



Oregon Policies and Procedures Manual for Monitoring Compliance With Core Requirements of the Formula Grants Program Authorized Under Title II, Part B, of the Juvenile Justice and Delinquency Prevention Act

August 18, 2022

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This document addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11)(A), (11)(B), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15) is not discussed in this document because states do not monitor individual facilities for compliance with racial and ethnic disparities requirements. The Office of Juvenile Justice and Delinquency Prevention provides information on the racial and ethnic disparities core requirement separately, on the [CCAS Info Hub](#).



Office of Juvenile Justice
and Delinquency Prevention

Working for Youth Justice and Safety

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I. INTRODUCTION/BACKGROUND

A. Program Introduction

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

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

B. State Introduction

In Oregon, the Youth Development Division (YDD) is the Designated State Agency (DSA) responsible for administering the Title II Formula Grant program and therefore ensuring the state complies with all JJDP A requirements as well as providing staff support to the State’s Youth Development Council (YDC) and monitor facilities for their ability to implicate the rights of juveniles under lawful custody.

The YDC serves as Oregon’s State Advisory Group (SAG), adopts agency rules, and participates in the development of the state’s three-year plan, reviews and advises on grant applications, and actively consults with local units of government in developing the state plan’s priorities to address their needs. Oregon Revised Statute ORS 417.850(12) includes:

As required by the federal Juvenile Justice and Delinquency Prevention Act of 1974, 34 U.S.C. § 11133 et seq., the YDD is authorized to approve funding and policy recommendations of the state advisory group and adopt rules for overseeing approved funding and policy recommendations. For monitoring, Oregon employs one full-time compliance monitor to collect data and inspect all facilities that are jails, lockups, secure detention, and secure correctional facilities in the state.

C. Purpose of this Manual

The purpose of this compliance monitoring manual (CMM) is twofold. First, it is to inform facilities, reviewers, and stakeholders about the core requirements that Oregon must address under the JJDP A, and what the JJDP A requires states to include in its compliance monitoring manual. This manual addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11)(A), (11)(B), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15), is not discussed in this manual because states do not monitor individual facilities for compliance with racial and ethnic disparities. The Office of Juvenile Justice

and Delinquency Prevention (OJJDP) provides information on the racial and ethnic disparities core requirement on the [CCAS information hub](#). All references made to “core requirements” in this manual pertain to requirements found in §§ 11133(a)(11), (12), and (13).

Second, this compliance monitoring manual is designed to give facilities, reviewers, and stakeholders an example of how Oregon monitors compliance with the core requirements and how a state should structure its compliance. The left-hand column outlines the law—what Oregon must address in a state’s compliance monitoring manual to adhere to the JJDP. The right-hand column is where Oregon describes its plans to adhere to the JJDP.

II. COMPLIANCE WITH THE CORE REQUIREMENTS

This section describes the core requirements at 34 U.S.C. § 11133(a)(11)(A), (11)(B), (12), and (13). In the following tables, you will find direct statutory and regulatory references in the left-hand column. In the right-hand column, you will find Oregon’s plan to address the requirement, exception, or element.

A. Deinstitutionalization of Status Offenders (DSO)

SUMMARY OF REQUIREMENT	STATE’S PLAN TO ADDRESS REQUIREMENT
<p>Pursuant to 34 U.S.C. § 11133(a)(11)(A), juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders), shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no such juveniles were placed in secure detention and correctional facilities, or when the state’s DSO rate falls below the established threshold.</p>	<p>Oregon complies with the Deinstitutionalization of Status and Nonoffenders (DSO), core requirement. Oregon does not place status offenders, non-offenders, or juveniles who are unauthorized in its fourteen secure detention or correctional facilities for juveniles (minus certain exceptions). Oregon state law does permit placement of status offenders who violate a Valid Court Order (VCO); and juveniles who have run away from out-of-state (ICJ). That said, no county in Oregon currently utilizes the VCO Exception. This is verified through collection of data annually and inspections triennially.</p> <p>Oregon’s compliance monitor reviews data from its secure detention and correctional facilities for juveniles annually. This data is submitted electronically via email upon request, to the DSA’s compliance monitor.</p> <p>The compliance monitor reviews this data for the placement of status offenders, nonoffenders, and juveniles who are unauthorized aliens.</p>
<p>YOUTH HANDGUN SAFETY EXCEPTION – Under 34 U.S.C. § 11133(a)(11)(A)(i)(I), the DSO requirement does not apply to juveniles charged with or found to have committed a violation of the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or a similar state law, which prohibits a person younger than 18 from possessing a handgun. Such juveniles may be placed</p>	<p>Oregon does not utilize this exception but may in rare cases. In Oregon, juveniles caught in possession of a handgun, may be charged with a misdemeanor or felony dependent upon certain conditions. These are offenses that would be criminal if committed by an adult. Oregon will inquire with local officials regarding</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>in secure detention or secure correctional facilities without resulting in an instance of noncompliance with the DSO requirement.</p>	<p>whether this statute may also be used to place individuals, if possession did not result in the commission of an offense that would be criminal if committed by an adult (ORS 166.250).</p> <p>Oregon's compliance monitor reviews data for all juveniles detained in secure detention and correctional facilities for juveniles annually. Juveniles caught in possession of a handgun are charged with a misdemeanor or felony if certain conditions are met (see above statute). Oregon's compliance monitor will retain data collected for all juveniles placed pursuant to the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or other similar law in Oregon.</p>

VALID COURT ORDER EXCEPTION – The Valid Court Order (VCO) exception at [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(II\)](#) provides that accused or adjudicated status offenders, and juveniles found to have violated a valid court order based on their status as a juvenile, may be placed in a secure juvenile detention or correctional facility. A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply (see Section III.E. Adherence to Federal Definitions for the definition of “valid court order”).

To demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to verify whether court orders used to place status offenders in juvenile detention centers (including juveniles who violate valid court orders related to their status as a juvenile), meet the following requirements (as set forth at [34 U.S.C. § 11133\(a\)\(23\)](#)):

- a. An appropriate public agency shall be promptly notified that the status offender is held in custody for violating a valid court order.
- b. An authorized representative of that agency shall interview within 24 hours, in person, the status offender who is being held.
- c. Within 48 hours during which the status offender is held:
 - The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender.
 - The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation.

Oregon does not utilize the Valid Court Order (VCO) Exception. Prior to the 2018 reauthorization, Oregon had one county which utilized this exception periodically. Upon the effective date of passing, this county notified Oregon’s DSA of its plan to cease using this exception for placing status offenders accused or adjudicated of having violated a Valid Court Order.

