

# **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**

June 13, 2022



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*This document addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15) is not discussed in this document because Vermont does not monitor individual facilities for compliance with racial and ethnic disparities requirements. The Department for Children and Families is the Designated State Agency (DSA) for Vermont.*



# **TABLE OF CONTENTS**

<b>I. INTRODUCTION/BACKGROUND.....</b>	<b>1</b>
A. Program Introduction .....	1
B. Purpose of the Manual.....	1
<b>II. COMPLIANCE WITH THE CORE REQUIREMENTS.....</b>	<b>2</b>
A. Deinstitutionalization of Status Offenders (DSO).....	2
B. Removal of Juveniles Prosecuted as Adults from Adult Facilities .....	11
C. Separation of Juveniles From Adult Inmates.....	14
D. Removal of Juveniles From Adult Jails and Lockups.....	177
<b>III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING.....</b>	<b>21</b>
A. Summary of Elements.....	21
B. Compliance Monitoring Policies and Procedures.....	23
C. Monitoring Authority.....	24
D. Violation Procedures.....	25
E. Adherence to Federal Definitions.....	30
F. Identification of the Monitoring Universe.....	37
G. Classification of the Monitoring Universe .....	39
H. Inspection of Facilities.....	42
I. Compliance Data Collection and Verification.....	47
<b>IV. COMPLIANCE MONITORING REPORTING REQUIREMENT.....</b>	<b>49</b>
<b>APPENDIX A – ONLINE RESOURCES .....</b>	<b>50</b>
<b>Appendix B - Site Visit Worksheet.....</b>	<b>51</b>

# **I. INTRODUCTION/BACKGROUND**

## **A. Program Introduction**

Title II, Part B, of the [Juvenile Justice and Delinquency Prevention Act](#) (JJDP or the “Act”), as amended by the Juvenile Justice Reform Act (JJRA) of 2018, sets out detailed requirements that a state must satisfy in order to be eligible to receive funding under the Act’s Formula Grants Program, including the submission of a state plan that satisfies the requirements set forth at 34 U.S.C. § 11133(a)(1)-(33). Under the Act, “[i]n accordance with regulations which the Administrator shall prescribe, such plan shall,” among other things—

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

Under the JJDP, all states must convene a State Advisory Group (SAG) comprised of individuals who are appointed by the Governor and have knowledge in delinquency prevention and juvenile justice. The Children and Family Council for Prevention Programs (CFCPP) is the state advisory board in Vermont, as required by 33 V.S.A. § 3302 and 34 U.S.C. § 11133 [Sec. 223 of the JJRA]. The CFCPP utilizes its JJDP Title II formula grant to fund the salary of a part-time Compliance Monitor.

At a minimum, every three years, the Compliance Monitor conducts site visits at all secure detention facilities, secure correctional facilities, adult jails, and adult lockups in the state. At these inspections, the Compliance Monitor reviews the core requirements of the JJDP with the facility staff. The Compliance Monitor collects and reviews holding logs from secure facilities and provides training and technical assistance on compliance with the core requirements of the JJDP. The Compliance Monitor monitors violations of these core requirements are reported to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) along with Vermont’s compliance manual and other documents required for grant review. This manual discusses Vermont’s plan for compliance with the JJDP.

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

The purpose of this manual is to inform OJJDP about the core requirements that Vermont addresses under the JJDP. This manual addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15), is not discussed in this

manual because Vermont does not monitor individual facilities for compliance with racial and ethnic disparities. All references made to “core requirements” in this manual pertain to requirements found in 34 U.S.C. § 11133(a)(11), (12), and (13). This manual explains how Vermont demonstrates compliance with the core requirements.

## **II. COMPLIANCE WITH THE CORE REQUIREMENTS**

This section describes the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13).

In the following tables, the direct statutory and regulatory references are in the left-hand column. The right-hand column explains Vermont’s plan to meet the core requirement.

