COMPLIANCE MONITORING MANUAL

GEORGIA

CRIMINAL JUSTICE COORDINATING COUNCIL

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List of Acronyms

Acronym	Name
CJCC	Criminal Justice Coordinating Council
CJCJ	Council of Juvenile Court Judges
CIO	Continuous Improvement Office
DJJ	Department of Juvenile Justice
GOCFS	Governor's Office of Children and Family Services
JJDPA	Juvenile Justice and Delinquency Prevention Act
JTS	Juvenile Tracking System
O.C.G.A.	Official Code of Georgia
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OTIS	Office of Technology and Information Services
RYDC	Regional Youth Detention Center
VCO	Valid Court Order

1 Introduction

Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDPA) in 1974 to promote the well-being of youth in the United States. The JJDPA established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Formula Grants Program which directly funds State's initiatives to improve their juvenile justice system.

The requirements of the JJDPA are a result of evidence based research concerning what is "best practice" for juveniles who come into contact with the justice system. In 1974, the JJDPA first required juveniles not to come into contact with adult inmates and status offenders be removed from adult jails, adult detention centers, and adult lockups. Since then, the JJDPA includes removing of all juvenile offenders from adult jails, adult detention centers, and adult lockups, except in certain circumstances, and addressing the disproportionate number of minority youth coming into contact with the juvenile justice system. The JJDPA is a piece of law constantly at the forefront of the juvenile justice reform.

This guide has been developed by the Criminal Justice Coordinating Council (CJCC) to provide key information on the core protections required by the JJDPA 2002. This guide includes policy and procedures; monitoring authority; monitoring timeline; violation procedures; barriers and strategies; definition of terms; identification and classification of monitoring universe; inspection of facilities, and data collection and verification.

For more information on Georgia's involvement with the core protections in the JJDPA, please contact:

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1.1 The Four Core Protection Requirements of the JJDPA

Enacted in 1974, the Juvenile Justice and Delinquency Prevention Act (JJDPA) set forth motion to change the way juveniles are handled in the justice system and provided Formula Grant funding to support these reform efforts. As years progress, the JJDPA helps state and local governments prevent and control juvenile delinquency. The JJDPA requires participating States to monitor and maintain the outlined four core protections in order to continue receiving federal funding.

If a state fails to demonstrate full compliance, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) reduces the grant funding by 25% for each core requirement failure[1]. The current JJDPA was reauthorized in 2002.

The four core protections set forth by the JJDPA 2002 are: deinstitutionalization of status offenders; separation of juveniles from incarcerated adults; removal of juveniles from adult jails and lockups; and disproportionate minority contact. For the purposes of this guidance manual, the first three core protections will be focused on.

1.1.1 Deinstitutionalization of Status Offenders

"*Juveniles who have been charged with or have committed an offense that would not be criminal if committed by an adult [excluding juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18 (juvenile possession of a handgun), United States Code, or of a similar state law; juveniles who are charged with or who have committed a violation of a valid court order; and juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State] shall not be placed in secure detention facilities or secure correctional facilities. Juveniles who are not charged with any offense and who are aliens or alleged to be dependent, neglected, or abused shall not be placed in secure detention facilities or secure correctional facilities*[2]."

1.1.2 Separation of Juveniles from Incarcerated Adults

"*Juveniles alleged to be or found to be delinquent, as well as status offenders and non-offenders, will not be detained or confined in any institution in which they have contact with adult inmates. There must be in effect in the state a policy that requires individuals who work with both such juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles*[3]."

1.1.3 Removal of Juveniles from Adult Jails and Lockups

"*Juveniles who are accused of non-status offenses who are detained in such jail and lockup for a period not to exceed 6 hours for processing and release, while awaiting*

[1] Formula Grants Consolidated Regulation 28 CFR Part 31: 31.303(f)(6): pp17
[2] JJDPA Section 223(a)(11)(A)
[3] JJDPA Section 223(a)(12)

transfer to a juvenile facility, or in which period such juveniles make a court appearance, and only if such juveniles do not have contact with adult inmates[4]."

1.1.4 Disproportionate Minority Confinement

"*Address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of the minority groups, who come into contact with the juvenile justice system*[5]."

2 Compliance Monitoring Plan

2.1 Compliance Monitoring Purpose & Authority

In 2014, the Designated State Agency (DSA) transitioned from Governor's Office of Children and Family Services (GOCFS) to the Criminal Justice Coordinating Council (CJCC). Within the CJCC, the Juvenile Justice Unit, previously located at the GOCFS, continues to act as stewards of state and federal juvenile justice funds, administer Georgia's juvenile justice plan, and maintain Georgia's compliance with the JJDPA.

Purpose:

It is the goal of the CJCC to provide Georgia with a written plan and procedure whereby:

1. The use of juvenile detention is adequately monitored and reported;
2. Violations of Federal and State law regarding the use of juvenile detention are reported and subsequently remedied.

CJCC and the Department of Juvenile Justice (DJJ) will provide oversight for the established monitoring system and the system established for subsequent reporting of violations to both the local field offices and appropriate State agencies.

Monitoring Authority:

Currently, the compliance monitoring authority is found at O.C.G.A. § 49-5-155 (2008):

(b) Other than the Department of Juvenile Justice, the Governor's Office for Children and Families created pursuant to Code Section 49-5-132 shall be the only other authorized controlling recipient entity for grants under the United States Department of Justice Juvenile Justice Delinquency and Prevention Grants.

[4] JJDPA Section 223(a)(13)
[5] JJDPA Section 223(a)(22)

Effective June 2016, the compliance monitoring authority will be found in House Bill 263:

> *Relating to the Criminal Justice Coordinating Council, the Juvenile Code, family violence shelters, and social services, respectively, so as to allow the Criminal Justice Coordinating Council to receive and distribute federal Department of Justice grants; to provide for an advisory board to the council for juvenile justice issues; to provide for the membership of the board; to provide for the board's duties; to provide that certain entities and agencies share information with the council; to remove the responsibility and duties of the Department of Human Resources for such shelters and require the Criminal Justice Coordinating Council to have such responsibility and duties; to change provisions relating to the Roosevelt Warm Springs Institute for Rehabilitation; to provide for related matters; to repeal conflicting laws; and for other purposes.*
>
> *Section 3 (f) All facilities shall maintain data on each child detained and such data shall be recorded and retained by the facility for three years and shall be made available for inspection during normal business hours by any court exercising juvenile court jurisdiction, by DJJ, by the Governor's Office for Children and Families, by the Criminal Justice Coordinating Council, by the Administrative Office of the Courts, and by the Council of Juvenile Court Judges.*

Additionally, the CJCC collaboratively works with DJJ, this authority is found at Georgia's DJJ Policy #20.6:

> *The Department of Juvenile Justice shall work cooperatively with the Criminal Justice Coordinating Council in their provision of detention monitoring, reporting and remedying violations of state law and federal regulations.*

2.2 Monitoring Timeline

Throughout the calendar year, the DSA has an array of tasks. At a minimum, Georgia must: identify the monitoring universe; classify the monitoring universe; inspect facilities; and collect and verify data[6].

Compliance monitoring covers the annual reporting period of 01-01-20XX through 12-31-20XX. This report is gathered, finished, and submitted to OJJDP at the end of June each year.

All facilities submit a monthly monitoring report, in addition to submitting an annual report in January by the DJJ Field Monitor. This form is attached as Appendix A and B. This data is collected by the DJJ Monitoring Coordinator and submitted to the DSA for review. Further information on data collection and verification can be found in *Section 3.2.2 Data Collection and Verification.*

[6] OJJDP M 7140 &A(2)(18)(d) "OJJDP Guidance Manual, Audit of Compliance Monitoring Systems"

Timetable

Month	Tasks
January	Annual jail monitoring report submitted from previous year Clean data – annual report Update monitoring universe (including classifications) Update DJJ monitor contact list Identify compliance violations and contact facilities Monthly monitoring report submitted and data collected/verified
February	Update monitoring universe (including classifications) Update DJJ monitor contact list Identify compliance violations and contact facilities Begin planning annual compliance site visits Begin planning regional trainings for field monitors Monthly monitoring report submitted and data collected/verified
March	Identify compliance violations and contact facilities Begin annual compliance site visits Monthly monitoring report submitted and data collected/verified
April	Federal annual compliance monitoring report Update compliance monitoring manual Site visits (on going) Monthly monitoring report submitted and data collected/verified
May	Federal annual compliance monitoring report Update compliance monitoring manual Site visits (on going) Monthly monitoring report submitted and data collected/verified
June	Federal annual compliance monitoring report submitted Site visits (on going) Monthly monitoring report submitted and data collected/verified
July	Site visits (on going) Begin regional trainings for field monitors Monthly monitoring report submitted and data collected/verified
August	Site visits (on going) Regional trainings for field monitors Monthly monitoring report submitted and data collected/verified
September	Site visits (on going) Regional trainings for field monitors Monthly monitoring report submitted and data collected/verified
October	Site visits (on going) Regional trainings for field monitors Monthly monitoring report submitted and data collected/verified
November	Site visits (on going) Monthly monitoring report submitted and data collected/verified

December	Site visits (on going) Monthly monitoring report submitted and data collected/verified

3 Overview of Compliance Monitoring Tasks

3.1 Monitoring Universe Identification

The DJJ Monitoring Coordinator will maintain a list of all facilities which may be used to securely detain any juvenile for any period of time called Monitoring Universe. The Monitoring Universe identifies facilities according to:

1. Juvenile Detention Facilities
    a. Regional/county short-term youth detention facilities (RYDC and YDC)
    b. DJJ Youth Development Campuses
    c. DJJ and privately operated 90 day programs
2. County Jails
3. Municipal lockups and holding facilities
4. Court holding facilities

The DJJ Monitoring Coordinator will work in cooperation with DJJ Field Monitors and the DSA to ensure that the Monitoring Universe remains current, and includes any facility which may be utilized to securely detain juveniles. The state of Georgia is currently incorporating effective methods to gather data on court holding facilities.

