facility closures have had meetings (and continue to have meetings) to address the problem this created. Law enforcement are considering issuing more Promise to Appear or Notice to Appear conditions to juveniles, when possible. Some are trying to implement use of video conferencing for court appearances between the District Court and a local law enforcement agency.

Barrier #4: The ongoing lack of timely and written official guidance from OJJDP has made it difficult for Colorado to conduct training on this subject and to update the Colorado Compliance Monitoring Policy and Procedures Manual. DCJ prefers to have supporting written document from OJJDP before we instruct our law enforcement agencies and secure juvenile detention and correctional facilities to make changes to their existing procedures. Inevitably, someone will ask, “Where does it say that in the law or policy?” and then we can reference OJJDP’s guidance. We understand that at the Federal level there is a move to allow states to have more discretion on how laws and regulations are interpreted and implemented. Each state is unique and will have their own procedures, but guidance from OJJDP on not only what needs to be done, but also on how it COULD be done (to a certain degree) is necessary to ensure compliance. If options are presented by OJJDP on how to implement a law or monitor to that law, the decision would still be made by states on how they want to do it. Also, sometimes the guidance needed is not on how the state does something, but rather on how a law enforcement or juvenile detention needs to do something.

Strategy #4: Colorado will update its Colorado Compliance Monitoring Policies and Procedures Manual to include the requirements stated in the new Final Partial Rule and the JJRA of 2018. The DCJ compliance monitor will provide ongoing guidance and training to our partners, to the level of detail provided to us.

4.0 MONITORING FACILITIES

4.1 Facility Identification

The following are definitions of terms pertinent to the identification and classification of facilities under JJDP/JJRA:

Secure Facilities 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.

A **Residential** area is an area used to confine individuals overnight, and may include sleeping, shower and toilet, and day room areas (includes juvenile AND adult areas).

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.

- A. Adult Jail or Lockup:** As defined in the JJRA of 2018, at Sec 103. 34 U.S.C. § 11103(22), the term jail or lockup for adults means a locked facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adults
- pending the filing of a charge of violating a criminal law;
 - awaiting trial on a criminal charge; or
 - convicted of violating a criminal law.

Pursuant to the JJDP, jail removal violations may only occur in facilities that meet the definition of Adult Jails and Lockups. Jails and lockups for adults are, by definition, secure facilities. As a result, areas of police stations or other law enforcement offices that are not secure (e.g., lobbies, conference rooms, and other administrative areas that are not within a secure perimeter and do not contain cuffing rails or fixtures) would not be included as a part of the jail or lockup and need not be monitored for compliance with jail removal. Cells, lockable interview or interrogation rooms (such that occupants may be secured within) that contain cuffing fixtures, and other areas that fall within a secure perimeter, would all be appropriately classified as a part of the jail or lockup facility. Secure areas of a single police station or other law enforcement office that are noncontiguous but operate under common administrative control may be classified as a single jail or lockup facility. It is important to note that patrol cars or other law enforcement vehicles are not facilities and therefore would not be considered as part of an adult jail or lockup (or other facility type). If all or a portion of a jail or lockup meets the JJDP definition of a secure detention or correctional facility, it must also be monitored for compliance with the DSO requirement.

B. A Court Holding facility: is a secure facility, other than an adult jail or lockup, which is used to temporarily detain persons immediately before or after detention hearings or other court 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 the section 223(a)(12) (Separation) requirement of the Act.

The compliance monitor must monitor court-holding facilities to ensure that they meet the Sight and Sound Separation Core Requirement. The separation core requirement is implicated in court holding facilities in which juvenile detainees may have contact with adult inmates. Therefore, states must monitor, and report violations in, court holding facilities. Because all court holding facilities meet the definition of an institution, states must also ensure that there is sight and sound separation between detained juveniles and adult inmates, including when the juveniles and adults are moved within a court holding facility. If it is a facility that 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 and that classification should be used to determine compliance.

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, and during the hours that the court is open, typically 8:00 am to 5:00 pm.

OJJDP recommends that this process include a review of any holding logs and any written facility policies/procedures that address separation. OJJDP strongly recommends that 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. The DSO and jail removal core requirements are not applicable for court holding facilities because such facilities do not meet the definition of a secure detention or secure correctional facility or the definition of a jail or lockup for adults.

C. Secure Juvenile Detention facility: Per Section 103(12), the term “secure detention facility” means any public or private **residential** facility which—

- A. includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and
- B. are used for the temporary placement of any juvenile accused of having committed an offense or of any other individual accused of having committed a criminal offense.

Pursuant to the JJRA of 2018, DSO violations may only occur in facilities that meet the definition of a secure detention facility or the definition of a secure correctional facility. Common examples of secure detention facilities include juvenile detention centers, jails, and residential areas (if applicable) of adult lockups. Secure detention facilities are, under the JJDP definition, both secure and residential in nature. States must monitor secure detention facilities to ensure that they document, at or near the time of detention, information on all juveniles placed therein.

Colorado Youth Service Centers

In Colorado, there are 5 juvenile detention (only) centers, 3 facilities that have both detention and correctional centers, and 2 juvenile correctional (only) centers that are strictly for committed youth.

1. Gilliam Youth Services Center (Denver) – Detention Only
2. Adams Youth Services Center (Denver) – Detention Only
3. Pueblo Youth Services Center (Pueblo) – Detention Only
4. Spring Creek Youth Services Center (Colorado Springs) – Detention Only
5. Marvin W. Foote Youth Services Center (Englewood) – Detention Only
6. Platte Valley Youth Service Center (Greeley) – Detention and Commitment
7. Grand Mesa Youth Service Center (Grand Junction) – Detention and Commitment
8. Mount View Youth Service Center (Denver) – Detention and Commitment
9. Lookout Mountain Youth Service Center (Golden) – Commitment Only
10. Zebulon Pike Youth Service Center (Colorado Springs) – Commitment Only

In 2018, two Youth Detention Facilities (Robert E. Denier Youth Service Center and a portion of the Betty K. Marler Youth Service Center) were closed when the state suspended the license of the contractor, Rite of Passage, that operated programs at these 2 facilities. The contractor was accused of inappropriate treatment of the youth detainees under their care and supervision. The closure of the Robert Denier facility in SW Colorado created a hardship for law enforcement who no longer had a “local” juvenile detention facility to take juveniles to.

D. Secure Correctional Facilities. The term secure correctional facility means any public or private residential facility that includes –

- A. construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody, and
- B. is used for the placement of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense. (See 34 U.S.C. § 11103(13).)

Pursuant to the JJDP, DSO violations may only occur in facilities that meet this definition or the definition of a secure detention facility. Common examples of secure correctional facilities include adult jails, prisons, and juvenile correctional facilities or training schools. In some instances, secure mental health or substance abuse facilities may also meet this definition. States must monitor secure correctional facilities for compliance with the DSO core requirement, pursuant to 34 U.S.C. § 11133(a)(11). Because all secure correctional facilities also meet the definition of an institution (i.e., a secure facility that law enforcement or a juvenile or criminal court authority uses to detain or confine juvenile or adult inmates), states must monitor them for compliance with the separation requirement as well. When a secure correctional facility also meets the definition of a jail, the state must also monitor for compliance with the jail removal requirement.

In Colorado, the Youth Offender System is used for juveniles who are charged as an adult and sentenced out of criminal court. These juveniles, age 16 or 17, would automatically be sent to this facility. Juveniles may reside in this facility up to the age of 24.

E. A Collocated Facility is a juvenile facility that is located in the same building as an adult jail or 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 a common use non-residential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns.

For any state that utilizes the same staff to serve both adult and youth populations, including but not limited to approved collocated youth detention facilities, a policy must be in effect requiring individuals who work with both youth and adult inmates to be trained and certified to work with youth. Colorado meets this requirement due to the fact that each law enforcement officer in Colorado is required to be P.O.S.T. (Peace Officer Standards and Training Board) certified. P.O.S.T. academies are offered at certain law enforcement agencies (for example, the Colorado State Patrol and the Jefferson County Sheriff's Department have their own academies) and at community colleges throughout the State. If a person attends a community college for P.O.S.T. Certification they will also obtain an Associate of Arts in Criminal Justice. All college academies must be certified by P.O.S.T.; they all offer the same curriculum and the same content. The Colorado community colleges also offer additional course work in criminal justice so the student will have the credit hours to obtain an Associate of Arts in Criminal Justice. Commissioned jail deputies are not required to be P.O.S.T. certified but may receive training through the County Sheriffs of Colorado training division.

Prior to beginning employment at any department officers must be P.O.S.T. certified. The basic mandatory curriculum includes training on:

- Law Enforcement Ethics and Anti-Bias Policing
- Colorado's Children's Code, Criminal Code and Related Federal Statutes
- Dynamics of Family Relationships
- Incest, Child Abuse, Sexual Exploitation of Children, Harboring a Minor, Domestic Violence
- Transfer of juveniles to adult court o Juvenile custody and officer obligations
- Legal Liability
- Liquor Code
- Controlled Substances
- Court Testimony
- Crisis Intervention
- Victim Rights
- Interactions with Special Populations

- Community Policing and Community Partnerships
- Gangs
- Verbal Communication Techniques

Additional supplemental course work is available through P.O.S.T. and at community colleges on:

- D.A.R.E (Drug Abuse Resistance Education)
- School Resource Officer training (each law enforcement department is required to have one SRO)
- Delinquent behavior; to include juvenile development, family dynamics
- Human relations and social conflict
- Child abduction
- Interviewing juveniles

The JJ Council and DCJ, in their efforts to maintain compliance with the JJDP Act, will review all collocated facility plans prior to the collocated facility’s actual implementation. Only those collocated facilities that fully meet the federal regulatory requirements will be approved. Of primary concern to the Council and DCJ is the collocated facility creating and maintaining an atmosphere that is appropriate and conducive to the care of alleged juvenile offenders who require a secure detention environment. Applicants who are denied collocated status on the basis of this policy will be afforded the right to an appeal which will be directed to the Director of DCJ.

