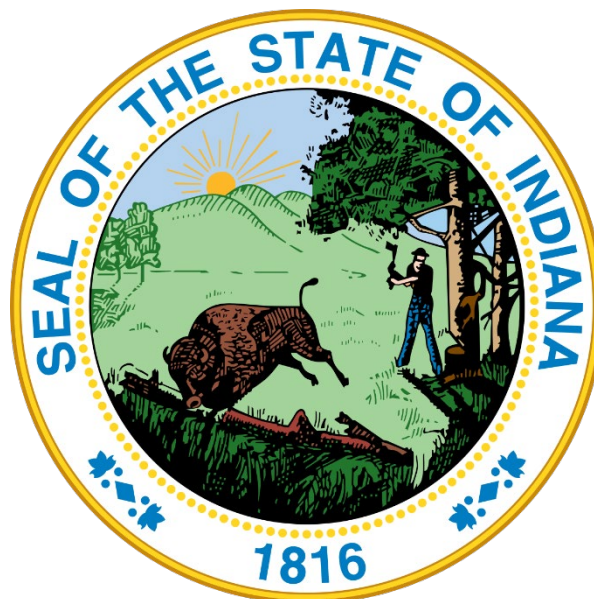


**Indiana Policies and Procedures Manual for Monitoring Compliance With Core Requirements of the Formula Grants Program Authorized Under Title II, Part B, of the Juvenile Justice and Delinquency Prevention Act, as Amended to Juvenile Justice Reauthorization Act**



**Revised January 2024**

## Indiana JJDPa Compliance Manual

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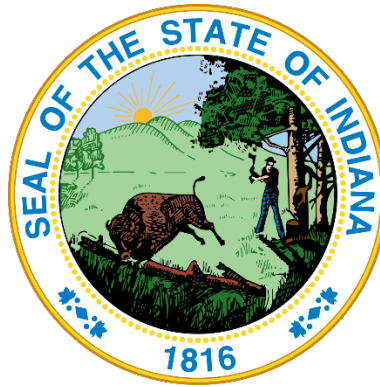
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## SECTION I

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### INTRODUCTION AND BACKGROUND



## **A. Program Introduction**

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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, lock-ups, 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)]

## **B. Purpose of the Manual**

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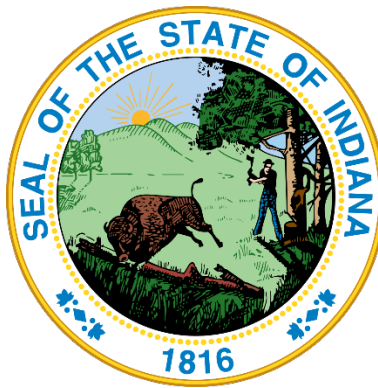
The purpose of this manual is twofold. First, it is to inform readers about the requirements Indiana must address under the JJDP A, and what the JJDP A requires Indiana to include in a compliance monitoring manual. This manual addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15), is not discussed in this manual because Indiana does not monitor individual facilities for compliance with racial and ethnic disparities. All references made to “core requirements” in this manual pertain to requirements found in §§ 11133(a)(11), (12), and (13).

Second, this manual is designed to demonstrate how Indiana achieves and maintains compliance with the core requirements. These tables include two columns. The left-hand column outlines the law—what a state must address in a state’s compliance monitoring manual to adhere to the JJDP A. The right-hand column is where Indiana has inserted its corresponding description of how it plans to adhere to the JJDP A. The Office of Juvenile Justice and Delinquency Prevention understands that states are unique, and flexibility in how a state describes its compliance monitoring plan is necessary. Overall, the tables are designed to show all aspects of a monitoring plan that Indiana must address in its state compliance monitoring manual.

## SECTION II

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### COMPLIANCE WITH THE CORE REQUIREMENTS



This section describes the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13), and is included to assist state staff in understanding the core requirements.

In the following tables, you will find direct statutory and regulatory references in the left-hand column. In the right-hand column, you will find content Indiana includes in its manual to demonstrate how Indiana meets the core requirement.

A. DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)	
<i>Date of Last Update: 6/7/2022</i>	
<p><b>Summary of Requirement:</b> Pursuant to 34 U.S.C. § 11133(a)(11)(A), 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.</p>	<p>The Deinstitutionalization of Status Offenders (DSO) mandate states that there are three types of juveniles that should not be placed in secure detention facilities or secure correctional facilities:</p> <ol style="list-style-type: none"> <li>1. Status offenders (juveniles under court jurisdiction who are charged with or who have committed an offense that would not be criminal if committed by an adult);</li> <li>2. Non-Offenders (juveniles who are not charged with any offense and who are alleged to be dependent, neglected, or abused), which in Indiana includes juveniles designated as a CHINS (child in need of services); and,</li> <li>3. Aliens who have not been charged with any offense (juveniles who are nonoffenders and not citizens or nationals of the United States).</li> </ol> <p>Accused status offenders detained in a secure juvenile facility for up to twenty-four (24) hours, excluding weekends and holidays, prior to an initial court appearance, and for twenty-four (24) hours, excluding</p>

	<p>weekends and holidays following an initial court appearance are exempt from the DSO mandate. A status offender so detained must be detained in a juvenile facility: a status offender may not be securely detained in an adult jail or lockup for any period of time. However, an accused status offender may be detained in a nonsecure area of an adult jail or lockup like a lobby or report room, so long as he/she is kept under continual visual supervision until release.</p> <p>Indiana law is stricter than the JJDP<sup>1</sup> in that the Act allows any accused “status offender” to be detained in a secure juvenile detention facility for up to twenty- four (24) hours, excluding weekends and holidays, prior to an initial court appearance and for twenty-four (24) hours, excluding weekends and holidays, following an initial court appearance. Therefore, the JJDP<sup>1</sup> permits juveniles accused of curfew violation, truancy, or incorrigibility violations to be detained in a juvenile detention facility for such twenty-four (24) hour periods. Whereas Indiana law limits the exception to children accused of running away only.<sup>2</sup> All Indiana facilities comply with Indiana statute which in this requirement is stricter than the JJDP<sup>1</sup>; therefore, facilities are aligned with the JJDP<sup>1</sup>.</p> <p>Facilities identified in the Monitoring Universe will report all juveniles detained in the Electronic Log of Juveniles Detained. The Log will then flag any Status Offenders detained in violation of the core requirements, allowing the Compliance Monitor to investigate and document the potential violation.<sup>3</sup> The Log flags the following information for the Compliance</p>
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<sup>1</sup> 28 C.F.R. § 31.303(f)(2). <https://www.govinfo.gov/content/pkg/CFR-2020-title28-vol1/pdf/CFR-2020-title28-vol1-part31.pdf>

<sup>2</sup> IC 31-37-7-3. <http://iga.in.gov/legislative/laws/2020/ic/titles/031/#31-37-7-3>

<sup>3</sup> 34 U.S.C. § 11133(a)(11)(A). <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title34-section11133&num=0&edition=prelim>

	<p>Monitor to investigate for potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> <li>b) Length of time the juvenile was detained; or</li> <li>c) If the above two queries have no information entered.</li> </ul>
<p><b>YOUTH HANDGUN SAFETY EXCEPTION</b></p> <p>Under 34 U.S.C. § 11133(a)(11)(A)(i)(I), 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>Juveniles who are charged with or who have committed a violation of 18 U.S.C. 922(x)(2) of the Youth Handgun Safety Act, or of a similar state law, are exempt from the DSO mandate. 18 U.S.C. 922(x)(2) states that it shall be unlawful for a juvenile to knowingly possess a handgun or ammunition that is suitable for use only in a handgun.<sup>4</sup> Because the Youth Handgun Safety Act applies only to juvenile offenders and handgun possession, in most cases, would not be a crime if committed by an adult, it fits the definition of a status offense. However, the Violent Crime Control and Law Enforcement Act of 1994, Subtitle B, Youth Handgun Safety, amended the JJDP Act to provide that juveniles who violate 18 U.S.C. 922(x)(2), or of a similar state law, can be placed in secure detention or secure correctional facilities without violating the DSO requirement. Indiana utilizes this exception as needed and as defined by the JJDP Act.</p>
<p><b>VALID COURT ORDER EXCEPTION</b></p> <p>The Valid Court Order (VCO) exception at 34 U.S.C. § 11133(a)(11)(A)(i)(II) provides that accused or adjudicated status offenders 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 their 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</p>	<p>Effective January 1, 2016, Indiana eliminated the use of this exception under any circumstance by repealing <a href="#">I.C. 31-31-22-5</a> and <a href="#">I.C. 31-37-22-6</a>.</p> <p>Juveniles who are charged with or who have committed a violation of a valid court order (VCO) are exempt from the DSO mandate. Although this exception is permitted by federal statute under the JJDP Act, the VCO exception applies only to the extent allowed by state law.</p>

<sup>4</sup> 42 U.S.C. § 5633(a)(11). <https://uscode.house.gov/view.xhtml?req=granuleid:USC-1999-title42-section5633&num=0&edition=1999>



<p>nor nonoffender and the DSO requirement does not apply (see Section III.E. Adherence to Federal Definitions for the definition of “valid court order”).</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 34 U.S.C. § 11133(a)(23)):</p> <ol style="list-style-type: none"> <li>a. An appropriate public agency shall be promptly notified that the status offender is detained 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 detained.</li> <li>c. Within 48 hours during which the status offender is detained: <ul style="list-style-type: none"> <li>• The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender.</li> </ul> </li> </ol> <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><b>INTERSTATE COMPACT ON JUVENILES EXCEPTION</b></p> <p>Pursuant to the DSO requirement at 34 U.S.C. § 11133(a)(11)(A)(i)(III), status offenders may be detained in accordance with the Interstate Compact on Juveniles, as the state has enacted it. States must verify that all</p>	<p>Juveniles who are detained in accordance with the Interstate Compact on Juveniles as enacted by Indiana are exempt from the DSO mandate.<sup>5</sup></p> <p>The Log flags the following information for the Compliance Monitor to investigate for</p>