The DJJ Monitoring Coordinator will utilize the Monitoring Universe to record and ensure that all detention facilities are on-site inspected on a regular basis (at least annually) by DJJ Field Monitors.

3.2 Monitoring Universe Classification

States must "*classify all facilities in the state to determine which ones should be considered a secure detention or correctional facility, adult correctional institution, jail, lockup, or other type of secure or non-secure facility. Moreover, classification also includes determining whether a facility is public or private, residential or nonresidential, and whether the population is juvenile only, adult only, or juvenile and adult*[7]."

The **Monitoring Universe** classifies facilities according to:

1. Public or private
2. Adult facility, juvenile facility, or combined use, court holding facility
3. Secure or nonsecure
4. Residential or non-residential

[7] OJJDP FY 2013 Title II Formula Grants Program

3.2.1 Classification Definitions

The following definitions can be found in the OJJPD Guidance Manual 2010.[8] The State of Georgia uses federal definitions for compliance monitoring.

Juvenile

Juvenile offender: 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

> In the state of Georgia, a juvenile is: under the age of 18 years; under the age of 16 years when alleged to have committed a delinquent act; under the age of 22 years and in the care of DFCS; under the age of 23 years and eligible for and receiving independent living services through DFCS; or under the age of 21 years who committed an act of delinquency before reaching the age of 16 and who has been placed under the supervision of the court or on t probation to the court for the purpose of enforcing orders of the court. [9]

Accused Juvenile: A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court).1

Adjudicated Juvenile: A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender

Criminal-type Juvenile Offender. A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult

Nonoffender: A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes or as an alien juvenile, for reasons other than legally prohibited conduct of the juvenile. These cases are referred to by many names including Children in Need of Assistance (CINA) and Children in Need of Protective Services (CHIPS)

Status offender: A juvenile 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

Public versus Private

Public: Any agency under public supervision or control.

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[8] U.S. Department of Justice. (2010) *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002.*

[9] O.C.G.A. 15-11-2 (10)

Private: Any agency not under public supervision or control**.**

Adult facility, juvenile facility, or combined use

Adult jail: A locked facility, administered by state, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than 1 year.

Adult lockup: A locked facility that is used by a state, unit of local government, or any law enforcement authority to detain or confine adults. Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged.

Juvenile Facility: A residential facility which includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in law custody in such facility.

Court Holding Facility: A court holding facility is a secure facility, other than an adult jail or lockup,that is used to temporarily detain persons immediately before or after detention hearings or other court proceedings. Court holding facilities, where they do not detain individuals overnight (i.e., are not residential) and are not used for punitive purposes or other purposes unrelated to a court appearance, are not considered adult jails or lockups.56 A status offender or delinquent offender placed in a court holding facility is exempt from the deinstitutionalization requirement if the facility meets the criteria listed in the definition above. Facilities, however, remain subject to the separation requirements of the JJDP Act. The separation requirements pertain to status offenders, nonoffenders, and alleged or adjudicated delinquent offenders

Secure versus Nonsecure Custody

Secure: A residential facility that includes 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.

Examples of a juvenile included in secure custody is:

- placed in an unlocked room within the secure perimeter of an adult jail or lockup or a juvenile detention center
- handcuffed to a rail in an otherwise nonsecure area of an adult jail or lockup
- placed in a cell within an adult jail or lockup, whether or not the cell door is locked

Nonsecure: A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law

enforcement facility but not be in a secure detention or confinement status. The area(s) where the juvenile is held is an unlocked multipurpose area, such as a lobby, office, or interrogation room which is not designated, set aside, or used as a secure detention area or is not part of such an area, or, if a secure area, is used only for processing purposes. The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility. The use of the area(s) is limited to providing nonsecure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court. In no event can the area be designed or intended to be used for residential purposes.

The juvenile must be under continuous visual supervision (which may include electronic supervision, e.g. camera) by a law enforcement officer or facility staff during the period of time that he or she is in nonsecure custody.

Examples of a juvenile included in nonsecure custody is:

- Handcuffed to a non-stationary object;
- Placed in a police car for transportation;
- Placed in a nonsecure runaway shelter but prevented from leaving because of staff restricting access to exits.

Residential or non-residential

Residential: Pertains to facilities having the capacity to securely detain juveniles overnight and may include sleeping, shower and toilet, and day room areas.

Non-residential: The facility does not have the capacity to securely detain juveniles overnight.

3.2.2 Monitoring of Deinstitutionalization of Status Offenders

Purpose:

The purpose of this policy is to establish standards and procedures for the monitoring of status offenders (CHINS) in the state of Georgia.

To ensure the accuracy of data compiled annually and monthly regarding status offenders (CHINS) detained over 24 hours (excluding weekends and holidays) in violation of the JJDPA.

These activities are necessary to document Georgia's compliance with Federal law and regulations issued by the OJJDP. Documentation of compliance with these regulations is required for Georgia to receive Federal grant funds for delinquency treatment and prevention programs.

3.2.2.1 Federal and related state definitions

Federal

Status Offender: 42 U.S.C. § 5633(11)(A): A youth who is charged with or adjudicated for an offenses which would not be a crime if it were committed by an adult, such as: truancy; violations of curfew; running away; underage possession and/or consumption of tobacco products.

Non-offender: 42 U.S.C. § 5633 (11) (B): A youth who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes or as an alien juvenile, for reasons other than legally prohibited conduct of the juvenile.

Georgia

In 2014 the State of Georgia implemented new juvenile justice legislation. In pursuit of a more protective justice system for juveniles, Georgia incorporated status offenders into a new category called 'Children in Need of Services' (CHINS). In regards to the Compliance Manual for Georgia, CHINS will be referred to as status offenders.

Child In Need of Services (CHINS): O.C.G.A. 15 – 11- 2 (11): A youth in need of care, guidance, counselling, structure, supervision, treatment, or rehabilitation and who is accused or adjudicated to be: truant; habitually disobedient and is ungovernable; a runaway; a child who has committed an offense applicable only to a child; a child who wanders or loiters about the streets of any city or in or about any highway or any public place between the hours of 12:00 Midnight and 5:00 A.M.; a child who disobeys the terms of supervision contained in a court order which has been directed to such child who has been adjudicated a child in need of services; a child who patronizes any bar where alcoholic beverages are being sold, unaccompanied by his or her parent, guardian, or legal custodian, or who possesses alcoholic beverages; or a child who has committed a delinquent act and is adjudicated to be in need of supervision but not in need of treatment or rehabilitation.

> Note: Possession of alcohol may be treated in some instances as a delinquent act under Georgia law. However, OJJDP regulations define alcohol possession as a status offense, and it should be considered as such for monitoring purposes.
>
> OJJDP also considers status offenders charged with contempt of court and/or violation of probation as status offenders, and they should always be considered as such for monitoring purposes. However, youth under court jurisdiction for delinquent acts who are subsequently charged with status offenses are always considered to be delinquent.

Dependent child: O.C.G.A. 15- 11- 2 (22): A youth who has been: abused or neglected and is in need of the protection of the court; placed for care or adoption in violation of law; or is without his or her parent, guardian, or legal custodian.

3.2.2.2 Federal and state related statutes

Federal

42 U.S.C. § 5633(11)(A): Status, civil-type, and non-offenders shall not be placed in secure detention facilities or secure correctional facilities. A juvenile may be held for up to 24 hours, exclusive of weekends and legal holidays, in a juvenile detention facility prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and legal holidays, immediately following an initial court appearance.

Exceptions:

1) Youth Handgun Safety Act (18 U.S.C. 922(x))
2) Out-of-state runaways held beyond 24 hours
3) Violation a Valid Court Order (VCO).

   In order to qualify for this valid court order exception, in the case of a status offender, there must have been:

   a. a prior valid probation, supervision or commitment order which was based on facts presented in a judicial hearing;
   b. a fair warning which has been incorporated within the written order and distributed to the child, his/her parents, and the child's attorney specifying the consequences (i.e., placement secure detention) associated with violating the order;
   c. an alleged violation of the valid court order;
   d. a probable cause hearing on the alleged violation within 24 hours of admission to detention (excluding weekends and holidays);
   e. an adjudicatory hearing held within the time limits set by state law in which all the elements of due process rights are afforded; and
   f. If the youth is detained as a disposition (i.e. 90 day placement), a non-court agency must complete a pre-sentence evaluation addressing g possible alternative placements for the youth. This may be completed by DCYS, school system or DHR personnel but not by independent court staff. In the absence of such a review, the Valid Court Order exception cannot be claimed for youth detained as a disposition

Georgia

In the state of Georgia CHINS or Dependent Child shall never be detained in any adult jail, adult lock up, or adult or juvenile residential detention facility except under allowed exceptions.

