

Question	Answer
<p>Has the definition of jail or lockup been changed, from that given within the Act itself, as a result of the new guidance?</p> <p>With the new policy that has come down from the OJJDP, does this also change the definition of an Adult Jail or Adult Lockup?</p>	<p>No. The statutory definition of jail or lockup for adults has not changed.</p>
<p>If a Police Department or Sheriff's Department is entirely non-secure, has no ability to confine any age group using architecture or stationary objects (cuffing benches), are these facilities no longer considered an Adult Jail or Adult Lockup?</p>	<p>The new guidance does not change the definition of what is considered a jail or lockup for adults under the JJDPA.</p>
<p>*Given the new guidance, are we to count as violations juvenile status offenders detained at the juvenile office but not secured to an immovable object or placed in cell?</p>	<p>If the "juvenile office" referred to in the question is a juvenile-only facility, in which no adults are detained or confined, then it does not meet the definition of an adult jail or lockup and there can be no jail removal violation. It is possible, however, for separation violations to occur in a "juvenile-only" facility, if a juvenile who is detained or confined therein has contact with an adult inmate (such as an inmate trustee).</p>
<p>As the juvenile offices are a function of the juvenile courts (and separate from any adult law enforcement oversight) could these sites be reclassified as Court Holding Facilities and be allowed to securely detain juveniles under the "other court proceedings" part of the definition-even if the holds do not occur immediately before or after a court hearing?</p>	<p>If these are "juvenile only" offices and not used for adults then they are not adult jails or lockups and the jail removal requirement does not apply. As long as no juvenile has contact with an adult inmate while detained or confined in these facilities, there is no separation violation.</p>

<p>Is detainment of status offenders awaiting a court appearance in court holding facilities considered a violation of jail removal under the new guidance? Currently, court holding facilities are not classified as jails or lockups.</p>	<p>So long as the court holding facility is nonresidential, it does not constitute a jail or lockup for adults, and the jail removal requirement does not apply. If the court holding facility is residential and meets the requirements of the statutory definition of “jail or lockup for adults”, however, it is an adult jail or lockup. In any case, separation violations can occur in any court holding facility in which a juvenile who is detained or confined has contact with an adult inmate.</p>
<p>Would this apply to Sheriff's, Constables, Probation Officers, or any other party who have a juvenile in custody for transportation purposes?</p>	<p>While a juvenile is being transported – i.e., is in a vehicle – no jail removal or separation violation occurs, because a vehicle is not a “facility.” If, however, the juvenile is detained or confined in a jail or lockup for adults prior to or following transport, it may constitute a jail removal violation. If a juvenile is detained or confined in any facility in which he has contact with an adult inmate, prior to or following transport, it will constitute a separation violation.</p>
<p>Will accused status offenders detained non-securely in jails or lockups be counted as a DSO violation in addition to a jail removal violation?</p>	<p>The guidance applies to the Jail Removal and Separation core requirements, not DSO.</p>
<p>At one of the facilities in Des Moines Police Department there is an unlocked multi-purpose area (not secure). If youth are in that area would that be considered a violation.</p>	<p>If the Police Department building is an adult jail or lockup, and a juvenile is detained or confined there, a jail removal violation may occur. Regardless of the classification of the facility, if a juvenile who is detained or confined there has contact with an adult inmate, it will likely constitute a separation violation.</p>
<p>Does this guidance mean there can be no adult offender (suspect) within sight or sound when a law enforcement officer is conducting an investigative detention? Would a violation occur if the adult suspect happens to be an offender for an unrelated issue and is held for questioning within sight or sound of the juvenile for the current issue?</p>	<p>If a juvenile is detained or confined in any facility in which he has contact with an adult inmate it will constitute a separation violation.</p>

<p>With law enforcement liable for the safety of children in their custody, will holding a juvenile non-securely in a lockup solely for the purpose of awaiting release to a parent or other responsible party be permitted?</p>	<p>To avoid a jail removal violation, states must not detain any status offender in an adult jail or lockup for any length of time. To avoid separation violations, states must not detain or confine any juvenile in an institution in which he has contact with an adult inmate, regardless of the reason for the juvenile's detention or confinement, If the juvenile is not detained, neither a jail removal nor a separation violation can occur.</p>
<p>In anticipation of the significant increase in DSO and JR violations, will data thresholds for full compliance and compliance with de minimus exceptions be increased?</p>	<p>Changes to the current <i>de minimus</i> parameters could be sought via the regulatory process so long as they are consistent with the statutory text that they are implementing. OJJDP is continuing to explore options for implementing the guidance in a practical, realistic way that protects children, and this might include a regulatory change to the current <i>de minimus</i> parameters. We are interested in hearing state feedback on this issue.</p>