Link: Colorado’s Collocated Facility Guidelines

<https://drive.google.com/file/d/1HZ2fheF3w1WROWowAdtUoX3gc7fuuTLZ/view?usp=sharing>

F. Colorado Department of Human Services facilities

Link: Child Care Facilities Licensed in Colorado

https://drive.google.com/file/d/1mJ7mz807wIPWvBMFpNohY2t3o-r45H_t/view?usp=sharing

COLORADO LICENSED CHILD CARE FACILITIES		
Date Exported from Colorado Information Market		
Provider Service Type	2018 Number of Facilities 1-7-19	2019 Number of Facilities 1-9-20
Neighborhood Youth Organization	12	6
Family Child Care Home	940	857
Resident Camp	125	124

Experienced Family Child Care Home	370	355
Infant/Toddler Home	20	16
Three under Two Family Child Care Home	220	212
Preschool Program	570	549
School-Age Child Care Center	1018	1040
Large Family Child Care Home	292	293
Child Care Center	1485	1518
TOTAL	5052	4970

G. Secure Mental Health Facilities

A juvenile committed to a mental health facility under a separate State law governing civil commitment of individuals for mental health treatment or evaluation would be considered outside the class of juvenile status offenders and non-offenders. For monitoring purposes, this distinction does not permit placement of status offenders or non-offenders in a secure mental health facility where the court is exercising its juvenile status offender or non-offender jurisdiction. The State must ensure that juveniles alleged to be or found to be juvenile status or non-offenders are not committed under State mental health laws to circumvent the intent of DSO.

There are no restrictions to placing delinquent offenders in a mental health treatment center. The separation requirement does not apply if the juvenile and adults are held in a mental health facility solely because of a mental health civil commitment.

A review of state statute and judicial practice confirms that Colorado only places juveniles in secure mental health facilities under a separate law governing civil commitment. The DCJ compliance monitor needs to review state law annually to determine that no portion of the civil commitment statute has been revised.

The costs are higher resulting in a program driven continuum of services for juveniles rather than one driven by client need. Some questions to ask are:

- What purpose would this facility serve our community and juveniles?
- Which juveniles would be placed there, for how long? What placement process would we use?

- What does our data indicate the needs are?
- Can this service be provided elsewhere?
- Does providing temporary holding limit our ability to provide other services for juveniles?
- What are the on-going operating costs and who will cover them?

H. Department of Corrections

I. Adult Prisons

1. An adult prison includes any institution used for the post-conviction confinement of an adult criminal offenders, including work camps and secure facilities located in the community.
2. The JJDP Act prohibits the placement of status offenders and non-offenders in secure detention facilities or secure correctional facilities. Holding status offenders or non-offenders in an adult prison would be an immediate violation of the JJDP Act.
3. The JJDP Act states that no juvenile shall be detained or confined in any jail or lockup for adults, therefore the JJDP Act limits the facilities from which juveniles must be removed to adult jails and lockups. The requirement does not apply to adult prisons. Therefore, holding a delinquent offender in an adult prison is not a violation of the jail removal core requirement.
4. However, complete separation must be provided between juvenile delinquent offenders and adult inmates and trustees.
5. Shape Up or Scared Straight programs, where juveniles are brought inside adult prisons to discuss a life of crime with adult inmates as an intervention program, are violations of the separation core protection when the juvenile is required to participate in this program as part of a court order, including probation or diversion requirements. The DCJ compliance monitor needs to annually check with adult prisons to determine if they are participating in this type of program.

Link: Certification Letter from DOC

<https://drive.google.com/file/d/1JtoSfSxiHFHwYEHXafha0arWttAjkQur/view?usp=sharing>

II. Youth Offender System

The Youthful Offender System, or YOS, is an alternative jail. It was created by the law CRS 18-1.3.407 in 1994. Young adults who have been convicted

for violent felonies are eligible to be sentenced to YOS. It is located at 1300 West 13th Street, Pueblo, Colorado.

The YOS has been referred to as both a medium-security prison and a maximum-security prison. It is officially listed as a Level III Security Facility. The jail has room for 256 people.

Inmates in the Youthful Offender System progress through a program with 4 phases:

Phase I: An intake, diagnostic, and orientation phase,

Phase II: A highly-structured schedule that includes educational and vocational classes,

Phase III: The last 3 months of the YOS program has a relaxed structure that emphasizes independent living at the YOS facility, and

Phase IV: Inmates are released from the YOS facility for community supervision.

Judges can send young people who have been convicted of eligible crimes to YOS, rather than to jail. Unlike a traditional jail, the Youthful Offender System focuses on rehabilitating inmates, rather than punishing them. The Youthful Offender System does this by isolating young inmates from the general prison population. It also gives inmates opportunities to learn the skills they need to reintegrate into society.

As required by statute, inmates in the YOS can take education and social classes, including:

- Adult basic education,
- Business classes,
- GED classes,
- Anger management, and
- Sex offender treatment classes.

The YOS program used to allow inmates to pursue high school credits. However, that educational component was phased out in September, 2017. Now, all YOS inmates pursue a GED, rather than a high school diploma. There are also a handful of vocational classes offered at YOS. Some of these provide training for jobs in:

- Barbershops,
- Construction,
- Electrical work,
- Computer repair, and
- Auto repair.

In 2018, 84% of YOS inmates were released to community supervision with a GED, high school diploma, or vocational degree.

The goal of helping inmates return to society is different from the goal of a traditional jail. Jails are more focused on punishing inmates by taking away their liberty. Few people are released from jail with the professional skills that are developed in YOS.

Only young adults who have been convicted for violent felonies are eligible for YOS. Defendants facing a juvenile offense are not eligible for YOS. Even if you are eligible for YOS, it is still within the judge's discretion to send you there rather than to jail. To be eligible for the Youthful Offender System, you have to be:

Between 14 and 17 years old at the time of your conviction and sentence, or 18 or 19 at the time of the offense and under 21 at the time of your sentence.

Only convictions for violent felonies, except Class 1 felonies, are eligible for YOS. Young adults convicted for a Class 2 felony are eligible for YOS, but can face up to a 7-year sentence, rather than a 6-year maximum. Eligible offenses include:

- First-degree assault (CRS 18-3-202),
- Second-degree assault (CRS 18-3-203),
- Aggravated robbery (CRS 18-4-302),
- Second-degree murder (CRS 18-3-103), and
- Manslaughter (CRS 18-3-104).

Sentences to the Youthful Offender System are different from normal convictions in 4 ways:

- The jail term for the conviction is suspended,
- The sentence to YOS is often a fraction of the length of the suspended sentence,
- YOS sentences are determinate and not reduced by time already served, and
- Unlike juvenile convictions, a conviction leading to YOS stays on your criminal background.

Criminal defendants enter the Youthful Offender System after being convicted for a crime. If the judge determines the defendant would benefit from YOS rather than jail, they can suspend the jail sentence. A suspended jail sentence only has to be served if certain conditions are not met. The judge can require a defendant to complete the YOS program.

If you complete the Youthful Offender System, the suspended jail sentence will be vacated. You will not have to serve the jail time. However, if you fail to complete YOS, you will have to serve the sentence that was suspended. In this way, YOS is similar to a diversion program. However, passing the Youthful Offender System is difficult. Only 78.6% of inmates complete the program.

A criminal conviction carries jail time according to the class of crime. YOS sentences, though, are between 2 and 7 years. For example, a jail sentence for a Class 3 felony in Colorado is between 4 and 12 years. If the judge suspends the sentence and sends you to YOS, the maximum sentence is only 7 years.

The inmates in the Youthful Offender System have all been convicted for violent felonies. These convictions often carry long jail sentences. Many terms in the Youthful Offender System are less than half as long as the suspended sentence.

Judges sentence defendants to determinate times in the Youthful Offender System. The time period the judge issues cannot be changed after the fact. This means:

There is no early release from YOS, YOS inmates cannot get parole, and Inmates in YOS do not get credit for time already served in jail before their conviction.

Defendants who go through the Youthful Offender System are adults. People facing juvenile offenses cannot go through YOS. A YOS inmate cannot have their record sealed after the sentence. Once they complete the Youthful Offender System, the felony will still be on their record.

Link: YOS Overview Power Point April 2019

https://drive.google.com/file/d/1gVA1m_d_HbgXpGCuxMz8tx4tdMCtGMPe/view?usp=sharing

I. Non-reporting facilities/Non-secure Facilities

For the purpose of the JJDPa, non-secure facilities are facilities that do not meet the definition of a “secure” facility because they do not have construction fixtures designed to securely detain individuals (e.g., locked cells or rooms that may be locked from the outside to securely confine a person therein, cuffing benches, rails, or bolts, or other construction fixtures to physically restrict the movements of individuals). (See 28 C.F.R. § 31.304(b) for the definition of a “secure” facility.)

Facilities that do not and/or cannot detain or confine a person do not qualify as any type of secure facility and are considered to be a non-reporting facility. All 3 of the core requirements (DSO, Separation, and Jail Removal) apply only in situations where a juvenile is being held securely; therefore, all non-secure facilities are not monitored for compliance with JJDPa/JJRA. The Deinstitutionalization of Status Offenders (DSO) Core Requirement only to facilities that meet the definition of Secure Juvenile Detention/Correctional Facility (and possibly Adult Jail or Lockup, IF the facility is residential).

Non-secure facilities in which juveniles may be detained or confined pursuant to law enforcement or juvenile court authority must be included in the monitoring universe and periodically spot checked to verify the facility's continued non-secure status. In the event that such a facility becomes secure (e.g., through the addition of cells, cuffing rails, cuffing benches, or other construction fixtures designed to securely detain individuals), the facility must be reclassified and monitored as an adult jail or lockup, institution, and/or secure detention or correctional facility, as applicable.

Facilities that do not or cannot hold juveniles securely could include:

I. Non-secure Law Enforcement Facilities

A juvenile can be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility but not be in secure detention or confinement status. The term non-secure law enforcement facilities refers to facilities, such as police administrative offices, that are administered by a law enforcement entity but do not have cells, cuffing rails, cuffing benches, or other construction fixtures designed to securely detain individuals. The non-secure portions of a police station or other law enforcement building that include an adult jail or lockup would also be classified as a non-secure law enforcement facility. Because non-secure law enforcement facilities do not meet the definition of a secure detention or secure correctional facility, an institution, or a jail or lockup for adults, the DSO, separation, and jail removal requirements do not apply.