O.C.G.A 15-13-135(b), (c); No accused or adjudicated dependent youth or shall be detained in any adult jail, lockup, or adult or juvenile residential detention facility. A dependent child may be placed in foster care only a licensed foster home or home of noncustodial parent or of a relative; licensed child welfare agency; or licensed shelter care facility.

O.C.G.A 15-11-412 (a), (b), (c): No accused or adjudicated CHINS or shall be detained in any adult jail, lockup, or adult residential facility. A CHINS may be held in a juvenile residential facility until a continued custody hearing is held, provided that a detention assessment has been administered and the youth is not held for more than 24 hours and any of the following apply:

1) runaway
2) habitually disobedient of the reasonable and lawful commands of his or her parent, guardian, or legal custodian and is ungovernable
3) previously failed to appear at a scheduled hearing.

3.2.2.3 Policies

1. It is the goal of the CJCC, the DJJ, and the Council of Juvenile Court Judges (CJCJ) to comply with the provisions of the JJDPA by preventing, whenever possible, the secure detention of status offenders. It is the policy of these agencies that, to the fullest extent possible, those status offenders who are detained are either removed from secure detention within 24 hours (with no more than 24 hours of additional detention following a detention hearing) or that they are detained under the Valid Court Order (VCO) procedure as outlined by OJJDP.
2. The DJJ District Directors will designate a subordinate to serve as the District Monitoring Coordinator. The District Monitoring Coordinator will work with designated DJJ Field Monitors in each jurisdiction to collect data on status offenders detained in those counties in which DJJ is responsible for intake, and for committed status offenders who are detained over 24 hours.
3. In counties where the independent juvenile court is responsible for intake, the Juvenile Court Administrator or designee shall monitor the detention of status offenders.
4. For purposes of this policy, a youth who is admitted to the Regional Youth Detention Center (RYDC) on one day and released anytime during the next <u>judicial</u> day shall be deemed to have been released within 24 hours.
5. The designated DJJ Field Monitors will receive training on OJJDP regulations and the monitoring process.

3.2.2.4 Procedures

1. The DJJ Office of Technology and Information Services (OTIS) will maintain a database of all detained youth in the state called the Juvenile Tracking System (JTS). The CJCC will have access to JTS.
2. The DJJ OTIS will submit an annual report of all status offenders held in secure detention for over 24 hours to the CJCC.
3. The CJCC will the examine the list and research the official file of each youth listed to determine if he/she can be excluded from the list due to: (1) an out-of state runaway; (2) as a Valid Court Order (VCO) exception; (3) as being a delinquent youth; (4) as falling under the 48 hour exception; or (5) if some other reporting error caused the youth to be erroneously listed.

4. In cases where a VCO has been claimed, the DSA would review a sampling of 10% of the cases to determine if the VCO exception was justified. In any case where the instance amounted to a violation, the court involved would be contacted and made aware of the possible loss of funding. Further information on the compliance monitoring violation procedure can be found in *Section 3.3. Compliance Monitoring Violation Procedure.*
5. The Continuous Improvement Office (CIO) will conduct site visits to all Regional Youth Detention Centers (RYDC) and Youth Detention Centers (YDC) and ensure the facilities follow departmental policies and federal and state law standards. The CIO will submit an annual report to the DSA with this information.
6. DJJ Field Monitors will submit both monthly and annual adult jail monitoring facility reports (See Appendix A and B).
7. The DSA will monitor the secure detainment of status offenders in adult jails, lockups, or detention facilities through on-site visits.
8. If a status offender is reported, the DSA will contact the DJJ Field Monitor and research the official file of each youth reported in JTS for further information. If a violation is found, the DSA will follow the procedures found in *Section 3.3 Compliance Monitoring Violation Procedures.*

3.2.3 Monitoring of Jail Removal

Purpose:

The purpose of this policy is to establish standards and procedures for the monitoring of juveniles held in adult jails, lockups, and detention centers in the state of Georgia.

To ensure the accuracy of data compiled annually and monthly regarding jail removal in violation of the JJDPA.

These activities are necessary to document Georgia's compliance with Federal law and regulations issued by the OJJDP. Documentation of compliance with these regulations is required for Georgia to receive Federal grant funds for delinquency treatment and prevention programs.

3.2.3.1 Federal and related state definitions

<u>Federal</u>

The following definitions can be found in the OJJDP Guidance Manual 2010.

Delinquent Offender: The juvenile has committed an offense that would be criminal if committed by an adult

<u>Georgia</u>

Delinquent Act: O.C.G.A 15-11-1 (19): An act committed by a youth that would be a criminal offense regardless of age.

Superior Court Jurisdiction: O.C.G.A 15-11-560: The Superior Court shall have exclusive jurisdiction over the trail of any youth aged 13 - 17 years accused or adjudicate dot have committed any of the following offenses: murder; voluntary manslaughter; rape; aggravated sodomy; aggravated child molestation; aggravated sexual battery; or armed robbery.

3.2.3.2 Federal and state related statutes

Federal

42 U.S.C. 5633 Sec 223 – 11(13)

provide that no juvenile shall be detained or confined in any jail or lockup for adults except-

(A) juveniles who are accused of non-status offenses who are detained in such jail or lock-up for a period not to exceed 6 hours -- (i) for processing or release; (ii) while awaiting transfer to a juvenile facility; or (iii) in which period such juveniles make a court appearance

and only if such juveniles do not have contact with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates in collocated facilities have been trained and certified to work with juveniles;

(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup –

(i) in which –

(I) such juveniles do not have contact with adult inmates; and
(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates in collocated facilities have been trained and certified to work with juveniles; and

(ii) that –

(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;
(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed 48 hours) delay is excusable; or

(III) is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;

Georgia

O.C.G.A 15-11-501

(a) An alleged delinquent child may be taken into custody:

(1) Pursuant to an order of the court under this article, including an order to a DJJ employee to apprehend:

(A) When he or she has escaped from an institution or facility operated by DJJ; or

(B) When he or she has been placed under supervision and has violated its conditions;

(2) Pursuant to the laws of arrest; or

(3) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that a child has committed a delinquent act.

(b) A law enforcement officer taking a child into custody shall promptly give notice together with a statement of the reasons for taking such child into custody to his or her parent, guardian, or legal custodian and to the court.

(c) When a child who is taken into custody has committed an act which would constitute a felony if committed by an adult, the juvenile court, within 48 hours after it learns of such child having been taken into custody, shall notify the prosecuting attorney of the judicial circuit in which the juvenile proceedings are to be instituted.

O.C.G.A 15-11-502

(a) A person taking an alleged delinquent child into custody, with all reasonable speed and without first taking such child elsewhere, shall:

(1) Immediately release such child, without bond, to his or her parent, guardian, or legal custodian upon such person's promise to bring such child before the court when requested by the court;

(2) Immediately deliver such child to a medical facility if such child is believed to suffer from a serious physical condition or illness which requires prompt treatment and, upon delivery, shall promptly contact a juvenile court intake officer. Immediately upon being notified by the person taking such child into custody, the juvenile court

intake officer shall determine if such child can be administered a detention assessment and if so, shall conduct such assessment and determine if such child should be released, remain in protective custody, or be brought before the court; or

(3) Bring such child immediately before the juvenile court or promptly contact a juvenile court intake officer. The court or juvenile court intake officer shall determine if such child should be released or detained. All determinations and court orders regarding detention shall comply with the requirements of this article and shall be based on an individual detention assessment of such child and his or her circumstances.

(b) Notwithstanding subsection (a) of this Code section, a law enforcement officer may detain an alleged delinquent child for a reasonable period of time sufficient to conduct interrogations and perform routine law enforcement procedures including but not limited to fingerprinting, photographing, and the preparation of any necessary records.

(c) Prior to a detention hearing, an alleged delinquent child shall be placed in detention, if necessary, only in such places as are authorized by Code Section 15-11-504.

O.C.G.A 15-11-504

(a) An alleged delinquent child may be detained only in:

(1) A licensed foster home;
(2) A home approved by the court which may be a public or private home;
(3) The home of such child's noncustodial parent or of a relative;
(4) A facility operated by a licensed child welfare agency; or
(5) A secure residential facility or nonsecure residential facility.

(b) Placement shall be made in the least restrictive facility available consistent with the best interests of the child.

(c) A child 15 years of age or older and alleged to be a delinquent child may be held in a jail or other facility for the detention of adults for identification or processing procedures or while awaiting transportation only so long as necessary to complete such activities for up to six hours, or for up to 24 hours if the closest secure residential facility is more than 70 miles from such facility, if all of the following apply:

(1) Such child is detained for the commission of a crime that would constitute a class A designated felony act, class B designated felony act, or a serious violent felony as defined in Code Section 17-10-6.1;

(2) Such child is awaiting a detention hearing;

(3) Such child's detention hearing is scheduled within 24 hours after being taken into custody, excluding weekends and legal holidays;

(4) There is no existing acceptable alternative placement for such child; and

(5) The jail or other facility for the detention of adults provides sight and sound separation for children, including:

(A) Total separation between children and adult facility spatial areas such that there is no verbal, visual, or physical contact and there could be no haphazard or accidental contact between child and adult residents in the respective facilities;

(B) Total separation in all program activities for children and adults within the 4864 facilities, including recreation, education, counseling, health care, dining, sleeping, and 4865 general living activities;

(C) Continuous visual supervision of a child; and

(D) Separate staff for children and adults, specifically direct care staff such as recreation, education, and counseling, although specialized services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of children and adults, can serve both.

