



## **NEVADA DIVISION OF CHILD AND FAMILY SERVICES**

Compliance with Core Requirements of the Formula  
Grants Program Authorized Under Title II Part and  
the Juvenile Justice and Delinquency Prevention Act

Compliance Manual  
Effective 08/01/2022

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## **AUTHORITY AND FEDERAL GUIDANCE**

- Federal Law:
  - Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 as amended through P.L. 115-385, enacted December 21, 2018.
- Federal Regulation:
  - OJJDP Formula Grants Consolidated Regulation, 28, CFR, Part 31
- Related Federal Guidance:
  - Guidance Manual for Monitoring Facilities under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended
- 42 U.S.C. § 5633
- 28 C.F.R. § 31.303

## I. INTRODUCTION AND BACKGROUND

### A. Summary of Federal Requirements

Title II, Part B, of the Juvenile Justice and Delinquency Prevention Act ("JJDP A" or the "Act") sets out detailed requirements that a state must satisfy in order to be eligible to receive funding under the Act's Formula Grants Program, including the submission of a state plan that satisfies the requirements set forth at 34 U.S.C. § 11133(a)(1)-(33). Under the Act, "[i]n accordance with regulations which the Administrator shall prescribe, such plan shall, "among other things:

**...provide for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the Administrator[.] [34 U.S.C. § 11133(a)(14)]**

It is the policy of the Division of Child and Family Services (DCFS) to ensure Nevada complies with the requirements of the Act by carrying out the tasks necessary to ensure compliance. Compliance must be maintained with:

1. Deinstitutionalization of Status Offenders (DSO)
2. Removal of Juveniles Prosecuted as Adults from Adult Facilities
3. Separation of Juveniles from Adult Offenders
4. Removal of Juveniles from Adults Jails and Lockups

### B. Purpose of the Manual

The purpose of this annotated manual is to inform the Compliance Monitor about the core requirements the state must address under the JJDP A, and what the JJDP A requires Nevada to include in the compliance monitoring manual. This manual addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13).

This manual is designed to be used by Nevada for the purpose of monitoring compliance with the Federal Juvenile Justice Delinquency Prevention Act, as amended in 2018, and shall outline the activities of the Compliance Monitor while monitoring for compliance with the Act.

This manual shall be supplemented by the *Juvenile Justice and Delinquency Prevention Act Reauthorization of 2018, Nevada state law*, and by the *Annex* to this manual. Note: Hyperlinks to both the Act and Nevada State Law are included throughout this manual.

### C. Designated State Agency (DSA)

The Division of Child and Family Services (DCFS) is the DSA for compliance with the Act.

The Juvenile Justice Specialist in Nevada is the Compliance Monitor. In addition to the Compliance Monitor, there are three additional DCFS staff who are trained in how to conduct on site compliance monitoring visits. Potential violations discovered during an onsite visit will be reported to the Compliance Monitor immediately via email, including documentation gathered during the visit. The Compliance Monitor is responsible for the investigation and determination of violations.

### D. Nevada State Law

The Nevada State Laws specific to juvenile offenders, if applicable, are found in Nevada Revised Statutes (NRS) 62 and Nevada Administrative Code (NAC) 62. These are not the only Nevada State Laws that may be referenced in this document, but several parts of NRS 62 and NAC 62 will be cited frequently.

## II. COMPLIANCE WITH THE CORE REQUIREMENTS

This section describes the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13), and is recommended for inclusion in states' compliance monitoring manuals, to assist state staff in understanding the core requirements.

The right-hand column indicates the federal requirement, and the left-hand column indicates how Nevada will meet the requirement.

### A. Deinstitutionalization of Status Offenders (DSO)

SUMMARY OF REQUIREMENTS	STATE'S PLAN TO ADDRESS REQUIREMENTS
Pursuant to <u>34 U.S.C. § 11133(a)(11)(A)</u> , juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders), 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 such juveniles were placed in secure detention and correctional facilities, or when the state's DSO rate falls below the established threshold.	Current Nevada state law does not conflict with the federal requirements regarding DSO.  Nevada complies with the requirements of monitoring for DSO by collecting status offender data from juvenile detention facilities and reviewing data admissions of adult jails/lockups to ensure no status offender has been securely detained. The following applies to DSO in Nevada.  A status offense is defined in Nevada state law under NRS <u>62B.320</u> , titled Child in Need of Supervision. Accused status offenders are required to have a detention hearing in accordance with Nevada state law <u>NRS 62C.040</u> .

	<p>Nevada uses 4 exceptions for DSO: holidays, weekends, out of state runaways, and VCO.</p> <p>All juvenile detention facilities have policies/procedures in place that prohibit them from detaining a juvenile without a charge, therefore, non-offenders will never be placed in a juvenile detention facility.</p> <p>There are two possible violations of DSO in Nevada:</p> <ol style="list-style-type: none"> <li>1) Youth placed in a juvenile detention facility with a status offense charge for greater than 24 hours except for holidays, weekends, out of state runaways, or VCO.</li> <li>2) Youth placed in secure custody in an adult jail or lockup for any period.</li> </ol> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
<p><b>YOUTH HANDGUN SAFETY EXCEPTION</b> – Under <u>34 U.S.C. § 11133(a)(11)(A)(i)(I)</u>, 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 person younger than 18 from possessing 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.</p>	<p>Current Nevada state law does not conflict with the federal requirements regarding youth handgun safety.</p> <p>A firearm offense is a delinquent offense, unless it meets the criteria under <u>62B.330</u>, such as an armed robbery involving a juvenile age 16 years or older, in which adult charges apply.</p> <p>NRS <u>62C.060</u> states that a delinquent juvenile in possession of a firearm cannot be released from a juvenile detention facility prior to a detention hearing.</p>
<p><b>VALID COURT ORDER EXCEPTION</b> – The Valid Court Order (VCO) exception at <u>34 U.S.C. § 11133(a)(11)(A)(i)(II)</u> 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. A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply (see Section III.E Federal Definitions for the definition of “valid court order”).</p>	<p>Current Nevada state law does not prohibit the use of a VCO, nor does it conflict with the federal requirements regarding the VCO exception.</p> <p>Nevada meets the requirements of monitoring for VCOs by collecting status offender data from juvenile detention facilities.</p> <p>The Valid Court Order Exception introduces an additional level of review to the investigation of potential status violation. The use of a Valid Court Order is rare in Nevada. There is no state law that prohibits the use.</p> <p><b>Process if a VCO is indicated:</b> Juvenile detention facilities report status offenders monthly using the <i>Status Offender</i></p>