Oregon’s compliance monitor reviews data for all juveniles detained in secure detention and correctional facilities for juveniles annually. Status offenders are not commonly placed, particularly for violating a judge’s order. However, during the annual review of data, the compliance monitor will check to ensure that the placement of status offenders has not occurred. If it is found that a juvenile status offender was placed in a secure detention or correctional facility for violating a Valid Court Order, Oregon’s compliance monitor will complete the Valid Court Order (VCO) Exception checklist, to determine whether compliance has been met. Any boxes which cannot be checked at the time of verification, will result in a violation of DSO. This will be reported annually during Oregon’s compliance data submission. This information will be retained on-site, at the DSA’s office in accordance with the secretary of State’s retention policy.

Resources Available to Monitor for this Requirement:

- [Valid Court Order Exception Bench Card](#)
- [Valid Court Order Exception Checklist](#)

- If the court determines that the status offender should be placed in a secure detention facility or correctional facility for violating the court order, (1) the court must issue a written order that:
 - ✓ Identifies the valid court order that has been violated;
 - ✓ Specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;
 - ✓ Includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;
 - ✓ Specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and
 - ✓ May not be renewed or extended; and
 - (2) The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order.
- d. There are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a [valid] court order [described in this section] does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter.

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>INTERSTATE COMPACT ON JUVENILES EXCEPTION – Pursuant to the DSO requirement at 34 U.S.C. § 11133(a)(11)(A)(i)(III), status offenders may be held in accordance with the Interstate Compact on Juveniles, as the state has enacted it. States must verify that all status offenders subject to an out-of-state placement were held pursuant to the Compact. Where the interstate placement of status offenders was not in accordance with the Compact, the state in which the juvenile is placed must report the placement as an instance of noncompliance.</p>	<p>Oregon utilizes the Interstate Compact on Juveniles (ICJ) Exception. As a participating state, Oregon has statutes which direct placement under ICJ (ORS 417.030). The compliance monitor collects data from all secure detention and correctional facilities on an annual basis. This data is then reviewed for the presence of status offender type juveniles who were placed from out-of-state. The compliance monitor coordinates with the state's Interstate Compact Coordinator for juveniles and provides the list of status offenders held from out of state, to ensure that the ICJ standards were appropriately followed. This information is transmitted via email, for the purpose of determining whether a violation of DSO has occurred. Any juvenile status offender who is placed in a secure detention or correctional facility, where ICJ standards were not followed, pending their return to their home state, will be documented and reported to OJJDP as a violation of DSO.</p> <p>Where the interstate placement of status offenders was not in accordance with the Compact, the state in which the juveniles is placed must report the placement as an instance of noncompliance. The following outlines steps that the compliance monitor will take when receiving, reviewing, and reporting on data for juveniles placed from out of state pursuant to ICJ.</p>

B. Removal of Juveniles Prosecuted as Adults from Adult Facilities¹

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>Under Section 223(a)(11)(B), on or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below.</p> <p>A juvenile charged as an adult may be detained in an adult jail or lockup if one of the exceptions at 34 U.S.C. § 11133(a)(13) applies (Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception). See Section II.D. Removal of Juveniles From Adult Jails and Lockups.</p> <p>In addition, a court may determine after a hearing, and in writing, that it is in the interest of justice to permit a juvenile to be detained in a jail or lockup for adults or have sight or sound contact with adult inmates in a secure facility. If the court makes an initial determination that it is in the interest of justice to detain a juvenile under those circumstances, the court must hold a hearing at least every 30 days (at least every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:</p> <ol style="list-style-type: none"> 1. the age of the juvenile; 2. the physical and mental maturity of the juvenile; 3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile; 	<p>Oregon complies with this requirement by not using its jails or lockups for adults to detain juveniles pending trial, except in rural cases where distance traveled prevents the safe transfer of the juvenile to and from court. In most cases, juveniles waived to adult court will be detained in a facility for juveniles pending trial and after sentencing.</p> <p>To ensure compliance, Oregon's compliance monitor collects data (i.e., date/time of detention, most serious charge, etc.) pertaining to the detention of juveniles charged as adults upon the annual collection of data from jails or lockups for adults. Oregon will consider the section 223(a)(11)(B) suggested data elements when establishing future data collection methods for juvenile charged as adults and detained in adult facilities.</p> <p>If a juvenile charged as an adult is found to have been detained or confined in a facility for adults (i.e., jail or lockup) without conviction, Oregon's compliance monitor will complete the section 223(a)(11)(B) checklist to verify that each provisional requirement has been met.</p> <p>If it is determined that a violation occurred, the compliance monitor will initiate the "technical assistance process for institutions out of compliance" (OAR 423-155-0025). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations. Violations result whenever a juvenile is detained in a facility for adults beyond what is permitted by exception under section 223(a)(13), or outside of the requirements of 223(a)(11)(B).</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>4. the nature and circumstances of the alleged offense;</p> <p>5. the juvenile's history of prior delinquent acts;</p> <p>6. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and</p> <p>7. any other relevant factor(s)</p> <p>The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility is 180 days, unless the court determines, in writing, that there is good cause for such an extension, or the juvenile expressly waives this 180-day limit.</p>	<p>This information will be retained in accordance with the Secretary of State's retention policy, and reported to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) upon application of the Title II Formula Grant Program, annually.</p> <p>Note: This requirement pertains only to individuals under the state's age of criminal responsibility. Once a juvenile turns 18 (the state's age of majority), the requirements for section 223(a)(11)(B) do not apply. While individuals within the state's age of extended juvenile court jurisdiction may serve their time in a facility for juveniles (i.e., secure detention or correctional facilities), it is not required.</p> <p>Resources Available to Monitor for this Requirement:</p> <ul style="list-style-type: none"> • Section 223(a)(11)(B) checklist • Section 223(a)(11)(B) Bench Card • Section 223(a)(11)(B) Letter from Department of Justice (March 16, 2021) • Section 223(a)(11)(B) Sample Judgment Entry/Magistrate Order • Section 223(a)(11)(B) Suggested Data Elements • Adult Inmate Decision Tree • Juveniles Charged as Adults Decision Tree