(d) A child shall not be transported with adults who have been charged with or convicted of a crime. DJJ may transport a child with children who have been charged with or convicted of a crime in superior court.

(e) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with a crime shall inform the court or the juvenile court intake officer immediately when a child who appears to be under the age of 17 years is received at such facility and shall deliver such child to the court upon request or transfer such child to the facility designated by the juvenile court intake officer or the court.

(f) All facilities shall maintain data on each child detained and such data shall be recorded and retained by the facility for three years and shall be made available for inspection during normal business hours by any court exercising juvenile court jurisdiction, by DJJ, by the Governor's Office for Children and Families, and by the Council of Juvenile Court Judges. The required data are each detained child's:

(1) Name;
(2) Date of birth;
(3) Sex;
(4) Race;
(5) Offense or offenses for which such child is being detained;
(6) Date of and authority for confinement;
(7) Location of the offense and the name of the school if the offense occurred in a school safety zone, as defined in Code Section 16-11-127.1;
(8) The name of the referral source, including the name of the school if the referring source was a school;
(9) The score on the detention assessment;
(10) The basis for detention if such child's detention assessment score does not in and

of itself mandate detention;
(11) The reason for detention, which may include, but shall not be limited to, preadjudication detention, detention while awaiting a postdisposition placement, or serving a short-term program disposition;
(12) Date of and authority for release or transfer; and
(13) Transfer or to whom released.

3.2.3.3 Policies

1. It is the goal of the CJCC, DJJ, and CJCJ that no juvenile be held in an adult jail, lockup, or adult detention center in violation of State or Federal law. If a law enforcement agency informs a juvenile intake officer that a juvenile is being held in an adult jail, lockup, or detention facility the intake officer will evaluate the situation and ensure that juveniles who are being held in violation of state law are either removed to an appropriate facility or released to their parents.
2. A designated DJJ Field Monitor will survey the adult jail, lockup, or detention facility in his or her jurisdiction each month to determine if any child under the age of 17 has been detained there. If a juvenile has been held, the DJJ Field Monitor shall complete the appropriate portions of the Monthly Jail Report (See Appendix B) for each youth detained. The Monitoring Coordinator will coordinate this process.
3. DJJ Field Monitors will:
    1) verify each report of facility in their district.
    2) visit, when necessary, each jail that detains a juvenile during the reporting period.
4. DJJ Field Monitors will conduct an annual an on-site inspection of each jail, police lockup, or detention facility in their jurisdiction and complete the Annual Jail Monitoring Report (See Appendix A).
5. DJJ Field Monitors will receive training in jail monitoring process and the related laws and regulations.
6. The DSA and DJJ Monitoring Coordinator will review and monitor submitted annual and monthly jail reports. The CJCC will serve as an audit function to verify submitted reports. The CJCC shall visit every reported facility at least once every three years.

3.2.3.4 Procedures

1. The DJJ Field Monitor will contact each adult jail, lockup, or detention facility in his/her district or sub-district each month and will inquire if any child under the age of 17 (excluding youth awaiting trial as adults) was detained in the facility.
2. The DJJ Field Monitor will make record of the applicable items on the Monthly Jail Report. For each child listed on a Monthly Jail Report, the DJJ Field Monitor will verify the information and will furnish any missing information. A visit to the jail may be necessary to obtain all of the necessary information. Included will also be a separate sheet of paper listing all of the jails or lockups contacted which did not detain juveniles during the month.
3. Upon completion, the DJJ Field Monitor will submit the Monthly Jail Report to the DJJ Monitoring Coordinator no later than the tenth of each month following the

reporting month. The DJJ Monitoring Coordinator will then forward completed monthly reports to the DSA.

4. Copies of the Monthly Jail Report should be submitted to appropriate District Directors for information purposes.
5. DJJ Field Monitors will conduct an on-site visit annually to each adult jail, lockup, or detention facility in his/her district or sub-district (January 1 - December 30).
6. The DJJ Field Monitor will complete the Annual Jail Monitoring Report and submit it to the DJJ Monitoring Coordinator. The DJJ Monitoring Coordinator will then forward completed reports to the DSA.
7. The DSA will review all reports for violations. Further information on the compliance monitoring violation procedure can be found in *Section 3.2 Compliance Monitoring Violation Procedure.*
8. The DSA will conduct on-site audit visits which shall occur at least once every three years. For more information on audit inspections can be found in *Section 3.2.2.1 Data Collection and Data Verification.*
9. The DJJ Monitoring Coordinator will maintain a log listing all jails and lockups indicating:
    a. the date on which the annual visit occurred; and
    b. the person who conducted the visit.

3.2.4 Monitoring of Sound and Sight Separation

Purpose:

The purpose of this policy is to establish standards and procedures for the monitoring of sight and sound separation from adult inmates for juveniles held in adult jails, lockups, and detention centers in the state of Georgia.

To ensure the accuracy of data compiled annually and monthly regarding jail removal in violation of the JJDPA.

These activities are necessary to document Georgia's compliance with Federal law and regulations issued by the OJJDP. Documentation of compliance with these regulations is required for Georgia to receive Federal grant funds for delinquency treatment and prevention programs.

3.2.4.1 Federal and state related definitions

The following definition can be found in the OJJDP Manual 2010.

Contact (sight and sound): Any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including adult inmate trustees. Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between incarcerated adults and juvenile offenders

3.2.4.2 Federal and state related statutes

Federal

42 U.S.C. 5633 (13)

(13) provide that no juvenile shall be detained or confined in any jail or lockup for adults except

(A)*juveniles who are accused of nonstatus offenses who are detained in such jail or lock-up for a period not to exceed 6 hours --*

(i) for processing or release;
(ii) while awaiting transfer to a juvenile facility; or
(iii) in which period such juveniles make a court appearance;

and only if such juveniles do not have contact with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates in collocated facilities have been trained and certified to work with juveniles;

Georgia

O.C.G.A 15-11-504 (a)(5)

(5) The jail or other facility for the detention of adults provides sight and sound separation for children, including:

(A) Total separation between children and adult facility spatial areas such that there is no verbal, visual, or physical contact and there could be no haphazard or accidental contact between child and adult residents in the respective facilities;

(B) Total separation in all program activities for children and adults within the 4864 facilities, including recreation, education, counseling, health care, dining, sleeping, and 4865 general living activities;

(C) Continuous visual supervision of a child; and

(D) Separate staff for children and adults, specifically direct care staff such as recreation, education, and counseling, although specialized services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of children and adults, can serve both.

3.2.4.3 Policies

1. It is the goal of the CJCC, DJJ, and CJCJ that all juveniles held in an adult jail, lockup, or adult detention center be sight and sound separated from adult inmates.

3.2.4.4 Procedures

1. DJJ Field Monitors will make record if the facilities in his/her district or sub-district provide sight and sound separation for juveniles in the Monthly and Annual Jail Report. A visit to the jail may be necessary to obtain all of the necessary information.

2. The DSA will conduct on-site audit inspections. During which the DSA will monitor for sight and sound separation for juveniles. For more information on audit inspections can be found in *Section 3.2.2.1 Data Collection and Data Verification.*

3.2.5 Monitoring Barriers and Strategies

1. To ensure that Georgia maintains a monitoring system with integrity, the CJCC biennially reviews the monitoring system through identifying barriers, if any, and developing plans to overcome those barriers.
2. It is the goal of the CJCC, the DJJ, and the CJCJ to comply with the provisions of the JJDPA by preventing whenever possible, the secure detention of status offenders. It is the policy of these agencies that, to the fullest extent possible, those status offenders who are detained are either removed from secure detention within 24 hours (with no more than 24 hours of additional detention following a detention hearing) or that they are detained under the VCO procedure as outlined by OJJDP.
3. It is the goal of the CJCC, the DJJ, and the CJCJ to comply with the provisions of the JJDPA by preventing whenever possible, the detention of juvenile delinquents in adult jail, police lockups, or detention facilities with exceptions outlined by OJJDP.
4. It is the goal of the CJCC, the DJJ, and the CJCJ to comply with the provisions of the JJDPA by ensuring sight and sound separation for all juveniles held in secure custody outlined by the OJJDP.
5. The CJCC will review all pertinent revisions to the Official Code of Georgia Annotated (O.C.G.A.) on an annual basis as soon as these are issued by the Georgia Legislature.
6. During the biennial training of DJJ Field Monitors, the training agenda will include a discussion of local and statewide barriers to compliance and serve as a strategy session to overcome these barriers. The CJCC staff will review any barriers reported and follow up by focusing efforts to minimize or eliminate these barriers in order to maintain compliance.

3.3 Monitoring Universe Data Collection and Verification

3.3.1 Data

3.3.1.1 Data Collection and Data Verification

The state of Georgia collects data concerning the 3 core requirements.

Any juvenile detained in a secure juvenile detention center in the State of Georgia is entered into Georgia's JTS. JTS is used by the DJJ as "a case management tool in the care and supervision of youth[10]". The system tracks how long a youth is held, case records, educational records, behavioral health records, and health records for any youth who is or was under the supervision of DJJ or the Juvenile Court.

DJJ OTIS will submit an annual data to the DSA concerning the secure detention of status offenders in excess of 24 hours (excluding weekends and holidays) in juvenile detention facilities. The DSA has access to JTS and will verify each incidence of reported detention in violation of state and/or federal law(s) for accuracy.

The CIO conducts visits and monitors the secure juvenile detention centers in Georgia. The CIO submits a report annual with this information to the DSA.