<p>To demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to verify whether court orders used to place status offenders in juvenile detention centers (including juveniles who violate valid court orders related to their status as a juvenile), meet the following requirements (as set forth at <u>34 U.S.C. § 11133(a)(23)</u>):</p> <ul style="list-style-type: none"> <li>a. An appropriate public agency shall be promptly notified that the status offender is held in custody for violating a valid court order.</li> <li>b. An authorized representative of that agency shall interview within 24 hours, in person, the status offender who is being held.</li> <li>c. Within 48 hours during which the status offender is held:</li> </ul> <p>The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender.</p> <p>The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation.</p>	<p><i>Summary.</i> Upon submission, if a VCO is indicated, the Compliance Monitor is notified immediately, and within 5 business days, the Compliance Monitor requests additional documentation from reporting juvenile detention facility including completion of the VCO Checklist and a copy of the court order.</p> <p>Juvenile courts that are found to have used a VCO incorrectly, or lack proper documentation on their written order, shall be provided technical assistance by a trained Compliance Monitor within 45 days of determination of violation. The technical assistance shall be provided in a method/manner requested by the local juvenile detention facility and/or the juvenile court.</p> <p>The Compliance Monitor determines if a violation occurred or not based on OJJDP guidance.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
<p><b>VALID COURT ORDER EXCEPTION</b> – (continued)</p> <p>The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation.</p> <p>If the court determines that the status offender should be placed in a secure detention facility or correctional facility for violating the court order, (1) the court must issue a written order that:</p> <ul style="list-style-type: none"> <li>Identifies the valid court order that has been violated;</li> <li>Specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;</li> <li>Includes findings of fact to support a determination that there is no appropriate less restrictive alternative</li> </ul>	<p>The monitoring process for collecting and verifying data is described in Section VIII.</p>

<p>available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;</p> <p>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</p> <p>May not be renewed or extended; and (2) The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order.</p> <p>There are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a [valid] court order [described in this section] does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter.</p>	
<p><b>INTERSTATE COMPACT ON JUVENILES EXCEPTION</b></p> <p>– Pursuant to the DSO requirement at <u>34 U.S.C. § 11133(a)(11)(A)(i)(III)</u>, 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</p>	<p>Nevada <b>does</b> participate in the Interstate Compact for Juveniles. The entire compact is codified in <u>62</u> Nevada Revised Statutes.</p> <p><b><u>Out of state runaways held in a juvenile detention facility are not considered DSO violations and are not counted as DSO violations.</u></b> Note: Out of state runaways may only be placed in a secure juvenile detention facility if they are charged with either a status offense or delinquent offense. Without a charge, a juvenile detention facility will not accept a youth. However, local law enforcement generally does not charge status offenses which places a burden on the state to house out of state runaways until a parent/guardian can plan for the safe return to the home state. In some case, Nevada’s Child Welfare System is contacted, but is unable to take custody of a non-Nevada youth but may purchase a plane or bus ticket to the home state as a last resort. Nevada lacks placements for out of state runaways in 16 out of 17 counties.</p>



## B. Removal of Juveniles Prosecuted as Adults from Adult Facilities

SUMMARY OF REQUIREMENTS	STATE'S PLAN TO ADDRESS REQUIREMENTS
<p>Under Section <u>223(a)(11)(B)</u>, on or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below.</p> <p>A juvenile charged as an adult may be detained in an adult jail or lockup if one of the exceptions at <u>34 U.S.C. § 11133(a)(13)</u> applies (Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception). See Section II.</p>	<p>Nevada complies with the requirements of monitoring, investigating, and reporting violations of removal of juveniles prosecuted as adults from adult facilities.</p> <p>Current Nevada state law conflicts with the requirements of removal of juvenile prosecuted as adults from adult facilities. Nevada allows for Direct Files per <u>NRS 62B.335</u>, which are juveniles charged as adults who bypass the juvenile court. This section further states that a juvenile who is charged in adult criminal court must be "held in custody in a county or city jail or detention facility for adults and is entitled to bail as established in criminal proceedings". These youth are considered adults in Nevada.</p> <p>Nevada shall comply with this requirement by:</p> <ol style="list-style-type: none"> <li>1) Utilizing the federal definition of adult and documenting all instances of individuals under the age of majority who are held in an adult jail/lockup pending trial, and subsequent hearings to determine if the placement is in the interest of justice, and</li> <li>2) Reporting all confirmed violations to OJJDP annually in the Compliance Monitoring Tool.</li> <li>3) The following exceptions apply: <ul style="list-style-type: none"> <li>• 6-hour rule</li> <li>• Rural exceptions</li> <li>• Weather exceptions</li> <li>• Safety exceptions</li> </ul> </li> </ol> <p>Adult jails and lockups shall be monitored for compliance with this requirement.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
<p>In addition, a court may determine after a hearing, and in writing, that it is in the interest of justice to permit a juvenile to be detained in a jail or lockup for adults or have sight or sound contact with adult inmates in a secure facility. If the court makes an initial determination that it is in the interest of justice to detain a juvenile under those circumstances, the court must hold a hearing at least every 30 days (at least</p>	<p><b>Changes to accommodate the 2018 Reauthorization:</b>  With the new language in the 2018 Reauthorization, the "Direct File" youth in Nevada are now under the purview of DCFS. Currently, there is one (1) adult jail or lockup in Clark County (the largest urban county in Nevada) that has more than 1100 beds. This facility has multiple floors. There is one area/pod that has up to 24 beds that is earmarked for juvenile boys charged as adults and are pending trial. These</p>

<p>every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:</p> <ol style="list-style-type: none"> <li>1. the age of the juvenile;</li> <li>2. the physical and mental maturity of the juvenile;</li> <li>3. The present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;</li> <li>4. the nature and circumstances of the alleged offense;</li> <li>5. the juvenile’s history of prior delinquent acts;</li> <li>6. 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</li> <li>7. any other relevant factor(s)</li> </ol> <p>The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility is 180 days, unless the court determines, in writing, that there is good cause for such an extension, or the juvenile expressly waives this 180-day limit.</p>	<p>juveniles are completely sight/sound separated from adults and any contact with adults would be intermittent. This facility has been reclassified as a juvenile facility.</p> <p>Nevada is currently working on a Bench Book (with the State Advisory Group) for judges to orient them to the JJDPa overall, including the requirement of interest of justice hearings for juvenile pending trial who are placed in adult jails or lockups. In the meantime, the Compliance Monitor is working with facilities on a case-by-case basis if they have a juvenile pending trial in their facility.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
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**C. Separation of Juveniles from Adult Inmates**

<b>SUMMARY OF REQUIREMENTS</b>	<b>STATE’S PLAN TO ADDRESS REQUIRMENTS</b>
<p>Pursuant to <u>34 U.S.C. § 11133(a)(12)</u>, juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.</p>	<p>Current Nevada state law does not conflict with the federal requirements regarding separation of juveniles and adult offenders.</p> <p>Nevada complies with the requirements of monitoring, investigating, and reporting violations of separation.</p> <p>Any instance where a status offender or a non-offender is held in an adult jail or lock up securely for even 1 minute is</p>

In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.

a violation of DSO and may be a violation of sight and sound separation.