<sup>5</sup> IC 34-37-23 *et seq.* <http://iga.in.gov/legislative/laws/2020/ic/titles/031/#31-37-23>

<p>status offenders subject to an out-of-state placement were detained 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>potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> <li>b) Length of time the juvenile was detained; or</li> <li>c) If the above two queries have no information entered.</li> </ul> <p>If a juvenile is detained in accordance with the Interstate Compact on Juveniles, facility staff will indicate in the Log by checking the 'Federal Hold' box or the 'Interstate Compact' box that said juvenile is detained accordingly.</p>
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## B. REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS

*Date of Last Update: 6/7/2022*

<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</p>	<p>Indiana's compliance monitoring report covers the Federal Fiscal Year, October 1 through September 30. The Compliance Monitor visits all adult jails and lockups at least once every 3 years.</p> <p>Facilities identified in the Monitoring Universe will report all juveniles detained in the Electronic Log of Juveniles Detained. The Log will then flag any juveniles detained in violation of the core requirements, allowing the Compliance Monitor to investigate and document the potential violation.<sup>6</sup></p> <p>The Log flags the following information for the Compliance Monitor to investigate for potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> </ul>
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<sup>6</sup> 34 U.S.C. § 11133(a)(11)(A). <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title34-section11133&num=0&edition=prelim>

<p>facilities to have been trained and certified to work with juveniles:</p>	<ul style="list-style-type: none"> <li>b) Length of time the juvenile was detained; or</li> <li>c) If the above two queries have no information entered.</li> </ul> <p>Indiana utilizes the Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception. For additional detail with regard to data collection and verification, see Section III.</p> <p>Indiana ensures all staff that have contact or work with juveniles have been trained and certified to do so. This is verified annually by the Compliance Monitor and the Designated State Agency (DSA) Executive Director.</p>
<p><b>SIX-HOUR EXCEPTION</b></p> <p>The jail removal requirement at 34 U.S.C. § 11133(a)(13)(A) 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, or during which period the juvenile makes a court appearance.</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-</p>	<p>Indiana utilizes the Six-Hour Exception for the identification, processing and transfer to other facilities. The DSA Compliance Monitor regularly runs violation reports in the Log of Juveniles Detained and obtains verification juveniles were released within six hours of detainment in an adult jail or lockup. The Log flags the following information for the Compliance Monitor to investigate for potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> <li>b) Length of time the juvenile was detained; or</li> <li>c) If the above two queries have no information entered.</li> </ul> <p>Additionally, the Compliance Monitor verifies all juveniles who were detained longer than six hours in an adult jail or lock up are in violation and is reflected in compliance reports annually submitted to OJJDP.</p> <p>Indiana ensures there is a policy that requires individuals who work with such juveniles and adult inmates to be trained</p>

<p>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>and certified to work with juveniles via an annual form that is completed by the Compliance Monitor and the DSA Executive Director.</p> <p>Indiana law limits detention in an adult jail or lock up for up to six (6) hours upon detainment for the limited purposes of identification, processing, interrogation, and transfer to a juvenile detention facility, or release to parents.<sup>7</sup> Indiana law does not permit detention in an adult jail or lockup for up to six (6) hours before and up to six (6) hours after a court hearing. If a juvenile is detained in a part of the facility that is not locked, such as a lobby or administrative area where persons are free to leave, the six (6) hour rule does not apply.</p> <p>Per 34 U.S.C. § 11133(a)(13), the six (6) hour period begins when an accused juvenile charged as an adult is detained in a secure facility. Once the clock begins to run, it may not be tolled (stopped), even if the juvenile is temporarily removed from locked status. If a juvenile is locked in one jurisdiction and then transported to another, the receiving jurisdiction does not get an additional six (6) hour period upon receiving the child.</p> <p>The following do not cause the clock to begin:</p> <ul style="list-style-type: none"> <li>• Placing a juvenile in a locked police car; or</li> <li>• Handcuffing a juvenile to him/herself.</li> </ul>
<p><b>RURAL EXCEPTION</b> – The exception found at 34 U.S.C. § 11133(a)(13)(B)(ii)(I) 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>Indiana utilizes stipulations set forth by 34 U.S.C. § 11133(a)(13)(B)(ii)(I) in that juveniles accused of non-status offenses may be detained or confined in adult jails or lockups for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays)</p>

<sup>7</sup> IC 31-37-7-2. <http://iga.in.gov/legislative/laws/2020/ic/titles/031/#31-37-7-2>

<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. 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 <a href="#">here</a>. The relevant bulletin will be titled <i>OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas</i>, 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>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 when the facility has no existing acceptable alternative placement available.</p> <p>The DSA Compliance Monitor verifies this information using the Log of Juveniles Detained. When facilities enter a juvenile detainment into the Log, staff must indicate there is no acceptable alternative placement available. The Compliance Monitor then determines if the facility qualifies for the Rural exception based upon the OMB definition of metropolitan statistical areas.</p> <p>JJDPA allows for the implementation of a statutory “rural” exception, allowing the temporary detention beyond the 6-hour limit of juveniles in rural areas accused of delinquent offenses who are awaiting an initial court appearance within 48 hours (excluding weekends and holidays). The Jail Removal mandate also exempts: (1) those juveniles formally waived to criminal court and against whom criminal charges have been filed and (2) juveniles over whom a criminal court has original jurisdiction, and such jurisdiction has been invoked through the filing of criminal charges.</p>
<p><b>TRAVEL CONDITIONS EXCEPTION</b> Under 34 U.S.C. § 11133(a)(13)(B)(ii)(II), 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</p>	<p>Indiana utilizes the stipulations set forth by 34 U.S.C. §11133(a)(13)(B)(ii)(II), in that facilities 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</p>

<p>Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable.</p>	<p>exceed an additional 48 hours) delay is excusable.</p> <p>The DSA Compliance Monitor verifies this information using the Log of Juveniles Detained. The Log flags the following information for the Compliance Monitor to investigate for potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> <li>b) Length of time the juvenile was detained; or</li> <li>c) If the above two queries have no information entered.</li> </ul> <p>If a potential violation is flagged, the Compliance Monitor will review the location of the facility and nearest juvenile court to determine if this instance is a violation. The Compliance Monitor obtains documentation from the court to verify the juvenile's length of detainment did not exceed an additional 48 hours in an adult jail or lockup. This facility then will be noted as using the Travel Conditions exception in the Monitoring Universe.</p>
<p><b>CONDITIONS OF SAFETY EXCEPTION</b> Under 34 U.S.C. § 11133(a)(13)(B)(ii)(III), 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 appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.</p>	<p>Indiana utilizes the stipulations set forth by 34 U.S.C. §11133(a)(13)(B)(ii)(III), in that an adult jail or lockup 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 appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.</p> <p>The DSA Compliance Monitor verifies this information using the Log of Juveniles Detained. The Log flags the following information for the Compliance Monitor to investigate for potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> </ul>

	<p>b) Length of time the juvenile was detained; or</p> <p>c) If the above two queries have no information entered.</p> <p>If a potential violation is flagged, the Compliance Monitor verifies with the facility and/or juvenile court that the delay in the court appearance was due to conditions of safety (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel). If verification of this is not received, the Compliance Monitor will consider this a violation.</p>
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<b>C. REMOVAL OF JUVENILES CHARGED AS ADULTS FROM SECURE ADULT FACILITIES</b>	
<i>Date of Last Update: 6/7/2022</i>	
<p>Under Section 223(a)(11)(B), 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 34 U.S.C. § 11133(a)(13) applies (Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception). See Section II.D. Removal of Juveniles From Adult Jails and Lockups.</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</p>	<p>The Jail Removal mandate of the JJDPa states that no juvenile should be detained or confined in any jail or lockup for adults. This includes juveniles who are charged, transferred, or waived as an adult inmate. However, juveniles charged as adults may be detained or confined in an adult jail or lockup if one of the exceptions at 34 U.S.C. § 11133(a)(13) applies. Refer to section I, part B for details on these exceptions and Indiana's verification in the use thereof.</p> <p>Additionally, 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</p>