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

<b>SUMMARY OF REQUIREMENT</b>	<b>STATE’S PLAN TO ADDRESS REQUIREMENT</b>
<p>Pursuant to <a href="#">34 U.S.C. § 11133(a)(11)(A)</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>Our Compliance Monitor (CM) provides training about the DSO requirement to law enforcement. The CM provides officers with holding logs, so that they can record when a juvenile is detained. The logs detail the juvenile’s most serious charge, date, time in/time out, and race/ethnicity. Our CM reviews holding logs from every applicable police department and court facility in the state to ensure that no juvenile is detained in violation with the JJDPA. During site visits, the CM provides training on detainment of juveniles and the DSO requirement.</p> <p>Vermont’s CM previously monitored the State’s only secure detention facility for juveniles, Woodside Juvenile Rehabilitation Center, until its closure in 2020. The CM closely monitored the facility for any violations of the DSO requirement. Our CM is prepared to monitor any future secure detention facility for juveniles in the same manner. Vermont will ensure that the policies of any new secure juvenile detention or correctional facility will prohibit any youth from being held if they are not a delinquent, absent applicable exceptions.</p> <p>Vermont law (33 V.S.A. § 5291) (a) requires a recommendation from DCF for placement in a secure facility.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
	<p>33 V.S.A. § 5291) (a) Prior to disposition, the court shall have the sole authority to place a child who is in the custody of the Department in a secure facility used for the detention or treatment of delinquent children until the Commissioner determines that a suitable placement is available for the child. The court shall not order placement in a secure facility without a recommendation from the Department that placement in a secure facility is necessary. The court order shall include a finding that no other suitable placement is available, and the child presents a risk of injury to himself or herself, to others, or to property.</p> <p>One important aspect of DSO relates to the child welfare and juvenile justice system in Vermont. The Family Services Division (FSD) of Vermont's Department for Children and Families (DCF) is responsible for youth involved with the child-welfare and juvenile-justice systems in the state.</p> <p>Juvenile status offenders in Vermont are not charged as delinquents. Instead, they are a part of our child welfare system. Vermont law (33 V.S.A. § 5102(3)) classifies a juvenile status offender as a "child in need of care or supervision (CHINS)," which means a child who:</p> <p>(A) has been abandoned or abused by the child's parent, guardian, or custodian. A person is considered to have abandoned a child if the person is unwilling to have physical custody of the child; unable, unwilling, or has failed to make appropriate arrangements for the child's care; unable to have physical custody of the child and has not arranged or cannot arrange for the safe and appropriate care of the child; or has left the child with a care provider and the care provider is unwilling or unable to provide care or support for the child, the whereabouts of the person are unknown, and reasonable efforts to locate the person have been unsuccessful.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
	<p>(B) is without proper parental care or subsistence, education, medical, or other care necessary for his or her well-being;</p> <p>(C) is without or beyond the control of his or her parent, guardian, or custodian; or</p> <p>(D) is habitually and without justification truant from compulsory school attendance.</p> <p>Thus, juveniles who are runaways, abandoned, truant, homeless, victims of sex trafficking, etc., are held as a CHINS C or D, meaning they are held solely for the purpose of returning them to their parent or guardian or pending their transfer to the custody of Vermont's child welfare agency.</p> <p>A youth is not detained or confined under the JJDP A regulations (28 C.F.R. § 31.304 (b)) if law enforcement holds the youth solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. While FSD expects that law enforcement will not hold these youth in secure facilities any longer than necessary, law enforcement may hold these youth for as long as it takes until they are released to a parent, guardian, or FSD worker. Law enforcement note on the holding log whether a juvenile is an accused delinquent or a child in need of care or supervision, such as a status offender, and to whom the child was released, e.g., a parent. If a CHINS youth was detained until a FSD worker arrived, Vermont's CM can use DCF's internal database to confirm that the youth was indeed a nonoffender and thus not confined as a delinquent.</p> <p>If a status offender or a non-offender is placed at a (future) juvenile detention facility, then the CM would record that as a violation of DSO. Vermont law restricts the use of adult facilities except for juveniles who have a charge filed in the criminal division, or who has been sentenced as an adult. Status offenders, non-offenders and delinquents are not permitted placement at an adult facility because of this law.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
	<p>33 V.S.A. § 5293 (1) A minor who is under the age of 18 who has been arrested shall not be placed in a facility for adult offenders unless a felony charge has been filed in the Criminal Division of the Superior Court or the Criminal Division of the Superior Court has exercised jurisdiction over the matter and the State's Attorney has determined that a felony charge will be filed without delay. A minor who is eligible for release under 13 V.S.A. chapter 229 shall be released.</p> <p>Vermont's CM receives prompt notifications for each juvenile that is placed at a DOC facility. In addition, the CM receives annual overviews of any juvenile under the age of 19 held at an adult facility from the Department of Corrections.</p>
<p><b>YOUTH HANDGUN SAFETY EXCEPTION</b> – Under <a href="#">34 U.S.C. § 11133(a)(11)(A)(i)(I)</a>, the DSO requirement does not apply to juveniles charged with or found to have committed a violation of the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or a similar state law, which prohibits a person younger than 18 from possessing a handgun. Such juveniles may be placed in secure detention or secure correctional facilities without resulting in an instance of noncompliance with the DSO requirement.</p>	<p><b>STATE'S PLAN TO USE EXCEPTION –</b></p> <p>Vermont does utilize this exception. Per state statute below, Vermont can charge youth under the age of 16 if they possess a handgun without parental consent. As a delinquent, the juvenile would be eligible for placement in a secure detention or correctional facility without a DSO violation. However, Vermont does not currently have a secure juvenile facility. Previously, the CM would have reviewed the charges of juveniles held at the facility and note these youth as delinquents. The CM will monitor any future secure juvenile facility in the same manner.</p> <p>13 V.S.A. § 4008. Possession of firearms by children</p> <p>A child under the age of 16 years shall not, without the consent of his or her parents or guardian, have in his or her possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of 33 V.S.A. chapter 52.</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:

**STATE’S PLAN TO USE EXCEPTION –**

Vermont does not utilize this exception. There is no secure juvenile facility in Vermont that can be used for placement. Vermont did not utilize this exception when the former secure juvenile facility was operating and will not when a future facility is built; this provision is non-applicable.