Nevada law enforcement has the discretion to hold a juvenile non-securely for a status offense or in protective custody for being a suspected in state or out of state runaway at a police station, youth assessment center, a nonsecure facility, back of a police car, or, as necessary, in a hospital or clinic for the following purposes:

- (a) Identification
- (b) Attempting to notify the parents or persons exercising custodial control or supervision of the child, a relative, guardian, other responsible person
- (c) Making a referral to child protective services or juvenile justice services

Juvenile detention facilities and juvenile correctional facilities will never have a sight/sound separation violation as policies prohibit adults from placement in one of these facilities.

Court holding cells/rooms are generally only for adult offenders during the hours of 8:00 am to 5:00 pm M-F as part of court appearances. They are non-residential.

- 1) Some counties have juvenile courts with holding cells/rooms. These courts are only for juveniles who are part of the child welfare or juvenile justice systems.
- 2) The counties that do not have juvenile courts must utilize District Courts for juvenile offenders. Some District courts are secure, and some are non-secure. Those that are secure have policies in place for juveniles' offenders that include a variation of the following: 1) no juvenile offenders shall be held in secure holding cell or room, 2) juvenile offenders shall have separate court days/times, and/or 3) juveniles shall be under constant supervision of a juvenile probation officer the entire time they are in District Court.
- 3) A separation violation would be rare to never in a court holding.

Training requirements for staff who work with juveniles in a secure setting is found in NRS 62B.250 and NAC 62B.100.

	<p>Law enforcement's Peace Officer Standards and Training (POST) requirements include performance objectives regarding juveniles throughout the training regimen.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
<p><b>JUVENILES WHO ARE TRANSFERRED, CERTIFIED, OR WAIVED TO CRIMINAL COURT</b> – Juveniles who have been transferred, certified, or waived to criminal court, and are therefore charged as adults, may not be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility, unless it is pursuant to one of the exceptions at <u>34 U.S.C. § 11133(a)(13)(B)</u>.</p> <p>However, a court may determine that it would be in the interest of justice to do so consistent with <u>34 U.S.C. § 11133(a)(11)(B)</u>. See Section 223(a)(11)(B) above, which applies to juveniles charged as adults. If a juvenile who has been charged as an adult has been convicted and sentenced for the criminal offense, however, Section 223(a)(11)(B) no longer applies.</p>	<p>The following acts under NRS <u>62B.390</u> are acts in which a juvenile can be certified to adult criminal court.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
<p><b>JUVENILES WHO REACH THE AGE OF FULL CRIMINAL RESPONSIBILITY AFTER ARREST OR ADJUDICATION</b> – Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they have reached the state's maximum age of extended juvenile jurisdiction. By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility, are adult inmates, who must not have sight or sound contact with juvenile detainees.</p>	<p>NRS <u>62A.030</u> defines a "child" as:</p> <ol style="list-style-type: none"> <li>a. A person who is less than eighteen (18) years of age.</li> <li>b. A person who is less than twenty-one (21) years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached eighteen (18) years of age; or</li> <li>c. A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender.</li> </ol> <p>Children who meet the definition's above are under the purview of the juvenile court and therefore treated and housed in a juvenile facility.</p>
<p><b>PROGRAMS IN WHICH JUVENILES HAVE SIGHT OR SOUND CONTACT WITH ADULT INMATES</b> – Programs in which juveniles have sight or sound contact with adult inmates in an attempt to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared</p>	<p>The Compliance Monitor is not aware any programs like this in adult facilities (jails, lockups, and secure correctional facilities).</p>

<p>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.</p>	<p>The Compliance Monitor shall review policies during onsite visits and monitor for any programs that meet this requirement.</p>
<p>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 or criminal 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.</p>	

**D. Removal of Juveniles from Adult Jails and Lockups**

SUMMARY OF REQUIREMENTS	STATE'S PLAN TO ADDRESS REQUIREMENTS
<p>Pursuant to 34 U.S.C. § 11133(a)(13), no juvenile shall be detained or confined in any jail or lockup for adults, with 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.</p> <p>The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound 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</p>	<p>Current Nevada state law does not conflict with the federal requirements the removal of juveniles from adult jails.</p> <p>Nevada meets the requirements of monitoring for the removal of juveniles from adult jails by collecting data from adult jails/lockups, investigations of potential violations, and onsite visits. The following applies when monitoring the removal of juveniles from adult jails and lockups.</p> <p>Nevada does not utilize jails or adult lockups for juveniles who are adjudicated delinquent.</p> <p>Any instance where a status offender or a non-offender is held in an adult jail or lock up securely for even 1 minute is a violation of DSO and may be a violation of sight and sound separation.</p> <p>The following exceptions apply for accused delinquent offenders:</p> <ul style="list-style-type: none"> <li>• 6-hour rule</li> <li>• Rural exceptions</li> <li>• Weather exceptions</li> <li>• Safety exceptions</li> </ul>

	<p>Adult jails, secure detention facilities, and lockups shall be monitored for compliance with this requirement. Note: Court holding facilities are classified as lockups and do not securely hold offenders of any type outside of the hours of 8:00 am and 5:00pm, Monday through Friday.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
<p><b>SIX-HOUR EXCEPTION</b> – The jail removal requirement at <u>34 U.S.C. § 11133(a)(13)(A)</u> allows the detention or confinement in an adult jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:</p> <ul style="list-style-type: none"> <li>a) A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility.</li> <li>b) A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.</li> </ul> <p>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 sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.</p>	<p>Juveniles accused of a delinquent offense may be held up to six (6) hours, which starts the minute that the juvenile enters a secure setting. If the juvenile is temporarily removed from the secure setting, but is then placed back in the secure setting, the six (6) hour clock does not stop for the time that they were un a non-secure setting. When a delinquent is taken out of a secure setting to be taken to court, the six (6) hour clock continues, the six (6) hour clock included the time in court but does NOT include the transport time.</p> <p>Nevada law enforcement has the discretion to hold a juvenile non-securely for a status offense or in protective custody for being a suspected in state or out of state runaway at a police station, youth assessment center, a nonsecure facility, back of a police car, or, as necessary, in a hospital or clinic for the following purposes:</p> <ul style="list-style-type: none"> <li>(a) Identification</li> <li>(b) Attempting to notify the parents or persons exercising custodial control or supervision of the child, a relative, guardian, other responsible person</li> <li>(c) Making a referral to child protective services or juvenile justice services</li> </ul> <p>Juveniles placed in conference rooms, lobbies, administrative offices, unlocked interview rooms, unlocked family or victim rooms, or within a police car for transportation are not considered or counted as violations.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
<p><b>RURAL EXCEPTION</b> – The exception found at <u>34 U.S.C. § 11133(a)(13)(B)(ii)(I)</u> provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal</p>	<p>Juveniles accused of a delinquent offense and are awaiting an initial court appearance that will occur within forty-eight (48) hours after being taken into custody (excluding weekends and holidays), and who are detained in an adult jail or lockup in which are located outside a metropolitan</p>

