

JJDPA Guidance for Secure Juvenile Detention/Correctional Facilities

The 2018 JJDPA legislation – H.R. 6964 (Juvenile Justice Reform Act of 2018)

The reauthorized JJDPA is named, the Charles Grassley Juvenile Justice and Delinquency Prevention Program. It creates a new focus on data-driven evidence-based or promising prevention programs. This new JJDPA legislation was signed into law on December 13, 2018 and went into effect in FY19 starting 10-1-18.

Juvenile Crime Analysis

States must, within one year of enactment of the JJRA (by December 21, 2019) include in their juvenile crime analysis a plan to:

- eliminate the use of restraints of known pregnant juveniles in secure juvenile detention and correctional facilities during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others (Section 223(a)(7)(B)(ix)(I)); and
- eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless credible reasonable ground exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method (Section 223(a)(7)(B)(ix)(II)).

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:

- (1) may not have sight or sound contact with adults and
- (2) 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:

- (1) be after a hearing;
- (2) be in writing; and
- (3) 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 223(a)(11)(B).)

Requirements for the Annual Report (written by DCJ);

- 1. Not later than 1 year after the date of the enactment of the Juvenile Justice Reform Act of 2018, a plan shall be implemented not later than 2 years after the date it is enacted to:**
 - Eliminate the use of restraints on known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and**
 - Eliminate the use of abdominal restraints, leg and ankle, restraints, wrist restraints behind the back, and 4-point restraints on known pregnant juveniles, unless, reasonable grounds exist (above language)....., or reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonable minimized through any other method.**
- 2. Track the number of juveniles released from custody and type of living arrangement to which they were released.**
- 3. Track the number of juveniles who offenses originated on school grounds, during school sponsored off-campus activities, or due to a referral by a school official, as collected and reported by the Department of Education or similar State educational agency.**
- 4. Track the number of juveniles in the custody of secure detention and correctional facilities operated by a state or unit of local or tribal government who report being pregnant.**
- 5. Provide a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure juvenile detention and correctional facility operated by a state or unit of local government.**
- 6. Track the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention.**
- 7. Require that**

- a. 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 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 and sound contact with adult inmates, and
 - ii. Except as provided in paragraph (13) of the law, may not be held in any jail or lockup for adults;

- b. In determining under clause (a.) 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 and sound contact with adult inmates, a court shall consider:
 - i. The age of the juveniles,
 - ii. The physical and mental maturity of the juvenile,
 - iii. The present mental state of the juveniles including whether the juvenile presents an imminent risk of harm to the juveniles,
 - iv. The nature and circumstance 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 meet the specific needs of the juveniles but also to protect the public and the other detained youth.

- c. If a court determines that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults,
 - i. Not less than every 30 days to review whether it is still in the interest of justice to permit the juvenile to be so held or have such S&S contact.
 - ii. The juvenile shall not be held for more than 180 days unless the court, in writing, determines there is good cause for an extension of the juvenile expressly waives this limitation

Detain or Confine:

As defined in the current 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.

Examples of being Detained and Confined:

1. A juvenile placed in an unlocked room within the secure perimeter of a juvenile detention center.

2. A juvenile being processed in a secure booking area where an un-secure booking area is available within a facility.
3. A juvenile handcuffed to a stationary object in any area of the facility.
4. 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.

Detained delinquent, status offenders, 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.

Facility Definitions:

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. is used for the temporary placement of any juvenile who is accused having committed an offense or of any other individual accused of having committed a criminal offense.

The term, “secure correctional facility” means any public or private residential facility which,

- A. includes correctional fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility, and
- B. is used for the temporary placement after adjudication and disposition of any juveniles who has been adjudicated of having committed an offense or of any individual convicted of a criminal offense.

Secure mental health and substance abuse treatment facilities generally do not meet the statutory definition of a secure juvenile detention or correctional facility. Those that do not meet the definition do NOT need to be monitored for DSO.

An “institution” is a secure facility that is used by law enforcement or criminal justice authority to detain or confine juveniles or adult inmates:

- A. accused of having committed a delinquent or criminal offense,
- B. awaiting adjudication or trial for the delinquent or criminal offense, or
- C. found to have committed a delinquent or criminal offense.

Secure facilities must 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.

ex. If a facility has a 30 sec, or less, delayed egress door, it is NOT a secure facility.

ex. A facility that is only staff secured is NOT a secure facility.

ex. A building with a perimeter fence with an unobstructed exit that allows a juvenile to completely leave the facility and their property, would NOT be a secure facility.