C. Separation of Juveniles From Adult Inmates

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT/EXCEPTION
<p>Pursuant to 34 U.S.C. § 11133(a)(12), juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.</p>	<p>Oregon complies with this requirement by ensuring that juveniles and adult inmates do not have sight or sound contact with one another. For jails and lockups for adults, Oregon state law prohibits the detention of juveniles in facilities for adults (ORS 419C.130), minus certain exceptions. Additionally,</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT/EXCEPTION
<p>In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in colocated facilities, to have been trained and certified to work with juveniles.</p>	<p>Oregon has a policy requiring individuals who work with both juveniles and adult inmates, be trained and certified to work with juveniles.</p> <p>To ensure compliance, Oregon's compliance monitor collects data (i.e., date of birth, date/time of detention, most serious charge, etc.) pertaining to the detention of juveniles in jails, lockups, secure detention, and secure correctional facilities. Using the adult inmate decision tree, the compliance monitor can verify. If it is determined that a violation occurred, the compliance monitor will initiate the "technical assistance process for institutions out of compliance" (OAR 423-155-0025). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations. Violations will result whenever a juvenile has contact with an adult inmate while detained or confined inside of any institution (i.e., jail, lockup, secure detention, or secure correctional facility).</p> <p>This information will be retained in accordance with the Secretary of State's retention policy, and reported to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) upon application of the Title II Formula Grant Program, annually.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT/EXCEPTION
<p>JUVENILES WHO ARE TRANSFERRED, CERTIFIED, OR WAIVED TO CRIMINAL COURT – Juveniles who have been transferred, certified, or waived to criminal court, and are therefore charged as adults, may not be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility, unless it is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B).</p> <p>However, a court may determine that it would be in the interest of justice to do so consistent with 34 U.S.C. § 11133(a)(11)(B). See Section 223(a)(11)(B) above, which applies to juveniles charged as adults. If a juvenile who has been charged as an adult has been convicted and sentenced for the criminal offense, however, Section 223(a)(11)(B) no longer applies.</p>	<p>Juveniles charged as adults are more often confined in facilities for juveniles (i.e., secure juvenile detention or correctional facilities) pending trial than in facilities for adults (i.e., jails or lockups for adults).</p> <p>In mirroring the above state’s plan to address compliance of section 223(a)(11)(B) for juveniles charged as adults, Oregon’s compliance monitor collects data from jails or lockups for adults annually.</p> <p>The compliance monitor reports any instance of contact between juveniles charged as adults and adult inmates as violations of separation, if upon completion of the section 223(a)(11)(B) checklist, it is determined that compliance has not been satisfied.</p> <p>If it is determined that a violation occurred, the compliance monitor will initiate the “technical assistance process for institutions out of compliance” (OAR 423-155-0025). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations.</p>

JUVENILES WHO REACH THE AGE OF FULL CRIMINAL RESPONSIBILITY AFTER ARREST OR ADJUDICATION

– Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they have reached the state’s maximum age of extended juvenile jurisdiction. By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility, are adult inmates, who must not have sight or sound contact with juvenile detainees.

Oregon’s age of criminal responsibility is 18, while its maximum age of extended juvenile court jurisdiction is 25 ([ORS 419C.005\(4\)\(b\)](#)). Pursuant to [ORS 419C.495](#), juveniles (i.e., youth offenders) who reach the state’s full age of criminal responsibility may remain in Oregon’s facilities for juveniles (i.e., secure juvenile detention or correctional facilities) unless charged with committing an offense that would be criminal if committed by an adult, after reaching the state’s age of majority. Using the [adult inmate decision tree](#), the compliance monitor verifies that individuals held under extended juvenile court jurisdiction, qualify as juveniles and not adult inmates.

The compliance monitor verifies a statistically valid sample of records for individuals confined in secure juvenile detention and correctional facilities, to ensure they are eligible for extended juvenile court jurisdiction. Individuals who are arrested, in custody for, or awaiting trial on a criminal charge, or are convicted of a criminal offense that was committed after the person reached the state’s age of criminal responsibility, will be viewed as “adult inmates” for the purpose of separation from juveniles. Any contact which occurs between juveniles and adult inmates will be documented and reported as violations of Separation.

If it is determined that a violation occurred, the compliance monitor will initiate the “technical assistance process for institutions out of compliance” ([OAR 423-155-0025](#)). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations.

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT/EXCEPTION
<p>PROGRAMS IN WHICH JUVENILES HAVE SIGHT OR SOUND CONTACT WITH ADULT INMATES – Programs in which juveniles have sight or sound contact with adult inmates in an attempt to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the separation (and possibly DSO and jail removal) requirements. Whether these programs result in instances of noncompliance will depend on the specific manner in which the program operates and the circumstances of the juveniles' participation in such a program.</p> <p>Instances of noncompliance with the separation requirement may only occur if a juvenile's participation in such a program is pursuant to law enforcement or juvenile or criminal court authority. In addition, for violations to occur, the juvenile must not be free to leave or withdraw from participation, even if her/his parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile's participation.</p>	<p>Oregon does not utilize programs in which juveniles can have sight or sound contact with adult inmates.</p> <p>Oregon's compliance monitor will inquire about the use of such programs upon inspection of adult jails and prisons. Should the compliance monitor identify the existence of such programs, the compliance monitor will verify whether participating juveniles were detained, or within conditions that a reasonable person would believe they were detained and seek consult with OJJDP to determine future action.</p> <p>Any juvenile detained or confined in an institution (i.e., jail, lockups, secure detention or secure correctional facility) where contact with an adult inmate occurred, the compliance monitor will report it as a violation of separation.</p> <p>If it is determined that a violation occurred, the compliance monitor will initiate the "technical assistance process for institutions out of compliance" (OAR 423-155-0025). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations.</p>

D. Removal of Juveniles From Adult Jails and Lockups

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT/EXCEPTION
<p>Pursuant to 34 U.S.C. § 11133(a)(13), no juvenile shall be detained or confined in any jail or lockup for adults, with exceptions described below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense, and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in an adult jail or lockup.</p> <p>The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both juveniles and adult inmates in colocated facilities to have been trained and certified to work with juveniles:</p>	<p>Oregon complies with this requirement. Juveniles are prohibited from detention in facilities for adults (i.e., jails or lockups for adults), minus certain exceptions (ORS 419C.130). Additionally, Oregon law limits detention in facilities for adults to five hours or less and only for the purpose of obtaining the juveniles name, age, residence and other identifying information.</p> <p>To ensure compliance, Oregon's compliance monitor reviews data (i.e., date/time of detention, most serious charge, etc.) pertaining to the detention or confinement of juveniles upon the annual collection of data from jails or lockups for adults.</p> <p>If it is determined that a violation occurred, the compliance monitor will initiate the "technical assistance process for institutions out of compliance" (OAR 423-155-0025). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations. Violations will result whenever a juvenile is detained or confined beyond what is permitted by exception under section 223(a)(13).</p> <p>This information will be retained in accordance with the Secretary of State's retention policy, and reported to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) upon application of the Title II Formula Grant Program, annually.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT/EXCEPTION
<p>SIX-HOUR EXCEPTION – The jail removal requirement at 34 U.S.C. § 11133(a)(13)(A) allows the detention or confinement in an adult jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:</p> <ol style="list-style-type: none"> a. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility. b. A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement. <p>The following three exceptions allow states to detain or confine juveniles accused of non-status offenses in adult jails or lockups for more than 6 hours while awaiting an initial court appearance and so long as the juveniles do not have sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.</p>	<p>Oregon utilizes this exception. Pursuant to ORS 419C.130, juveniles may not be detained in facilities for adults, except to obtain the juveniles (i.e., youth or youth offender's) name, age, residence and other identifying information and only provided that the juvenile be detained for no longer than 5 hours.</p> <p>To ensure compliance, Oregon's compliance monitor reviews data (i.e., date/time of detention, most serious charge, etc.) pertaining to the detention or confinement of juveniles upon the annual collection of data from jails or lockups for adults.</p> <p>If it is determined that a violation occurred, the compliance monitor will initiate the "technical assistance process for institutions out of compliance" (OAR 423-155-0025). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations. Violations will result whenever a juvenile is detained or confined beyond what is permitted by exception under section 223(a)(13).</p>