<p>holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available.</p> <p>OMB maintains a list of metropolitan statistical areas which it periodically updates through the posting of a bulletin on its website. OMB bulletins may be found here. The relevant bulletin will be titled OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of "Metropolitan Statistical Areas" that provides the title of the metropolitan statistical area, the principal city or cities, and the counties included in that area</p>	<p>statistical area (Rural Exception) and has no existing acceptable alternative placement available. Sight and sound separation must be maintained.</p> <p>Note: All adult jails, adult secure detention facilities, and adult lockups located outside of Urban Washoe County and Urban Clark County meet the criteria of rural.</p> <p>The Juvenile Justice Specialist provides the Rural Exception Certification and a list of a facilities that meet the exception annual with the Title II Formula Grant Application.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
<p><b>TRAVEL CONDITIONS EXCEPTION</b> – Under <u>34 U.S.C. § 11133(a)(13)(B)(ii)(II)</u>, 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.</p>	<p>Juveniles accused of a delinquent offense and are awaiting an initial court appearance that will occur within forty-eight (48) hours after being taken into custody (excluding weekends and holidays), and who are detained in an adult jail or lockup in which are located outside a metropolitan statistical area (Rural Exception) and has no existing acceptable alternative placement available. Sight and sound separation must be maintained.</p> <p>Note: Any facility in Nevada may meet this exception and requires documentation of the reason.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
<p><b>CONDITIONS OF SAFETY EXCEPTION</b> – Under <u>34 U.S.C. § 11133(a)(13)(B)(ii)(III)</u>, 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</p>	<p>Juveniles accused of a delinquent offense and are awaiting an initial court appearance that will occur within forty-eight (48) hours after being taken into custody (excluding weekends and holidays), and who are detained in an adult jail or lockup in which are located outside a metropolitan statistical area (Rural Exception) and has no existing acceptable alternative placement available. Sight and sound separation must be maintained.</p>

<p>appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.</p>	<p>A juvenile may be held an additional 24 hours in the event of unsafe conditions.</p> <p>Note: Any facility in Nevada may meet this exception and requires documentation of the reason.</p> <p>The monitoring process for collecting and verifying data is described in Section VIII.</p>
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### III. ELEMENTS OF AN EFFECTIVE MONITORING SYSTEM:

SUMMARY OF REQUIREMENTS	STATE'S PLAN TO ADDRESS REQUIREMENTS
<p><b>A. Compliance Monitoring Policies and Procedures</b></p> <p>States participating in the Formula Grants Program must provide for an effective system of monitoring lockups, lockups, detention facilities, and correctional facilities to ensure that they meet the core requirements, pursuant to the monitoring and reporting requirement at <u>34 U.S.C. § 11133(a)(14)</u>. The state's monitoring system, if it is to comply with the statutory and regulatory monitoring requirements, must include all lockups, lockups, secure detention facilities, and secure correctional facilities (prisons). There are eight elements of an effective system of monitoring. For each of the following elements, the state should include a description of its specific policies and procedures:</p> <ol style="list-style-type: none"> <li>1. Compliance Monitoring Policies and Procedures</li> <li>2. Monitoring Authority</li> <li>3. Violation Procedures</li> <li>4. Adherence to Federal Definitions</li> <li>5. Identification of the Monitoring Universe</li> <li>6. Classification of the Monitoring Universe</li> <li>7. Inspection of Facilities</li> <li>8. Compliance Data Collection and Verification</li> </ol> <p>Pursuant to <u>28 C.F.R. § 31.303(f)(1)(i)</u>, one of the required elements of an effective system of monitoring is that states must describe their policies and procedures for monitoring for compliance with</p>	<p>The compliance monitoring policies and procedures is represented by this document.</p>



<p>the core requirements. The purpose of this manual is to satisfy the policies and procedures element, as well as describe how Nevada satisfies the following additional elements required for an effective system of compliance monitoring system.</p>	
<p><b>B. Monitoring Authority:</b></p> <p>States are required under <u>34 U.S.C. § 11133(a)(1) and (2)</u> to designate an agency (referred to as the Designated State Agency, or the DSA) and provide satisfactory evidence that the DSA has authority, by legislation, if necessary, to administer the Title II Formula Grants Program, including monitoring for compliance with the deinstitutionalization of status offenders (DSO), Section 223(a)(11)(B), separation, and jail removal requirements.</p> <p>The following bullets describe information that states must include, at a minimum, in the narrative addressing the monitoring authority requirement:</p> <ul style="list-style-type: none"> <li>• Provide a citation to your state’s statute, regulation, executive order, policy, and/or other source of legal authority of the DSA to monitor adult lockups, adult lockups, secure detention facilities, and secure correctional facilities.</li> <li>• Describe in detail what the monitoring authority permits the DSA to do.</li> <li>• If an agency or entity other than the DSA has the primary monitoring responsibility, provide the name of that agency.</li> <li>• If the responsibility for monitoring does not lie solely with the DSA, specify what document governs the relationship and the sharing of information (e.g., contract or memorandum of understanding).</li> <li>• If the responsibility for monitoring does not lie solely with the DSA, describe what the monitoring authority permits other responsible agencies to do.</li> </ul>	<p>Division of Child and Family Services (DCFS) as the Designated State Agency (DSA) in charge of the Act through implied authority through a combination of policy and Executive Order.</p> <p>No adult or juvenile facility is licensed in Nevada. They are governed by Nevada Revised Statute 62 and Nevada Administrative Code 62.</p> <p>DCFS’s authority to conduct compliance monitoring for adult jails, lockups, and court holdings is through Executive Order that states “Monitor state compliance with the requirements of the Act, including the authority to monitor juveniles incarcerated or potentially incarcerated in adult lockups and lockups. To the extent permitted by law, the Division of Child and Family Services Juvenile Justice Programs Chief or his/her designee shall have, for inspection purposes, access to any secure or non-secure facility that detains or potentially detains minors. If the facility is required to keep a log, a copy of the log, and any related documentation requested, shall be submitted to the Division of Child and Family Services Juvenile Justice Program Chief or his/her designee monthly”.</p> <p>DCFS operates the state’s one juvenile secure correctional facility and data is available to the Compliance Monitor.</p> <p>The Compliance Monitor has an informal agreement in place with the Department of Corrections, who operates one juvenile secure correctional facility, to obtain data annually on the number of individuals under the age of majority who are convicted as adults and placed in this facility.</p> <p>Nevada Revised Statute (NRS) <u>62H</u> requires juvenile detention facilities to provide data to DCFS and the Compliance Monitor as required.</p>

**C. Investigation of Violations:**

Pursuant to 28 C.F.R. § 31.303(f)(1)(iii), the state must specify how it receives, investigates, and reports complaints of instances of noncompliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements.

In the instance of a violation or complaint of a violation of the three core requirements, the Compliance Monitor will contact the facility to discuss the situation. All reports of violations will be addressed.

The Compliance Monitor is the primary agent to discover and report compliance violations throughout the state, and to investigate the violations. Discovery may be through a review of the *Juvenile Summary in Adult Lockups Form*, on-site visits, or an independent source.

If a violation of Deinstitutionalized Status Offender, Jail Removal, Sight and Sound, or VCO is reported or discovered, the Compliance Monitor will fully investigate the violation.