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<ul style="list-style-type: none"><li>• The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender.</li><li>• 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.</li></ul>	

- 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

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>(2) The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order.</p> <p>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.</p>	

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p><b>INTERSTATE COMPACT ON JUVENILES EXCEPTION</b> – Pursuant to the DSO requirement at <a href="#">34 U.S.C. § 11133(a)(11)(A)(i)(III)</a>, 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><b>STATE'S PLAN TO USE EXCEPTION –</b></p> <p>Vermont is a party to the Interstate Compact on Juveniles (ICJ), <a href="#">33 V.S.A. §§ 5721-5733</a>. The State will use the ICJ exception to the JJDPa when a new secure juvenile facility is built.</p> <p>Previously, the CM consulted with the ICJ Compact Administrator if any DSO violations were found at the previous secure juvenile facility. The ICJ Compact Administrator maintains records of any juveniles held pursuant to the Interstate Compact on Juveniles. The Compact Administrator would inform the CM if any of the DSO violations are subject to the ICJ exception so those violation are not reported to the OJJDP. Going forward, any new future secure juvenile facility would be monitored in the same fashion.</p> <p>The Interstate Compact for Juveniles guides our policy on this work:  <a href="http://www.juvenilecompact.org">Interstate Commission for Juveniles (juvenilecompact.org)</a></p> <p>Our policy for working with the compact may be found here:  <a href="https://dcf.vermont.gov/sites/dcf/files/FSD/Policies/182.pdf">https://dcf.vermont.gov/sites/dcf/files/FSD/Policies/182.pdf</a>.</p> <p>If an ICJ youth is at a jail or lockup for adults before being transferred to a secure juvenile facility, the youth may have been detained at the jail or lockup for adults. The CM reviews charges on the holding log to ensure that any ICJ status offenders transferred to a juvenile facility are not held for longer than six hours.</p>

## B. Removal of Juveniles Charged as Adults from Adult Facilities<sup>1</sup>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>Under <a href="#">Section 223(a)(11)(B)</a>, 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>Our CM visits secured facilities in the state to ensure that separation is obtained for detained juveniles. As part of the routine procedure for each facility visit, our CM discusses the Separation requirement and requests a copy of the law enforcement agency's juvenile policy to ensure that this requirement is understood.</p> <p>This federal requirement impacts all states, but Vermont is particularly vulnerable due to its limited access to juvenile detention. The Department of Corrections (DOC) can utilize DCF's contract with a juvenile facility in New Hampshire, Sununu Youth Services Center (SYSC) for youth who are charged or convicted as an adult and under the age of 18, instead of placing these youth at an adult facility in Vermont.</p> <p>Vermont has relatively few juveniles annually who would need to be detained on criminal charges, but each instance of a juvenile being held in an adult correctional facility without an interest of justice hearings will now result in a new federal violation being incurred every 30 days.</p> <p>DCF Family Services Division has been working diligently with members of the Juvenile Jurisdiction Stakeholders group (JJSG); which include the Chief Superior Judge, representation from the Juvenile Public Defenders office, Department of State's Attorneys &amp; Sheriffs, Department of Corrections, DCF, Vermont Network Against Domestic and Sexual Violence, and Vermont Center for Crime Victim Services. The JJSG found consensus in supporting adding language to Vermont statute which gives the courts jurisdiction to hold hearings and provide clarity regarding expected timeliness.</p>

<sup>1</sup> This section of the manual references a provision of the Act that was codified at 34 U.S.C. § 11133(a)(11)(B). OJJDP refers to the requirement described in that provision as the "Section 223(a)(11)(B)" requirement.