<p>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 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>at least every 30 days (at least 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>Indiana verifies that juvenile court judges consider the factors below when determining if the detainment of a juvenile in an adult jail or lockup without sight or sound separation from adult inmates is in the interest of justice:</p>
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	<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>Juvenile court judges submit verification to the DSA Compliance Monitor after determining it is in the interest of justice to detain a juvenile charged as an adult with adult inmates without sight or sound separation. Juvenile court judges also submit documentation to the Compliance Monitor of the next court hearing date as verification that there are hearings at least every 30 days (or at least 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 that the juvenile has contact with adult inmates in a secure facility. With this documentation, the Compliance Monitor verifies the juvenile is not detained longer than 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>As of July 1, 2021, Indiana law<sup>8</sup> is</p>
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<sup>8</sup> IC 31-30-3-12 (2021). <http://iga.in.gov/legislative/2021/bills/senate/368#document-c0f8e68b>

	consistent with the JJDPa in regard to the prohibition of detaining or confining juveniles charged as adults in adult jails or lockups. All Indiana facilities comply with Indiana statute which in this requirement is consistent with the JJDPa; therefore, facilities are aligned with the JJDPa.
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D. SEPARATION OF JUVENILES FROM ADULT INMATES	
<i>Date of Last Update: 2/1/2022</i>	
<p>Pursuant to 34 U.S.C. § 11133(a)(12), 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>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 colocated facilities, to have been trained and certified to work with juveniles.</p>	<p>The Separation requirement states that juveniles alleged to be or found to be delinquent, status offenders, or non-offenders must not be detained or confined in any institution in which they have sight or sound contact with adult inmates.</p> <p>Sight and sound separation may be accomplished architecturally or through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by juveniles and adults. Brief and inadvertent sight or sound contact between juveniles alleged to be or found to be delinquent, status offenders, or nonoffenders and adult inmates in secure, nonresidential areas of the facility do not count as violations.</p> <p>Facilities identified in the Monitoring Universe will report all juveniles detained in the Electronic Log of Juveniles Detained. The Log flags the following information for the Compliance Monitor to investigate for potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> <li>b) Length of time the juvenile was detained; or</li> </ul>

	<p>c) If the above two queries have no information entered.</p> <p>Facilities identified in the Monitoring Universe will report all juveniles detained in the Electronic Log of Juveniles Detained. The Log will flag any juveniles detained in violation of the core requirements, allowing the Compliance Monitor to investigate and document the potential violation.<sup>9</sup> Additionally, the Compliance Monitor verifies all facilities maintain sight and sound separation by conducting site visits to all adult jails and lock ups at least every 3 years.</p> <p>Indiana ensures all staff that have contact or work with juveniles have been trained and certified to do so. This is verified annually by the Compliance Monitor and the Designated State Agency (DSA) Executive Director.</p> <p>Nothing in federal law or Indiana law prevents the transportation juveniles with adult inmates, although departmental regulations, policy considerations, and prudential concerns may weigh against this practice.</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 34 U.S.C. § 11133(a)(13)(B).</p>	<p>The Separation requirement states that juveniles alleged to be or found to be delinquent, status offenders, and non-offenders should not be detained or confined in any institution in which they have contact with adult inmates. Refer to Section I, Part C for details in verifying it is in the interest of justice for juveniles transferred, certified, or waived to adult court to be detained in adult jails or lockups without sight or sound separation from adult inmates.</p>

<sup>9</sup> 34 U.S.C. § 11133(a)(11)(A). <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title34-section11133&num=0&edition=prelim>

<p>However, a court may determine that it would be in the interest of justice to do so consistent with <a href="#">34 U.S.C. § 11133(a)(11)(B)</a>. 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>As of July 1, 2021, Indiana law<sup>10</sup> is consistent with the JJDPA in regard to the prohibition of detaining or confining juveniles charged as adults in adult jails or lockups. All Indiana facilities comply with Indiana statute which in this requirement is consistent with the JJDPA; therefore, facilities are aligned with the JJDPA.</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>In Indiana, Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility (18) 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 (18). By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility (18), are adult inmates, who must not have sight or sound contact with juvenile detainees.</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 Straight or shock incarceration programs) may result in instances of noncompliance with the separation (and possibly DSO and jail</p>	<p>Indiana does not currently have any facilities that utilize “scared straight” or other shock incarceration programs in which juveniles have sight or sound contact with adult inmates. The DSA Compliance Monitor regularly verifies this information by conducting site visits. The verification is noted on the Indiana Site Visit form.</p>

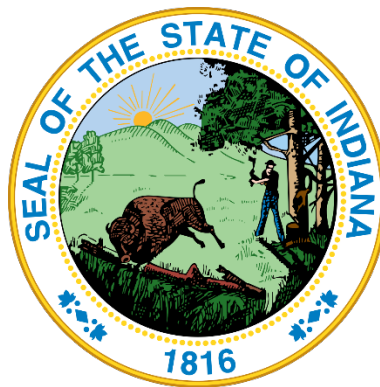
<sup>10</sup> IC 31-30-3-12 (2021). <http://iga.in.gov/legislative/2021/bills/senate/368#document-c0f8e68b>

<p>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>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>	
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### SECTION III

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#### ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING



## A. Summary of Elements

States participating in the Formula Grants Program must provide for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that they meet the core requirements, pursuant to the monitoring and reporting requirement at 34 U.S.C. § 11133(a)(14). The state's monitoring system, if it is to comply with the statutory and regulatory monitoring requirements, must include all jails, lockups, secure detention facilities, and secure correctional facilities. **There are eight elements of an effective system of monitoring. For each of the following elements, Indiana has included a description of its specific policies and procedures:**

1. **Compliance Monitoring Policies and Procedures**
2. **Monitoring Authority**
3. **Violation Procedures**
4. **Adherence to Federal Definitions**
5. **Identification of the Monitoring Universe**
6. **Classification of the Monitoring Universe**
7. **Inspection of Facilities**
8. **Compliance Data Collection and Verification**

The following table provides: (1) a summary of the element in the left-hand column and (2) Indiana's plan to address that element in the right-hand column.

A. COMPLIANCE MONITORING POLICIES AND PROCEDURES	
<i>Date of Last Update: 2/1/2022</i>	
Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(i)</a> , 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 the core requirements. The purpose of this manual is to satisfy the policies and procedures element, as well as describe how Indiana satisfies the following additional elements required for an effective system of compliance monitoring (see Section III of this manual).	A description of Indiana's policies and procedures for monitoring for compliance with the core requirements can be found in this manual.

## B. MONITORING AUTHORITY

*Date of Last Update: 6/8/2022*

States are required under 34 U.S.C. § 11133(a)(1) and (2) 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.

Per Indiana statute<sup>11</sup>, the Indiana Criminal Justice Institute (ICJI) is the Designated State Agency (DSA) to ensure compliance with the Juvenile Justice and Delinquency Prevention Act, as amended, as well as act as stewards of state and federal juvenile justice funds.

ICJI is charged with the task of providing OJJDP with written plans and procedures to ensure the use of juvenile detention is adequately monitored and reported, and that violations of federal and state law regarding the use of juvenile detention are reported and subsequently remedied.

ICJI's monitoring authority can be found at: [I.C. 31-37-4-4](#): Access for inspections and monitoring of facilities that house or hold juveniles.

Sec. 4 Any facility that is used or has been used to house or hold juveniles shall give a representative or designee of the Indiana Criminal Justice Institute's compliance monitoring program reasonable access to inspect and monitor the facility to ensure that the requirements of the Juvenile Justice and Delinquency Prevention Act are maintained.

<sup>11</sup> IC 5-2-6 *et seq.* <http://iga.in.gov/legislative/laws/2020/ic/titles/005#5-2-6>



## D. VIOLATION PROCEDURES

*Date of Last Update: 7/25/2022*

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.

The ICJI is the primary agent to receive, investigate, and respond to alleged compliance violations throughout the state. Potential violations are flagged by the Log of Juveniles Detained.

- A. The Compliance Monitor will provide each facility with a list of potential violations monthly, quarterly, or annually depending on the facility's mandated reporting schedule. The facility administrator or designated personnel will then verify the listed potential violations with the facility's original data and court records. Data provided to the facility regarding the potential violation includes but is not limited to: holding facility, identifying juvenile number, time and date for start of stay, court appearance, and end of stay, adjudication, and highest charge. The facility will then provide the Compliance Monitor with supporting documentation confirming or denying the potential violations. Supporting documentation may be, but is not limited to, original court orders and/or records, or original intake records.
- B. After confirming a violation has occurred, the Compliance Monitor will provide information and technical assistance to the identified facility to remedy the situation. If the violation is an isolated incident(s) and the facility has policies regarding juveniles that meet state and federal regulations, the monitor will communicate with the facility that a plan is in place to ensure

	<p>that future violations do not occur, placing a copy of the plan in the facility's file.</p> <p>C. Technical assistance that may be provided to the agency/facility by the Compliance Monitor, as applicable, could include recommending changes to policies and procedures for the juveniles detained in the facility, training for personnel, additional staff, and revised record keeping methods. Technical assistance can include recommendations for possible changes to the physical layout of the facility (e.g. time release locks, contact door alarm to a non- secure interview room).</p> <p>D. Continued violations or inability of a facility to take ICJI recommended steps to remain in federal compliance will result in consideration of suspending grants funding for currently funded projects in the local community or county being regulated by ICJI, regardless of which ICJI division is responsible for overseeing said grants. The agency, facility, local community or county will also receive the status of "High Risk" on all future grant applications for grant funding regulated and rewarded by ICJI, regardless of ICJI division responsible for overseeing the grant dispersal.</p> <p>E. Should further action become necessary, ICJI will seek the assistance of additional State agencies responsible for licensure of the facility or agency in question, such as the Indiana Department of Correction, Indiana Department of Child Services, etc.</p> <p>F. All records of potential violations, violation verification, facility communication, and technical</p>
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	assistance will be stored in the facility files maintained by the ICJI. Hard copies will be retained within the ICJI office for a period of 10 years. Documentation older than 10 years will be stored in a secure, offsite archive location managed by the Indiana Department of Records (IDOR).
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E. ADHERENCE TO FEDERAL DEFINITIONS	
<i>Date of Last Update: 6/8/2022</i>	
Definitions that states use for key juvenile and criminal justice terms sometimes differ from the “federal” definitions. The federal definitions, for purposes of compliance monitoring, are only those provided in the JJDPa at 34 U.S.C. § 11103 the Formula Grants Program Regulation at 28 C.F.R. § 31.304 and <i>An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance With the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act</i> .	When monitoring for compliance with the core requirements, the Indiana Criminal Justice Institute uses the federal definitions exclusively, including any instances in which state definitions differ from federal definitions.  According to OJJDP, in classifying facilities and identifying the types of offense behavior of the juvenile to be counted for monitoring purposes, governmental units need to operate under definitions that are compatible with those found in the Formula Grants Regulation at 28 C.F.R. 31.304.
<b>Federally Defined Terms Relating to Compliance With the Formula Grants Program</b>	<b>Similar State Definitions, and How They Differ From the Federal Definition<sup>12</sup></b>
<b>ADULT INMATE</b>   34 U.S.C. § 11103 (26) – 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	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)

<sup>12</sup> Although it is not necessary that a state provide citations to local law, it is good practice particularly when during the course of monitoring, designated state agencies identify competing statutes that not only do not align but may even differ from definitions provided by the JJDPa.