Deinstitutionalized Status Offender (DSO)- The investigation will involve a review of the facility holding logs or the booking system of secure detention facilities to confirm that a violation has occurred. Additionally, the investigation will involve a review of relevant court orders. All violations will be discussed with the director or designee to explain the violation and offer Training and Technical Assistance to prevent future violations.

Jail Removal - The investigation will involve a review of the facility holding logs or the booking system to confirm that a violation has occurred. Additionally, the investigation will involve a review of relevant court orders. All violations will be discussed with the director or designee to explain the violation and offer Training and Technical Assistance to prevent future violations.

Sight and Sound Separation – The investigation will include a visit to the facility to determine if a violation occurred. If any contact in secure areas, sight or sound, that is not intermittent will be reported as violations to OJJDP annually. All violations will be discussed with the director or designee to explain the violation and offer Training and Technical Assistance to prevent future violations.

VCO - The investigation will always involve a review of the booking system and a request for the court administrator to complete the VCO checklist. In many cases, the investigation

	<p>reveals errors in record keeping either by the juvenile detention facilities or by the court. All confirmed violations will be discussed with the facility administrator or designee and an offer of technical assistance will be provided.</p> <p>Records are kept electronically for 6 years and then purged/deleted.</p> <p>The Compliance Monitor provides the State Advisory Group with violation reports as needed.</p>
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**IV. FEDERAL DEFINITIONS**

The following federal definitions shall be utilized during all compliance activities. In the instance where Nevada definitions differ from these federal definitions, federal definitions shall take precedence and be used in the monitoring process.

TERMS	FEDERAL DEFINITION	STATE DEFINITION
<b>ADULT INMATE</b>	<u>34 U.S.C. Sec. 11103 (26)</u> - means an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense, and does not include an individual who (1) 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 (2) 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.	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>ASSESSMENTS</b>	<u>34 U.S.C. Sec. 11103 (38)</u> - includes, at a minimum, an interview and review of available records and other pertinent information by an appropriately trained professional who is licensed or certified by the applicable <u>State</u> in the mental health, behavioral health, or substance abuse fields; and which is designed to identify significant mental health, behavioral health, or substance abuse <u>treatment</u> needs to be addressed during a youth's confinement.	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>COLLOCATED FACILITIES</b>	<u>34 U.S.C. § 11103 (28)</u> – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>CORE REQUIREMENT</b>	<u>34 U.S.C. Sec 11103 (30)</u> - means the requirements described in 34 U.S.C Sec 11133(11), (12), (13) and (15).	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>CRIMINAL-TYPE OFFENDER</b>	<u>28 CFR 31.304(a)</u> - is a juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in	<b>NAC 62H.030 “Delinquent Act” defined.</b> “A delinquent act is any act designated a crime under Nevada Revised Statutes,

	which the offense was committed, be a crime if committed by an adult	other than a traffic offense, with which a child or an adult may be charged.”  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>DETAIN OR CONFIN</b>	<u>28 C.F.R. § 31.304 (b)</u> – means to hold, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>INSTITUTION</b>	Compliance Monitoring TA Tool – 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.”	<b>NRS 209.071 “Institution” defined.</b> “Institution” means a prison designed to house 125 or more offenders within a secure perimeter.  <b>NRS 63.030 “Facility” defined.</b> “Facility” means a state facility for the detention or commitment of children which is administered by the State of Nevada.  <b>NRS 62A.190 “Local facility for the detention of children” defined.</b> “Local facility for the detention of children” means a local facility for the detention or commitment of children which is administered by a county.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring
<b>JAIL OR LOCKUP FOR ADULTS</b>	<u>34 U.S.C. § 11103 (22)</u> – means a locked facility that a state, unit of local government, or any law	Nevada does not define this.

	enforcement authority uses to detain or confine adult inmates.	Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>JUVENILE OFFENDER</b>	<u>28 CFR 31.304(f)</u> - is an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law, i.e., a criminal-type offender or a status offender.	<b>NRS 62A.070 “Delinquent child” defined.</b> “Delinquent child” means a child who is adjudicated delinquent pursuant to the provisions of this title.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION</b>	Compliance Monitoring TA Tool - means the age above which a juvenile court may no longer exercise jurisdiction under state law.	<b>NRS 62A.030 defines a “child” as:</b> <ul style="list-style-type: none"> <li>• A person who is less than eighteen (18) years of age.</li> <li>• A person who is less than twenty-one (21) years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached eighteen (18) years of age; or</li> <li>• A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender.</li> </ul>
<b>MONITORING UNIVERSE</b>	Compliance Monitoring TA Tool – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>NON-OFFENDER</b>	<u>28 CFR 31.304(i)</u> - is a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile.	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>RESIDENTIAL</b>	Compliance Monitoring TA Tool – means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use

	adults who are accused of committing or who have committed an offense.	federal definitions throughout the course of monitoring.
<b>SECURE</b>	<u>28 CFR 31.304(m)</u> - As used to define a detention or correctional facility. This term includes residential facilities which include construction features designed to physically restrict the movement and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not mean facilities where physical restriction of movement or activities is provided solely through facility staff.	Nevada does not define this.  Whether state definitions for each JJDPa defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>SECURE CORRECTION FACILITY</b>	<u>34 U.S.C. § 11103 (12)</u> – means any public or private residential facility which— (1) includes construction fixtures designed 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 temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.	<b>NRS 209.065 “Facility” defined.</b> “Facility” means a community correctional center, conservation camp, facility of minimum security or other place of confinement, other than an institution, operated by the Department for the custody, care or training of offenders.  <b>NRS 209.071 “Institution” defined.</b> “Institution” means a prison designed to house 125 or more offenders within a secure perimeter.  <b>NRS 208.075 “Prison” defined.</b> “Prison” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest.  Whether state definitions for each JJDPa defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>SIGHT AND SOUND CONTACT</b>	<u>34 U.S.C. § 11103 (12)</u> – means any public or private residential facility which— (1) includes construction fixtures designed 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	Nevada does not define this.  Whether state definitions for each JJDPa defined term exists, the state will use federal definitions throughout the course of monitoring.

	temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.	
<b>STATE</b>	34 U.S.C. § 11103(7)– means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>STATUS OFFENDER</b>	28 CFR 31.304(h) – means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.	<b>NRS 62B.320 Child in need of supervision (Juvenile Justice Definition)</b>  <b>NRS 201.090 “Neglected child,” “delinquent child” and “child in need of supervision” defined.</b> (Child Welfare Definition)  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>TWENTY-FOUR HOURS</b>	TWENTY-FOUR HOURS Compliance Monitoring TA Tool – means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.
<b>VALID COURT ORDER</b>	34 U.S.C. § 11103(16) - means a court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.	Nevada does not define this.  Whether state definitions for each JJDPA defined term exists, the state will use federal definitions throughout the course of monitoring.