OJJDP's Policy Guidance for Non-Secure Custody of Juveniles in Adult Jails or Lockups states that all of the following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in an adult jail or lockup facility:

1. the area where the juvenile is held is an unlocked multipurpose area, such as a lobby, office, or interrogation room that is not designated, set aside or used as a secure detention area or is not part of such an area, or if a secure area, is used only, and at all times, for processing purposes; and,
2. the juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody within the facility; and,
3. the use of the area is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court; and,
4. 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.

Additionally, the following are considered to be juveniles in non-secure status:

A juvenile handcuffed to a non-stationary object. If the 4 criteria listed above are adhered to, handcuffing techniques that do not involve stationary objects or cuffing rings are considered non-secure.

A juvenile being processed through a secure booking area: Where a secure booking area is all that is available and continuous visual supervision is provided throughout the booking process and the juvenile remains in the booking area only long enough to be photographed and fingerprinted, the juvenile is not considered to be in a secure detention status. Continued non-secure custody for the purposes of interrogation, contacting parents, or arranging an alternative placement must occur outside the secure booking area.

II. Community-based Facilities

The term community-based facilities include non-secure group homes, shelters, or other residential facilities¹⁸ in which juveniles may be placed pursuant to law enforcement or juvenile court authority. Because non-secure community-based facilities do not meet the definition of a secure detention/correctional facility or institution and are not jails or lockups for adults, the core requirements do not apply. Non-secure community-based facilities are, therefore, exempt for the purpose of reporting data for compliance with the DSO, Separation, and Jail Removal requirements. Pursuant to the monitoring requirement at 34 U.S.C. § 11133(a)(14), however, states must include non-secure facilities that could detain juveniles pursuant to law enforcement or juvenile court authority in the monitoring universe and periodically spot-check them to verify the facility's continued non-secure status. If the facility's status changes and it becomes secure (e.g., through the addition of cells, cuffing rails, cuffing benches, or other construction fixtures designed to securely detain individuals), the state must reclassify the facility and monitor it as a secure detention or secure correctional facility, institution, and/or a jail/lockup for adults, as applicable.

III. Temporary Holding Facility

All Colorado temporary holding facilities, secure and non-secure, should have written policies and procedures which correspond to the DCJ Temporary Holding Guidelines. The DCJ compliance monitor should provide the facilities with copies of the guidelines and provide technical assistance, if needed requested.

Prior to the establishment of a Temporary Holding Facility it is recommended that a needs assessment be conducted. Often, these facilities are seen as a solution to a myriad of programmatic problems within a community when in fact it is a limited and expensive option.

Some questions to ask are:

- What purpose would this facility serve our community and juveniles?
- Which juveniles would be placed there, for how long?
- What placement process would we use?
- What does the data indicate the needs are?

- Can this service be provided elsewhere?
- Does providing temporary holding limit our ability to provide other services for juveniles?
- What are the on-going operating costs and who will cover them?

Temporary holding facilities are not licensed by the Department of Human Services. The Division of Criminal Justice compiled the following as Guidelines for facilities wishing to hold juveniles for short periods of time (up to 72 hours) awaiting placement or a court hearing.

All Colorado temporary holding facilities should have written policies and procedures that correspond to the DCJ Temporary Holding Guidelines (below). The DCJ compliance monitor should provide the facilities with copies of the guidelines and provide technical assistance if needed in writing them.

Temporary holding facilities are not licensed by the Department of Human Services. The Division of Criminal Justice (DCJ) compiled the following as Guidelines for facilities wishing to hold juveniles for short periods of time (up to 72 hours) awaiting placement or a court hearing. DCJ is required by state law (24-33.5-503 C.R.S. Duties of Division) “to promulgate rules and regulations which set minimum standards for temporary holding facilities as defined in section 19-1-103(106) C.R.S.”

DCJ Guidance on Temporary Holding Facilities

<https://drive.google.com/file/d/1Sm1bzPsfl01VJ9ELBacUPkRFHBZGtL53/view?usp=sharing>

IV. Juvenile Assessment Centers (JAC)

Juvenile Assessment Centers are typically non-secure facilities that are used to conduct a variety of assessments for juveniles and sometimes screening to facilities. Law enforcement may take juveniles (particularly status offenders) that have been picked up there to keep them away from a secure facility.

J. Other Facilities:

I. Tribal Facilities

Where a Native American tribe exercises jurisdiction over juvenile offenders through an established tribal court and operates correctional institutions for juvenile and adult offenders and these activities are not subject to state law (i.e., the functions are performed under the sovereign authority of the tribal entity), the state cannot mandate tribal compliance with the core requirements. Therefore, facilities that tribes operate pursuant to tribal jurisdiction are not required to be included in the monitoring universe.

A Tribe exercises many of the same powers as the Federal and State governments. A sovereign entity, the Tribe governs its own people, resources and lands through a seven-member council. The Tribe has a constitution, code of laws, and a tribal court system. Exercising powers of self-government is critical to maintenance of the Tribe's identity as a sovereign political entity that pre-dates the federal and state governments. The powers exercised by the Tribe, and the rights enjoyed by the Tribe and its members, are the result of the Tribe's sovereign status and the unique trust relationship between Indian tribes and the federal government. In many cases, the rights of Tribal members that are recognized by the federal and state governments arise from treaties entered into between the Tribe and federal government.

Jurisdiction on the Reservation is complex. A common misconception is that the Reservation includes only Tribal trust land and allotments. In fact, all land within the Reservation's exterior boundary is "Indian Country," and is considered to be "on the Reservation," regardless of the land's ownership status. "Indian Country" status is a key factor in determining the relative jurisdiction of the United States, the State, and Tribe over activities conducted on those lands. In general, within the Reservation's boundary, the Tribe may exercise certain governmental powers, regardless of whether the land is held in trust or is allotted or private land. Within Indian Country, the State of Colorado (and La Plata County as a subdivision of the State) does not have the ability to regulate the activities of the Tribe or Indians. Within the boundaries of the Town of Ignacio, the State, along with the Tribe, may exercise criminal jurisdiction over Indians. The State of Colorado (and La Plata County as a subdivision of the State) generally has jurisdiction over activities of non-Indians on fee lands within the boundaries of the Reservation.

Colorado has 2 Tribal entities in the state (both governed by BIA):

1. Southern Ute, in La Plata County in Ignacio Colorado 81137
970/563-0246 e3301Police – Secure, Adult Jail /Lockup
2. Ute Mountain Ute in Montezuma County, Towac, Colorado 81334
970/565-3706
Chief Ignacio Justice Center - Bureau of Indian Affairs -
Collocated Facility

The Bureau of Indian Affairs (BIA):

The BIA carries out its core mission to serve 573 Federally recognized tribes through four offices. The Office of Indian Services operates the BIA's general assistance, disaster relief, Indian child welfare, tribal government, Indian Self-Determination, and reservation roads programs. The Office of Justice Services directly operates or funds law enforcement, tribal courts, and detention facilities on Federal Indian lands.

The BIA's responsibilities once included providing health care services to American Indians and Alaska Natives. In 1954, that function was legislatively transferred to the U.S. Department of Health, Education and Welfare, now known

as the Department of Health and Human Services, where it has remained to this day as the Indian Health Service (IHS).

The Bureau of Indian Affairs is a rarity among Federal agencies. With roots reaching back to the Continental Congress, the BIA is almost as old as the United States itself. As Federal policy has changed from notions of subjugating and assimilating American Indians and Alaska Natives, so the BIA’s mission has changed as well. Its role now is as a partner with tribes to help them achieve their goals for self-determination while also maintaining its responsibilities under the Federal-Tribal trust and government-to-government relationships.

II. Federal Facilities

Because the core requirements apply to 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. When a state has contracted with a federal agency to hold a juvenile alien in a secure detention or secure correctional facility, pursuant to federal law, the state has not placed the juvenile in such a 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.

III. Airports

- a. DIA
- b. Colorado Springs Airport

IV. Athletic, Concert, and Event Facilities

- a. Coors Field
- b. Pepsi Center
- c. Empower Field at Mile High Stadium
- d. Red Rocks
- e. Fiddler’s Green
- f. Dick’s Sporting Goods Park
- g. The Broadmoor World Arena

FACILITY TYPES	JJDPA CORE REQUIREMENTS		
Indicates which Core Requirements apply to each type of facility.	DSO	Sight and Sound	Jail Removal
Jail or Lockup – Secure	X – ONLY if it is a residential facility	X	X
Jail or Lockup – Secure, Non-holding		X	X

Institution	X – ONLY if it is a residential facility	X	X - ONLY if it meets the definition of an Adult Jail or Lockup
Non-secure Facility			
Secure Juvenile Detention Facility	X	X	
Secure Youth Correctional Center	X	X	
Secure Court-Holding		X	
Temporary Holding – Non-secure			
Collocated Facility - Secure	X – ONLY if it is a residential facility	X	X – ONLY if it is a residential facility, and meets the definition of a Jail or Lockup

4.2. Facility Classification (also see Section 3)

- A. Adult Jail or Lockup
- B. Institution
- C. Secure Juvenile Detention and/or Correctional Facility

Jail or lockup for adults means a locked facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adults (1) pending the filing of a charge of violating a criminal law, (2) awaiting trial on a criminal charge, or (3) convicted of violating a criminal law.

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

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

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

Facility Types	Facility Classifications			
	Adult Jails or Lockups	Institutions	Secure Juvenile Detention or Correction facilities	Non-reporting
Adult Jails or Lockups	X	X		
Secure Court Holding Facilities		X		
Secure Juvenile Detention or Correctional Facilities		X	X	
Temporary Holding Facilities				X
Dept of Corrections – Adult Prisons and the Youthful Offender System	X In most cases.	X		
Non-secure CDHS facilities				X
Secure Residential Treatment Facilities (CDHS)		X		X
Juvenile Assessment Centers (JAC) – non-secure				X
Mental Health Facilities				X
Collocated Facility	X	X	X	
Tribal Facilities				X
Secure, Non-holding Facilities	X	X		Don't submit holding logs
Non-secure Law Enforcement facilities				X

4.3 Inspection of Facilities (see pg. 27)\

Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(C), inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping. OJJDP strongly recommends that states strive to inspect 100 percent of all secure facilities within the monitoring universe once every 3 years. States must periodically inspect non-secure 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 meet the definition of a jail or lockup for adults, secure detention facility, secure

correctional facility, or other institution (secure facility) in which juveniles might have contact with adult inmates. The inspection must include a review of the:

1. Physical accommodations to determine whether it is a secure or non-secure facility, and whether adequate sight and sound separation between juvenile and adult inmates exists,
2. Recordkeeping system to determine whether sufficient data are maintained to determine compliance with the DSO, separation, and jail removal requirements, and
3. Facility characteristics to ensure accurate classification.