DJJ Field Monitors report annual and monthly data to the DJJ Monitoring Coordinator who then forwards the completed information to the DSA for review. The report captures any juvenile held in secure custody. The report includes the: name of juvenile; DOB; race/sex; county of residence; date and time admitted/released; accused offenses; sight and sound separation; and why the juvenile was held. The jail monitoring reports are to be submitted by the tenth of each month to DJJ Monitoring Coordinator. The DJJ Monitoring Coordinator forwards the completed reports to the DSA who will review all submitted reports.

Audit Inspections

The DSA will conduct on-site audit inspections. The DSA aims to have on-site audit inspections occur at least once every three years for facilities listed on the Monitoring Universe. This audit function will verify the data submitted through the annual and monthly reports by DJJ Field Monitors; additionally, it will allow for increased awareness around the JJDPA and further relationship building between state and local government. By doing on-site audit visits, the state of Georgia will be able to:

1. verify that detention facilities are in compliance with state and federal requirements.
2. verify the accuracy of detention-related data submitted to DJJ OTIS.
3. build stronger relationships between state and local government.

On-site Audit Procedures:

1. The DSA will contact DJJ Field Monitor. This contact will inform them that an on-site visit will be conducted. The DSA will give a range of time for the visit to take place and coordinate with the DJJ Field Monitor.
2. The DJJ Field Monitor will contact and coordinate with the facilities in their jurisdiction and schedule an on-site visit.
3. Prior to the on-site visit the DSA will review the reports submitted for each facility.
4. The DSA along with the DJJ Field Monitor will go to the facility.
5. The on-site visit will include five components: a set of questions to be answered by the facility; a review of all log records; a review of policy pertaining to juveniles; a

[10] Georgia DJJ Policy 6.4

walk through of the process a juvenile would go through if held in custody; and information regarding the JJDPA and corresponding O.C.G.A law.

6. After a visit is conducted, the DSA will note all findings in a site visit log and store papers appropriately. The DSA will send an e-mail summarizing the findings to the facility. Contingent on the findings, the DSA will proceed from there. If there were significant findings, the DSA will follow-up with the facility 30 days after the site visit via e-mail.

3.3.1.2 Submission of Annual Compliance Monitoring Report

1. The DSA will submit, no later than June 30th, to the Office of Juvenile Justice and Delinquency Prevention:
    a. The Annual State Compliance Monitoring Report; and
    b. If necessary, request for a finding of full de minimis exceptions to Section 223 (a) (12) (A).

3.4 Compliance Monitoring Violation Procedure

If the DSA suspects or finds a violation, the procedures are as follows:

Violation Reporting Procedures

If a violation is reported, the DSA will:

1. The DSA staff will research the juvenile in question using JTS. The DSA will contact the responsible DJJ Field Monitor for review and confirmation of possible violations.
2. Upon receipt of this information from the DJJ Field Monitor and JTS, the CJCC will document the violation appropriately.
3. If a violation did occur, the CJCC will further inquire the circumstances or causes of such violation.
4. Depending on the circumstances, the CJCC may contact the facility involved and schedule a site visit within 90 days.
5. At the time of the site visit the concerns would be reviewed and technical assistance offered to ensure there is no re-occurrence.
6. A follow-up letter will be sent with specific recommendations included.

Georgia law prohibits programs such as Scared Straight, Boot Camp, Shock Incarceration, or similar programs as a method of rehabilitation.

O.C.G.A. 15-11-415

(b) A child alleged to be a child in need of services shall not be detained:
(1) To punish, treat, or rehabilitate such child;
(2) To allow his or her parent, guardian, or legal custodian to avoid his or her legal responsibilities;
(3) To satisfy demands by a victim, law enforcement, or the community;
(4) To permit more convenient administrative access to him or her;
(5) To facilitate further interrogation or investigation; or
(6) Due to a lack of a more appropriate facility.

O.C.G.A 15-11-503

(c) An alleged delinquent child shall not be detained:

(1) To punish, treat, or rehabilitate him or her;

(2) To allow his or her parent, guardian, or legal custodian to avoid his or her legal responsibilities;

(3) To satisfy demands by a victim, law enforcement, or the community;

(4) To permit more convenient administrative access to him or her;

(5) To facilitate further interrogation or investigation; or

(6) Due to a lack of a more appropriate facility

If at the time of the site visit, or at another time, it is determined that the facility operates or may operate a prison/jail tour type programs, the CJCC will:

1. The operation of the program would be reviewed.
2. The agency would be advised that the operation of a program that if the program into sight or sound contact with adult offenders would constitute a violation and could result in a loss of funding. Additionally, that it is against Georgia Code to operate such facility.
3. The agency would be offered technical assistance and provided with information regarding evidence-based models.

It will be the responsibility of the CJCC to determine whether or not these instances represent a pattern of practice that violate the spirit of the JJDPA and to take appropriate measures if this is found to be the case. Further, it will be the responsibility of CJCC to include any of these findings in the state's Annual Compliance Monitoring Report to OJJDP.

3.5 Training and Technical Assistance

The CJCC provides both training and technical assistance to the DJJ Field Monitors and any holding facility. The CJCC holds biennial training for all DJJ Field Monitors. This training is held regionally to ensure the greatest attendance outcome. The training teaches DJJ Field Monitors about the current Federal and Georgia law; how to monitor jails and lockups; and answers any questions pertaining to compliance monitoring.

Additionally, throughout the year the CJCC attempts to conduct trainings at any relevant State conferences. In 2015 the CJCC is scheduled to hold a training at the Annual Georgia Jail Administrators Conference titled "*Compliance with the JJDPA".* The training aims to educate those in Georgia jails about compliance with the JJDPA and how to prevent the secure custody of juveniles.

APPENDIX A

ANNUAL JAIL MONITORING REPORT

1. Person completing report: _____ Date:_____
2. Monitor verifying report: _____ Date:_____
3. Period of Report: Month Year
4. Name of Facility: _____ County:_____
5. Contact:_____ Phone:_____ Email:_____
6. Type of Facility:
   - ☐ Jail
   - ☐ Lock up
   - ☐ Other: _____

7. During the last 12 months, has the facility held ANY juvenile offenders in **SECURE CUSTODY:**
   - ☐ No, this facility held _0_ juvenile offenders in **secure custody.**
   - ☐ Yes, this facility held juveniles in **secure custody**.

If you answered no (Q7)**,** you have completed the annual jail report. Please sign this form at the bottom. Thank you.

If you answered yes, please continue filling out the form in regards to juvenile offenders held in SECURE CUSTODY ONLY.

8. Did the facility provide both Sight and Sound separation for all juveniles (excluding juveniles who have been bound over as adults)?
   - ☐ Sight and Sound separation
   - ☐ Sight separation only
   - ☐ Sound separation only
   - ☐ No separation
   - ☐ Partial: **If you did not provide both sight and sound separation for all juvenile offenders held in secure custody, but for some:**

     Total number sight **and** sound separated: _____
     Total number not separated: _____

9. Total number held of delinquent:
   ACCUSED offenders for more than 6 hours: _____
   ACCUSED offenders for less than 6 hours: _____
   ADJUDICATED offenders for more than 6 hours: _____

10. Total number held of status/CHINS, non-offender:
    ACCUSED offenders more than 6 hours: _____
    ACCUSED offenders more than 24 hours: _____
    ADJUDICATED offenders: _____

11. Date of current Inspection: _____
12. Name of person certifying data: _____ Phone Number: _____
    Signature of person certifying data:_____

APPENDIX B

MONTHLY JAIL MONITORING REPORT

1. Person completing report: _____ Date:_____
2. Monitor verifying report: _____ Date:_____
3. Period of Report: Month Year
4. Name of Facility: _____ County:_____
5. Type of Facility:
   - ☐ Jail
   - ☐ Lock up
   - ☐ Other: _____

6. During this reporting period, has the facility held ANY juvenile offenders in **SECURE CUSTODY?**
   - ☐ No, this facility held _0_ juveniles in **secure custody**
   - ☐ Yes, this facility held juveniles in **secure custody**.

If you answered no, you have completed the monthly jail report. Please sign at the bottom of the form. Thank you.

If you answered yes, please continue filling out the form for each juvenile who was held in SECURE CUSTODY ONLY.

7. Name of Juvenile: _____
8. Date of Birth: _____ Race: _____ Sex:_____
9. County of Residence (State, if not GA Resident): _____
10. Date Admitted: _____ Time Admitted: _____
11. Date Released: _____ Time Released: _____
12. Total time in jail (hours): _____
13. Accused Offense(s): _____
    - ☐ Delinquent
    - ☐ Status/CHINS, Non-offender
    - ☐ Other: _____
14. Did the juvenile receive Sight and Sound Separation?
    - ☐ Sight and Sound separation
    - ☐ Sight separation only
    - ☐ Sound separation only
    - ☐ No separation

15. What was the reason this juvenile was securely detained?
    - ☐ Held as adult
    - ☐ Awaiting transfer to court,
    - ☐ Awaiting transfer to YDC/RYDC/Juvenile Prison
    - ☐ Identification/investigation/processing/or release to parents
    - ☐ Other (please specify):_____

16. Name of person certifying this data (Name & Title):_____
    Signature of person certifying this data: _____
    Phone Number:_____

APPENDIX C

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 14-08	Policy # 6.4
Applicability {x} All DJJ Staff {x} Administration {x} Community Services {x} Secure Facilities (RYDCs and YDCs)	Related Standards & References: DJJ 5.2, 5.4, 5.5, 6.2 4-JDF-1E-06, 3-JDF-1E-07,08	
Chapter 6: INFORMATION TECHNOLOGY Subject: JUVENILE TRACKING SYSTEM Attachments: None.	Effective Date: 10/20/14 Scheduled Review Date: 10/20/15 Replaces: 4/1/12 Administrative Services Division APPROVED: Avery D. Niles, Commissioner	

I. POLICY:

The Department of Juvenile Justice will use the Juvenile Tracking System as a case management tool in the care and supervision of youth.