RURAL EXCEPTION – The exception found at [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(I\)](#) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available.

OMB maintains a list of metropolitan statistical areas which it periodically updates through the posting of a bulletin on its website. OMB bulletins may be found [here](#). The relevant bulletin will be titled *OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas*, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of "Metropolitan Statistical Areas" that provides the title of the metropolitan statistical area, the principal city or cities, and the counties included in that area.

Oregon utilizes this exception. Currently, Oregon has granted the rural exception to one adult jail located in Wallowa County. However, this adult jail has not utilized this exception for the detention.

To ensure compliance, Oregon's compliance monitor reviews data (*i.e.*, date/time of detention, most serious charge, etc.) pertaining to the detention or confinement of juveniles upon the annual collection of data from jails or lockups for adults. Use of the rural exception can allow for facilities that are eligible for the rural exception, to detain or confine juveniles for as long as 48 hours (excluding legal weekends and holidays) while awaiting an initial court appearance and no existing alternative was available. Juveniles detained in a facility beyond 6-hours will be documented and reported as violations, unless the facility qualified for and utilized appropriately, the rural exception and that no contact between the juvenile and adult inmates occurred during.

If it is determined that a violation occurred, the compliance monitor will initiate the "technical assistance process for institutions out of compliance" ([OAR 423-155-0025](#)). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations. Violations will result whenever a juvenile is detained or confined beyond what is permitted by exception under section 223(a)(13).

This information will be retained in accordance with the [Secretary of State's retention policy](#), and reported to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) upon application of the Title II Formula Grant Program, annually.

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT/EXCEPTION
<p>TRAVEL CONDITIONS EXCEPTION – Under 34 U.S.C. § 11133(a)(13)(B)(ii)(III), states may detain a juvenile accused of a delinquent offense in an adult jail or lockup, if the facility is located where conditions of distance to be traveled or the lack of highway, road, or transportation does not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable.</p>	<p>Oregon may utilize this exception, but historically has not been in the position of having to.</p> <p>To ensure compliance, Oregon’s compliance monitor reviews data (i.e., date/time of detention, most serious charge, etc.) pertaining to the detention or confinement of juveniles upon the annual collection of data from jails or lockups for adults.</p> <p>If it is determined that a juvenile was detained beyond six hours in a jail or lockup for adults, the compliance monitor will verify that no conditions of distance (i.e., lack of highway, road or transportation) existed which prevented a court appearance and document a violation accordingly.</p> <p>If it is determined that a violation occurred, the compliance monitor will initiate the “technical assistance process for institutions out of compliance” (OAR 423-155-0025). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations. Violations will result whenever a juvenile is detained or confined beyond what is permitted by exception under section 223(a)(13).</p> <p>This information will be retained in accordance with the Secretary of State’s retention policy, and reported to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) upon application of the Title II Formula Grant Program, annually.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT/EXCEPTION
<p>CONDITIONS OF SAFETY EXCEPTION – Under 34 U.S.C. § 11133(a)(13)(B)(ii)(III), if the adult jail or lockup is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), a juvenile accused of a delinquent offense may be detained therein and his or her court appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.</p>	<p>Oregon may utilize this exception, but historically has not been in the position of having to.</p> <p>To ensure compliance, Oregon’s compliance monitor reviews data (i.e., date/time of detention, most serious charge, etc.) pertaining to the detention or confinement of juveniles upon the annual collection of data from jails or lockups for adults.</p> <p>If it is determined that a juvenile was detained beyond six hours in a jail or lockup for adults, the compliance monitor will verify that no conditions of safety (i.e., severely adverse, life-threatening weather conditions) existed which prevented a court appearance and document a violation accordingly.</p> <p>If it is determined that a violation occurred, the compliance monitor will initiate the “technical assistance process for institutions out of compliance” (OAR 423-155-0025). The compliance monitor then notifies the facility administrator or their staff and discuss strategies for preventing or reducing future violations. Violations will result whenever a juvenile is detained or confined beyond what is permitted by exception under section 223(a)(13).</p> <p>This information will be retained in accordance with the Secretary of State’s retention policy, and reported to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) upon application of the Title II Formula Grant Program, annually.</p>

III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING

A. Summary of Elements

Oregon’s participation in the Title II Formula Grant Program requires an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that they meet the core requirements ([34 U.S.C. § 11133\(a\)\(14\)](#)). Oregon’s monitoring system, if it is to comply with the statutory and regulatory monitoring requirements, must include all jails, lockups, secure detention facilities, and secure correctional facilities. There are eight elements of an effective system of monitoring. For each of the following elements, the state should include a description of its specific policies and procedures:

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

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

B. Compliance Monitoring Policies and Procedures

SUMMARY OF ELEMENT	STATE’S PLAN TO ADDRESS ELEMENT
<p>Pursuant to 28 C.F.R. § 31.303(f)(1)(i), one of the required elements of an effective system of monitoring is that states must describe their policies and procedures for monitoring for compliance with the core requirements. The purpose of this manual is to satisfy the policies and procedures element, as well as describe how [OREGON] satisfies the following additional elements required for an effective system of compliance monitoring (see Section III of this manual).</p>	<p>Oregon complies with this element, through the establishment of this compliance monitoring manual that reflects the state’s system of monitoring for the core requirements of the Title II Formula Grant Program.</p> <p>Oregon’s compliance monitor is predominately responsible for the creation, modification, and execution of the state’s compliance monitoring policy.</p> <p>Whenever necessary, Oregon’s compliance monitor will provide updates to this manual for the purpose of reflecting the previous years monitoring activities.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	Prior to submission annually, Oregon's compliance monitor reviews updates made to the compliance monitoring manual with the state's Juvenile Justice Specialist.