A. Record-keeping and scheduling of on-site visits

States are required to conduct on-site visits of secure facilities every 3 years. Typically, Colorado accomplishes this by visiting 33.3% of the facilities each year; however, this method is not required. A state could, for example, go 2 years without any on-site visits, then visit all the facilities in 1 year. Any combination of achieving visits of every 3 years is allowed. This allows states extra flexibility if during any particular year they are unable to conduct on-site visits.

The compliance monitor keeps a tracking sheet with the compliance monitoring universe of which facilities are visited each year to order in plan for and schedule for each facility's on-site visits to ensure that Colorado meets this requirement.

Link: FY2020 Compliance Monitoring Timetable and Schedule

<https://drive.google.com/file/d/1clY1ix72jLz4J99SqLn9T2d5HuDn7kRL/view?usp=sharing>

B. On-site Visit Summary Form

At the completion of each on-site visit, the compliance monitor will complete an On-site Visit Summary Form to document information and observations gathered during the visit, and to cite any findings that may have been discovered.

Link: Compliance Monitoring – Facility On-site Visit Summary Template for Access

<https://drive.google.com/file/d/1Ry9xDV2OeZRQ4PHFKaJBVHcKn0qa9ZKD/view?usp=sharing>

C. Facility Information Form

A Facility Information Form is sent to the contact person for each facility to collect facility information prior to the onsite facility. This is used as a tool for the compliance monitor to prepare for each visit and to focus their interviews with facility staff on questions raised from the form and to anticipate training needs at the facility.

Link: Facility Information Form

<https://drive.google.com/file/d/1UYO4cOBWfCG1B8R9xb0PfqEi69Q8R0fo/view?usp=sharing>

5.0 COLLECTION & REVIEW OF COMPLIANCE MONITORING DATA

5.1 Law Enforcement Secure Juvenile Holding Logs

Applicable JJDP/JJRA: Sight and Sound Separation & Jail Removal (DSO could apply if it is a residential facility)

Pursuant to 34 U.S.C. § 11133(a)(14), states must monitor, collect data, and report instances of noncompliance when juveniles are detained or confined in jails and lockups for adults. This monitoring must account for all juveniles who are in the jail or lockup for adults and have been detained or confined—i.e., are not free to leave. 10 See 82 Fed. Reg. 4787, Footnote 4 (January 17, 2017). States must monitor to ensure that jails and lockups for adults document, at or near the time of detention, appropriate information on all juveniles detained or confined, including date of birth, date/time in, date/time out, and most serious offense. (See 34 U.S.C. § 11133(a)(11), (12), (13), and (14), and 28 C.F.R. § 31.303(f)(1)(i)(C)(2) and (D)). OJJDP strongly recommends states to inspect each adult jail or lockup in the monitoring universe at least once every 3 years (see section II, subsection I - “State Inspection of Facilities”).

A new Secure Juvenile Holding Log submission form and process was initiated in 2018 that utilized data management capabilities of Microsoft Access. This new process was established to ensure that Colorado was conducting an effective method of collecting and reviewing juvenile holding data from law enforcement agencies. The use of this form in Access not only provided an efficient means of collecting data but it also was coded to highlight any Jail Removal violations. Previously, most of the reported 6 hour violations were due to data entry errors from law enforcement staff. Flagging these potential violations on the form during data entry gives those staff the opportunity to check their work. In addition, it brings potential violations to the attention of the compliance monitor when the data reviews are conducted which provides a more effective and efficient means of finding violations.

Internal Process:

P:drive; OAJJA; Compliance Monitoring - JJDP – Mona;

- Right click on the OJJDP Compliance File, click “Copy”
- Got to Desktop, right click, paste

Go to Desktop and click on the “OJJDP Compliance” link.

Under Submission, there is a “No Data Loaded” option. What will show in here is when you have gone into submissions, opened a facility, entered in the dates, but DID NOT enter any data manually.

Under Reports, there is a “Not Yet Loaded” option. What will show in here is when you have put a log sheet into the P:drive, but you have NOT uploaded the log.

Under Submissions, there is a check box to view “Just Violations”

- Double click on the entry
- Double click on the “V” (violation)
- Then you can put in a check mark if it isn’t a violation

To do a manual submission:

- Open Agencies
- Type in the facility, double click on it
- Click on the “New” box at the bottom
- Enter the dates for the period of time covered
- Click on “Manual Entry”
- Enter in the data

The “Juvenile Holds Report” breaks out ALL the data.

To keep an agency from showing up on the “Facilities Submissions” report:

If the agency is closed (temporarily or permanently)

- Open Agencies
- Type in facility, double click on the correct facility
- Type “CLOSED” in the agency type. You can also type in the date it was closed.
-

If the agency doesn’t report their holds through the system (such as juv. Detention facilities)

- Open Agencies
- Type in facility, double click on the correct facility
- Change the “Secure or Non-secure” section to “Secure, Submission Not Required” (drop-down)

Just for tracking logs received:

- Open Agencies
- Click on New
- Put in the dates,
- Then you can add the data, or NOT (this was just show that the log has been received.

For Secure, Non-Holding – add a “Closed” date to indicate when logs will no longer be collected.

The following explains the step by step instructions for this process which was provided to all law enforcement facilities that had secure juvenile capabilities.

First, and most importantly, you **MUST** use this new Secure Juvenile Holding Log form, and use it in the current format. Only this new log sheet can be uploaded correctly into our database. Alterations to the format of the log sheet cannot be made. Every cell in this log sheet is coded and is linked to required reporting options in our database. Any log sheets submitted on an older version of the log sheet form, in an altered format, or as a document other than an Excel spreadsheet (such as a PDF or Google doc) will be returned to you, and you will be required to resubmit the data using this new log sheet. As before, the holding log sheet itself is just a regular Excel spreadsheet. The following provides detailed, step-by-step instructions on how to find, download, complete, and submit the new Secure Juvenile Holding Log. There is a short version and a long version of the instructions. The short version is for those who are very proficient in using the computer and working within programs. For those who need a little more guidance on navigating through computer programs, you may want to use the long version.

Click on the link in the email I sent you which will take you to website (Dropbox > Spreadsheets) where there is a list of all the secure law enforcement facilities in the state. Find your facility and click on it to open it. This will bring up your specific facility's secure juvenile holding log which will only be used by your agency (facility) to submit your secure juvenile holding data. If your agency has multiple facilities, usually each separate facility will have its own log sheet (except for Colorado Springs PD who has a "Combined" log sheet) so you will need to find, and select, each different facility's log sheet. You will use this same Secure Juvenile Holding Log spreadsheet going forward so **it is important that you delete any old versions of the holding log that you may have saved in your files to use as a template!** If you get confused on which is the new version and which are old, all the old versions have the "Juvenile Name" as the first column and should be deleted.

Link: Dropbox Instructions

<https://drive.google.com/file/d/1e-Zsr2W8dZVDUzyQc-KIahfeOynXP8kt/view?usp=sharing>

Short version of the instructions:

1. Click on **your** specific facility's log sheet.
2. Download the log sheet, then open it.
3. Enter your data (Note: do not enter the juvenile's name on the log sheet, instead use a case # or other individual identifier.) Also, do not change the format of the form at all (like before). Remember, only enter the juveniles that were held securely! If necessary, you can review the holding log entry reminders listed below in this document.
4. When your data entry is complete, do a "save as" and use the name that pops up as the name for the file, and then add which quarter (or date range) it is. Again, the file is an Excel spreadsheet and must remain an Excel spreadsheet; you cannot save it as any other type of document (such as a PDF or Google doc). You also cannot send a scanned version of the log sheet.

5. **ONLY** this spreadsheet must be used from now on as your Secure Juvenile Holding log. It is important that you **DELETE all other versions of this spreadsheet** on your computer that you have been using to submit your juvenile holds. Our report programming will not be able to accept or read the data from the old versions of this form.

6. The log sheets need to be sent in on a quarterly basis to: cdps_dcj_oajjacompliance@state.co.us. Logs should be submitted by the 15th of the month following the end of a quarter. Send an email, with the log sheet attached to cdps_dcj_oajjacompliance@state.co.us. Do not send a screenshot of the log sheet; send the form itself as an attachment. **YOU NO LONGER HAVE TO SUBMIT YOUR LOGS SHEETS THROUGH THE STATE'S SECURE PORTAL.** Without the juvenile's name on the form, you can send the log sheets to us directly without any risk of the juvenile's personal information being hacked or stolen.

7. If you applied for the facility status "Secure, Non-holding" and it has been approved, then you no longer need to submit holdings logs because, per your agency's policy, your facility never detains or confines a juvenile. Please send me an email (if you haven't already) so I can verify that all the appropriate documentation has been submitted for this facility status determination. As a reminder, holding logs still need to be submitted up to the point that your "Secure, Non-holding status was approved.

Long version of the instructions:

After you have opened your facility file, you will now need to download the log sheet in order to be able to enter the data. On the upper, right hand side of this page, in a separate pane (not on the form itself), you will see the options to "Sign In" or "Download (or down arrow)" the file. Depending on which browser (Chrome, Firefox, or Internet Explorer) you use, the options may look slightly different, such as:

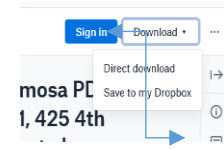
In Chrome:



Click on the Down Arrow box, then click on Direct Download.

Once you have done that, a tab will appear at the lower, left-hand side of the screen with the name of your facility on it - click on that tab and it will bring up your Secure Juvenile Holding Log.