II. DEFINITIONS:

Information Technology Resources: Desktop, laptop, and handheld computers and tablets, jump/flash drives used on Department computers, printers, scanners, data networks and servers, internet, e-mail, numerous applications including but not limited to mobile platforms, software programs, cellular telephones, two-way radios, Guard Plus, DJJ agency website, wireless, ~~and~~ electronic, and video communication~~s~~ devices and CCTV.

Juvenile Tracking System (JTS): An electronic compilation of a youth's case record, education record, behavioral health records and health record.

III. PROCEDURES:

A. The Juvenile Tracking System (JTS) contains the case records, educational records, behavioral health records and health records of a youth who is or was under the care or supervision of the Department of Juvenile Justice or the jurisdiction of a Juvenile Court.

B. All DJJ staff, contractors, and interns will safeguard JTS in the same manner that a paper record would be safeguarded. (See DJJ 5.2, Case Records, DJJ 5.4, Education Records, and DJJ 5.5, Health Records)

1. JTS is password-protected.

2. Passwords are confidential. Staff will not share/disclose passwords with any other person, within or outside of the Department. However staff may give passwords to Office of Technology and Information Services (OTIS) staff for

APPENDIX C

Chapter	Subject	Policy #	Page
INFORMATION TECHNOLOGY	JUVENILE TRACKING SYSTEM	6.4	2 of 2

computer repairs. Staff will immediately change the password upon the completion of the computer repair.

3. Youth are strictly prohibited from any access to JTS. Staff must not allow any youth to gain access to JTS.

C. Records management policies govern how records, including JTS, will be handled and disclosed. (See DJJ Chapter 5, Records Management)

D. The Office of Technology and Information Service may re-configure JTS as deemed necessary by the Chief Information Officer or designee. Staff will use new applications as they become available.

E. Any breach of information security in JTS will be handled in accordance with policy DJJ 6.2 Network Access.

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO

APPENDIX D

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 14-06	Policy # 20.6
Applicability: { } All DJJ Staff {x} Administration {x} Community Services { } Secure Facilities	**Related Standards & References:** Juvenile Justice Detention Prevention Act 1970, ACA-2-7013, O.C.G.A 15-11-504	
Chapter 20: CASE MANAGEMENT Subject: STATUS OFFENDER / CHINS AND JAIL MONITORING Attachments: A. Monthly Jail Monitoring Report B. Annual Jail Monitoring Report	Effective Date: 8/22/14 Scheduled Review Date: 8/22/15 Replaces: 3/1/12 Community Services Division APPROVED: **Avery D. Niles, Commissioner**	

I. POLICY:

The Department of Juvenile Justice shall work cooperatively with the Criminal Justice Coordinating Council in their provision of detention by monitoring, reporting, and remedying violations of state law and federal regulation.

II. DEFINITIONS:

Detention: The placement of a youth in a secure facility (e.g., RYDC, YDC, county jail, etc.) pending adjudication.

Adult Jail: A secured locked facility to detain adults charged with violating criminal law that are also pending trial or convicted adult criminal offenders sentenced to serve up to one year in detention. This facility may be operated by a municipality (city) in Georgia or local county Sheriff's office.

Adult Lock up: A secured locked facility generally operated by a municipal or police facility of a temporary nature (non-residential) and does not hold detainees after they have been formally charged.

Sight and sound separation: Physical or sustained sight and/or sound contact that must not be made between a juvenile offender and incarcerated adults, including inmate trustees, while in detention at an adult jail or lock up facility.

Sight contact: Clear visual contact between incarcerated adults and juveniles within close proximity to each other

Sound contact: Direct oral communication between incarcerated adults and juvenile offenders.

APPENDIX D

Chapter	Subject	Policy #	Page
CASE MANAGEMENT	STATUS OFFENDER AND JAIL MONITORING	20.6	2 of 2

Status Offender /CHINS youth (Children in need of Services): For the purpose of this policy, a child detained by the Juvenile Court to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation .

III. PROCEDURES:

A. Department staff will provide any requested data from the Juvenile Tracking System (JTS) needed for the Criminal Justice Coordinating Council to conduct status offender /CHINS monitoring.

B. The Juvenile Program Manager will ensure that the following is completed in regards to the monitoring of jails in their area:

1. All juveniles that are charged with a status offense /CHINS or delinquent offense that are held or detained in a Georgia adult locked detention facility (excluding those youth who are charged as adults) will be reported using the Monthly Jail Monitoring Report (Attachment A).

   a) A determination of if sight and sound separation was provided during the detention period of the juvenile will be included.

   b) The Monthly Jail Monitoring Report will be submitted to the Director of Operations of the Division of Community Services, or designee by the 10th of each month.

2. An Annual Jail Site Inspection (Attachment B) will be completed for Georgia adult detention facilities that temporarily hold or detain juveniles for status offenses / CHINS or delinquent offenses.

   a) A determination of whether the adult detention facility provides sight and sound separation, sight separation only, sound separation only, or no separation at all will be included.

   b) The Annual Jail Site Inspection will be submitted to the Director of Operations of the Division of Community Services, or designee within 12 months of the previous year's report.

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO

APPENDIX E

GOCF Response to OJJDP Compliance Monitoring Audit letter 2010

1. ***OJJDP****: The legal and/or administrative policies and procedures that grant authority to your agency or another to conduct monitoring. This includes the collection or submission of monitoring data and the annual inspection of facilities. Related to this is the authority to receive and investigate complaints of violations and to impose sanctions where necessary;*

Georgia: Enabling legislation for the Governor's Office for Children and Families (GOCF) is specified in the Official Code of Georgia, Annotated (O.C.G.A.) 49-5-130/135. This legislation, combined with 15-11-48, grants GOCF the authority to conduct monitoring and inspect facilities.

See below for full text.

O.C.G.A. § 49-5-130

GEORGIA CODE
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*** Current through the 2009 Regular Session ***

TITLE 49. SOCIAL SERVICES
CHAPTER 5. PROGRAMS AND PROTECTION FOR CHILDREN AND YOUTH
ARTICLE 6. PROGRAMS AND PROTECTION FOR CHILDREN
PART 1. GOVERNOR'S OFFICE FOR CHILDREN AND FAMILIES

O.C.G.A. § 49-5-130 (2009)

§ 49-5-130. Legislative findings and intent

The General Assembly finds and declares:

(1) That the future of this state depends on our supporting and nurturing the creation and development of strong, safe, stable, and successful families. Therefore, the General Assembly is committed to ensuring the provision of appropriate services to children, youth, and families. The intent of this article is to provide for the effective coordination and communication between providers of prevention and early intervention services for children and youth and juvenile justice and child welfare systems at all levels of state government;

(2) That consolidating multiple child welfare and juvenile justice funding and policy agencies into a single agency with authority to address the needs of at-risk children from birth through adolescence will create a more unified, consistent approach to addressing the needs of our state's children and youth; and

(3) Its intent to reduce the number of children committed by the courts to institutions operated by the Department of Juvenile Justice and the Department of Human Services or other state agencies and to provide a preventative, comprehensive plan for the development of community based alternatives so that children who have committed delinquent acts and children who are at risk of becoming dependents of state government and its institutions may not have to be committed to a state detention facility or other such facility. Additionally, it is the intent of this part to provide for non-institutional disposition options in any case before the juvenile court where such disposition is deemed to be in the best interest of the child and of the community.

O.C.G.A. § 49-5-131 (2009)

§ 49-5-131. Definitions

As used in this part, the term:

(1) "Board" means the advisory board to the Governor's Office for Children and Families created pursuant to Code Section 49-5-134.

(2) "Child" means a person under the age of 17 years or a person under the age of 18 years who is alleged to be deprived or is alleged to be a status offender as those terms are defined by Code Section 15-11-2.

(3) "Director" means the executive director of the Governor's Office for Children and Families.

(4) "Fund" means the Children's Trust Fund created pursuant to Code Section 19-14-20.

(5) "Neglect" means harm to a child's health or welfare by a person responsible for the child's health or welfare which occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.

(6) "Office" means the Governor's Office for Children and Families created pursuant to Code Section 49-5-132.

(7) "Prevention program" means a system of direct provision of child abuse and neglect

prevention services to a child, parent, or guardian and may include research or educational programs related to prevention of child abuse and neglect.

O.C.G.A. § 49-5-132 (2009)

§ 49-5-132. Governor's Office of Children and Families established; funding; duties and responsibilities

(a) There is established the Governor's Office for Children and Families which shall be assigned to the Governor's Office of Planning and Budget for administrative purposes.

(b) The office shall be the successor entity to the Children and Youth Coordinating Council and to the Children's Trust Fund Commission and shall assume the continuing responsibilities, duties, rights, staff, contracts, debts, liabilities, and authorities of those bodies, any law to the contrary notwithstanding.

