

**Juvenile Justice and Delinquency Prevention Act of 2002
Compliance Chart for Adult Jails and Adult Lockups**

The JJDP Act ONLY Applies when juveniles are held SECURELY

Definition of Terms and Record Keeping Requirements:

SECURE	When a juvenile is physically detained or confined in a locked room or cell, or is handcuffed to a stationary object. The juvenile is not free to leave the building. Record this holding on the juvenile holding log.
NON-SECURE	The juvenile may be in custody but is “free” to leave the building. The juvenile may be handcuffed to him/herself but not to a stationary object, and may be placed in a room with no lock on the door. Do not record this non-secure holding of the juvenile on the holding log.
STATUS OFFENDER	The juvenile has committed an offense that would not be criminal if committed by an adult: e.g., running away, underage drinking, underage possession of alcohol or tobacco, curfew violation, truancy. Warrants, FTA, or FTC where the original offense was a status offense remain status offenses. Illegal immigrants with no delinquent charges are monitored as status offenders.
DELINQUENT	The juvenile has committed an offense that would be criminal if committed by an adult.
NONOFFENDER	The juvenile is dependent, neglected, or is mentally ill and not involved in delinquency.
ACCUSED	The juvenile is “accused” of committing an offense (either status or delinquent).
ADJUDICATED	The juvenile is found by the court to have committed the offense (either status or delinquent).

Type of Juvenile	JJDP Act Requirements and Page Reference in the Guide
All Juveniles	All juveniles held securely must be sight and sound separated from incarcerated adults. Under current OJJDP policy and proposed regulation, Colorado must assure that no juvenile offender under public authority shall enter, for any amount of time, into a secure setting or secure section of any jail, lockup or correctional facility as a disposition of an offense or as a means of modifying their behavior (e.g. Shock Incarceration, Scared Straight or Shape Up). (See page 4-5).
Nonoffender	The juvenile may not be held securely. Secure holding constitutes violations of 2 core protection requirements, Deinstitutionalization of Status Offenders and Jail Removal (See pages 4-2 and 4-3). A nonoffender may be booked in a secure setting, provided that it is the only booking area available, and the juvenile must be under continual law enforcement supervision and then must be removed immediately from the secure booking area following the booking process.
Accused or adjudicated status offender	The juvenile may not be held securely. Secure holding constitutes violations of 2 core protection requirements, Deinstitutionalization of Status Offenders and Jail Removal (See pages 4-2 and 4-3). A status offender may be booked in a secure setting, provided that it is the only booking area available, and the juvenile must be under continual law enforcement supervision and then must be removed immediately from the secure booking area following the booking process. Warrants, FTA’s, FTC’s where original offense is a status offense remain status offenders.
Accused Delinquent	The juvenile may be held securely in a sight and sound separated area for up to 6 hours but only for processing, investigation, or arranging transportation or release (See pages 4-3 and 4-4). The 6-hour clock starts when the juvenile is placed in secure custody and cannot be stopped until the juvenile is permanently removed from the secure setting.
Adjudicated Delinquent (Juvenile Returning to court for sentencing or probation revocation)	The juvenile may be held securely for up to 6 hours before a court appearance and for 6 hours following a court appearance. The juvenile may not be held for punitive purposes. These times are not cumulative or exchangeable (See pages 4-3 and 4-4). The 6-hour clock starts when the juvenile is placed in secure custody and cannot be stopped until the juvenile is permanently removed from the secure setting.
Sentenced Delinquent or Sentenced Status Offender	No juvenile may be sentenced by a judge to an adult jail or adult lockup. (See pages 4-3 and 4-4.) Sentences of secure incarceration may only be to a Juvenile Detention Facility or commitment to the Division of Youth Corrections.
Juvenile who has been direct-filed in or waived/transferred to adult criminal court	The JJDP Act and regulations do not apply after the formal filing, waiver or transfer has been completed. If the juvenile is held prior to a direct filing or the waiver/transfer hearing, treat them as an accused delinquent and follow the 6-hour rule. (See page 4-4).