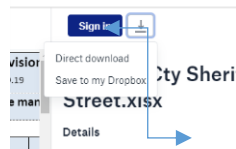
In Firefox:



Click on the Download box, then click on Direct Download.

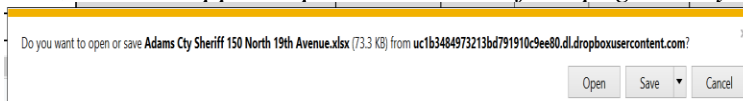
Once you have done that, a tab will appear at the lower, left-hand side of the screen with the name of your facility on it - click on that tab and it will bring up your Secure Juvenile Holding Log.

In Internet Explorer:



Click on the Down Arrow box, then click on Direct Download.

Next, this will appear up at the bottom of the page with your facility name in it:



Click on the "Open" box.

Next, this box will appear.

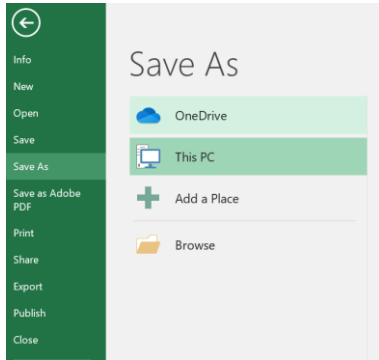


Click on the Allow box, and it will bring up your Secure

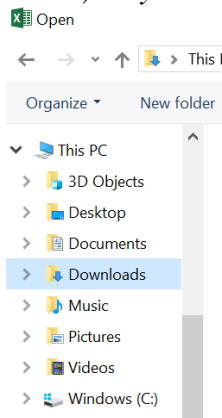
Juvenile Holding Log.

Once the Secure Juvenile Holding Log sheet is open, there will be a green section at the top of the page and then a yellow row that says "Protected View". In that yellow row, there is a white box that says "Enable Editing" – click on this box. Also, check to make sure that the log sheets that comes up is all the way to the left-hand side of the spreadsheet, if not scroll to the left. The first column on the log sheet is "Case Number". Now you can start entering your information/data into the log sheet. Remember, only enter the juveniles that were held securely! You will notice that there is no longer a column for the juveniles "Name", but it does ask for Case Number. Any number that will identify a particular juvenile at your facility or in the database that you enter juvenile information into, will work as the Case Number. **Please do NOT enter the juvenile's name in this column.** This is an intentional change for the purpose of simplifying the holding log submission process and for ensuring the privacy of the juvenile's information. Since the secure juvenile holding log no longer contains the juvenile's name, which could identify the juvenile if it got into the wrong hands, these **juvenile holding logs will no longer need to be submitted through the secure state portal!!** The log sheets can be sent directly to cdps_dcj_oajjacompliance@state.co.us.

Once you have completed the data entry into your log sheet, do a “save as” (see below) to save the holding log (Excel spreadsheet) into a folder on your computer. We encourage you to save the log sheet with the name that will automatically show up in the File Name section, then add the date range or quarter that this log covers.



If you simply close the log sheet and save it, it will be saved into the “Downloads” folder (see below) on your computer, which may be hard for you to locate later on.



This file saved to your computer cannot have its format altered (like before). Our system will only accept an Excel spreadsheet so do NOT save the original Excel spreadsheet as a pdf or a google doc. Also, you cannot submit a scanned version of the form or a screen shot. If you want to use this file (and the data) for any internal purposes, and you want to change the file format to serve your needs, you will need to do another “save as” to create another separate file for that purpose, because the original saved log sheet must be sent to DCJ as an Excel spreadsheet. Attach this log sheet to an email and send it to, cdps_dcj_oajiacompliance@state.co.us.

Holding logs need to be submitted quarterly (or monthly) by the 15th of the month following a quarter. For example, if the quarter you completed was Oct-Dec 2019, then it must be submitted by the 15th of January, 2020. The quarters follow the Federal reporting year and need to be submitted after the close of each quarter. The quarters do not follow a calendar year, instead are as follows:

*1st quarter: Oct-Dec 2019
2nd quarter: Jan-Mar 2020
3rd quarter: April-June 2020
4th quarter: July-Sept 2020*

If you believe your facility classification has changed to non-secure (by removing the structures that could securely hold a juvenile or adult), or to secure non-holding (a secure facility that does have the structures to allow for secure holding but per your agency's policies and procedures, doesn't hold juveniles securely, only adults), please contact me so we can have a discussion regarding the proper classification. Also, if your agency has added any new facilities, added any additions (or remodeling), or closed any facilities, please contact me at monal.barnes@state.co.us.

Please understand that the emails containing your log sheets that are sent to: cdps_dcj_oajjacompliance@state.co.us are not read promptly, but simply collected. If you have any questions, please send those directly to my email address.

Below are some important reminders regarding the data entry on the Secure Juvenile Holding Log:

- 1. Only enter juveniles that are, or were, detained or confined at your facility. In addition, if the **only** time that a juvenile will be in a secure area at your facility is when they are taken into a secure intake, booking, or processing area, then this juvenile does not have to be entered on the holding log. This juvenile must only be in that area for the length of time it takes to complete this process, and it shouldn't be longer than 30-40 minutes. They shouldn't be taken into this area and then wait for their turn; take them in when you are ready to process them. Also, the juvenile shouldn't be processed in this secure area if the process can be completed in a separate, non-secure area of the facility.*
- 2. Please make sure that individuals are only entered once (no duplicates on the same day) on the log sheet, and that all the individuals entered are under 18 years of age. In addition, make sure that the date period that you enter on the log sheet covers an entire reporting quarter. For example, if you are submitting your 1st quarter data, but type on the log sheet the dates October 15th through December 25th, that reflects an incomplete quarter. From your perspective that may mean that you didn't have any secure juvenile holds from October 1-14, 2019 and none from December 26-31, 2019, but what it means to me is that you did not report for those periods of time. No data submitted means that you didn't report for those time periods; 0 holds submitted counts as reported data for that time period.*
- 3. Some of the columns have drop down lists to use in place of data entry. Click on the cell where you want to enter data, and if a little down arrow appears to the right of the cell box, then it has drop-down list. Click on the little down arrow, and from the list that appears, make a selection to use as your answer.*
- 4. Time should be entered in military time format (using a 24-hour clock) in order for the 6-hour holding time limit to be calculated correctly. When you enter the time in the*

Time Out column and press enter, if the box turns yellow and the time is red, that means that the hold time exceeds the 6-hour limit. If this happens, double check the times you have entered to see if they are correct. If the times are correct, scroll all the way to the right side of the form and enter information in the last column "Explanation/Additional Information." The information entered here should be specific enough for me to understand why the juvenile was held over 6 hours, and may save you from being cited for a violation. Providing this information now will save me from having to call you later to get the additional information, and the situation will still be fresh in your mind!

5. The submission of Secure Court Holding logs is not required at this time.

5.2 Secure Juvenile Detention Centers/Correctional Facilities – Data Collection and Review

Applicable JJDP/JJRA Core Requirement: DSO & Sight and Sound Separation

A. CDHS – Trails Database

All juveniles who are placed in juvenile detention centers and juvenile correctional facilities are entered into Colorado's Department of Human Services' database called Trails.

States must collect data on all juveniles held securely at all juvenile detention centers and juvenile correctional facilities located within their State. In Colorado, the Division of Youth Corrections is responsible for the placement of all youth committed by the court and is responsible for all youth requiring secure juvenile detention. They are also responsible for collecting the data; it is entered into the Trails program by DYC facility staff. DCJ is responsible for collecting data; see C.R.S. 24-33.5-503. Duties of Division. (1) The division has the following duties: (r) To inspect secure juvenile facilities and to collect data on juveniles that are held in secure juvenile facilities, jails, and lockups throughout the State.

A Trails Profile needs to set up for the compliance monitor in order for you to access the Trails database (through the Colorado Department of Human Services). An official request form must be submitted for this to be completed. Once access is granted, you must go through Internet Explorer to get to My CDHS-Trails database. Go to My-CDHS and login. Go to Trails and login. Go to Trails, log on. Click on Support, then click on Reports. Once you get into a report, you can Export the report to excel.

There are to 2 different reports that must be run in Trails: 1) Commitments with Offenses, and 2) Reasons Detained reports. A report is run typically once every six months and produces a report showing every juvenile admitted to detention during that six-month time period. After the reports on individual juvenile detention centers are run, the DCJ compliance monitor transfers this information to an Excel spreadsheet.

The DCJ compliance monitor has full access to the Trails data on individual juveniles from the computer located in her office. The Trails software contains "pick lists" for several items, including offense, reason detained, detention sentence and detention reason. The software

requires that a “time placed in juvenile detention center” and “time released from juvenile detention” must be entered before the user can move onto the next screen.

If the Trails database is missing critical information, for example, a court docket number, the DCJ compliance monitor emails either the CYDC (SB-94) coordinator, the District Court clerk or recorder, or the juvenile detention center and asks them to retrieve this data from the individual case files. If the juvenile has been sentenced to the juvenile detention center, the compliance monitor records the court docket number and judge’s name.

The Colorado Youth Detention Continuum (CYDC) is implemented locally within each of the State’s 22 Judicial Districts. The Department of Human Services, Division of Youth Services has oversight of CYDC. The Colorado General Assembly appropriates funds for the CYDC programming to the Division of Youth Services. The Statewide Advisory Board is then responsible for developing an allocation formula and allocating the funds.

The Division’s Colorado Youth Detention Continuum (CYDC) office consists of the Statewide CYDC Coordinator and program assistant. The Statewide CYDC Advisory Board or “working group” is comprised of juvenile justice professionals from across the state representing all juvenile justice disciplines. The advisory board advises DYS on policy issues related to CYDC. Each local CYDC program has a Juvenile Services Planning Committee (JSPC) and a local CYDC Coordinator to have oversight of the implementation of local CYDC Services. Detailed descriptions of the program structure and roles of CYDC staff, along with the enabling statutes can be found in the [CYDC Reference Manual](#).