(c) The office may accept federal funds granted by Congress or executive order for the purposes of the fund as well as gifts and donations from individuals, private organizations, or foundations. The acceptance and use of federal funds does not commit state funds and does not place an obligation upon the General Assembly to continue the purposes for which the federal funds are made available. All funds received in the manner described in this Code section shall be transmitted to the director of the Office of Treasury and Fiscal Services for deposit in the fund to be disbursed as other moneys in such fund.

(d) The office is further vested with authority to carry out the following duties and responsibilities in consultation with the board:

(1) To carry out the prevention and community based service programs as provided for in Part 2 of this article;

(2) To carry out the duties relating to mentoring as provided for in Part 3 of this article;

(3) To cooperate with and secure cooperation of every department, agency, or instrumentality in the state government or its political subdivisions in the furtherance of the purposes of this article;

(4) To prepare, publish, and disseminate fundamental child related information of a descriptive and analytical nature to all components of the children's service system of this state, including, but not limited to, the juvenile justice system;

(5) To serve as a state-wide clearing-house for child related information and research;

(6) In coordination and cooperation with all components of the children's service systems of this state, to develop legislative proposals and executive policy proposals reflective of the priorities of the entire child related systems of this state, including, but not limited to, child abuse injury prevention, treatment, and juvenile justice systems;

(7) To serve in an advisory capacity to the Governor on issues impacting the children's service systems of this state;

(8) To coordinate high visibility child related research projects and studies with a state-wide impact when those studies and projects cross traditional system component lines;

(9) To provide for the interaction, communication, and coordination of all components of the children's service systems of this state and to provide assistance in establishing state-wide goals and standards in the system;

(10) To provide for the effective coordination and communication between providers of children and youth services, including pediatrics, health, mental health, business and industry, and all components of social services, education, and educational services;

(11) To encourage and facilitate the establishment of local commissions or coalitions on children and youth and to facilitate the involvement of communities in providing services for their children and youth;

(12) To review and develop an integrated state plan for services provided to children and youth in this state through state programs;

(13) To provide technical assistance and consultation to members of the council and local governments, particularly those involved in providing services to their children and youth;

(14) To facilitate elimination of unnecessary or duplicative efforts, programs, and services; and

(15) To do any and all things necessary and proper to enable it to perform wholly and adequately its duties and to exercise the authority granted to it.

O.C.G.A. § 49-5-133 (2009)

§ 49-5-133. Executive director; cooperation with Office of the Child Advocate for the Protection of Children

(a) There shall be an executive director of the office who shall be appointed by and serve at the pleasure of the Governor.

(b) The director may contract with other agencies, public or private, or persons as the director deems necessary for the rendering and affording of such services, facilities, studies, research, and reports as will best enable the office to carry out its functions, responsibilities, and duties under this article. The director is specifically authorized to enter into cooperative contracts for the sharing of staff expertise and personnel with the Office of the Child Advocate for the Protection of Children.

O.C.G.A. § 49-5-134 (2009)

§ 49-5-134. Advisory board established; membership; officers and committees; compensation

(a) There is established an advisory board to the office which shall consist of at least 15 members appointed by the Governor who as a group have training, experience, or special knowledge concerning the prevention and treatment of child abuse and neglect, emotional disability, foster care, teenage pregnancy, juvenile delinquency, law enforcement, pediatrics, health care, drug treatment and rehabilitation, early childhood, primary and secondary education, or the administration of juvenile justice.

(b) At least one-fifth of the members of the advisory board shall be under the age of 24 at the time of their appointment, and at least three members shall have been or shall currently be under the jurisdiction of the juvenile justice system or the foster care system. A single member may fulfill both of the above requirements.

(c) Membership on the advisory board does not constitute public office and no member shall be disqualified from holding public office by reason of his or her membership.

(d) The advisory board shall elect a chairperson from among its membership. The advisory board may elect such other officers and committees as it considers appropriate.

(e) Members shall serve without compensation, although each member of the advisory board shall be reimbursed for actual expenses incurred in the performance of his or her duties from funds available to the office. Such reimbursement shall be limited to all travel and other expenses necessarily incurred through service on the advisory board, in compliance with travel rules and regulations. However, in no case shall a member of the advisory board be reimbursed for expenses incurred in the member's capacity as the representative of another state agency.

O.C.G.A. § 49-5-135 (2009)

§ 49-5-135. Powers and duties of advisory board; disbursement of appropriated moneys from fund

(a) The advisory board shall:

(1) Meet at such times and places as it shall determine necessary or convenient to perform its duties. The advisory board shall also meet on the call of the chairperson, the director, or the Governor;

(2) Maintain minutes of its meetings;

(3) Adopt rules and regulations for the transaction of its business;

(4) In consultation with the office, establish criteria for determining eligibility for receipt of disbursements from the fund;

(5) Review applications for disbursements of available money from the fund for child abuse and neglect prevention purposes;

(6) In consultation with the office, administer federal assistance funds for the purposes mentioned in this article, including but not limited to funds under the Juvenile Justice and Delinquency Prevention Act;

(7) Maintain records of all expenditures of the funds received as gifts and donations, and disbursements made, from the fund and from other state and federal funds;

(8) Conform to the standards and requirements prescribed by the state accounting officer pursuant to Chapter 5B of Title 50;

(9) Using the combined expertise and experience of its members, provide regular advice and counsel to the director to enable the office to carry out its statutory duties under this article; and

(10) Carry out such duties of the office as may be required by federal law or regulation so as to enable the state to receive and disburse federal funds for child abuse prevention and treatment and juvenile delinquency prevention and treatment.

(b) The advisory board may authorize the disbursement of available money from the fund after appropriation thereof to an entity or program eligible pursuant to the criteria of the office exclusively to fund a private nonprofit or public organization in the development or operation of

a prevention program if all of the following conditions are met:

(1) The organization demonstrates broad based community involvement emphasizing volunteer efforts and demonstrates expertise in child abuse prevention issues;

(2) The organization demonstrates a willingness and ability to provide program models and consultation to organizations and communities regarding program development and maintenance; and

(3) Other conditions that the board may deem appropriate.

(c) Funds shall not be disbursed from the trust fund to any organization or other entity or for any purpose authorized in subsection (a) of this Code section until approved by the Governor; provided, however, that the Governor may not authorize the disbursement of funds to an organization or other entity which the office has not recommended for a grant.

O.C.G.A. § 15-11-48

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TITLE 15. COURTS
CHAPTER 11. JUVENILE PROCEEDINGS
ARTICLE 1. JUVENILE PROCEEDINGS
PART 5. ARREST AND DETENTION

O.C.G.A. § 15-11-48 (2009)

§ 15-11-48. Place of detention; alleged capital offenders; notice to court by jail official; deprived children; children alleged to be unruly; record of detention

(a) *Allegation of delinquency.* A child alleged to be delinquent may be detained only in:

(1) A licensed foster home or a home approved by the court which may be a public or private home or the home of the noncustodial parent or of a relative;

(2) A facility operated by a licensed child welfare agency; or

(3) A detention home or center for delinquent children which is under the direction or supervision of the court or other public authority or of a private agency approved by the court.

(b) *Allegation of capital or violent offense.* A child alleged to have committed an offense over which the superior court has exclusive or concurrent jurisdiction under subsection (b) of Code Section 15-11-28 shall be detained pending a commitment hearing under Code Sections 17-6-15 and 17-6-16 and Articles 1, 2, and 8 of Chapter 7 of Title 17 or an indictment only in a facility described in paragraphs (1) through (3) of subsection (a) of this Code section unless it appears to the satisfaction of the court in which the case is pending that public safety and protection reasonably require detention in the jail and the court so orders, but only where the detention is in a room separate and removed from those for adults and constructed in such a way that there can be no physical contact between a child and an adult offender.

(c) *Transfer following indictment.* Following an indictment for an offense over which the superior court has exclusive or concurrent jurisdiction under subsection (b) of Code Section 15-11-28 or following the transfer of a case to any court for criminal prosecution under Code Section 15-11-30.2, the child shall be held only in a facility described in paragraphs (1) through (3) of subsection (a) of this Code section unless it appears to the satisfaction of the superior court that public safety and protection reasonably require detention in the jail and the court so orders, but only where the detention is in a room separate and removed from those for adults and constructed in such a way that there can be no physical contact between a child and an adult offender.

(d) *Notification of court by official of jail.* The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall immediately inform the juvenile court or a duly authorized officer of the juvenile court if a person who is or appears to be under the age of 17 years is received at the facility and shall bring him or her before the court upon request or deliver him or her to a detention or shelter care facility designated by the court; provided, however, the official in charge of a jail or other facility for the detention of adult offenders or persons charged with a crime shall immediately inform the court in which the case is pending or a duly authorized officer of such court if a person who is or appears to be 13 to 17 years of age and who is alleged to have committed any offense enumerated in subparagraph (b)(2)(A) of Code Section 15-11-28 is received at the facility and shall bring him or her before the court upon request or deliver him or her to a detention facility designated by the court. Such child shall not be held in the jail but may be held in a temporary holding area outside of the jail constructed as such for not longer than six hours pending transfer to the detention facility. For purposes of this Code section, the term "jail" shall include not only the cells, but any other secured area of the jail adjacent to the cells in which adult offenders are held or through which they are transported.