## V. IDENTIFICATION OF MONITORING UNIVERSE

SUMMARY OF REQUIREMENTS	STATE'S PLAN TO ADDRESS REQUIREMENTS
The reporting of instances of noncompliance with the core requirements is facility-based and therefore the “monitoring universe” includes all facilities within the state (public and private) that are lockups and lockups for adults (including court holding facilities), secure	The Compliance Monitor is responsible for identifying the jails and lock ups for adults as well as secure correctional facilities and secure detention facilities within the state that might hold juveniles pursuant to public authority and including them in the electronic monitoring universe. The



detention facilities, and secure correctional facilities (including adult prisons), as listed at 34 U.S.C. § 11133(a)(14). These are the facilities in which instances of noncompliance with the core requirements may occur. States must ensure that they identify and include all of these facilities as part of the monitoring universe.

identification of the monitoring universe is an ongoing process. Each year, the monitoring universe will change with the opening, closing, and/or merging of facilities within the state. Nevada outlines the identification of the compliance universe below.

There is no one agency responsible for all secure facilities in Nevada.

- The Division of Child and Family Services (DCFS) operates one (1) secure juvenile correctional facility.
  - No Memorandum of Understanding (MOU) is needed as DCFS is the DSA.
- The Department of Correction (DOC) operations all secure adult prisons/correctional facilities.
  - No MOU is needed with DOC because no juvenile is placed in a secure adult prison/correctional facility unless the juveniles has been tried and convicted as an adult.
  - The Compliance Monitor has an established relationship with DOC staff to obtain data on juveniles tried and convicted as adults and placed in a section of their facility that has been reclassified as a juvenile correctional facility.
- Individual counties operate all court holding facilities, adult jails, and adult lockups.
  - All compliance is done through Executive Order. The order states, ""Monitor state compliance with the requirements of the Act, including the authority to monitor juveniles incarcerated or potentially incarcerated in adult lockups and lockups. To the extent permitted by law, the Division of Child and Family Services Juvenile Justice Programs Chief or his/her designee shall have, for inspection purposes, access to any secure or non-secure facility that detains or potentially detains minors. If the facility is required to keep a log, a copy of the log, and any related documentation requested, shall be submitted to the Division of Child and Family Services Juvenile Justice Program Chief or his/her designee monthly.

DCFS keeps an active list of secure facilities (i.e., adult jail, adult lockup, secure juvenile detention facility, or secure correctional facility). Note: there are no private providers who are contracted in Nevada as any of these facility types.

	<p>Annually, DCFS staff conducts a website search of new lockups/lockups/court holdings/prisons using the following websites:</p> <ul style="list-style-type: none"> <li>▪ <a href="https://doc.nv.gov/Facilities/Home/">https://doc.nv.gov/Facilities/Home/</a></li> <li>▪ <a href="https://www.countyoffice.org/nv-clark-county-lockups-prisons/">https://www.countyoffice.org/nv-clark-county-lockups-prisons/</a></li> <li>▪ <a href="https://www.countyoffice.org/reno-nv-lockups-prisons/">https://www.countyoffice.org/reno-nv-lockups-prisons/</a></li> <li>▪ <a href="https://nicic.gov/state-statistics/">https://nicic.gov/state-statistics/</a></li> </ul> <p>The Compliance Monitor participates in monthly meetings with county probation chiefs/directors.</p> <p>The Compliance Monitor attends at least one meeting per year with the sheriffs/police chief's organization.</p> <p>When staff are out conducting compliance visits, they conduct visual reviews of the areas for new construction or facilities that may meet the requirements of a secure facility under the JDDPA.</p>
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**VI. CLASSIFICATION OF THE MONITORING UNIVERSE**

SUMMARY OF REQUIREMENTS	STATE'S PLAN TO ADDRESS REQUIREMENTS
<p>States are required under <u>28 C.F.R. § 31.303(f)(1)(i)(B)</u> to classify each facility in the monitoring universe to specify whether it is a</p> <p>(1) a jail or lockup for adults (<u>34 U.S.C. § 11103(22)</u>);</p> <p>(2) secure detention facility (<u>34 U.S.C. § 11103(12)</u>); or</p> <p>(3) secure correctional facility (<u>34 U.S.C. § 11103(13)</u>).</p>	<p>Once identified, the facilities will be classified based on the four (4) types of facilities listed in <u>28 C.F.R. § 31.303(f)(1)(i)(B)</u>. The Compliance Monitor shall review all facilities to determine which should be considered a jail or lockup for adults, secure detention facility or secure correctional facilities and thus should be monitored.</p> <p>The classification of facilities can change from year to year; therefore, it must be updated on an ongoing basis.</p> <p>To correctly classify all the identified facilities, the following procedures will be completed:</p> <ul style="list-style-type: none"> <li>• The Compliance Monitor shall email each jail and lock up for adult and secure detention facility a link to an annual survey to complete. The Compliance Monitor will review submitted data to determine and/or verify classification.</li> <li>• During onsite inspections of all identified facilities, the Compliance Monitor will verify the current classification Facility Review Form (On-Site), which includes a section for</li> </ul>

	<p>the Compliance Monitor to classify the facility and document the reason for the classification.</p> <ul style="list-style-type: none"> <li>• The Compliance Monitor will annually review state standards and new legislation, judicial practices, and administrative rules for classification purposes. Based on the standards, judicial practices and administrative rules, some facilities may be excluded from inspection.</li> <li>• All newly identified or reported facilities from outside sources are classified as secure until a completed annual survey is provided, or the facility is and are inspected.</li> </ul>
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**VII. INSPECTION OF FACILITIES**

<b>SUMMARY OF REQUIREMENTS</b>	<b>STATE’S PLAN TO ADDRESS REQUIREMENTS</b>
<p>Pursuant to <u>28 C.F.R. § 31.303(f)(1)(i)(C)</u>, inspection of facilities is necessary to ensure an accurate assessment of each facility’s classification and record keeping.</p>	<p>DCFS is the state agency responsible for monitoring facilities listed on the Compliance Universe; no outside agencies or contractors are used. The Compliance Monitor is responsible for inspecting the jails, lock ups for adults, secure detention facilities and secure correctional facilities identified in the monitoring universe. Since there is no complete legislative authority to monitor for compliance of the JJDP, it is essential for the Compliance Monitor to build professional relationships with representatives of the facilities. This includes the Compliance Monitor’s participation in county meetings including the Nevada Association of Sherriff’s and Chiefs (annually) and with county juvenile probation directors, detention managers, and probation chiefs.</p> <p>The Compliance Monitor will complete the following tasks:</p> <ul style="list-style-type: none"> <li>• Conduct an onsite visit of county operated adult jails and lock ups, at minimum, once every three (3) years to ensure policies and procedures remain in place and are administered accordingly.</li> <li>• Schedule and complete an onsite visit/inspection of identified jails and lock ups for adults, regardless of custody level, at least 10 percent of each type of facility will be inspected yearly with the intent of 100 percent inspected within a three-year period. Classification can change easily; therefore, onsite visits to facilities are essential.</li> <li>• Develop and utilize comprehensive monitoring tools designed to ensure an ongoing, accurate facility classification and record keeping including: <ul style="list-style-type: none"> <li>○ Annual Facility Survey</li> </ul> </li> </ul>

- Juvenile Summary in Adult Lockups (Juvenile log for adult facilities)
  - These are provided as required, meaning when a juvenile has been securely detained.
  - These are reviewed when received for potential violations that require investigation.
- Status Offender Summary (Juvenile log for status offenses)
  - These are provided monthly by all juvenile detention facilities.
  - These are reviewed when received for potential violations that require investigation.
- Facility Review Form (On-Site)
- Sight and Sound Separation Checklist (On-Site)
- VCO Checklist
- Facility Education Materials
- Provide training and technical assistance, as needed, during inspections-on site visits.