Link: Colorado Youth Detention Continuum

https://drive.google.com/file/d/1Q4y5SmB_6NevGTEDWEmOoPpFz_i4D57l/view?usp=sharing

Local Judicial Districts are responsible for the screening of all youth referred to secure detention and for an assessment of risk. CYDC programs provide an array of services based upon each Judicial District’s unique Juvenile Services Plan.

Link: Map of Judicial Districts

https://drive.google.com/file/d/1VBIEKfZy02-Gm-LHYDiYb0dDb_C0D3EI/view?usp=sharing

Once the docket number and Judge/Magistrate name is obtained on status offenders who have been sentenced to Juvenile Detention Centers, the compliance monitor will schedule a records review with the District Court clerk or request copies of the records be sent and conduct a desk review.

Individual case files must be reviewed to ensure that the VCO is followed. 100% of VCO’s should be verified. If a file is missing and can’t be located, then any violations for that District should be projected for the missing files. The compliance monitor determines a) if the First VCO was issued and is in the file, and notes the date; b) if a Written Report was submitted to the court before the sentencing hearing and if it is in the file; and c) if the Second VCO was issued, dated on or before the sentencing date and is in the file. If one of those items is missing it is a violation. The forms used for the Valid Court Order follow this policy.

The DCJ compliance monitor must ensure that the three VCO forms are contained in each file where the VCO was used: the First Order compelling the behavior, the Written Report, and the Second Order sentencing the youth to detention.

- A. The Written Report must be completed, signed and dated either before or on the date the sentencing hearing was held.
- B. The First and Second Orders must be completed, signed and dated.
- C. There must be time between the First and Second orders for the juvenile to comply with the court order.
- D. If one of the three forms are not in the file, or are not completed, or are not signed and dated correctly it is counted as a violation.

5.3 Facility Certification Forms

Colorado has implemented additional Facility Classification Certification forms to help the compliance monitor stay current on classification changes. In addition to keeping facility classifications up-to-date, it also helps maintain current contact information and facility addresses. Each form describes the Core requirement(s) applicable to their type of facility, then asks them to attest to their compliance with these requirements. These certification forms must be signed by a person of authority at each facility to ensure its validity.

Applicable JJDP/JJRA Core Requirement: Sight and Sound Separation

Required Annual Facility Classification Certifications:

Non-secure law enforcement facilities in Colorado have always had to submit a **Non-secure Law Enforcement Facility Certification form** attesting to the fact that their facility is still non-secure and does not have the means of securely holding a juvenile (i.e. no secure holding cells, no locked interview rooms, and no stationary cuffing benches).

Link: 2019 Non-secure Law Enforcement Facility Classification Certification

<https://drive.google.com/file/d/1AYtwxeA6FVTcwL0bBr0vkyFEwvhT0MF2/view?usp=sharing>

Secure Juvenile Detention/Correctional Facility Certification form. The questions on this form inquire about both DSO and S&S Separation requirements to ensure that they are maintaining compliance.

Link: 2019 Secure Juvenile Detention & Correctional Facility Classification Certification

https://drive.google.com/file/d/1tNHli8aHqOJGDKL_MHkktUR6Oi4ojvNH/view?usp=sharing

Court-holding Facility Certification Form. Court-holding facilities currently do not have to report on the individual juvenile holds, but they are still required to report any instances of juveniles not be sight and sound separated from adults. The questions on this form inquire about S&S Separation requirements.

Link: 2019 Secure Court-Holding Facility Classification Certification

https://drive.google.com/file/d/1pxGML5_Z5fS7yXGxzRjRvvgg59HZjgiFB/view?usp=sharing

Collocated Facility Certification Form. The questions on this form address S&S Separation and facility lay-out; separation of program, activities, and residential areas; and training of staff for each separate population. Even though these facilities must be visited annually, we still collect this data to have on file.

Link: 2019 Collocated Facility – Certification of Compliance with JJRA

<https://drive.google.com/file/d/1fMzs8g-SrnGYSPVE7wBnRNCZrF2RM3kB/view?usp=sharing>

Non-secure Facility Certification Form. This form is sent to known non-secure JACs, community-based facilities, temporary holding facilities, etc., where juveniles may be taken by law enforcement, or other juvenile justice partners. This certification form is used to ensure that juveniles are not being detained or confined in these non-secure facilities.

Link: 2019 Non-secure Facility - Certification of Compliance

<https://drive.google.com/file/d/1hCjYqGWJNKvgxyGifdL0cz3sc18emxfI/view?usp=sharing>

Secure, Non-holding Facility Certification Form. In 2018, Colorado offered a new facility status (informal classification) to law enforcement agencies that was called “Secure, Non-holding”. The questions on this form are asked to ensure that the facility has submitted all of the required documentation to establish itself as a secure facility but, per policy and procedures, does not detain or confine juveniles, except in instances where the juvenile presents a risk of harm to self or others.

Link: 2019 Secure, Non-holding Facility Status Certification

https://drive.google.com/file/d/1P-uEbXFgMjDDfX4AW_N5qAHJ0E0szls3/view?usp=sharing

5.4 Valid Court Order Documents

The VCO process was addressed in Section 3. Review of VCO documents is required to verify compliance with the DSO core requirement.

Link: Colorado’s VCO Process

https://drive.google.com/file/d/1cwG4pzdx9olkqC5047_QURvyXos93V2w/view?usp=sharing

Link: VCO Required Forms 1, 2, and 3

<https://drive.google.com/file/d/14NUIBS9YCFoWQsACkzwn1YaQP7-SDt5c/view?usp=sharing>

Link: VCO Requirements

<https://drive.google.com/file/d/1BdwJchgdWTVVCWP8CXn7fxenDUnNdVW1c/view?usp=sharing>

6.0 REPORTING REQUIREMENTS

6.1 Federal

A. Annual Compliance Monitoring Report

I. Reporting Period and Reporting Deadline

Category 2: Due March 30, 2020 (and each following year). Each state should submit the following:

- Via the online [OJJDP Compliance Reporting Tool](#) for the period **October 1, 2018, to September 30, 2019 (and each following year's period of performance).**
- State compliance data for the DSO, Separation, and Jail Removal core requirements of the JJDP Act (34 U.S.C. §§ 11133(a)(11), (12), and (13)) and supporting documentation.
- Training Policy Certification
- Compliance Monitoring Data Certification.
- Rural Removal Exception Certification, if applicable.
- Racial and Ethnic Disparities (RED) core requirement plan, data, and supporting documentation.

Via GMS:

- Project Abstract.
- Addendum to the 3-Year State Plan, required for all states and territories, with new information required per the JJRA.
- Any updates to the previously approved 3-Year State Plan with related narrative, or a statement indicating there are no changes to that State Plan other than the required Addendum.

II. Compliance Monitoring Online Tool

Link: OJP – Performance Measures Platform

<https://ojpssso.ojp.gov/>

Link: Data Elements in Federal CM Reporting Tool

<https://drive.google.com/file/d/1p-aZZ2HLMpVkgPSn-KqfTxaaQT1QwjJx/view?usp=sharing>

The data and information collected in throughout the year must be analyzed, reviewed, and written up in the form of the annual Monitoring

Report, which must be submitted to OJJDP no later than February 28th of each year.

It is the compliance monitors responsibility to collect, verify, and compile the data each year. The compliance monitor will complete the narrative for the report; however, the DCJ OAJJA Manager retains the primary responsibility for the report.

Procedures:

1. Each year the compliance monitor collects and verifies all the required data for the annual compliance monitoring report.
2. After all data has been collected and verified, the compliance monitor will extract the data that relates to the annual Monitoring Report and will complete the report.
3. The compliance monitor will provide the statistical tables and/or charts needed for the report.
4. On or before January 15th of each year, a copy of the OJJDP Annual Compliance Monitoring report will be submitted electronically to the OJJDP State Relations contact, along with the accompanying narratives and statistical tables.
5. The report will be made available to the SAG and other interested parties copies of the report.

III. Calculating Rates of Compliance

Federal Register / Vol. 82, No. 10 / Tuesday, January 17, 2017 / Rules and Regulations 4793.

(6) Compliance. The State must demonstrate the extent to which the requirements of sections 223(a)(11), (12), and (13) of the Act are met.

(i) In determining the compliance standards to be applied to States' FY 2016 compliance monitoring data, the Administrator shall collect all of the data from each of the States' CY 2013 compliance reports, remove one negative outlier in each data collection period for DSO, separation, and jail removal, and apply a standard deviation factor of two to establish the compliance standards to be applied, which shall be posted on OJJDP's Website no later than March 3, 2017.

(ii) In determining the compliance standards to be applied to States' FY 2017 compliance monitoring data, the Administrator shall collect all of the data from each of the States' CY 2013 and FY 2016 compliance reports

(removing, when appropriate or applicable, one negative outlier in each data collection period for DSO, separation, and jail removal) and apply a standard deviation factor of not less than one to establish the compliance standards to be applied, which shall be posted on OJJDP's Web site by August 31, 2017.

(iii) In determining the compliance standards to be applied to States' FY 2018 and subsequent years' compliance monitoring data, the Administrator shall take the average of the States' compliance monitoring data from not less than two years prior to the compliance reporting period with respect to which the compliance determination will be made (removing, when applicable, one negative outlier in each data collection period for DSO, separation, and jail removal) and apply a standard deviation of not less than one to establish the compliance standards to be applied, except that the Administrator may make adjustments to the methodology described in this paragraph as he deems necessary and shall post the compliance standards on OJJDP's Web site by August 31st of each year.

Pursuant to 28 C.F.R. § 31.303(f)(6), FY 2019 compliance standards were calculating by taking the average of States' FY 2017 and FY 2018 compliance monitoring rates for the deinstitutionalization of status offenders (DSO), separation, and jail removal core requirements (removing, when applicable, one negative outlier¹ for each requirement) and applying a standard deviation factor of not less than one.

States reporting a rate at, or below, a given standard, will be determined to be in compliance with that core requirement. States reporting a rate that exceeds a particular standard will be determined to be out of compliance with that core requirement. Pursuant to Section 223(c)(1) of the JJDP Act, the Title II FY 2020 Formula Grant allocation for a state will be reduced by 20 percent for each core requirement with which it fails to comply.