Miscellaneous facility information:

1. A juvenile training school, if they are RESIDENTIAL, need to be monitoring for DSO.
2. If the facility is secure, then Sight and Sound separation, would apply, but is only applicable in the secure area(s).
3. If a facility is classified as non-secure, then detained and confined regulations on juvenile holding would not apply because a secure facility is defined as having construction features designed to restrict movement.
4. Secure mental health and substance abuse treatment facilities that are NOT used for detention or correctional purposes, but instead to provide mental health of substance abuse treatment for juveniles generally (including those under court jurisdiction) do not meet the definition of a secure detention or correctional facility and need NOT be monitored for compliance with DSO requirement.
5. Facilities included in the monitoring universe, but do not fall under the classifications of Adult Jail and Lockup, an Institution (such as a Court-holding facility), or a Secure Juvenile Detention or Correctional facility, only need to be spot-checked (which can be defined by the state but is recommend to be no longer than ever 5 years).
6. The term “**Isolation**” means any instance in which a youth is confined alone for more than 15 minutes in a room or cell, and does not include:
 - a. confinement during regularly scheduled sleeping hours,
 - b. separation based on a treatment program approved by a licensed medical or mental health professional,
 - c. confinement or separation that is requested by the youth, or
 - d. the separation of the youth from a group in a unlocked setting for the limited purpose of calming.

*A change under the new JJDPa allows facilities separated into different “areas” to have multiple classifications. If there is a dedicated, non-secure area at a secure facility, that **area** can be recognized as a non-secure facility.*

Rules and Regulations under each of the Three JJDPa Core Protections:

The following are the three (3) sections of the JJDPa requiring a report.

1. 42 U.S.C. §5633 (a)(11) Deinstitutionalization of Status Offenders (DSO)

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 alleged to be dependent, neglected, abused, shall not be placed in secure detention or correctional facilities.

Congress recognizes that there are exceptions.

1. Status offenders may be held in a secure juvenile detention center for up to 24 hours for processing, which includes: identification, release to parent, awaiting transfer to a more appropriate juvenile facility, awaiting a court appearance or immediately following an initial court appearance. The 24-hour period excludes weekends and legal holidays. The weekend begins at the close of court on Friday and ends with the opening of court on the next business day.
2. Juveniles who have committed a violation of the Youth Handgun Safety Act
3. Juveniles held in accordance with the Interstate Compact on Juveniles as enacted by the State are excluded from the DSO requirement completely.

Placed or placement refers to what has occurred:

1. When a juvenile charged with a status offense(cont'd):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.

Placed or placement has occurred when an accused status offender is detained and confined in a secure correctional facility for juveniles or a secure detention facility for juveniles:

- For 24 hours (excluding weekends and holidays) or more before an initial court appearance.
- For 24 hours (excluding weekends and holidays) or more following an initial court appearance.
- For 24 hours (excluding weekends and holidays) or more for investigative purposes.
-

A non-offender, such as a D&N juvenile, cannot be placed in a secure juvenile detention facility unless it is as a sanction for contempt of court.

Detained and confined in a secure correctional facility for adults or a secure detention facility for adults, or with respect to any situations not described above, is detained or confined pursuant to a formal custodial arrangement ordered by a court or other entity authorized by

state and law to make such an arrangement.

Juveniles under Federal authority “Status and non-offenders placed under Federal authority and pursuant to a written contract or agreement with a federal agency, need not be reported as violations of DSO.”

DSO applies to secure juvenile detention or correctional facilities, and could include other secure facilities with mechanisms for securely detaining or confining a juvenile but it must also be a residential facility (Adult Jails and Lockups usually do not meet these requirements, however, the residential requirement doesn’t have to be a juvenile residential area).

An undocumented alien (non-offender) that is held securely pursuant to State law would be a violation of JJDPa. An undocumented alien held pursuant to Federal Authority, such as **Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE)**, pursuant to a written contract or agreement with a federal agency would not be a JJDPa violation.

DSO does not apply to juveniles committed to mental health treatment facilities under laws governing civil commitment of individuals for mental health treatment or evaluation.

2. 42 U.S.C. §5633: (a)(12) - Sight and Sound Separation (Separation) – states that status offenders and non-offenders will not be detained or confined in any institution in which they could have contact with adult inmates (including trustees). **This would apply in facilities such as court-holding facilities, law enforcement facilities that have the means to securely hold juveniles, and to secure juvenile detention facilities if it is a colocated facility or if they have any trustees that work the grounds or building maintenance.** Secure custody status occurs when a juvenile offender is detained and confined in a locked room or area, placed in a cell, or secured to a stationary object. Separation must be accomplished architecturally or through policies and procedures in all secure areas of a facility. In addition, S&S only applies in the secure AREAS in the facility.

The term “**contact**” is defined to include any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and adult offenders, including inmate trustees. Sight contact is further defined to include clear visual contact with adult offenders within close proximity. Sound contact is further defined as direct oral communication between adult offenders and juvenile offenders.