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 detained 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.	at the time of the offense, was younger than the maximum age at which a youth can be detained 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.
<b>ASSESSMENT</b>   <a href="#">34 U.S.C. 11103(38)</a> – includes, at a minimum, an interview and review of available records and other pertinent information – (A) by an appropriately trained professional who is licensed or certified by the applicable state in the mental health, behavioral health, or substance abuse fields; and (B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement.	An interview and review of available records and other pertinent information – (A) by an appropriately trained professional who is licensed or certified by the applicable state in the mental health, behavioral health, or substance abuse fields; and (B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement.
<b>COLLOCATED FACILITIES</b>   <a href="#">34 U.S.C. § 11103 (28)</a> – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.	Facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.
<b>CORE REQUIREMENTS</b>   <a href="#">34 U.S.C. § 11103 (30)</a> – means the requirements described at <a href="#">34 U.S.C. § 11133(11), (12), (13), and (15)</a> .	The requirements described at <a href="#">34 U.S.C. § 11133(11), (12), (13), and (15)</a> .
<b>CRIMINAL-TYPE OFFENDER</b>   <a href="#">28 C.F.R. § 31.304(a)</a> – means a juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.	A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.
<b>DETAIN OR CONFINED</b>   <a href="#">28 C.F.R. § 31.304 (b)</a> – 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,	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

the youth is not detained or confined within the meaning of this definition.	meaning of this definition.
<b>INSTITUTION</b>   <a href="#">Compliance Monitoring TA Tool</a> 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.”	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>JAIL OR LOCKUP FOR ADULTS</b>   <a href="#">34 U.S.C. § 11103 (22)</a> – means a secure facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adult inmates.	A secure facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adult inmates.
<b>JUVENILE OFFENDER</b>   <a href="#">28 C.F.R. § 31.304 (d)</a> – means 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).	An individual subject to the jurisdiction of the juvenile court. In Indiana, a juvenile offender is defined as any juvenile (under age 18) who has been found by the juvenile court to have committed an offense.
<b>MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION</b>   <a href="#">Compliance Monitoring TA Tool</a> by OJJDP – means the age above which a juvenile court may no longer exercise jurisdiction under state law.	The age above which a juvenile court may no longer exercise jurisdiction under state law. In Indiana, the maximum age of juvenile court jurisdiction is 18.
<b>MONITORING UNIVERSE</b>   <a href="#">Compliance Monitoring TA Tool</a> – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.	All public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.
<b>NONOFFENDER</b>   <a href="#">28 C.F.R. § 31.304 (i)</a> – means 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.	A juvenile under the jurisdiction of the juvenile court for reasons other than legally prohibited conduct, such as abuse, neglect, or dependency. When a child is found to be neglected or abused in the Indiana Juvenile Courts, they are called a Child In Need of Services (CHINS).
<b>RESIDENTIAL</b>   <a href="#">Compliance Monitoring TA Tool</a> – means equipped with beds, cots, or other sleeping quarters and has the capacity to	Pertains to facilities having the capacity to securely detain juveniles overnight, and may include sleeping, shower and toilet, and day

provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.	room areas.
<b>SECURE</b> as defined under <a href="#">28 C.F.R. § 31.304 (m)</a> and used to define a detention or correctional facility – includes residential facilities that include construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.	Facilities that include construction features designed to physically restrict the movements and activities of persons in custody.
<b>SECURE CORRECTIONAL FACILITY</b>   <a href="#">34 U.S.C. § 11103 (13)</a> – 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 detained in lawful custody in such facility; and (2) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.	Any public or private residential facility which—(1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals detained in lawful custody in such facility; and (2) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.
<b>SECURE DETENTION FACILITY</b>   <a href="#">34 U.S.C. § 11103 (12)</a> – 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 detained 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.	Any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals detained 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>SIGHT OR SOUND CONTACT</b>   <a href="#">34 U.S.C. § 11103 (25)</a> – means any physical, clear visual, or verbal contact that is not brief and inadvertent.	Any physical, clear visual, or verbal contact that is not brief and inadvertent.
<b>STATE</b>   <a href="#">34 U.S.C. § 11103(7)</a> – means any state of the United States, the District of Columbia, the Commonwealth of Puerto	Any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,

Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.	American Samoa, and the Commonwealth of the Northern Mariana Islands.
<b>STATUS OFFENDER</b>   <a href="#">34 U.S.C. § 11103(42)</a> – means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.	A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.
<b>TWENTY-FOUR HOURS Compliance Monitoring TA Tool</b> – 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.	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.
<b>VALID COURT ORDER</b>   <a href="#">34 U.S.C. § 11103(16)</a> – 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.	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.

## F. IDENTIFICATION OF THE MONITORING UNIVERSE

*Date of Last Update: 6/8/2022*

The reporting of instances of noncompliance with the core requirements is facility-based	The DSA will identify all secure facilities in the state that detain juveniles under law
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<p>and therefore the “monitoring universe” includes all facilities within the state (public and private) that are jails and lockups for adults (including court holding facilities), secure 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.</p>	<p>enforcement authority and court jurisdiction. This includes Adult Jails, Adult Lockups, Secure Correctional and Secure Detention. Prior the first period of the federal fiscal year (October), the DSA will annually contact the following organizations to determine a current list of facilities that detain juveniles under law enforcement authority and/or court jurisdiction:</p> <ul style="list-style-type: none"> <li>• Indiana Department of Child Services</li> <li>• Indiana Department of Corrections</li> <li>• Indiana Sheriffs’ Association</li> <li>• Indiana Association of Chiefs of Police</li> <li>• Indiana Juvenile Detention Association</li> </ul> <p>Prior to the first period of the federal fiscal year (October 1<sup>st</sup>), after receiving a current list of secure facilities for juveniles under law enforcement authority and court jurisdiction, the DSA will annually submit the following surveys to administrators of facilities that might detain juveniles under law enforcement authority and court jurisdiction:</p> <ol style="list-style-type: none"> <li>1. Adult Jail and Lockup Survey <ol style="list-style-type: none"> <li>a. Including Adult Correctional Facilities and Court Holding Facilities</li> </ol> </li> <li>2. Residential Treatment Facility Survey</li> <li>3. Juvenile Detention Facility Survey <ol style="list-style-type: none"> <li>a. Including Juvenile Correctional Facilities and Court HoldingFacilities</li> </ol> </li> </ol> <p>The information collected, via the surveys, pertaining to the identification of facilities that detain juveniles under law enforcement authority and court jurisdiction will be recorded on the Monitoring Universe. For a complete list of survey questions, see Appendix.</p>
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## G. CLASSIFICATION OF THE MONITORING UNIVERSE

*Date of Last Update: 6/8/2022*

States are required under 28 C.F.R. § 31.303(f)(1)(i)(B) to classify each facility in the monitoring universe to specify whether it is a (1) a jail or lockup for adults (34 U.S.C. § 11103(22)); (2) secure detention facility (34 U.S.C. § 11103(12)); or (3) secure correctional facility (34 U.S.C. § 11103(13)).

Annually, ICJI will update and classify all facilities listed in the Compliance Monitoring Universe. Generally, all adult jails, adult lockups, secure detention facilities, and secure correctional facilities should be subject to classification. Court holding facilities, which are classified as adult jails or lockups, whether structurally separate from detention facilities or structurally adjoined, are also subject to classification and inspection. Court holding facilities is used only to detain juveniles, it need not be classified as an adult jail/lockup. Court holding facilities adjoined structurally to already classified detention centers will be noted as such in the Compliance Monitoring Universe, but still classified and monitored as adult jails or lockups. Prisons fall within the definition of “secure correctional facility” and are subject to monitoring. Indiana will classify facilities using survey responses, licensing information received from partner state agencies, and recent site visits.

ICJI will use the following federal criteria when classifying all facilities:

- a. **Public or private:** Is the agency that operates and holds the license, if applicable, a public entity according to Indiana Code?
- b. **Juvenile facility, adult facility or collocated:** What populations can be detained in the facility, regardless of whether this populations are detained together?
- c. **Residential:** Does the facility provide meals and hold youth overnight?

ICJI will notify all facilities of their classification and reporting requirements no later than September 15 of each year.