The onsite inspection process will include:

- A review of physical accommodations to determine whether it is a secure or non-secure facility.
- A “walk-through” of the facility as if a juvenile to include arrest, booking, and placement in the facility. This allows the Compliance Monitor to assess the sight and sound separation of the juvenile with adult inmates.
- A review of policies and procedures to ensure the facility keeps records consistent with OJJDP requirements and has regulations related to the deinstitutionalization of status offenders, jail removal, and sight and sound separation of adult and juvenile offenders.
- An exit interview with facility administrator or designee to discuss finding and concerns, if any. Education materials and technical assistance is offered.

The Compliance Monitor is responsible for maintaining records of facilities inspections and data gathering. This data will be included in the Annual OJJDP Monitoring Report. Each facility will have an individual file separated by Compliance Year, located on DCFS’s shared drive.

Records are kept for 6 years and then purged/deleted.

<p>How the review of the facilities' recordkeeping system is conducted to determine whether sufficient data is maintained to determine compliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements. (Describe in detail.)</p>	<p>The Compliance Monitor will review a sample of booking logs during onsite visits to verify the following data elements are captured:</p> <ul style="list-style-type: none"> <li>• Demographics (age, gender, race)</li> <li>• Offense (If a status offense, this is a violation of DSO in an adult facility)</li> <li>• Booking intake date and time</li> <li>• Release date and time</li> <li>• Release reason</li> <li>• Who the juvenile was released to</li> <li>• That a juvenile prosecuted as adults received a hearing every 30 days and the appropriate process has been followed.</li> </ul>
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**VIII. COMPLIANCE DATA COLLECTION AND VERIFICATION**

SUMMARY OF REQUIREMENTS	STATE'S PLAN TO ADDRESS REQUIREMENTS
<p>Pursuant to <u>28 C.F.R. § 31.303(f)(1)(i)(D)</u> and (5), the state must collect and verify data from all adult lockups, adult lockups, secure detention facilities, and secure correctional facilities for the 12-month federal fiscal year (FY) reporting period, to determine whether the facilities are in compliance with the applicable requirements of DSO, Section 223(a)(11)(B), separation, and jail removal. The federal fiscal year is <u>October 1 to September 30</u>. States that are unable to report data for 100% of facilities must report data for at least 85% of facilities within the state that are required to report.</p>	<p><u>Adult Secure Correctional Facilities:</u></p> <ul style="list-style-type: none"> <li>• Classified as secure</li> <li>• Public entities; no privately owned or operated adult secure correctional facilities in Nevada</li> <li>• Adults</li> <li>• No juveniles charged or adjudicated delinquent are held in an adult secure correctional facility at any point.</li> <li>• Juveniles tried and convicted as adults are placed in adult secure correctional facilities.</li> <li>• Inspected for separation of juveniles and adults <ul style="list-style-type: none"> <li>○ Annual Survey</li> <li>○ On an onsite review schedule of once every three years</li> </ul> </li> </ul> <p><u>Adult Jails</u></p> <ul style="list-style-type: none"> <li>• Classified as secure</li> <li>• Public entities; no privately owned or operated adult jails in Nevada</li> <li>• Adults</li> <li>• No juveniles adjudicated delinquent are held in an adult jail at any point.</li> <li>• No juveniles charged with a status offense are held in an adult jail.</li> <li>• Jail removal applies for juveniles charged delinquent.</li> <li>• Inspected for DSO, Jail Removal, and Separation. <ul style="list-style-type: none"> <li>○ Annual survey</li> <li>○ Juvenile Summary in Adult Lockups (Juvenile log for adult secure facilities)</li> </ul> </li> </ul>

Lockups:

- Classified as secure
- Temporary holding; not residential
- Public entities; no privately owned or operated lockups in Nevada.
- Adults and juveniles
- Inspected for DSO, Jail Removal, and Separation.
  - Annual survey
  - Juvenile Summary in Adult Lockups (Juvenile log for adult secure facilities)

Juvenile Detention Facilities and Juvenile Correctional Facilities:

- Classified as secure
- Public entities; no privately owned or operated juvenile facilities in Nevada.
- Juveniles
- Secure facilities are inspected for DSO and VCO violations.
  - Annual survey
  - Status Offender Summary (Juvenile log for status offenses)
  - On an onsite review of once every three years.

Non-Secure juvenile, adult, and juvenile/adult facilities:

- Classified as non-secure
- Public entities; no privately owned or operated facilities in Nevada.
- Adults and juveniles
- Spot checked to ensure classification of non-secure is still accurate

The basic requirement per OJJDP regulations is that states should have in place a statistically sound method of inspecting 10 percent of the facilities annually. DCFS inspects all secure facilities at least once every three years. When fully staffed, DCFS visits roughly 33 percent, but when not fully staffed, that number is closer to 10 percent.

- All on-site visits are arranged with facility administrator or designee at a date and time convenient for the Compliance Monitor and the facility.
- The Compliance Monitor shall obtain policies and procedures on how the facility ensures sight and sound separation.

	<ul style="list-style-type: none"> <li>• Once facility inspection is completed, the Compliance Monitor shall complete both the Facility Review Form (On-Site) and the Sight and Sound Separation Checklist.</li> <li>• Any newly discovered DSO, jail removal, or separation violations (during the on-site visit) will be noted on the Facility Review Form and be investigated by the Compliance Monitor.</li> <li>• The Compliance Monitor shall provide technical assistance to those facilities not in compliance with record keeping and/or with sight and separation requirements. In cases where there is non-cooperation in aligning their systems to OJJDP requirements, it will be brought to the attention of Executive Director of the Nevada Association of Sherriff's and Chiefs in writing.</li> <li>• All data is provided with the Annual OJJDP Monitoring Report.</li> <li>• All completed annual surveys, on-site review forms, and sight and sound checklists are kept in individual facility files on DCFS's shared drive by Compliance Year.</li> <li>• The Compliance Universe is kept on DCFS's shared drive.</li> <li>• Data gathering for status offenses, VCO violations, and juveniles in held in adult jails/lockups is kept on DCFS's shared drive.</li> </ul>
<p>The DSA's process for verifying the compliance data collected from adult lockups, adult lockups, secure detention facilities, and secure correctional facilities (prisons) in the state. The process should be described in detail with respect to each of the core requirements.</p>	<p>The Compliance Monitor shall verify information reported on the annual survey data during on-site visits.</p>
<p>If any of the secure facilities (adult lockups, adult lockups, secure detention facilities, and secure correctional facilities (prisons) within the state self-report compliance data, the DSA must have a documented and traceable process to review a statistical sample of facility admissions records and booking logs to verify that the data are accurate.</p>	<p>The Compliance Monitor shall request one month of admissions data as part of the on-site visit to verify data accuracy and if provided, shall review the submission against data provided throughout the year.</p> <p>Not all facilities comply with providing data during on-site visits; therefore, DCFS has submitted a Bill Draft Recommendation to the Legislature for the 2023 to include requirements for adult jails/lockups to report data and provide data samples during on-site visits. This will ensure that the Compliance Monitor does not encounter pushback from adult secure facilities.</p>
<p><i>If your state uses the VCO exception, the state's manual must include a description of the state's</i></p>	<p>There is no state law prohibiting the use of a valid court order.</p>