C. Monitoring Authority

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>States are required under 34 U.S.C. § 11133(a)(1) and (2) to designate an agency (referred to as the Designated State Agency, or the DSA) and provide satisfactory evidence that the DSA has authority, by legislation, if necessary, to administer the Title II Formula Grants Program, including monitoring for compliance with the deinstitutionalization of status offenders (DSO), Section 223(a)(11)(B), separation, and jail removal requirements.</p>	<p>The Youth Development Division (YDD) is Oregon's Designated State Agency (DSA) to administer the Title II Formula Grant Fund per ORS 417.847. For the purposes of complying with the Title II Formula Grant Program, the YDD has the authority to monitor jails or lockups for adults (including secure court holding facilities), secure detention and secure correctional facilities (including adult prisons).</p> <p>The following Oregon Administrative Rules (OAR) were created for the purpose of monitoring pursuant to ORS 417.847. These rules are intended to satisfy 34 U.S.C. § 11133(a)(1) and (2), as well as achieving and maintaining compliance with the 2018 JJRA through an effective system of monitoring - 34 U.S.C. § 11133(a)(14):</p> <ul style="list-style-type: none"> • 423-155-0001 – Definitions • 423-155-0010 – Maintaining Compliance with Custody and Facility Provisions • 423-155-0025 – Technical Assistance Process for Institutions out of Compliance <p>This authority can be amended as necessary and has been established for the sole purpose of complying with this element.</p>

D. Violation Procedures

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to 28 C.F.R. § 31.303(f)(1)(iii), the state must specify how it receives, investigates, and reports complaints of instances of noncompliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements.</p>	<p>Oregon has formal procedures for addressing violations of the core requirements, as described under Section II of this manual.</p> <p>Provided below, is a step-by-step process that the compliance monitor will engage in upon the annual collection of data. This procedure will be updated as necessary prior to resubmission as part of the state's Title II Formula Grant Application:</p> <ol style="list-style-type: none"> 1. In accordance with the rules set forth in 28 C.F.R. § 31.303(f)(1)(iii), including definitions provided in 34 U.S.C. § 11103, and 28 C.F.R. § 31.304, violation procedures will be conducted whenever juvenile data is collected from facilities or reviewed on-site; 2. Upon collection of data received from institutions, the YDD shall: <ol style="list-style-type: none"> a. Analyze the received Data for sufficiency in making a compliance determination. b. Request additional data necessary to make a compliance determination. If data indicates a violation may have occurred a technical assistance process will be initiated pursuant to OAR 423-155-0025 – "Technical Assistance Process for Institutions out of Compliance"; 3. If a potential violation that is reported by facilities or annotated during an on-site inspection is deemed a false-positive, then: <ol style="list-style-type: none"> a. Additional evidence must be gathered certifying as much; and

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ul style="list-style-type: none"> <li data-bbox="971 245 1393 436">b. the compliance monitor must provide staff with corrective training on the proper handling and documenting of juveniles in custody; <li data-bbox="873 447 1409 638">4. If a compliance determination has been made that a violation did occur, a plan for compliance will be written by the state's compliance monitor addressing the following; <ul style="list-style-type: none"> <li data-bbox="971 651 1409 758">a. The type of violation in accordance with Section 223(a)(11)(A), (11)(B), (12), or (13), <li data-bbox="971 770 1328 802">b. The nature of the violation; <li data-bbox="971 814 1338 879">c. The identifying cause of the violation; and <li data-bbox="971 892 1354 999">d. A corrective plan of action to address and prevent future violations from occurring. <li data-bbox="873 1012 1414 1367">5. Once verified, the violation information (juvenile identifying information redacted) will be documented and retained for a period of no less than three years, but no more than five from the time the incident occurred. This information will be considered when verifying compliance during on-site inspections and semi-annual collection periods. <li data-bbox="873 1379 1414 1650">6. Facilities, which have repeated occurrences of like violations within a three-year period, may be deemed "out-of-compliance" with 34 U.S.C. § 11133 and could affect other accrediting standards, which also require compliance with federal law.

E. Adherence to Federal Definitions

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Definitions that states use for key juvenile and criminal justice terms sometimes differ from the "federal" definitions. The federal definitions, for purposes of compliance monitoring, are only those provided in the JJDPa at 34 U.S.C. § 11103 the Formula Grants Program Regulation at 28 C.F.R. § 31.304 and An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance With the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act.</p>	
<p><u>FEDERAL DEFINITIONS</u></p>	<p><u>SIMILAR STATE DEFINITIONS</u></p>
<p>ADULT INMATE 34 U.S.C. § 11103 (26) – means an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense, and does not include an individual who (1) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable state law; and (2) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable state law.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p> <p>Adult as defined under ORS 144.600(a) – “means a person who is 18 years of age or older or a person under 18 years of age who is legally classified, either by statute or court order, as an adult.” Pursuant to ORS 419C.130(3) – “the term ‘adult’ does not include a person who is 18 years of age or older and is alleged to be, or has been found to be, within the jurisdiction of the juvenile court under ORS 419C.005 (jurisdiction).”</p>
<p>ASSESSMENT 34 U.S.C. 11103(38) – includes, at a minimum, an interview and review of available records and other pertinent information – (A) by an appropriately trained professional who is licensed or certified by the applicable state in the mental health, behavioral health, or substance abuse fields; and (B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p>

<p>COLLOCATED FACILITIES 34 U.S.C. § 11103 (28) – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p> <p>Oregon does not define collocated facilities under state law. Regardless, Oregon uses federal definitions when monitoring.</p>
<p>CORE REQUIREMENTS 34 U.S.C. § 11103 (30) – means the requirements described at 34 U.S.C. § 11133(11), (12), (13), and (15).</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p>
<p>CRIMINAL-TYPE OFFENDER 28 C.F.R. § 31.304(a) – means a juvenile offender who has been charged who or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p>
<p>DETAIN OR CONFINE 28 C.F.R. § 31.304 (b) – means to hold, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p> <p>Detain or Confine as defined under OAR 423-155-0001(11) – “means to hold, keep, or restrain a person such that he or she is not free to leave. There are two exceptional circumstances where lawful custody would not constitute the juvenile being detained or confined, provided only that the juvenile is not held using Construction Features: (a) A juvenile that law enforcement holds for their own benefit for the sole purpose of returning the juvenile to custody of a parent or guardian; or (b) A juvenile that law enforcement holds for their own benefit pending the transfer of the juvenile to the custody of a child welfare or social service agency.” This definition was created in Oregon Administrative Rules (OAR) because it is the litmus for determining when a juvenile’s rights have been implicated under the federal law and the Designated State Agency (DSA) could not identify a similar definition under State law.</p>
<p>INSTITUTION Compliance Monitoring TA Tool means “a secure facility that law enforcement or a</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p>

juvenile or criminal court authority uses to detain or confine juveniles or adults (1) accused of having committed a delinquent or criminal offense, (2) awaiting adjudication or trial for the delinquent or criminal offense, or (3) found to have committed the delinquent or criminal offense.”