(e) *Allegation of unruliness.* A child unruly or alleged to be unruly who has not been released

from custody as provided in subsection (e) of Code Section 15-11-47 may be detained or placed in shelter care only in the facilities stated in paragraphs (1) and (2) of subsection (a) of this Code section or in a secure juvenile detention facility for a period not to exceed 72 hours; provided, however, upon written order of the judge having jurisdiction of the case and upon good cause shown, a child alleged to be unruly may be detained for one additional period not to exceed 48 hours; provided, further, that no child alleged to be or found to be unruly who has not previously been adjudicated unruly may be detained in a secure juvenile detention facility unless such child is alleged to be under the court's jurisdiction as provided in subparagraph (D) of paragraph (12) of Code Section 15-11-2 and then shall be detained in that facility only so long as is required to effect the child's return home or to ensure the child's presence at a scheduled court appearance when the child has previously failed to appear for a scheduled court appearance. In the event a child alleged to be unruly comes within the purview of the Interstate Compact on Juveniles and the proper authorities of a demanding state have made an official return request to the proper authorities of this state, the Interstate Compact on Juveniles shall apply to the child.

(f) *Allegation of deprivation.* A child alleged to be deprived may be placed in shelter care only in the facilities stated in paragraphs (1) and (2) of subsection (a) of this Code section or in a shelter care facility operated by the court. The actual physical placement of a child pursuant to this subsection shall require the approval of the judge of the juvenile court or his or her designee.

(g) *Data to be maintained.* All facilities that detain children for pretrial detention shall maintain the following data on each child detained:

(1) Name;

(2) Date of birth;

(3) Sex;

(4) Race;

(5) Offense or offenses for which being detained;

(6) Date of and authority for confinement;

(7) Date of and authority for release or transfer; and

(8) Where transferred or to whom released. Such data shall be recorded and retained by the facility for three years and shall be made available for inspection during normal business hours by any court exercising juvenile court jurisdiction, by the Department of Juvenile Justice, by the Department of Corrections, and by the Georgia Council of Juvenile Court Judges.

2. ***OJJDP***: *A complete list of all public and private juvenile detention and correctional facilities in Georgia, including jails, lockups, prisons, youthful offender institutions, juvenile detention centers, and training schools. Also included should be group homes, shelter care and other non-secure residential facilities, both public and private. This list should include the classification of each facility (public/private, juvenile/adult/juvenile and adult, and secure/non-secure), date of the last inspection, and date of the next scheduled inspection. Please include a description of how the list is updated and the criteria used for classifying facilities (legal and/or administrative definitions), any guidelines that are provided to inspectors that require a review of the adequacy of each facility's record keeping system and, where applicable, provisions for sight and sound separation;*

   Georgia: See attached Draft Monitoring Universe Spreadsheet.

3. ***OJJDP****: The legal and/or administrative definition of a secure facility as contained in the juvenile code, regulations, or other documents;*

Georgia:

O.C.G.A. § 49-4A-4

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TITLE 49. SOCIAL SERVICES
CHAPTER 4A. DEPARTMENT OF JUVENILE JUSTICE

O.C.G.A. § 49-4A-4 (2009)

§ 49-4A-4. Purpose of chapter; detention care facilities

It is the purpose of this chapter to establish the department as the agency to administer, supervise, and manage juvenile detention facilities. Except for the purposes of administration, supervision, and management as provided in this chapter, juvenile detention facilities shall continue to be detention care facilities for delinquent and unruly children and youth for the purposes of Article 1 of Chapter 11 of Title 15, relating to juvenile courts and juvenile proceedings.

Regional Youth Detention Center (RYDC):

Secure short-term centers for youths awaiting trial in Juvenile or Superior Court, or placement elsewhere within the DJJ system.

Youth Development Center (YDC):

Secure, long-term rehabilitation facilities for youths sentenced or committed to DJJ custody by Juvenile Courts.

4. ***OJJDP****: The legal or administrative definition of sight and sound separation;*

Georgia: Since the detention of juveniles in adult facilities is prohibited under O.C.G.A. there is no legal definition of sight and sound separation. Due to this fact, the federal definition is used.

5. ***OJJDP****: Forms used by the State of Georgia and local facilities to collect and report data;*

Georgia: See attached DRAFT Compliance Monitoring Manual for forms and data collection procedures.

6. ***OJJDP****: A list of agencies responsible for each step of the monitoring process and an organizational chart for each;*

Georgia: There are two agencies responsible for monitoring in Georgia.

The primary agency is GOCF.

The secondary support agency is the Department of Juvenile Justice (DJJ).

Both Organizational Charts can be found in tabs on the Monitoring Universe spreadsheet.

7. ***OJJDP****: A timetable for the State of Georgia's monitoring cycle showing the allocation of tasks across the yearly cycle;*

Georgia: Georgia's monitoring cycle is separated into two distinct parts:

Status Offender Monitoring which occurs monthly throughout the year with an annual report prepared by GOCF staff and **Jail Monitoring** which occurs monthly throughout the year with an annual report prepared by DJJ staff.

Status Offender Monitoring

On a daily basis, all youth who are detained in any juvenile detention center in Georgia, are entered into the statewide Juvenile Tracking System (JTS) by Department of Juvenile Justice (DJJ) personnel. This system tracks the exact amount of time (down to the minute) a youth is

held in any facility in the state. On a monthly basis, GOCF staff will pull a report showing all youth who are detained for possible status offenses. GOCF staff then sends out a listing of these possible status offenders to DJJ field monitors for review and confirmation. Upon receipt of this information from DJJ field monitors, GOCF staff will enter final information into JTS system.

On an annual basis GOCF staff will go into the field and personally audit approximately 10% of field monitors files for accuracy.

The annual reporting period covers the period of 10-1-201x through 9-30-201y.

This report is collated and finished and submitted to OJJDP by 12-31 of each year.

The Georgia Compliance Monitoring Manual describes this process in greater detail.

Jail Monitoring

Jail Monitoring is conducted monthly by DJJ field monitors. The annual reporting period covers the period of 10-1-201x through 9-30-201y.This report is collated and finished and submitted to OJJDP by 12-31 of each year.

The Georgia Compliance Monitoring Manual describes this process in greater detail.

8. ***OJJDP**: A detailed explanation and justification of any sampling or projection techniques used in monitoring;*

Georgia: As stated above, Georgia conducts a 100% review of status offender monitoring and jail monitoring. Thanks to JTS, we know where, when, and for how long, status offenders are detained in our state. For quality assurance, we sample a minimum of 10% of all cases to ensure accurate data reporting from the field.

9. ***OJJDP**: Statutes, regulations, executive orders, or court orders that require the deinstitutionalization of status offenders and non-offenders, separation of juveniles and adults, and removal of juveniles from adult jails and lockups. These documents should be accompanied by a written description, showing which of the exceptions allowed by the JJDPA and Formula Grants Program Regulation are used (i.e.; accused delinquents held for up to six hours in jails and lockups) and how the criteria for using each one is satisfied by the State of Georgia; and*

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(1) A licensed foster home or a home approved by the court which may be a public or private home or the home of the noncustodial parent or of a relative;

(2) A facility operated by a licensed child welfare agency; or

(3) A detention home or center for delinquent children which is under the direction or supervision of the court or other public authority or of a private agency approved by the court.

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(e) *Allegation of unruliness.* A child unruly or alleged to be unruly who has not been released from custody as provided in subsection (e) of Code Section 15-11-47 may be detained or placed in shelter care only in the facilities stated in paragraphs (1) and (2) of subsection (a) of this Code section or in a secure juvenile detention facility for a period not to exceed 72 hours; provided, however, upon written order of the judge having jurisdiction of the case and upon good cause shown, a child alleged to be unruly may be detained for one additional period not to exceed 48 hours; provided, further, that no child alleged to be or found to be unruly who has not previously been adjudicated unruly may be detained in a secure juvenile detention facility unless such child is alleged to be under the court's jurisdiction as provided in subparagraph (D) of paragraph (12) of Code Section 15-11-2 and then shall be detained in that facility only so long as is required to effect the child's return home or to ensure the child's presence at a scheduled court appearance when the child has previously failed to appear for a scheduled court appearance. In the event a child alleged to be unruly comes within the purview of the Interstate Compact on Juveniles and the proper authorities of a demanding state have made an official return request to the proper authorities of this state, the Interstate Compact on Juveniles shall apply to the child.

(f) *Allegation of deprivation.* A child alleged to be deprived may be placed in shelter care only in the facilities stated in paragraphs (1) and (2) of subsection (a) of this Code section or in a shelter care facility operated by the court. The actual physical placement of a child pursuant to this subsection shall require the approval of the judge of the juvenile court or his or her designee.

(g) *Data to be maintained.* All facilities that detain children for pretrial detention shall

maintain the following data on each child detained:

(1) Name;

(2) Date of birth;

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(5) Offense or offenses for which being detained;

(6) Date of and authority for confinement;

(7) Date of and authority for release or transfer; and

(8) Where transferred or to whom released. Such data shall be recorded and retained by the facility for three years and shall be made available for inspection during normal business hours by any court exercising juvenile court jurisdiction, by the Department of Juvenile Justice, by the Department of Corrections, and by the Georgia Council of Juvenile Court Judges

10. ***OJJDP****: A copy of your state's compliance monitoring manual which includes any or all of the information described above, if such a manual has been developed.*

Georgia: See attached DRAFT Compliance Monitoring Manual. This Manual and the accompanying Monitoring Universe will be updated by new Compliance Monitor hire (Start date 7/16/2010).