Link: FY2019 Core Requirement Standards: DSO – 4.87; Separation – 2.56; Jail Removal – 5.40

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/FY19-Compliance-Standards-memo.pdf>

Link: FY2018 Core Requirement Standards: DSO – 5.85; Separation – 0.30; Jail Removal – 7.04

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/FY%202018%20Compliance%20Determinations.pdf>

Link: FY2017 Core Requirement Standards: DSO – 8.5; Separation – 0.32; Jail Removal – 8.41

FY2016

DEPARTMENT OF JUSTICE

28 CFR Part 31

[Docket No.: OJP (OJJDP) 1719]

RIN 1121-AA83 Juvenile Justice and Delinquency Prevention Act
Formula Grant Program

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: Final rule.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (“OJJDP”) of the U.S. Department of Justice’s Office of Justice Programs (“OJP”), publishes this partial final rule to amend portions of the formula grant program (“Formula Grant Program”) regulation to reflect changes in OJJDP policy. **DATES:** Effective Date: This rule is effective February 16, 2017 (later officially delayed to March 12, 2017).

1. The compliance standards included in section 31.9 of the proposed rule for the DSO, separation, and jail removal requirements have been significantly revised. This rule incorporates the revised language by amending section 31.303(f)(6) of the current regulation, through the adoption of a new methodology for determining the compliance standards on an annual basis.
2. The requirement in section 31.7(d)(1) of the proposed rule that States must annually submit compliance monitoring data from 100% of all facilities that are required to report such data has been modified. This rule amends section 31.303(f)(5) of the current regulations, such that States will be required to report data for 85% of facilities and demonstrate how they would extrapolate and report, in a statistically valid manner, data for the remaining 15% of facilities.
3. Consistent with the requirement in section 31.8(a) of the proposed rule, this rule amends section 31.303(f)(5) of the current regulations to change the compliance data reporting period to the federal fiscal year as required by the Act, at 42 U.S.C. 5633(c).
4. Instead of the proposed annual deadline of January 31st included in section 31.8(b) of the proposed rule for States to submit their compliance monitoring reports, this rule amends section 31.303(f)(5) of the current regulations to change the deadline to February 28th, with a provision allowing the Administrator to grant a one-month extension to March 31st upon a State's showing of good cause.

5. This rule modifies the definition for “detain or confine” included in section 31.2 of the proposed rule. This rule adds this definition in subsection 31.304(q) of the current regulations, and clarifies that it does not apply to juveniles who are being held by law enforcement solely pending their reunification with a parent or guardian or pending transfer to the custody of a child welfare or social services agency.

Link: Federal Register – Final Rule

<https://www.govinfo.gov/content/pkg/FR-2017-01-17/pdf/2017-00740.pdf>

B. Annual Performance Metric Reports to OJJDP (PMT)

6.2 State Reports

A. Quarterly Reports

I. Council Reports

II. Juvenile Justice Council - This will be provided as requested.

III. Zoom Grants

Quarterly reports must be entered in Zoom Grants in the month following the completion of a quarter, for ex., for the quarter January – March, your quarterly report would need to be submitted by April 15th).

B. Zoom Grants

Zoom Grants is Colorado’s grant management system at the Division of Criminal Justice. Title II Formula Grants are managed in this system. Reports can be generated in Zoom Grants or others can be uploaded to it. The following walks through some of elements of this system.

My Account Home > Applications > 2018-JD-18-06-8 / Compliance Monitoring System Improvement

Search

Search

Refresh Page

Colorado Division of Criminal Justice

Office of Adult and Juvenile Justice Assistance

Deadline 2/27/2020**2017 and beyond- OAJJA Combined Grant Programs (NCHIP, COV, Formula)**

HIDE DESCRIPTION

SHOW LIBRARY

CONTACT ADMIN

SHOW ANNOUNCEMENTS 2

Description [\[hide this\]](#)

This Funding Opportunity/Program within ZG houses: National Criminal History Improvement Program, Paul Coverdell Forensic Science Improvement Grant Program (COV), and Juvenile Formula/Title II (Formula) for the years 2017-2019

2017 Cycle:

Paper Applications were submitted to DCJ, and manually entered into ZoomGrants. Post Award Submissions will be submitted within ZG.

2018 & 2019 Cycles:

Applications will be submitted within ZoomGrants.

Division of Criminal Justice

Application Status: **Approved \$ 116,452.00****2018-JD-18-06-8 / Compliance Monitoring System Improvement**

\$ 116,452.00 requested

Purpose Area: 2018-Formula

Award Classification: Passthrough - State

Grant Program Manager: Kristy Wilson

Project Status: Open

✓ Submitted: 1/25/2019 8:08:43 AM (Pacific)

Print/Preview

Summary

Organizational Details

Questions / Statement of Work

Budget Summary

Tables (G&O, Budget Details, Additional Funding)

Documents

Grant Agreement

Financial

Report

Report Totals

Report 1: ✓

Report 2: ✓

Report 3: ✓

Report 4: ✓

Report 5: 1/15/2020

Report 6: 1/15/2020

Report 7: 4/15/2020

Report 8: 4/15/2020

Report 10: 5/15/2020

Report 8: 4/15/2020

Submit Report 8

1. What type of Report is this?

- Financial Report (DCJ Form 1-A) - Quarterly
- Financial Report (DCJ Form 1-A) - Final
- Statistical and Narrative Report (DCJ Form 2) - Quarterly
- Statistical and Narrative Report (DCJ Form 2) - Final
- Program Income Report (DCJ Form 1-B) - Quarterly
- Program Income Report (DCJ Form 1-B) - Final
- NCHIP/COVERDELL ONLY Financial Report (DCJ Form 2) - Quarterly
- NCHIP/COVERDELL ONLY Statistical and Narrative Report (DCJ Form 2) - Quarterly

4. Reporting Period

- 10-01-2016 to 12-31-2016
- 01-01-2017 to 03-31-2017
- 04-01-2017 to 06-30-2017
- 07-01-2017 to 09-30-2017
- 10-01-2017 to 12-31-2017
- 01-01-2018 to 03-31-2018
- 04-01-2018 to 06-30-2018
- 07-01-2018 to 09-30-2018
- 10-01-2018 to 12-31-2018
- 01-01-2019 to 03-31-2019
- 04-01-2019 to 06-30-2019
- 07-01-2019 to 09-30-2019
- 10-01-2019 to 12-31-2019
- 01-01-2020 to 03-31-2020
- 04-01-2020 to 06-30-2020
- 07-01-2020 to 09-30-2020
- 10-01-2020 to 12-31-2020

14. GOAL 1 - ACTIVITIES:

Activities and strategies implemented to date to meet the goal: equipment purchase made, strategic planning held, number of participants served, services provided, and dosage, if applicable.

Maximum characters: 10000. You have characters left.

15. GOAL 2 - ACTIVITIES:

Activities and strategies implemented to date to meet the goal: equipment purchase made, strategic planning held, number of participants served, services provided, and dosage, if applicable.

Maximum characters: 10000. You have characters left.

16. GOAL 3 - ACTIVITIES:

Activities and strategies implemented to date to meet the goal: equipment purchase made, strategic planning held, number of participants served, services provided, and dosage, if applicable.

17. OUTCOMES THIS QUARTER: Provide indicators that show progress toward attaining each listed outcome/indicator.

Include data regarding project outputs or completion of tasks (give a numeric value where available, such as number of participants served, equipment purchased, records updated, classes taught, types of services, etc.)

Maximum characters: 10000. You have characters left.

18. PROBLEMS ENCOUNTERED:

What were they, how did they impact the program/project, how were they handled and what is your plan to get back on track?

Maximum characters: 10000. You have characters left.

19. PROJECT/PROPOSED CHANGES:

Have any significant changes been made within the program/project since the last reporting period? Please explain in detail.

20. TIMELINES: Are they being met?

If no, please explain in the GOALS: ACTIVITIES question.

- No
- Yes

Documents Requested *

Required?

Uploaded Documents *

Formula ONLY - Statistical and Narrative Report (DCJ Form 2) - Quarterly

-none-

Upload

Formula ONLY - Statistical and Narrative Report (DCJ Form 2) - Final
[Download template: linked file Narrative Report - Final \(JAG, DV, MJ, NCHIP, COV, JABG, Formula\)](#)

-none-

Upload

NCHIP & COV ONLY - Statistical and Narrative Report (DCJ Form 2) - Quarterly

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Upload

NCHIP & COV ONLY - Statistical and Narrative Report (DCJ Form 2) - Final
[Download template: linked file NCHIP & COV ONLY - Statistical and Narrative Report \(DCJ Form 2\) - Final](#)

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COV ONLY - Quarterly Data Report

-none-

Upload

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7.0 COMPLIANCE MONITORING RESOURCES AND REFERENCE MATERIALS

7.1 List of Links and Attachments in this Policy and Procedures Manual

Link: JJDPA

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/jjact.pdf>

Link: Partial Final Rule

<https://www.federalregister.gov/documents/2017/01/17/2017-00740/juvenile-justice-and-delinquency-prevention-act-formula-grant-program>

Link: Rescinded Policies by DOJ

<https://drive.google.com/file/d/1J7iwulEZOa0ATdKxE4Fgo7zHOIoQgBP8/view?usp=sharing>

Link: Juvenile Justice Reform Act of 2018 (JJRA)

<https://www.congress.gov/115/plaws/publ385/PLAW-115publ385.pdf>

Link: JJDPA Redlined Version with JJRA Amendments

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/254285.pdf>

Link: Key Amendments to the JJRA of 2018

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/252961.pdf>

Link: 2018-19 Compliance Monitoring Plan

<https://drive.google.com/file/d/1qEE10Xj2Uc5rMoOnAVwolDjcAK0-dpkT/view?usp=sharing>

Link: 2017 Colorado's Compliance Monitoring Plan

https://drive.google.com/file/d/1TTpN4J0mC9eOu17VjSUv_r0Ht7I0e0Rl/view?usp=sharing

Link: FY19 Title II Formula Grant Solicitation

https://drive.google.com/file/d/1Jq_UpSyTDWBpRqX3pbri-ijMxKBPbYAv/view?usp=sharing

Link: 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 – Sept 2019

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

Link: Duties of the Division C.R.S. 24-33.5-503

<https://drive.google.com/file/d/1i96q1JI6Kedd9XhdSgd5-1YnLfsan3w/view?usp=sharing>

Link: Fine of up to \$1000, H.B. 06-1112

https://drive.google.com/file/d/1dyh_B48h3usmZu-SwNVr4yV_D70FeHiE/view?usp=sharing

Link: DCJ Data Collection Act C.R.S. 24-33.5518

<https://drive.google.com/file/d/1JyN0xcpRXhwWn2xLLwPg1JAFb7Tks9tq/view?usp=sharing>

Link: JJDPa Violation Letter for Jail Removal

https://drive.google.com/file/d/1GxXgT_O3QSZiThcIMbv1DmlgkKY1sZuK/view?usp=sharing

Link: 2018 JJDPa DSO Violation Letter for Secure Juvenile Detention Center Template

https://drive.google.com/file/d/1L4qTAUuOIhbxBXq1cnCzPUZ_DEVYFuzY/view?usp=sharing

Link: JJDPa Violation Letter for Sight and Sound Separation

<https://drive.google.com/file/d/1OBeZ2HtIFnFWz8Q0NyZQaYOJSzkFEN-G/view?usp=sharing>

Link: Colorado H.B. 18-1156, Limits on Penalties for Truancy

https://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1156_ren.pdf.

