

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT Compliance Summary

The Department of Youth Services serves as the pass-through agency for the Title II Grant Program. In order to receive this funding, Ohio must maintain compliance with the four core requirements of the Juvenile Justice and Delinquency Prevention Act of 1974. These core requirements and guidelines are as follows:

A. De-institutional of Status Offenders (DSO)

Federal Guideline Definitions:

- Accused Status Offender – A youth who is accused of committing a crime that would not be a crime if committed by an adult, i.e., truancy, underage consumption, curfew, tobacco, etc.
- Adjudicated Status Offender – A youth who has been adjudicated of a crime that would not be a crime if committed by an adult. This youth might be on supervised or unsupervised probation or under a court order.
- Delinquent Offender – A youth who is either accused or adjudicated of a crime that would be a crime if committed by an adult.

1. An **accused** Status Offender securely detained in a juvenile detention center must have a hearing within 24 hours of being detained and released within 24 hours of a hearing. This time is exclusive of weekends and holidays.
2. An **adjudicated** status offender cannot be detained in a juvenile detention center for any length of time without following the Valid Court Order process.

The Valid Court Order Process must meet the following criteria:

- Youth received due process.
- Youth received a face-to-face interview by an authorized representative, designated by the juvenile court, within 24 hours of being detained (exclusive of weekends and holidays).
- A written assessment report regarding the youth's immediate needs was prepared and given to the court at a hearing held within 48 hours of being detained (exclusive of weekends and holidays).
- Disposition hearing held within a reasonable amount of time. Reasonable amount of time is determined by the court.

Once the above valid court order process has been completed an adjudicated status offender can be detained for any length of time.

3. A non-offender or status offender can never be securely detained in an adult jail or lock-up. Securely detained is defined as youth held in a cell, locked room, or cuffed to a stationary object, i.e. cuffing ring or detained in any other place where the youth cannot freely egress the facility.
4. The DSO core requirement guidelines do not apply to youth who are accused of or adjudicated for committing an offense that would be a crime if committed by an adult, i.e., a delinquent. They can be held in a juvenile detention center for any length of time.

Note: There are charges that are considered delinquencies under Ohio Law that are status offenses under federal guidelines. Charges such as underage consumption, chronic truancy, and probation violations (if the underlying charge was a status offense) are defined as status offenses under federal guidelines.

B. Separation from Adult Inmates

Separation must be achieved in all secure areas of a facility. A juvenile who is detained in a secure setting cannot have contact with adult inmates. Contact is defined to include any physical or sustained sight or sound contact. The following would be considered violations of the Separation requirement:

- A juvenile offender entering **under public authority**, for any amount of time, into a secure setting or a secure section of an adult jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior (e.g., Shock Incarceration or Scared Straight).
- A juvenile who is detained in an adult jail or lock up with physical and/or sustained sight/sound contact with an adult offender.
- Contact with adult Inmate Trustees. This applies in several instances. Any juvenile in a secure setting who comes into sight or sound contact with an adult trustee working at the facility, i.e. laundry, food services, etc. would be considered a violation of the Act. Every juvenile who comes into contact would be counted as a violation. The reverse is also true. A juvenile coming into contact with several adult inmates would result in several violations as each adult who came into contact with the juvenile would be counted as a violation.
- A juvenile offender who has been bound over as an adult and housed in a juvenile detention facility and has not been transferred within 6 months of his 18th birthday.

These federal guidelines do not apply to juveniles who have been bound over as adults and are held in an adult jail or lock up.

C. Jail Removal

A non-offender or status offender can never be securely detained in an adult jail or lock up. **Delinquent** juveniles cannot be detained in any adult jail or lock with the exception of the 6 Hour Rule. This rule states that an accused **delinquent** may be held for up to 6 hours in an adult jail or lock up for the purposes of identification, processing, investigation, pending release to parents or pending transfer to a juvenile facility.

D. Disproportionate Minority Contact (DMC)

States must determine if Disproportionate Minority Contact exists and if so the State must submit a plan to the Department of Justice to address the issue.

Sanctions

The state must develop and implement a strategy for achieving and maintaining compliance with the four core requirements as part of its annual Formula Grants State Plan. Ohio's level of compliance with each of the requirements determines eligibility for grant funding. For example, failure to achieve or maintain compliance reduces the Formula Grant to the state by 20% for each core requirement not met. In addition, Ohio must then expend 50% of the remaining funds to achieve in the areas documented by the Office of Juvenile Justice and Delinquency Prevention as being out of compliance. As part of the strategy for maintaining compliance, Ohio must provide for an adequate system of monitoring to include data collection, data verification and on-site monitoring visits of facilities that securely detain juveniles to ensure the core requirements are met. Ohio has developed a state-wide web based reporting system for juvenile detention centers and adult jails. The state collects data on juveniles and submits an annual Compliance Monitoring Report to the Office of Juvenile Justice and Delinquency Prevention.