	<p>Classifications will take effect at 12:00 AM (midnight) on October 1<sup>st</sup> of each year.</p> <p>ICJI reserves the right to re-classify a facility mid-year if any of the following conditions apply:</p> <ul style="list-style-type: none"> <li>d. The agency moves to a new building; or,</li> <li>e. The agency implements or changes policy that directly impacts how and/or where juveniles are detained; or,</li> <li>f. An onsite inspection reveals construction features that were not previously or incorrectly report on the annual survey.</li> </ul> <p>In the event that a facility must be re-classified mid-year, the Compliance Monitor will:</p> <ul style="list-style-type: none"> <li>a. Notify the Division of Youth Services (DYS) Director of the facility name, needed change and rationale.</li> <li>b. The DYS Director will approve, deny or request additional information within 3 business days.</li> <li>c. The Compliance Monitor will update the Monitoring Universe and notify facility accordingly and provide an effective date for the classification.</li> <li>d. The facility must immediately begin reporting instances in which juveniles are detained and must reenter those detainments effective the date of reclassification within 30 business days or no later than Oct 15, whichever is sooner.</li> </ul> <p>In the event that a facility must be re-classified from secure to non-secure or vice versa, the Compliance Monitor will:</p> <ul style="list-style-type: none"> <li>a. Verify annually through a site visit that all facilities in the monitoring universe are secure</li> </ul>
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	<p>If a facility was previously listed as secure and was found to be nonsecure during a site visit, the Compliance Monitor will remove said facility from the monitoring universe.</p> <p>If a facility was previously listed as nonsecure and was found to be secure during a site visit, the Compliance Monitor will add said facility to the monitoring universe. The Compliance Monitor will verify the facility is reporting into The Log of Juveniles Detained effective the date of reclassification.</p>
	<p><b>CLASSIFICATION OF A COLLOCATED OR JUVENILE OR ADULT FACILITY</b></p> <p>The Compliance Monitor must determine whether a facility in which juveniles are detained or confined is an adult facility, juvenile facility, or collocated facility. Collocated facilities are facilities that are located in the same building or are part of a related complex of building located on the same grounds. A complex of buildings is considered “related” when it shares physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water, and sewer).<sup>13</sup></p> <p>Juvenile facilities collocated with adult facilities are considered adult jails or lockups unless all four of the following criteria are met:</p> <ol style="list-style-type: none"> <li>1. The facility must ensure separation between juveniles and adults inmates such that there could be no sustained sight or sound contact between juveniles and adult inmates of the facility. Separation can be achieved architecturally or through time phasing of common use non-</li> </ol>

<sup>13</sup> 28 C.F.R. § 31.303(e)(3)(A). <https://www.govinfo.gov/content/pkg/CFR-2020-title28-vol1/pdf/CFR-2020-title28-vol1-part31.pdf>

	<p>residential areas;</p> <ol style="list-style-type: none"> <li>2. The facility must have separate juveniles and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides for a full range of separate program services. No program activities may be shared by juveniles and adult inmates. Time phasing of common use nonresidential areas permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns;</li> <li>3. If the state will use the same staff to serve both the adult and juvenile populations, there is in effect a policy that requires individuals who work with both juveniles and adult inmates be training and certified to work with juveniles; and,</li> <li>4. In states that have established standards or licensing requirements for juvenile detention facilities, the juvenile facility must meet the standards (on the same basis as a free-standing juvenile detention center) and be licensed as appropriate.<sup>14</sup> Indiana does not have</li> </ol>
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<sup>14</sup> 28 C.F.R. § 31.303 (d)(3)(i)(4). <https://www.govinfo.gov/content/pkg/CFR-2020-title28-vol1/pdf/CFR-2020-title28-vol1-part31.pdf>

	<p>such standards or licensing requirements as described.</p> <p>The Compliance Monitor must make the determination of collocated status via an onsite facility inspection and perform an annual review to determine if compliance with the criteria listed above is being maintained.</p>
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H. INSPECTION OF FACILITIES	
<i>Date of Last Update: 2/1/2022</i>	
Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(C), inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping.	<p>A. Throughout the federal fiscal year, the ICJI will inspect facilities to ensure an accurate assessment of each facility's classification and record keeping. The inspection will include:</p> <ol style="list-style-type: none"> <li>1. A review of the physical accommodations via entire site walk through to determine: <ol style="list-style-type: none"> <li>a. Secure/Non-secure classification</li> <li>b. Juvenile, adult, or collocated classification</li> <li>c. Private or public classification; and</li> </ol> </li> <li>2. Adequate separation between detained juveniles and adult inmates</li> <li>3. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with DSO, jail removal, section 223(a)(11)(B), and separation. A random</li> </ol>

	<p>sampling of historical records detained by the ICJI will be compared to the facilities' internal records. Any discrepancy between records will be noted on the site visit form, and the facility will provide documentation regarding the detention. Documentation may include court orders or original intake records. Copies of documentation will be placed in the facility file.</p> <p>4. A report on each facility's compliance or noncompliance will be made available as a record of findings of the inspection</p> <p>B. The ICJI will perform site inspections according to the following:</p> <ol style="list-style-type: none"> <li>1. All facilities new to the monitoring universe will receive a site inspection.</li> <li>2. 30% of all secure facilities will receive a site inspection annually, with the goal to have 100% of all secure facilities seen during each three-year planning cycle.</li> <li>3. Each juvenile facility will receive a site inspection annually.</li> <li>4. Adult jails and lockups will receive a site inspection every three years.</li> <li>5. Collocated facilities will receive a site inspection every year.</li> </ol>
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## I. COMPLIANCE DATA COLLECTION AND VERIFICATION

*Date of Last Update: 6/8/2022*

Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(D) and (5), the state must collect and verify data from all adult jails, 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 October 1 to September 30. 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.

As the designated state agency for state of Indiana, the ICJI is charged with the oversight of the state's compliance with the JJDP. ICJI is therefore responsible for receiving, investigating, and responding to reports of compliance violations. ICJI achieves this by collecting data on all juveniles securely detained in Indiana, verifying annually all site classifications as secure, verifying data by crosschecking reported data with onsite logs, and submitting the Compliance Monitoring Report to the federal OJJDP as requested each year.

Indiana maintains an electronic Log of Juveniles Detained. The Log is an all-encompassing compliance monitoring web-based system that contains the monitoring universe, can be used to track correspondence, site visits, potential violations, confirmed violations, and data collection. Adult jails and adult lockups are required to enter all detentions on a quarterly basis, at minimum. Secure detention facilities and secure correctional facilities are required to enter all detentions on a monthly basis, at minimum. Adult jails and adult lockups may report annually if a written policy can be provided to the Compliance Monitor that the facility prohibits detaining any juveniles for any reason.

### **DATA COLLECTION**

ICJI collects data as follows:

- A. The Compliance Monitor creates user logins for personnel in each

	<p>facility responsible for entering juveniles detained.</p> <p>B. The Compliance Monitor provides all reporting facilities with a copy of the Log of Juveniles Detained User Manual, as well as onsite technical assistance as requested by facilities.</p> <p>C. <u>Facilities</u> that have been identified within the Monitoring Universe Database is required to self-report admissions data to ICJI via the “Log of Juveniles Detained” online reporting tool. Each facility will be responsible for entering data from their internal records into the Log of Juveniles detained. The Log contains the following elements:</p> <ul style="list-style-type: none"> <li>a. Juvenile identifying information (ID #, DOB, gender, age, race, and ethnicity)</li> <li>b. Detention Information (detention start and end, reason detained, whether the detention is secure or nonsecure)</li> <li>c. Case Information (Filing status, most serious offense, court date, legal status)</li> <li>d. Potential/Actual Violations</li> </ul> <p>A. <u>Facilities</u> that have been identified within the Monitoring Universe Database will be required to submit the following documents to ICJI:</p> <ul style="list-style-type: none"> <li>a. Classification Checklist</li> <li>b. Log of Juveniles Detained (submitted monthly)</li> </ul> <p><b>Deinstitutionalization of Status Offenders</b></p> <p>—</p> <p>Facilities identified in the Monitoring Universe will report all juveniles detained in the Electronic Log of Juveniles Detained.</p>
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	<p>The Log will then flag any Status Offenders detained in violation of the core requirements, allowing the Compliance Monitor to investigate and document the potential violation.<sup>15</sup> The Log flags the following information for the Compliance Monitor to investigate for potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> <li>b) Length of time the juvenile was detained; or</li> <li>c) If the above two queries have no information entered.</li> </ul> <p><b>Removal of Juveniles from Adult Jails &amp; Lockups -</b></p> <p>Facilities identified in the Monitoring Universe will report all juveniles detained in the Electronic Log of Juveniles Detained. The Log will then flag any juveniles detained in violation of the core requirements, allowing the Compliance Monitor to investigate and document the potential violation.<sup>16</sup></p> <p>The Log flags the following information for the Compliance Monitor to investigate for potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> <li>b) Length of time the juvenile was detained; or</li> <li>c) If the above two queries have no information entered.</li> </ul> <p><b>Removal of Juveniles Charged as Adults from Secure Adult Facilities -</b></p> <p>Indiana verifies that juvenile court judges consider the factors below when determining</p>
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<sup>15</sup> 34 U.S.C. § 11133(a)(11)(A). <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title34-section11133&num=0&edition=prelim>

<sup>16</sup> 34 U.S.C. § 11133(a)(11)(A). <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title34-section11133&num=0&edition=prelim>