Link: State Definitions

https://drive.google.com/file/d/1TZmW4-1xeIeQkeiHK_YSOZ_ShE6RJlpu/view?usp=sharing

Link: Federal Definitions

https://drive.google.com/file/d/1fMYcJ_pX86FYNS4yI-Sf3397bygVMXn5/view?usp=sharing

Link: Facility Types and Classifications

<https://drive.google.com/file/d/1PywdlB18nzGm1jAwwg1rnLi9gTTHHpXL/view?usp=sharing>

Link: 2019 Non-secure Law Enforcement Facility Classification Certification

<https://drive.google.com/file/d/1AYtwxeA6FVTcwL0bBr0vkyFEwvhT0MF2/view?usp=sharing>

Link: 2019 Secure Juvenile Detention & Correctional Facility Classification Certification

https://drive.google.com/file/d/1tNHli8aHqOJGDKL_MHkktUR6Oi4ojvNH/view?usp=sharing

Link: 2019 Secure Court-Holding Facility Classification Certification

https://drive.google.com/file/d/1pxGML5_Z5fS7yXGxzRjRvgg59HZjgiFB/view?usp=sharing

Link: 2019 Collocated Facility – Certification of Compliance with JJRA

<https://drive.google.com/file/d/1fMzs8g-SrnGYSPVE7wBnRNCZrF2RM3kB/view?usp=sharing>

Link: 2019 Non-secure Facility - Certification of Compliance

<https://drive.google.com/file/d/1hCjYqGWJNKvgxyGifdL0cz3sc18emxfI/view?usp=sharing>

Link: 2019 Secure, Non-holding Facility Status Certification

https://drive.google.com/file/d/1P-uEbXFgMjDDfX4AW_N5qAHJ0E0szls3/view?usp=sharing

Link: Compliance Monitoring – Facility On-site Visit Summary Template for Access

<https://drive.google.com/file/d/1Ry9xDV2OeZRO4PHFKaJBVHcKn0qa9ZKD/view?usp=sharing>

Link: Facility Information Form

<https://drive.google.com/file/d/1UYO4cOBWfCG1B8R9xb0PfqEi69Q8R0fo/view?usp=sharing>

Link: JJDP – JJRA Guidance for Law Enforcement

https://drive.google.com/file/d/1WkCvR9LuUMBg1YnguT_jEDvIsP5-cOR7/view?usp=sharing

Link: JJRA of 2018 Guidance for Secure Juvenile Detention and Correctional Facilities

https://drive.google.com/file/d/1OezbBmyz_4LO0y-v3xr2P6v1eu2ypdfZ/view?usp=sharing

Link: Department of Justice, Federal Register, Rules and Regulations, Final Rule

<https://www.govinfo.gov/content/pkg/FR-1996-12-10/pdf/96-31316.pdf>

Link: 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

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

Link: Compliance Monitoring FAQ provided by OJJDP

https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/state_compliance_faq.pdf

Link: P.O.S.T. Basic Academic Training Program

<https://drive.google.com/file/d/1Ibt3rEb74Bfm8j9HBto-aqPQn1HzCDxX/view?usp=sharing>

Link: Colorado’s VCO Process

https://drive.google.com/file/d/1cwG4pzdX9olkqC5047_QURvyXos93V2w/view?usp=sharing

Link: VCO Required Forms 1, 2, and 3

<https://drive.google.com/file/d/14NUIBS9YCFoWQsACkzwn1YaQP7-SDt5c/view?usp=sharing>

Link: VCO Requirements

<https://drive.google.com/file/d/1BdwJchgdtWVCWP8CXn7fxenDUnNdVW1c/view?usp=sharing>

Link: 2019 Interstate Compact

<https://drive.google.com/file/d/1q3Z3JeKMaeX5uN8Rm7nxOt2rmRS9lFAQ/view?usp=sharing>

Link: Colorado H.B. 18-1156

https://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1156_ren.pdf

Link: FY2020 Compliance Monitoring Timetable and Schedule

<https://drive.google.com/file/d/1clY1ix72jLz4J99SqLn9T2d5HuDn7kRL/view?usp=sharing>

Link: Colorado's 2019-20 CM Monitoring Universe as of 6-17-20

<https://drive.google.com/file/d/1CuoPRtfvNSjMeEkbHfgqnUAhw4n3IMPZ/view?usp=sharing>
(download after you open it)

Link: Colorado's Collocated Facility Guidelines

<https://drive.google.com/file/d/1HZ2fheF3w1WROWowAdtUoX3gc7fuuTLZ/view?usp=sharing>

Link: Child Care Facilities Licensed in Colorado

https://drive.google.com/file/d/1mJ7mz807wIPWvBMFpNohY2t3o-r45H_t/view?usp=sharing

Link: Certification Letter from DOC

<https://drive.google.com/file/d/1JtoSfSxiHFHwYEHXafha0arWttAjkQur/view?usp=sharing>

Link: YOS Overview Power Point April 2019

https://drive.google.com/file/d/1gVA1m_d_HbgXpGCuxMz8tx4tdMCtGMPe/view?usp=sharing

DCJ Guidance on Temporary Holding Facilities

<https://drive.google.com/file/d/1Sm1bzPsf101VJ9ELBacUPkRFHBZGtL53/view?usp=sharing>

Link: Dropbox Instructions

<https://drive.google.com/file/d/1e-Zsr2W8dZVDUzyQc-KIahfeOynXP8kt/view?usp=sharing>

Link: Colorado Youth Detention Continuum

https://drive.google.com/file/d/1Q4y5SmB_6NevGTEDWEmOoPpFz_i4D57l/view?usp=sharing

Link: Map of Judicial Districts

https://drive.google.com/file/d/1VBIeKfZy02-Gm-LHYDiYb0dDb_C0D3EI/view?usp=sharing

Link: 2019 Non-secure Law Enforcement Facility Classification Certification

<https://drive.google.com/file/d/1AYtwxeA6FVTcwL0bBr0vkyFEwvhT0MF2/view?usp=sharing>

Link: 2019 Secure Juvenile Detention & Correctional Facility Classification Certification

https://drive.google.com/file/d/1tNHli8aHqOJGDKL_MHkktUR6Oi4ojvNH/view?usp=sharing

Link: 2019 Secure Court-Holding Facility Classification Certification

https://drive.google.com/file/d/1pxGML5_Z5fS7yXGxzRjRvvg59HZjgiFB/view?usp=sharing

Link: 2019 Collocated Facility – Certification of Compliance with JJRA

<https://drive.google.com/file/d/1fMzs8g-SrnGYSPVE7wBnRNCZrF2RM3kB/view?usp=sharing>

Link: 2019 Non-secure Facility - Certification of Compliance

<https://drive.google.com/file/d/1hCjYqGWJNKvgxyGifdL0cz3sc18emxfI/view?usp=sharing>

Link: 2019 Secure, Non-holding Facility Status Certification

https://drive.google.com/file/d/1P-uEbXFgMjDDfX4AW_N5qAHJ0E0szls3/view?usp=sharing

Link: Colorado’s VCO Process

https://drive.google.com/file/d/1cwG4pzdX9olkqC5047_QURvyXos93V2w/view?usp=sharing

Link: VCO Required Forms 1, 2, and 3

<https://drive.google.com/file/d/14NUIBS9YCFoWQsACkzwn1YaQP7-SDt5c/view?usp=sharing>

Link: VCO Requirements

<https://drive.google.com/file/d/1BdwJchgdWTVVCWP8CXn7fxenDUnNdVW1c/view?usp=sharing>

Link: OJP – Performance Measures Platform

<https://ojpssso.ojp.gov/>

Link: Data Elements in Federal CM Reporting Tool

<https://drive.google.com/file/d/1p-aZZ2HLMpVkgPSn-KqfTxaaQT1QwjJx/view?usp=sharing>

Link: FY2019 Core Requirement Standards: DSO – 4.87; Separation – 2.56; Jail Removal – 5.40

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/FY19-Compliance-Standards-memo.pdf>

Link: FY2018 Core Requirement Standards: DSO – 5.85; Separation – 0.30; Jail Removal – 7.04

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/FY%202018%20Compliance%20Determinations.pdf>

Link: FY2017 Core Requirement Standards: DSO – 8.5; Separation – 0.32;
Jail Removal – 8.41
<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/FY17-Compliance-Determination-Standards.pdf>

Link: Federal Register – Final Rule
<https://www.govinfo.gov/content/pkg/FR-2017-01-17/pdf/2017-00740.pdf>

Link: Colorado Children’s Code, Title 19, 2018
<https://leg.colorado.gov/sites/default/files/images/olls/crs2018-title-19.pdf>

7.2 OJJDP Web page for Compliance Monitoring

OJJDP Web-page for Compliance Monitoring
<https://ojjdp.ojp.gov/about/core-requirements>

7.3 Colorado Division of Criminal Justice Website

Colorado Division of Criminal Justice Website
<https://www.colorado.gov/pacific/dcj/compliance-monitoring>