Institution as defined under OAR 423-155-0001(16) – “means a Facility equipped with one or more Construction Features that a law enforcement or a juvenile or criminal court authority uses to detain or confine juveniles or other individuals accused of having committed a delinquent or criminal offense, awaiting adjudication or trial for a delinquent or criminal offense, or found to have committed a delinquent or criminal offense.”

JAIL OR LOCKUP FOR ADULTS | [34 U.S.C. § 11103 \(22\)](#) – means a secure facility that is used by a State, unit of local government, or any law enforcement authority uses to detain or confine adult inmates.

Oregon utilizes the federal definition when conducting monitoring.

Lockup as defined under ORS 169.005(5) – “means a facility for the temporary detention of arrested persons held up to 36 hours, excluding holidays, Saturdays and Sundays, but the period in lockup shall not exceed 96 hours after booking.”

Local Correctional Facility as defined under ORS 169.005(4) – “means a jail or prison for the reception and confinement of prisoners that is provided, maintained and operated by a county or city and holds persons for more than 36 hours.”

The following also constitutes an Adult Lockup when secured by the installment of Construction Features or an Adult Jail if also residential:

Court Facility as defined under ORS 166.360(2) – “means a courthouse or that portion of any other building occupied by a circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by personnel related to the operations of those courts, or in which activities related to the operations of those courts take place,” but only if secured by the presence of Construction Features.

Temporary Holding Facility as defined under ORS 169.005(8) – “means a facility, the principal purpose of which is the temporary detention of a prisoner for four or less hours while awaiting court appearance or transportation to a local correctional facility.”

<p>JUVENILE OFFENDER 28 C.F.R. § 31.304 (d) – means an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by state law (i.e., a criminal-type offender or a status offender).</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p> <p>Youth as defined under ORS 419A.004(40) in the matter of establishing when the juvenile court may have jurisdiction – “means a person under 18 years of age who is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.”</p> <p>Youth Offender as defined under ORS 419A.004(42) in the matter of establishing the upper limit of the juvenile court’s jurisdiction – “means a person who is found to be in the jurisdiction of the juvenile court under ORS 419C.005(delinquency) for an act committed when the person was under 18 years of age but is still within the State’s maximum age of extended juvenile court jurisdiction (25).”</p>
<p>MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION Compliance Monitoring TA Tool by OJJDP – means the age above which a juvenile court may no longer exercise jurisdiction under state law.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p> <p>Maximum age of extended juvenile court jurisdiction by itself is not defined under Oregon state law. Instead, individuals who qualify for such an extension are referred to as “Youth Offenders” under ORS 419C.005(4)(D).</p>
<p>MONITORING UNIVERSE Compliance Monitoring TA Tool – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p>

<p>NONOFFENDER 28 C.F.R. § 31.304 (i) – means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p> <p>Ward as defined under ORS 419A.004(38) in the matter of establishing dependence – “means a person within the jurisdiction of the juvenile court under ORS 419B.100 (dependency).”</p> <p>Child as defined under ORS 419B.005(2) in the matter of establishing a non-emancipated minor – “means an unmarried person who is under 18 years of age; or is under 21 years of age and residing in or receiving care or services at a child-caring agency as that term is defined in ORS 418.205 (Definitions for ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to 418.970 and 418.992 to 418.998).</p>
<p>RESIDENTIAL Compliance Monitoring TA Tool – means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p> <p>Residential by itself is not defined under Oregon State law as a feature of a facility but rather a type of community-based facility. As a result, Oregon monitors using OJJDP’s definition provided.</p>

SECURE as defined under [28 C.F.R. § 31.304 \(m\)](#) and used to define a detention or correctional facility – includes residential facilities that include construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

Oregon utilizes the federal definition when conducting monitoring.

Construction Feature as defined under OAR 423-155-0001(5) – “means a feature designed to physically restrict the movements and activities of persons in custody as listed below:

a. **Holding Cell** – means a secured room with reinforced materials designed to limit the movements of individuals detained or confined in lawful custody. A holding cell does not include rooms which have had their locking feature reversed to prevent unauthorized entry, and re-purposed for non-custodial use;

b. **Locking Interview Room** – means a room equipped with locking features designed to limit movements of individuals in lawful custody and may sometimes include visual, or audio recording devices.

A lockable interview room does not include rooms which sole locking feature is designed to prevent unauthorized entry (witness tamper locks), or rooms secured only by a crash-style bar that temporarily delays egress (must be approved by a fire marshal);

c. **Secured Perimeter** – means a locked enclosure designed to prevent unauthorized egress by individuals detained or confined in lawful custody such as an intake, booking, or secured residential area;

d. **Stationary Cuffing Apparatus** – means a ring, bar or bench that are securely mounted to a Facility floor or wall for the purpose of physically restricting the movements of someone in lawful custody. A stationary cuffing apparatus does not include the use of personal handcuffs unless fixed to a stationary object.

<p>SECURE CORRECTIONAL FACILITY 34 U.S.C. § 11103 (13) – means any public or private residential facility which—(1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p> <p>Youth Correctional Facility as defined under ORS 420.005(4) – “means a facility used for the confinement of youth offenders and other persons placed in the legal or physical custody of the youth authority and includes secure regional youth facilities, regional accountability camps, residential academies and satellites, camps and branches of those facilities.”</p>
<p>SECURE DETENTION FACILITY 34 U.S.C. § 11103 (12) – means any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p> <p>Juvenile Detention Facility as defined under ORS 169.005(3) – “means a facility established under ORS 419A.010 (Appointment of counselors and director) to 419A.020 (County responsibility for expenses of juvenile department) and 419A.050 (Authority to acquire, equip and maintain detention and shelter facilities) to 419A.063 (Requirements for detention facilities) for the detention of children, wards, youths or youth offenders pursuant to a judicial commitment or order.”</p>
<p>SIGHT OR SOUND CONTACT 34 U.S.C. § 11103 (25) – means any physical, clear visual, or verbal contact that is not brief and inadvertent.</p>	<p>Oregon utilizes the federal definition when conducting monitoring.</p>
<p>STATE 34 U.S.C. § 11103(7)– means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.</p>	<p>Oregon utilizes the federal definition when conducting monitoring</p>
<p>STATUS OFFENDER 34 U.S.C. § 11103(42) – means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.</p>	<p>Oregon utilizes the federal definition when conducting monitoring</p> <p>Status Offenders are not defined under Oregon State law except for those which must be defined</p>