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. Such 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).)

H.B.18-1156, Limit Penalties for Juvenile Truancy – the following are excerpts from this law:

"Delinquent act". . . 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 IS DETERMINED BY THE STATUTE, ORDINANCE, OR ORDER THAT THE PETITION ALLEGES WAS VIOLATED. "DELINQUENT ACT" DOES NOT INCLUDE TRUANCY OR HABITUAL TRUANCY.

SECTION 5. In Colorado Revised Statutes, 22-33-108, amend (7) as follows: 22-33-108. Judicial proceedings. (7) (a) If the child OR YOUTH does not comply with the valid court order issued against the child OR YOUTH or against both the parent and the child OR YOUTH, the court **may** order that an assessment for neglect as described in section 19-3-102 (1) C.R.S., be conducted as provided in section 19-3-501.

In addition, the court **may** order the child OR YOUTH to show cause why he or she should not be held in contempt of court. WHEN INSTITUTING CONTEMPT OF COURT PROCEEDINGS PURSUANT TO THIS SUBSECTION (7), THE COURT SHALL PROVIDE ALL PROCEDURAL PROTECTIONS MANDATED IN RULE 107 OF THE COLORADO RULES OF CIVIL PROCEDURE, OR ANY SUCCESSOR RULE, CONCERNING PUNITIVE SANCTIONS FOR CONTEMPT.

(a.5) A JUDGE OR MAGISTRATE OF ANY COURT **MAY** ISSUE A WARRANT THAT AUTHORIZES THE TAKING INTO TEMPORARY CUSTODY OF A CHILD OR YOUTH WHO HAS FAILED TO APPEAR FOR A COURT HEARING FOR A TRUANCY OR CONTEMPT ACTION; EXCEPT THAT ANY SUCH WARRANT MUST PROVIDE FOR RELEASE OF THE CHILD OR YOUTH FROM TEMPORARY CUSTODY ON AN UNSECURED PERSONAL RECOGNIZANCE BOND THAT IS COSIGNED BY THE CHILD'S OR YOUTH'S PARENT OR LEGAL GUARDIAN OR, IF THE CHILD OR YOUTH IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES, COSIGNING MAY BE ACCOMPLISHED BY A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN SERVICES. IN THE ALTERNATIVE, THE WARRANT MAY DIRECT THAT THE

CHILD OR YOUTH MUST ONLY BE ARRESTED WHILE COURT IS IN SESSION AND THAT HE OR SHE BE TAKEN DIRECTLY TO COURT FOR AN APPEARANCE RATHER THAN BOOKED INTO SECURE CONFINEMENT.

(b) The court **may** impose sanctions after a finding of contempt that may include, but need not be limited to, community service to be performed by the child OR YOUTH, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having THE GOAL OF ENSURING that the child OR YOUTH has an opportunity to obtain a quality education.

(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.

19-2-503. Issuance of a lawful warrant taking a juvenile into custody. (3) A warrant for the arrest of a juvenile for violation of the conditions of probation or of a bail bond may be issued by any judge of a court of record or juvenile magistrate upon the report of a juvenile probation officer or upon the verified complaint of any person, establishing to the satisfaction of the judge or juvenile magistrate probable cause to believe that a condition of probation or of a bail bond has been violated and that the arrest of the juvenile is reasonably necessary. The warrant may be executed by any juvenile probation officer or by a peace officer authorized to execute warrants in the county in which the juvenile is found. IF THE WARRANT IS FOR A JUVENILE FOUND IN CONTEMPT OF COURT IN A TRUANCY PROCEEDING, THE COURT SHALL FOLLOW THE PROCEDURES SET FORTH IN SECTION 22-33-108 (7). (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 assessment for neglect as described in [section 19-3-102\(1\)](#),*

C.R.S. , be conducted as provided in [section 19-3-501, C.R.S.](#) . In addition, the court may order the child to show cause why he or she should not be held in contempt of court.

(b) The court may impose sanctions after a finding of contempt that may include, but need not be limited to, community service to be performed by the child, supervised activities, participation in services for at-risk students, as described by [section 22-33-204](#) , and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education.

(c) If the court finds that the child has refused to comply with the plan created for the child pursuant to [section 22-33-107\(3\)](#) , 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 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.