	<p>if the detainment of a juvenile in an adult jail or lockup without sight or sound separation from adult inmates is in the interest of justice:</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>Juvenile court judges submit verification to the DSA Compliance Monitor after determining it is in the interest of justice to detain a juvenile charged as an adult with adult inmates without sight or sound separation. Juvenile court judges also submit documentation to the Compliance Monitor of the next court hearing date as verification that there are hearings at least every 30 days (or at least 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 that the juvenile has contact with adult inmates in a secure facility. With this documentation, the Compliance Monitor verifies the juvenile is not detained longer than 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>
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	<p><b>Sight or Sound Separation –</b></p> <p>Facilities identified in the Monitoring Universe will report all juveniles detained in the Electronic Log of Juveniles Detained. The Log flags the following information for the Compliance Monitor to investigate for potential violations:</p> <ul style="list-style-type: none"> <li>a) The highest charge the juvenile has been detained for;</li> <li>b) Length of time the juvenile was detained; or</li> <li>c) If the above two queries have no information entered.</li> </ul> <p>Facilities identified in the Monitoring Universe will report all juveniles detained in the Electronic Log of Juveniles Detained. The Log will flag any juveniles detained in violation of the core requirements, allowing the Compliance Monitor to investigate and document the potential violation.<sup>17</sup> Additionally, the Compliance Monitor verifies all facilities maintain sight and sound separation by conducting site visits to all adult jails and lock ups at least every 3 years.</p>
	<p><b>Data Collection Process by Facility Type</b></p> <p><b>Secure Detention and Correctional Facilities for Juveniles</b></p> <p>Data from secure juvenile detention facilities will be collected monthly. Data from secure juvenile correctional facilities will be collected annually.</p> <p>The data collected will be reviewed to monitor for compliance with the DSO Core Requirement. While the Separation Core Requirement also applies, secure juvenile detention or correctional facilities do not detain or confine adult inmates, nor do they use adult inmate labor in any capacity (as verified during site</p>

<sup>17</sup> 34 U.S.C. § 11133(a)(11)(A). <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title34-section11133&num=0&edition=prelim>

	<p>inspections).</p> <p>The Compliance Monitor will verify status offenders were:</p> <p>1) In a secure juvenile detention or correctional facility for no more than twenty-four hours, exclusive of weekends and holidays, prior to an initial court appearance and for an additional twenty-four hours, exclusive of weekends and holidays, following an initial court appearance.; or</p> <p>2) Placed in excess of twenty-four (24) hours but pursuant to the Valid Court Order (VCO) Exception or the Interstate Compact of Juveniles (ICJ) Exception. Excluding those subject to a federal exception (see below), the following will be counted as instances of non-compliance:</p> <ul style="list-style-type: none"> <li>• Accused Status Offenders placed in secure juvenile detention or correctional facilities beyond twenty-four (24) hours, excluding weekends and legal holidays;</li> <li>• Adjudicated status offenders placed in secure juvenile detention and correctional facilities for any amount of time;</li> <li>• Non-offenders placed in secure juvenile detention centers usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile, due to their status as unauthorized immigrants, or through contracts with the federal government or other States.</li> </ul> <p>Beginning in FY2022, as part of Indiana plan for compliance with 223(a)(11)(B), data reporting includes information on any pre-trial certified juveniles in custody. Facility log sheets for jails and adult lockups now incorporate data on Adult Custody, Sight or Sound Separation, and Certification status. Jails and Lockups for Adults will need to provide the initial determination, the 30-day interest of</p>
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	<p>justice orders for juveniles placed in their facility and “good cause” orders at 180 days. If necessary, the Compliance Monitor will collect the relevant orders from the court directly.</p> <p>Additionally, Secure Detention Facilities for Juveniles now report monthly any juveniles charged as adults who are placed in their facilities post Certification (TWC). Included in the data collection is information for those juveniles subsequently transferred to a jail or lockup for adults pursuant to 223(a)(11)(B). This affords the Compliance Monitor an additional timely means to collect the required documentation, including court orders, and to verify compliance with 223(a)(11)(B) when juveniles are transferred to adult facilities.</p> <p>Applicable Core Requirements may include DSO, Section 223(a)(11)(B), Jail Removal, and Sight or Sound Separation as determined by the offense for which the juvenile was accused, for how long each juvenile was detained or confined, and where within each facility the juvenile was detained or confined.</p> <p>The Compliance Monitor will verify that:</p> <ul style="list-style-type: none"> <li>• Pursuant to 34 U.S.C. § 11133(a)(11)(A), 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 (nonoffenders), shall not be placed in secure detention facilities or secure correctional facilities.</li> <li>• On or after December 21, 2021, juveniles charged as adults are not detained in an adult jail or lockup or have sight or sound contact with adult inmates in a jail or lockup for adults, except as provided by the requirements of Section 223(a)(11)(B), EXCEPT when:</li> </ul>
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	<ul style="list-style-type: none"> <li>• A juvenile charged as an adult is detained in an adult jail or lockup pursuant to one of the jail removal exceptions in 34 U.S.C. § 11133(a)(13).</li> <li>• Juveniles accused of non-status (delinquent) offenses are detained or confined for no more than 6 hours in jails and lockups for adults, sight and sound separate from adult inmates, and only under the following circumstances: <ul style="list-style-type: none"> <li>• 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, or in which period the juvenile makes a court appearance.</li> <li>• 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. Excluding those subject to a federal exception (see below), the following will be counted as instances of non-compliance: <ul style="list-style-type: none"> <li>• DSO violations may occur if a status or non-offender is Detained or Confined within a secure residential area;</li> <li>• Violations of 223(a)(11)(B) may occur if a juvenile charged as an adult and awaiting trial or other legal process is housed in a jail or lockup for adults - unless a court finds, after a hearing and in writing, that it is in the interest of justice;</li> <li>• Jail Removal violations may occur if: <ul style="list-style-type: none"> <li>• An accused status or non-offender is Detained or Confined within any secure area;</li> <li>• An accused delinquent is Detained or Confined beyond six (6) hours;</li> <li>• An accused delinquent is detained or confined for reasons not related to processing/transfer/release or a court appearance;</li> <li>• A juvenile adjudicated delinquent is detained or confined in an adult jail or</li> </ul> </li> </ul> </li> </ul> </li> </ul>
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	<p>lockup, for any length of time.</p> <ul style="list-style-type: none"> <li>• Violations of the sight or sound separation requirement may occur when an in-custody juvenile has sight or sound contact with an adult inmate.</li> </ul> <p><b>Court Holding Facilities</b></p> <p>Data from Jails or Lockups designated as adult Court Holding Facilities is collected monthly and verified through scheduled onsite inspections, and phone, email, fax, or scanned copies of requested data logs from the facilities the same as noted above. Data is collected and verified to ensure compliance with Section 223(a)(11)(B), the Jail Removal Core Requirement, and the Separation Core Requirement. Data collection, consistent with the JJDPA and Formula Grants Program Regulations, includes:</p> <ul style="list-style-type: none"> <li>• Court of jurisdiction</li> <li>• Unique identifier (no names),</li> <li>• DOB or Age,</li> <li>• Race,</li> <li>• Gender,</li> <li>• Offense(s),</li> <li>• Date/Time when Detained/Confined at the Facility,</li> <li>• Date/Time when Released from the Facility, and</li> <li>• Review of “interest of justice” and “good cause” orders for youth charged as adults.</li> </ul> <p>Entries on the Court Holding Facility log sheet are to be broken into pre- and post-hearing. The data supplied specifically requires the facility to report time spent in the Court Holding Facility and document the separation of juveniles from adult inmates. It is incumbent upon the Compliance Monitor to ensure the time spent in a Court Holding Facility, both pre- and post-adjudication, does not exceed 6 hours (excluding the time spent in the courtroom, as this is NOT part of a jail or</p>
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	<p>lockup for adults). The Compliance Monitor verifies data during onsite compliance inspections and/or electronically when provided with (redacted) supporting documentation. Excluding juveniles detained or confined pursuant to an exception, the following would be reported as violations:</p> <ul style="list-style-type: none"> <li>• Juveniles Detained or Confined in an adult court holding facility post-adjudication would be reported as Jail Removal Violations.</li> <li>• Juveniles not Sight and Sound Separated from adult inmates would count as a Separation violation.</li> <li>• Violations will also be counted for any juvenile awaiting trial or other legal process who are charged as an adult and detained or confined in an adult court holding facility without meeting the 223(a)(11)(B) requirements.</li> </ul> <p><b>Collocated Facilities</b></p> <p>For collocated facilities the Compliance Monitor will collect and verify data the same as a jail or lockup for adults as noted above. Likewise, the Compliance Monitor will collect and verify data the secure juvenile detention center the same as above. However, if during the course of the annual verification visit, the secure juvenile detention center fails to meet the requirements of a secure juvenile detention classification at 28 CFR 31.303(e)(3)(i)(C)(1), (2), and (4); their data will be re-reviewed using the criteria detailed above for a jail or lockup for adults. “Juvenile facilities collocated with adult facilities are considered adult jails or lockups absent compliance with [these] criteria.”</p> <p><b>Secure Adult Correctional Facilities (Prisons)</b></p>
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	<p>Programs in which juveniles are brought into contact with adult inmates as a means of educating juveniles about life in prison and/or deterring them from delinquent or criminal behavior (such as Scared 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. 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 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. States are encouraged to contact OJJDP for more detailed guidance about whether a particular program is resulting—or has resulted—in instances of noncompliance.</p> <p>The Compliance Monitor verifies reported data during the on-site inspection process.</p>
	<p><b>RECORD SECURITY AND PROTECTION OF IDENTITY</b></p> <p>The Compliance Monitor and ICJI will refrain from collecting any identifying information regarding juveniles in custody that is not necessary to OJJDP outline reporting requirements, such as names or photos of juveniles detained. All electronic information and hard copy information regarding juveniles detained will be secured with limited user access.</p> <p>A. The Compliance Monitor will provide all facilities with a copy of the IndianaJJDP Compliance Manual, which outlines that entries</p>