	<p>for the purpose of placement in a facility for juveniles by federal exception. Example: "Juvenile," as defined under ORS 417.030(h) and used for the sole purpose of returning them to their home state under the Interstate Compact for Juveniles (ICJ) exception. Otherwise, what OJJDP would consider to be a "status offender" in Oregon is often referred to as a "child," "ward," or "youth" if established under juvenile court jurisdiction for dependency related matters.</p>
<p>TWENTY-FOUR HOURS Compliance Monitoring TA Tool – means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.</p>	<p>Oregon utilizes the federal definition when conducting monitoring</p>
<p>VALID COURT ORDER 34 U.S.C. § 11103(16) – means a court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.</p>	<p>Oregon utilizes the federal definition when conducting monitoring</p> <p>Power of court to enforce orders by contempt order as defined under ORS 419A.180, describes that – "in case of failure to comply with any order of the juvenile court, the court may proceed for contempt of court against the person failing to comply.</p> <p>Failure to obey a subpoena as defined under ORS 419B.911, describes that – "disobedience to a subpoena or a refusal to be sworn or answer as a witness is punishable as contempt by the court before whom the action is pending or by the judge or justice issuing the subpoena." Both of these definitions would be applicable for monitoring under the Valid Court Order (VCO) exception if used to detain or confine status offenders. However, Oregon ceased using the VCO exception at the start of the Juvenile Justice Reauthorization Act's (JJRA) effective date: October 1, 2019.</p>

F. Identification of the Monitoring Universe

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>The reporting of instances of noncompliance with the core requirements is facility-based and therefore the "monitoring universe" includes all facilities within the state (public and private) that are jails and lockups for adults (including court holding facilities), secure detention facilities, and secure correctional facilities (including adult prisons), as listed at 34 U.S.C. § 11133(a)(14). These are the facilities in which instances of noncompliance with the core requirements may occur. States must ensure that they identify and include all of these facilities as part of the monitoring universe.</p>	<p>Oregon complies with this element through both formal and informal policy. For example, Oregon's compliance monitor is the sole position responsible for identifying new, previously unclassified facilities. This is carried out by contacting various administrative agencies and requesting a list of facilities, or members to compare with the state's monitoring universe. During inspection, the compliance monitor follows-up with facility personnel to establish that all facilities operated by the agency that are classified as jails, lockups, secure detention, or secure correctional facilities, are captured in the state's monitoring universe.</p> <p>For jails or lockups for adults (including secure court holding facilities): Annually, Oregon's compliance monitor requests a list of members from the state's Chief of Police, and Sheriff Associations. Using this information, the compliance monitor then determines if there have been any new, previously un-identified facilities created in the past 12-months. Through the State Sheriff's Association (OSSA), the compliance monitor acquires lists of jails, lockups, and secure court holding facilities operated by the counties. Through the State Chiefs of Police Association (OACP), the compliance monitor acquires a list of all jails, lockups, and secure court holding facilities operated by the municipalities.</p> <p>For secure juvenile detention and correctional facilities (including adult prisons): Annually, Oregon's compliance monitor requests a list of all secure detention and correctional facilities for the purpose of identifying new, previously unclassified facilities. Through the Department of Corrections (DOC), the compliance monitor identifies whether</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>new prisons have been opened or previously identified prisons closed. Through the Oregon Youth Authority (OYA), the compliance monitor identifies whether there are new secure correctional facilities for juveniles operated by the state. Through the Juvenile Department Directors Association (OJDDA), the compliance monitor identifies whether there are new secure detention facilities (including secure court holding facilities) for juveniles, operated by the county.</p> <ol style="list-style-type: none"> 1. In accordance with the administrative rules set forth in 28 C.F.R. § 31.303(f)(1)(i)(A) and (C), including definitions provided in 34 U.S.C. § 11103 and 28 C.F.R. § 31.304, the compliance monitor shall; <ol style="list-style-type: none"> a. No sooner than January; but b. No later than the end of March of the recent calendar year; <ol style="list-style-type: none"> i. Attempt to identify additional public and private facilities within the state which; <ol style="list-style-type: none"> 1. Detain or confine adults; and 2. Might detain or confine juveniles pursuant to law enforcement or judicial authority; ii. Through the following administrative agencies having oversight into the functions and operations of locally defined facilities; <ol style="list-style-type: none"> 1. Oregon State Police (OSP); 2. Oregon Association of Chiefs of Police (OACP); 3. Oregon State Sheriff's Association (OSSA);

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ul style="list-style-type: none"> 4. Oregon Youth Authority (OYA); 5. Oregon Department of Human Services (ODHS); 6. Oregon Juvenile Department Directors Association (OJDDA); 7. Oregon Department of Corrections (ODOC); <p>iii. For the purpose of –</p> <ul style="list-style-type: none"> 1. Identifying previously unclassified facilities; 2. Preparing classification; and 3. Removing any non-secure facilities from the monitoring universe; <p>2. Facilities identified for removal from the monitoring universe due to a non-secure status, shall be simply deactivated from within the compliance monitors, cloud-based monitoring universe.</p> <p>3. Records collected will be reflected in the monitoring universe for reporting activities by February of the following reporting period.</p>

G. Classification of the Monitoring Universe

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>States are required under 28 C.F.R. § 31.303(f)(1)(i)(B) to classify each facility in the monitoring universe to specify whether it is a (1) a jail or lockup for adults (34 U.S.C. § 11103(22)); (2) secure detention facility (34 U.S.C. § 11103(12)); or (3) secure correctional facility (34 U.S.C. § 11103(13)).</p>	<p>Oregon complies with this element by classifying all facilities identified annually for the monitoring universe. Using definitions provided under 34 U.S.C. § 11103 and 28 C.F.R. § 31.304, the compliance monitor will classify facilities identified by local state law.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>Below is a breakout of facilities, as defined under Oregon Revised Statute (ORS), which have been found to qualify as a jail, lockup, secure detention, or secure correctional facility:</p> <p>Jails or Lockups for Adults 34 USC 11103 (22): <i>if</i> upon classification they are found to be secure, and utilized for the detention of adult inmates:</p> <ul style="list-style-type: none"> • ORS 169.005(5) – Lockup • ORS 166.360(2) – Court Facility • ORS 166.360(7) – Local Court Facility • ORS 169.005(8) – Temporary Holding Facility • ORS 169.005(4) – Local Correctional Facility <p>Secure Detention Facilities for Juveniles 34 USC 11103 (12):</p> <ul style="list-style-type: none"> • ORS 169.005(3) – Juvenile Detention Facilities • ORS 419A.004(31) – Short-Term Detention Facility <p>Secure Correctional Facilities 34 USC 11103 (13):</p> <ul style="list-style-type: none"> • ORS 421.005(2) – Department of Corrections Facility • ORS 420.855(4) – Youth Correctional Facility <p>Facilities which have been classified as one of the four, institutional types defined under the JJDPA, will have the following information collected for the purpose of maintaining the state's monitoring universe:</p> <ol style="list-style-type: none"> 1. Administrative agency; 2. Administrative jurisdiction; 3. Administrative sector; 4. Administrative website; 5. Administrative head; 6. Facility operations head;