<p><i>process for verifying that valid court orders meet all of the statutory requirements, set forth above in the "Valid Court Order Exception" section on pages 29-30. (If your state does not use the VCO exception, include a statement to that effect here.)</i></p>	<p>Process if a VCO is indicated: Juvenile detention facilities report status offenders monthly using the <i>Status Offender Summary</i>. Upon submission, if a VCO is indicated or discovered through review of status offenders in secure custody for greater than 24 hours minus weekends, holidays and delinquent charges filed, the Compliance Monitor is notified immediately, and within 5 business days, the Compliance Monitor requests additional documentation from reporting juvenile detention facility including completion of the VCO Checklist and a copy of the court order.</p> <p>Juvenile courts that are found to have used a VCO incorrectly, or lack proper documentation on their written order, shall be provided technical assistance by a trained Compliance Monitor within 45 days of determination of violation. The technical assistance shall be provided in a method/manner requested by the local juvenile detention facility and/or the juvenile court.</p> <p>The Compliance Monitor determines if a violation occurred or not based on OJJDP guidance.</p>
<p>If any facilities within your state detain juveniles pursuant to a contract with a federal agency, or with another state, the state must monitor and collect compliance data regarding such juveniles in its monitoring effort.</p>	<p>This does not apply to Nevada.</p>
<p>If your state uses the rural exception to the jail removal requirement, describe the state's process for the following:</p> <p>Documenting the determination of whether a particular jurisdiction qualifies as "rural," using the definition at <u>34 U.S.C. § 11103((43))</u> and OMB's most recent delineations of "metropolitan statistical areas" (see "Rural Exception," on <u>pages 9 and 27</u>, respectively. Documenting that there is no alternative placement available.</p> <p>The time during which a juvenile is detained in a courtroom does not count toward the 6-hour limit, because a courtroom is not a jail or lockup for adults.</p>	<p>Nevada does utilize the rural exception for all adult facilities outside of Urban Washoe County (Reno) and Urban Clark County (Las Vegas).</p> <p>The Juvenile Justice Specialist certifies the use of a rural exception annually with the submission of the Title II Formula Grant Application and provides a list of all the facilities that meet the exception.</p>



<p>For the relevant federal fiscal year reporting period, if any juvenile who was charged as an adult was detained in an adult jail or lockup or such that he had contact with adult inmates.</p>	<p>None have been reported or identified through onsite visits.</p>
<p>The term "federal ward" is obsolete and should not be included in your manual, as it was relevant to the de minimis standard for compliance with the DSO requirement, which became obsolete in 2017.</p>	<p>Nevada does not use the term "federal ward".</p>
<p>Under <u>28 C.F.R. § 31.303(f)(5)</u>, annual compliance monitoring reports must cover the previous federal fiscal year, except that the OJJDP Administrator may grant an extension of the reporting deadline, for good cause, upon a state's request.</p>	<p>The Compliance Monitor is responsible for reporting the yearly collected data and violations in the Compliance Monitoring Tool provided by the OJJDP.</p>

## MANUAL ANNEX:

- Attachment 1:** **Juvenile Summary in Adult Lockups:** For adult lockups to report juveniles held securely through the Compliance Year. The form is requested monthly, or when a juvenile is held securely (intermittent instances).
- Attachment 2:** **Status Offender Summary:** For juvenile detention facilities to report status offenders held securely through the Compliance Year. The form is received monthly for each juvenile detention facility.
- Attachment 3:** **VCO Checklist:** If the use of a Valid Court Order (VCO) is indicated on the Status Offender Summary, a VCO checklist shall be obtained.
- Attachment 4:** **Annual Facility Survey:** For all secure facilities (juvenile and adult) to provide current information regarding their facility, specifically any changes regarding operations and security of the facility.
- Attachment 5:** **Facility Review Form (On-Site):** For all secure facilities (juvenile and adult). This form shall be completed by the Compliance Monitor to document the results of an on-site visit. This document verifies the classification of the facility.
- Attachment 6:** **Sight and Sound Separation Checklist (On-Site):** For all secure adult facilities. This form shall be completed by the Compliance Monitor to document the level of sight/sound separation based on the observations and tour of the facility during the on-site visit.
- Attachment 7:** **Core Requirements Chart:** How to apply DSO, Sight/Sound Separation, and Jail Removal. This is used as an education material.
- Attachment 8:** **Custody Flow Chart:** How to determine if a juvenile is in secure custody. This is used as an education material.
- Attachment 9:** **Facility Education Quick Guide:** Reference for secure facilities. This is used as an education material.
- Attachment 10:** **Executive Order 1988**
- Attachment 11:** **Executive Order 2008**
- Attachment 12:** **Executive Order 2017**

## COMPLIANCE MONITORING TIMELINE

Timeframe	Activities
<b>Ongoing</b>	<ul style="list-style-type: none"> <li>• Data gathering and verification for status offences and juveniles held in adult facilities.</li> <li>• Add newly identified facilities to the Monitoring Universe; schedule onsite monitoring visits and delete closed facilities.</li> <li>• Provide technical assistance/training to facilities, as requested or needed.</li> <li>• Receive and investigate compliance violations and initiate corrective action plans; and</li> <li>• Identify and attend national trainings provided by OJJDP or other juvenile justice related agencies.</li> <li>• Update the State Advisory Group of compliance monitoring activities.</li> </ul>
<b>October - January</b>	Using a current list of the compliance universe, annual surveys sent to the contact person of 100% of secure facilities identified in the compliance universe. The information collected, via the surveys, pertaining to the identification of facilities that hold juveniles under court jurisdiction will be recorded on the appropriate spreadsheet or database.
<b>January - April</b>	Compile and analyze previous Federal fiscal year's data to be included in the Annual Compliance Monitoring Report, to be submitted to OJJDP no later than close of business on the due date. Submission due date for each year will be decided by OJJDP. If extension is necessary, a valid request with supporting documentation should be forwarded to the OJJDP state compliance analyst for review and approval.
<b>January - June</b>	Provide required onsite inspections of identified facilities to verify facility-reported data and/or classification.