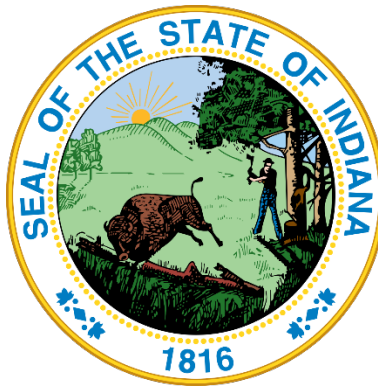
	<p>into the Log of Juveniles Detained should not contain names of individuals detained, only identification numbers</p> <p>B. Any correspondence with any entity that requires the exchange of identifying information will be conducted through secure, state issued and monitored online networks or phone lines.</p> <p>C. The electronic Log of Juveniles Detained will be operated by the Compliance Monitor. The Compliance Monitor will be responsible for issuing user access to reporting facilities and will ensure that each individual has a unique user login so as to track user activity.</p> <p>D. Any hard copy files of information regarding juvenile detained and facilities will be stored in a locked file cabinet. The Compliance Monitor will maintain the keys to the secure storage.</p> <p>E. The Compliance Monitor and Division Director of Youth Services will take any additional necessary steps to ensure information regarding juveniles remains available only to the Youth Division of ICJI. This includes but is not limited to: password protection on all devices utilized by the youth division, privacy screens for monitors used in a shared workspace with other divisions, and availability of private office spaces for phone or face to face communication regarding juveniles.</p>
	<p><b>DATA VERIFICATION</b></p> <p>Data will be reviewed and missing, or incomplete data reports will be produced</p>

	<p>by the Compliance Monitor to be sent to facilities by the ICJI.</p> <ul style="list-style-type: none"> <li>A. The ICJI will review the logs on-site and verify them for accuracy against the information in the facilities' files. IN will draw a random sample of about 10% of reported violations to assess if all information was reported correctly. If more than half of those cases were found incorrect, IN will draw another 10% sample to determine if more than half of those cases are correct. If a large percentage of those cases are incorrect, IN will review all remaining cases to ensure that the data is correct.</li> <li>B. The ICJI will review missing or incomplete data reports with facilities and will work with facilities to obtain the data.</li> <li>C. Alterations to stay information entered into the Log of Juveniles Detained will be documented via time/date stamp and user credentials. Any alterations to stay information will be verified via submission of original court orders to the Compliance Monitor. Such orders will be provided by the respective county. All documentation will then be electronically uploaded into the Log of Juveniles Detained.</li> </ul>
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## SECTION IV

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### COMPLIANCE MONITORING REPORTING REQUIREMENT



## J. COMPLIANCE REPORTING PERIOD

*Date of Last Update: 6/8/2022*

Under 28 C.F.R. § 31.303(f)(5), 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.

### **COMPLIANCE DATA AND SUPPORTING DOCUMENTATION –**

Compliance data and supporting documentation is submitted annually through OJJDP's Compliance Reporting Tool.

As the designated state agency for state of Indiana, the ICJI is charged with completing the annual compliance monitoring report and submitting the report to OJJDP each federal fiscal year (October 1<sup>st</sup> – September 30<sup>th</sup>). The Compliance Monitor is responsible for assembling and submitting the following:

- A. Any and all data requested via the OJJDP Compliance Reporting Tool. This includes violations, site visit totals, facility reporting, and facility classification
- B. Documentation of any exceptions utilized by Indiana during the reporting period
- C. Indiana's Master Monitoring Universe, updated to reflect most recent site visits

The ICJI Executive Director is responsible for providing the following:

- A. The Data Verification form provided by OJJDP in the Compliance Reporting Tool
- B. Training verification form provided by OJJDP in the Compliance Reporting Tool
- C. A request for extension in the event Indiana seeks a formal extension of the reporting deadline with good cause.

## Chapter 1 APPENDIX A – ONLINE RESOURCES

Title	Description	
Office of Juvenile Justice and Delinquency Prevention (OJJDP) Webpage	A component of the <a href="#">Office of Justice Programs</a> within the <a href="#">U.S. Department of Justice</a> , OJJDP works to prevent and respond to youth delinquency and protect children. Through its divisions, OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming.	<a href="#">Link</a>
Authorizing Legislation	This OJJDP webpage reviews the authorizing Legislation that Congress enacted in regards to the Juvenile Justice and Delinquency Prevention (JJDP) Act (Pub. L. No. 93-415, 34 U.S.C. § 11101 et seq.) in 1974. This landmark legislation established OJJDP to support local and state efforts to prevent delinquency and improve the juvenile justice system.	<a href="#">Link</a>
Juvenile Justice and Delinquency Prevention Act	This is the text of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.	<a href="#">Link</a>
Redline Version Juvenile Justice and Delinquency Prevention Act as Amended by the Juvenile Justice Reform Act of 2018	This version of the Juvenile Justice and Delinquency Prevention Act (JJDP), includes the amendments made by the Juvenile Justice Reform Act of 2018 (in red).	<a href="#">Link</a>
OJJDP Core Requirements Webpage	The information on this page assists states in monitoring and achieving compliance with the core requirements of the Formula Grants Program, including information on the background of the JJDP, supporting regulations, state compliance with JJDP core requirements, reporting requirements, guidance and resources, and staff contact information.	<a href="#">Link</a>
OJJDP Fact Sheet: Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018	This fact sheet describes several significant amendments to the JJDP made by the JJRA.	<a href="#">Link</a>
National Archives: Code of Federal Regulations for Part 31 – OJJDP Grant Programs	This is the existing regulation implementing the Formula Grants Program authorized under the JJDP.	<a href="#">Link</a>

## B. Monitoring Universe

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Police Lock-Up

Sheriff Jails

Court Holding

Correctional Facilities

Juvenile Detention

Non-Secure Other

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		Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juvenile	Adults	Juveniles and Adults	Correction or Secure Detention Facility (DSO)	Jail or Lockup (Jail Removal)	Institution (Separation)	Most Recent Inspection Date	Projected Next Inspection Date
1	Facility														Notes
2	Adams County Sheriff		x						x		x	x	x	7/24/2020	
3	Allen County Sheriff		x						x		x	x	x	11/15/2016	
4	Bartholomew County Sheriff		x						x		x	x	x	4/15/2019	
5	Benton County Sheriff		x						x		x	x	x	1/9/2017	
6	Blackford County Sheriff		x						x		x	x	x	10/11/2017	
7	Boone County Sheriff		x						x		x	x	x	4/26/2019	
8	Brown County Sheriff		x						x		x	x	x	4/15/2019	
9	Cass County Sheriff		x						x		x	x	x	2/6/2018	
10	Carroll County Sheriff		x						x		x	x	x	4/26/2019	
11	Clark County Sheriff		x						x		x	x	x	9/1/2020	
12	Clay County Sheriff		x						x		x	x	x	1/10/2017	
13	Clinton County Sheriff		x						x		x	x	x	4/26/2019	
14	Crawford County Sheriff		x						x		x	x	x	7/17/2020	
15	Daviess County Sheriff		x						x		x	x	x	7/17/2020	
16	Dearborn County Sheriff		x						x		x	x	x	7/30/2020	
17	Decatur County Sheriff		x						x		x	x	x	12/9/2019	
18	DeKalb County Sheriff		x						x		x	x	x	10/27/2017	
19	Delaware County Sheriff		x						x		x	x	x	8/5/2020	
20	Dubois County Sheriff		x						x		x	x	x	6/21/2019	
21	Elkhart County Sheriff		x						x		x	x	x	7/24/2020	
22	Fayette County Sheriff		x						x		x	x	x	7/19/2019	
23	Floyd County Sheriff		x						x		x	x	x	9/1/2020	
24	Fountain County Sheriff		x						x		x	x	x	4/26/2016	
25	Franklin County Sheriff		x						x		x	x	x	8/11/2020	
26	Fulton County Sheriff													10/26/2017	
Police Lock-Up Sheriff Jails Court Holding Correctional Facilities Juvenile Detention Non-Secure Other															