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ul style="list-style-type: none"> 7. Name of facility administered by agency; 8. Facility street address, city, and zip; 9. Parent/Sibling relationship to other facilities; 10. Local facility defining statute; 11. Capacity to securely confine via construction features (i.e., secure vs. non-secure) – <ul style="list-style-type: none"> a. If secure, then: <ul style="list-style-type: none"> i. Number of individual hard cells; ii. Number of lockable interview rooms; iii. Number of stationary cuffing apparatuses; and iv. If greater secure perimeter exists, then: <ul style="list-style-type: none"> 1. Intoxilyzer; 2. Residential capacity; 3. Soft-interview room located outside of secured perimeter. 12. Population type (i.e., adults, juveniles, or both); 13. Custody type (i.e., pre/post-conviction/adjudication); 14. Federal classification; <ul style="list-style-type: none"> a. If Institution, then: <ul style="list-style-type: none"> i. Facility policy and procedure Manual on-file; and ii. Emergency evacuation floor plan if classified as a Jail or Lockup for Adults or Collocated Facility. 15. Last reporting period (if applicable) 16. Date of last inspection/spot-check 17. Date of projected inspection/spot-check 18. Inspection Report On-File

H. Inspection of Facilities

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(C), inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping.</p>	<p>Oregon complies with this element by inspecting its facilities contained within the monitoring universe. While Oregon strives to inspect 100% of all secure facilities contained within its monitoring universe, conditions that are outside of the state's control could impact this goal (i.e., adverse weather, pandemic, etc.).</p> <p>The following represents the procedure carried out when conducting inspections of facilities within the state's monitoring universe.</p> <ol style="list-style-type: none"> 1. The compliance monitor emails the facility staff or administrator, requesting access to the facility for inspection. 2. During inspection, the compliance monitor verifies the physical accommodations to determine whether it is a secure or nonsecure facility and whether adequate sight or sound separation between juvenile and adult inmates exists. The compliance monitor also verifies whether the facility's record keeping system is sufficient to determine compliance with sections 223(a)(11)(A), (11)(B), (12), and/or (13). 3. After inspection, the compliance monitor notifies the facility administrator and staff of any violations identified, and initiates a technical assistance process to prevent or reduce future violations in accordance with OAR 423-155-0025 – "Technical Assistance Process for Institutions Found out of Compliance."

I. Compliance Data Collection and Verification

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(D) and (5), the state must collect and verify data from all adult jails, adult lockups, secure detention facilities, and secure correctional facilities for the 12-month federal fiscal year (FY) reporting period, to determine whether the facilities are in compliance with the applicable requirements of DSO, Section 223(a)(11)(B), separation, and jail removal. The federal fiscal year is <u>October 1 to September 30</u>. States that are unable to report data for 100% of facilities must report data for at least 85% of facilities within the state that are required to report.</p>	<p>Oregon complies with this element through the annual collection of data from all facilities classified as jails, lockups, secure detention, and secure correctional facilities.</p> <p>All secure facilities in Oregon document all juveniles detained in secure areas to include, at minimum:</p> <ol style="list-style-type: none"> i. Identification number ii. Date of Birth iii. Gender iv. Most serious alleged offense; v. Date and time the juvenile arrived at the Institution; <ul style="list-style-type: none"> • Disposition at time of arrival (if applicable); • Disposition at time of release (if applicable); vi. Date and time the juvenile was released from custody at the Institution. <p>Secure facilities that do not submit a declaration or detention report will be documented as non-reporting and violations will be sought.</p> <p>Violations of confinement identified during the reporting period will be addressed procedurally in section D. "Violation Procedures."</p>

IV. COMPLIANCE MONITORING REPORTING REQUIREMENT

COMPLIANCE REPORTING PERIOD	STATE'S PLAN
<p>Under 28 C.F.R. § 31.303(f)(5), annual compliance monitoring reports must cover the previous federal fiscal year, except that the OJJDP Administrator may grant an extension of the reporting deadline, for good cause, upon a state's request.</p> <p>COMPLIANCE DATA AND SUPPORTING DOCUMENTATION – Compliance data and supporting documentation is submitted annually through OJJDP's Compliance Reporting Tool.</p>	<p>As required by the OJJDP, Oregon collects and reports all compliance monitoring data reported each year which will include an entire 12-month period along a federal fiscal timeline (October 1 – September 30). This information is generally due to the YDD by December 30 at the latest to submit to OJJDP via the Compliance Reporting Tool in February.</p> <p>The purpose of which is to demonstrate Oregon's compliance under 34 USC 11133 Section 223(a)(14). Facilities which fail to report whether juveniles were detained or not by December 30 are reported to the OJJDP in February.</p> <p>Core Requirement violations are then projected against the state for each non-reporting facility. Information reported includes:</p> <ol style="list-style-type: none"> 1. This compliance plan; 2. The total number of facilities monitored which meet the definition of a – <ol style="list-style-type: none"> a. Jail or Lockup for Adults; b. Secure Detention; c. Secure Correctional Facility 3. The total number of core requirement violations identified within the data received from the above facility-types, including – <ol style="list-style-type: none"> a. How many of those departures were conducted in accordance with the federal exceptions permitted under 34 USC 11133 Section 223(a)(11)(A), (B), (12), or (13); and b. How many departures were in violation of either the standard and the applicable exceptions permitted under 34 USC 11133 Section 223(a)(11)(A), (B), (12), or (13). 4. The extent to which the state has in effect a policy which requires that individuals who work with both juveniles and adults,

COMPLIANCE REPORTING PERIOD	STATE'S PLAN
	be trained and certified to work with juveniles.

APPENDIX A – ONLINE RESOURCES

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