2016 Colorado Revised Statutes, Title 19 - Children's Code

Article 2 - the Colorado Juvenile Justice System

Part 1 - General Provisions, § 19-2-104. Jurisdiction

Universal Citation: [CO Rev Stat § 19-2-104 \(2016\)](#)

(1) Except as otherwise provided by law, the juvenile court shall have exclusive original jurisdiction in proceedings:

(a) Concerning any juvenile ten years of age or older who has violated:

(I) Any federal or state law, except non-felony state traffic, game and fish, and parks and recreation laws or rules, the offenses specified in section 18-13-121, C.R.S., concerning tobacco products, the offense specified in section 18-13-122, C.R.S., concerning the illegal possession or consumption of ethyl alcohol or marijuana by an underage person or illegal possession of marijuana paraphernalia by an underage person, and the offenses specified in section 18-18-406 (5) (a) (I), (5) (b) (I), and (5) (b) (II), C.R.S., concerning marijuana and marijuana concentrate;

(II) Any county or municipal ordinance except traffic ordinances, the penalty for which may be a jail sentence of more than ten days; or

(III) Any lawful order of the court made under this title;

(b) Concerning any juvenile to which section 19-2-518 applies; except that, after filing charges in the juvenile court but prior to the time that the juvenile court conducts a transfer hearing, the district attorney may file the same or different charges against the juvenile by direct filing of an information in the district court or by indictment pursuant to section 19-2-517. Upon said filing or indictment in the district court, the juvenile court shall no longer have jurisdiction over proceedings concerning said charges.

(2) The juvenile court shall have limited jurisdiction in matters to which section 19-2-517 applies.

(3) The fact that a juvenile has been prosecuted or convicted in the county court for a non-felony violation under title 42, C.R.S., shall not be a bar to a subsequent or parallel proceeding under this title for delinquent acts arising out of the same criminal episode; nor shall proceedings under this title be a bar to a subsequent or parallel prosecution in the county court for a non-felony violation under title 42, C.R.S., for the same delinquent acts arising from the same criminal episode.

(4) Notwithstanding any other provision of this section to the contrary, the juvenile court may exercise jurisdiction over a juvenile who is under sixteen years of age and who has violated a traffic law or ordinance if his or her case is transferred to the juvenile court from the county court. Such a transfer shall be subject to approval by the juvenile court.

(5) Notwithstanding any other provision of this section to the contrary, the juvenile court and the county court shall have concurrent jurisdiction over a juvenile who is under eighteen years of age and who is charged with a violation of section 18-13-122, 18-18-406 (5) (a) (I), (5) (b) (I), and (5) (b) (II), 18-18-428, 18-18-429, 18-18-430, or 42-4-1301, C.R.S.; except that, if the juvenile court accepts jurisdiction over such a juvenile, the county court jurisdiction shall terminate.

(6) The juvenile court may retain jurisdiction over a juvenile until all orders have been fully complied with by such person, or any pending cases have been completed, or the statute of limitations applicable to any offense that may be charged has run, regardless of whether such person has attained the age of eighteen years, and regardless of the age of such person.

(7) This section shall not be construed to confer any jurisdiction upon the court over a person for any offense committed after the person attains the age of eighteen years.

F.A.Q. - Answered by Office of Juvenile Justice Delinquency Prevention:

Q. If you have a status offender, for example, a truant that has been to court, but he fails to either appear for the next court appearance, or he fails to comply with the court's order to attend school, does he remain a status offender? At one time this was true - if a FTA or FTC was issued on a status offender, this juvenile remained a status offender despite the FTA or FTC charges. Are these situations any different than a contempt charge (and warrant) issued by a judge?

A. "Contempt of court" and "failure to appear" are two examples of offenses that are criminal if committed by an adult and, therefore, are not status offenses. With this in mind, a truant (or other status offender) who is formally charged with such an offense would no longer be a status offender. You are correct that this represents a change from OJJDP's historical position. A juvenile status offender who simply fails to comply with the terms of a court order, but is not

officially charged with a criminal offense like contempt, remains a status offender and may only be detained securely in a juvenile facility and only then if all conditions of the VCO have been satisfied.

Q. If a FTA or FTC warrant was issued on a non-offender, can that non-offender be held at a juvenile detention center 24 hours before and after the court appearance? On an old FAQ from OJJDP, it states, "A non-offender may not be held in a juvenile detention center under the same "grace" period afforded a status offender, and a non-offender may never be made subject to a Valid Court Order and sentenced to a juvenile detention or correctional facility".

A. Similar to the above, a non-offender who is formally charged with contempt or failure to appear, is "transformed" into a delinquent offender and can be treated as such. A non-offender who has been court ordered to stay in placement (for example) and subsequently runs away but has not been charged with contempt, etc., becomes an accused status offender and the VCO may be applied, so long as all process requirements are met. Non-offenders who have not subsequently committed a status or delinquent offense, may not be detained in a detention or correctional facility for any period of time. For example, an abused or neglected youth could not be held in a juvenile detention facility pending arrangement of a foster or group home placement.

Q. Is an Adult Offender who is on parole, probation, or has been released (basically no longer confined), no longer considered an Adult Inmate.

A. Correct.