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		Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juveniles Only	Adults Only	Juveniles and Adults	Correctional or Secure Detention	Jail or Lockup (Jail Removal)	Institution (Separation)	Most Recent Inspection Date	Projected Next Inspection Date
1	Facility														Notes
2	Union County Courthouse								x				x	11/2/2017	
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	Facility	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juveniles Only	Adults Only	Juveniles and Adults	Secure Correctional or Secure Detention Facility (DSO)	Jail or Lockup (Jail Removal)	Institution (Separation)	Most Recent Inspection Date	Projected Next Inspection Date	Notes
1	Logansport Juvenile Corr. Facility Intake Unit		x					x			x			2/3/2020		
2	Logansport Juvenile Correctional Facility		x					x			x			2/3/2020		
3	La Porte Juvenile Correctional Facility (Female)		x					x			x			11/6/2020		
4	Pendleton Juvenile Correctional Facility		x					x			x			12/3/2019		
5	Branchville Correctional Facility		x						x		x					
6	New Castle Correctional Facility		x						x		x					
7	Pendleton Correctional Facility		x						x		x					
8	Chain O'Lakes Correctional Facility		x						x		x					
9	Plainfield Correctional Facility		x						x		x					
10	Putnamville Correctional Facility		x						x		x					
11	Edinburgh Correctional Facility		x						x		x					
12	Heritage Trail Correctional Facility		x						x		x					
13	Indiana State Prison		x						x		x					
14	Rockville Correctional Facility		x						x		x					
15	South Bend Community Re-Entry		x						x		x					
16	Wabash Valley Correctional Facility		x						x		x					
17	Westville Correctional Facility		x						x		x					
18	Miami Correctional Facility		x						x		x					
19	Madison Correctional Facility		x						x		x					
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	Facility	Non-Secure	Secure	Both	Non-Residential	Residential	Both	Juveniles Only	Adults Only	Juveniles and Adults	Secure Correctional Or Secure Detention Facility (DSO)	Jail or Lockup (Jail Removal)	Institution (Separation)	Most Recent Inspection Date	Projected Next Inspection Date	Juvenile Court Attached to Structure
1	Allen County Juvenile Center		x					x			x			12/13/2019		x
2	Bartholomew Co. Youth Services Center		x					x			x			12/9/2019		x
3	Clark County Juvenile Detention Center		x					x			x			9/1/2020		x
4	Dearborn County Juvenile Detention Center		x					x			x			7/30/2020		x
5	Delaware County Juvenile Service, Youth Opportunity Center		x					x			x			1/9/2020		
6	Elkhart County Juvenile Detention Center		x					x			x			7/24/2020		
7	Grant County Juvenile Detention Center		x					x			x			1/23/2020		x
8	Hamilton County Youth Center		x							x	x		x	8/5/2020		x
9	Howard Co. Robert J. Kinsley Youth Center		x					x			x			1/13/2020		x
10	Johnson County Juvenile Detention Center		x					x			x			1/6/2020		x
11	Southwest Indiana Regional Youth Village		x					x			x			8/12/2020		
12	Lake County Juvenile Detention Center		x					x			x			9/10/2020		x
13	LaPorte County Dorothy S. Crowley Juvenile Services Center		x					x			x			11/6/2019		x
14	Madison County Youth Center		x					x			x			11/18/2019		x
15	Marion County Juvenile Justice Complex		x					x			x			11/20/2019		x
16	Porter County Juvenile Detention Center		x					x			x			7/2/2020		x
17	St. Joseph County Juvenile Justice Center		x					x			x			9/30/2020		x
18	Youth Care Center		x					x			x			8/15/2020		x
19	Vigo County Juvenile Center		x					x			x			8/13/2020		x
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### **C. Classification Survey Template**

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**FACILITY:** \_\_\_\_\_

1. Does your department have a lockup, or an area in which persons can be securely detained?  
  
YES      NO
2. Is there a larger, secure perimeter (fence, walls, etc.) around the room in which a juvenile or adult are detained?  
  
YES      NO
3. Does your department's facility have construction features designed to physically restrict the movement and activities of persons in custody such as a lock on the door (whether or not the door is actually locked), a cuffing rail, steel bars, floor ring, etc.?  
  
YES      NO
4. Does your department's facility contain delayed egress devices where the delay is greater than 30 seconds?  
  
YES      NO

#### **Juvenile procedure:**

---

1. Is there ever an instance that a juvenile is securely detained for more than 6 hours at your facility?  
  
YES      NO

**The following questions should be answered if the answer to the first is "yes":**

1. Are those juveniles accused of delinquent offenses?  
YES      NO
2. Do you process juveniles through a secure booking unit?  
  
YES      NO
3. Are juveniles left in a secure booking area after being photographed and fingerprinted?

YES NO

4. Do you have local written policy or procedure **prohibiting** a juvenile to be placed in cells, locked rooms, or handcuffed to stationary objects? (NOTE: If the answer is yes, a copy of that policy must be provided to ICJI)

YES NO

5. (Open-ended questions) Please provide the location to which juveniles are transported for secure detention and the agency responsible for transporting juveniles to that location. If the location and transporting agency changes depending on circumstance, please briefly describe those circumstances.

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**If the answer to #1 is “No”:**

6. If you are not responsible for processing juvenile offenders, please list the name of the agency who is: \_\_\_\_\_
2. Is there ever an instance that a juvenile is non-securely processed through your agency's facility?

YES NO

A. If yes, are those juveniles accused of delinquent offenses?

YES NO

## D. Onsite Visit Form



### JJDPa Compliance Visit

Name of Facility: \_\_\_\_\_

County: \_\_\_\_\_ Date of Inspection: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Email: \_\_\_\_\_

Fax: \_\_\_\_\_ Phone: \_\_\_\_\_

#### TYPE OF FACILITY

- ☐ Juvenile; Describe: \_\_\_\_\_ ☐ Adult; Describe: \_\_\_\_\_
- ☐ Collocated; Describe: \_\_\_\_\_
- ☐ Private Facility ☐ Public Facility

#### SECURE CHECKLIST

##### Records Information

- Does the facility utilize adult trustees for any juvenile services? Yes\_\_\_\_ No\_\_\_\_
- Does the facility hold any post-adjudicated juveniles? Yes\_\_\_\_ No\_\_\_\_
- Does the facility contain both secure and nonsecure areas? Yes\_\_\_\_ No\_\_\_\_
- Does the facility contain any delayed egress devices? Yes\_\_\_\_ No\_\_\_\_
- Does the facility participate in any "Shape Up" or "Scared Straight" program? Yes\_\_\_\_ No\_\_\_\_

##### Types of Individuals detained:

- ☐ Juvenile Delinquents: Criminal types ☐ CHINS
- ☐ Juvenile Delinquents: Status offenders ☐ Private Referrals
- ☐ Adults under criminal court jurisdiction ☐ Juveniles under adult criminal court jurisdiction
- ☐ Runaways

##### Sight or Sound Separation Level:

- ☐ NOT APPLICABLE; Juveniles and Adults are not detained in the same facility
- ☐ SIGHT ☐ SOUND

#### COURT HOLDING

Location of Juvenile Court: \_\_\_\_\_

Do Juveniles share space with pre-adjudicated adults? Yes\_\_\_\_ No\_\_\_\_

Does the facility have any active contracts with other counties?

☐ NO

☐ Yes, with the following counties:

---

#### DATA REPORTING

☐ As a classified secure facility, I understand that data required for the JJDP Act regarding juveniles detained in a secure environment in the above named facility will be reported to the Indiana Criminal Justice Institute (ICJI). Secure placements will be reported regardless of whether such detention is an original placement, transfer from a non-secure portion of the above named facility, or transfer from another facility under the same corporate management due to a court order or facility policy.

Data will be reported by the 10<sup>th</sup> of the following month.

☐ As a classified non secure facility, I understand that I do not need to submit data on the juveniles in my facility for the JJDP Act. I also agree to notify the Indiana Criminal Justice Institute of any change to our facility type, building structure, or written policy or facility practice.

#### Contact information of person inputting data

Name/Position: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

#### OJJDP Act Violations Addressed During Inspection

☐ Yes

☐ No

#### FINDINGS:

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ICJI Compliance Monitor

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Date

---

Facility Administrator

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Date

Please direct any questions or comments to: [Compliance@cji.in.gov](mailto:Compliance@cji.in.gov)

## E. Collocated Visit Form



### JJDPa Compliance Visit- Collocated

Name of Facility: \_\_\_\_\_

County: \_\_\_\_\_ Date of Inspection: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Email: \_\_\_\_\_

Fax: \_\_\_\_\_ Phone: \_\_\_\_\_

#### TYPE OF FACILITY

- ☐ Juvenile; Describe: \_\_\_\_\_ ☐ Adult; Describe: \_\_\_\_\_
- ☐ Collocated; Describe: \_\_\_\_\_
- ☐ Private Facility ☐ Public Facility

#### COLLOCATED CRITERIA

##### Sight or Sound Separation between Juveniles and Incarcerated Adults:

- ☐ Architecturally
- ☐ Time-phasing
- ☐ No Sight and Sound Separation (criteria not met)

##### Separate Programs:

	Time-Phased	Spatial	No Separation
<input type="checkbox"/> Recreation	_____	_____	_____
<input type="checkbox"/> Education	_____	_____	_____
<input type="checkbox"/> Counseling	_____	_____	_____
<input type="checkbox"/> Dining	_____	_____	_____
<input type="checkbox"/> Religious	_____	_____	_____
<input type="checkbox"/> General Living Activities	_____	_____	_____
<input type="checkbox"/> Sleeping	_____	_____	_____

☐ The facility has an independent and comprehensive operational plan for the juvenile detention center which provides for a full range of separate program services.

☐ If any programs are not separated, the criteria is not met.

##### Staff:

	Shared	Separate	Not Separate
<input type="checkbox"/> Management	_____	_____	_____

<input type="checkbox"/> Security	_____	_____	_____
<input type="checkbox"/> Direct Care Staff	_____	_____	_____
<b>Specialized Services</b>			

<input type="checkbox"/> Medical Care	_____	_____	_____
<input type="checkbox"/> Food Service	_____	_____	_____
<input type="checkbox"/> Laundry	_____	_____	_____
<input type="checkbox"/> Maintenance	_____	_____	_____

☐ If any of staff are shared, they have special training to work with juveniles

☐ If juvenile staff is not separated from adult staff, the criteria is not met

### Licensing

☐ The facility has been licensed by the appropriate state agency to be a facility that holds juveniles under court jurisdiction

License detained by: \_\_\_\_\_

☐ If the facility is not licensed, the criteria is not met

### Summary of Collocation Findings

☐ Collocated Facility; Next Inspection Date: \_\_\_\_\_

☐ Not a collocated facility; state criteria not met:

### Comments:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 ICJI Compliance Monitor

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Facility Administrator

\_\_\_\_\_  
 Date

Please direct any questions or comments to: [Compliance@cji.in.gov](mailto:Compliance@cji.in.gov)