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
	<p>As of June 1<sup>st</sup>, 2022, <a href="#">S.224 An act relating to juvenile proceedings</a>, has been signed into law.</p> <p>The relevant language in this legislation, S.224 provides jurisdiction over section 223(a)(11)(b) hearings.</p> <p>* * * Interests of Justice Hearing * * * Sec. 17. 33 V.S.A. § 5294 is added to read:</p> <p>§ 5294. INTERESTS OF JUSTICE HEARING Not later than the next business day after a juvenile who is awaiting trial or other legal process and who is treated as an adult for prosecution in the Criminal Division is taken into custody, the court shall hold a hearing and determine whether to issue a written order, pursuant to 34 U.S.C. § 11133(a)(11)(B), that it is in the interests of justice to hold the juvenile in a jail or other secure facility for adults owned or operated by the Department of Corrections and, if such an order is issued, whether to allow sight or sound contact with adult inmates. Hearings held and orders issued pursuant to this section shall conform with the requirements of 34 U.S.C. § 11133(a)(11)(B), including the criteria set forth therein.</p> <p>Our CM is notified from the DOC when any juvenile is held in an adult facility, and any subsequent 223(A)(11)(B) hearings. Our CM records any violations and reports these to OJJDP. Our CM has access to the judicial data base and can verify accounts.</p> <p>The DOC runs a report for the CM of persons under the age of 19 years held in any secure adult facility to ensure that no entry has been missed. This report is verified against our records to ensure we have adequate information on each juvenile held in a secure adult facility.</p> <p>If separation is required per section 223 (a)(11)(B) hearing, our CM verifies with the</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
	<p>DOC if the Separation requirement was maintained and reports any violations to OJJDP. During site visits the CM confirms how Separation is maintained when juveniles are held in the facility.</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"> <li>1. the age of the juvenile;</li> <li>2. the physical and mental maturity of the juvenile;</li> <li>3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;</li> <li>4. the nature and circumstances of the alleged offense;</li> </ol>	<p>Our CM reviews juvenile holding logs for youth charged as adults and those juveniles detained for six-hours or less are included in the exception and are not reported as violations. Vermont does not currently utilize the rural exception however we have applied for this approval at this time. We do not use the travel conditions exception, or the conditions of safety exception.</p> <p>As stated above, Vermont has just passed legislation in accordance with the Interest of Justice exception to the DSO requirement.</p> <p>Vermont's adult facilities are managed by the Department of Corrections (DOC). Our CM works with our Department of Corrections to receive notifications for each juvenile that is placed at a DOC facility. Our CM maintains records of those juveniles who should have a section 223(a)(11)(B) hearing to verify if those youth are held in accordance with this requirement. The CM has access to the Judiciary's data base to receive written documentation of the hearing and uses that database to monitor and track hearings for all juveniles (&lt;19) who have been placed at one of the facilities. In turn, the CM maintains internal records of these youth including: DOB, charge, arrest date and time, date and time of arrival at the facility, the facility name, IOJ court hearing, date of the hearing,</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<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>any applicable juvenile waiver, date and time of release from the facility, gender/race, and confirmation of the required elements to be considered in the hearing.</p> <p>Under Vermont state statute 33 V.S.A. § 5293 (2)(B)(c), youth sentenced under the age of 16 are prohibited from placement at an adult facility, regardless of if they are charged as an adult.</p> <p>33 V.S.A. § 5293 (2)(B)(c) Placement of minors under 16. The Commissioner of Corrections shall not place a minor under the age of 16 who has been sentenced to a term of imprisonment in a correctional facility that is used to house adult inmates.</p> <p>Our CM maintains records of those juveniles who should have a section 223(a)(11)(B) hearing to verify if those youth are held in accordance with this requirement.</p>

### C. Separation of Juveniles From Adult Inmates

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>Pursuant to <a href="#">34 U.S.C. § 11133(a)(12)</a>, juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.</p> <p>In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult</p>	<p>Our CM provides technical training during site visits on the Separation Requirement as provided by 34 U.S.C. 11103(25):</p> <p>The juvenile must not have any physical, clear visual, or verbal contact with adult inmates that is not brief and inadvertent.</p> <p>Separation must be achieved architecturally or through policies and procedures in all secure areas of the facility, which include:</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>inmates, including in collocated facilities, to have been trained and certified to work with juveniles.</p>	<p>admissions, sleeping, shower and toilet areas. Brief and accidental contact between juveniles and adult inmates in secure areas of the facility that are dedicated for use by juvenile offenders, and which are non-residential would not require a facility or state to report a violation. Those areas include dining, recreational, educational, vocational, health care, sally ports or other entry areas and passageways (hallways). Any contact in a dedicated juvenile area, including any residential area of a secure facility, between juveniles in a secure custody status and adult inmates would be a violation.</p> <p>As part of the facility site visit, the CM examines any area where a juvenile might be held to determine if separation would be achieved. The CM enters any holding cell or area to determine if the juvenile would have any contact with adult inmates, as provided by 34 U.S.C. 11103(26):</p> <p>(A) an individual who has (i) reached the full age of criminal responsibility under applicable State law and (ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense; and (B) does not include an individual who (i) 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 (ii) was committed to the care and custody and 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>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p><b>JUVENILES WHO ARE TRANSFERRED, CERTIFIED, OR WAIVED TO CRIMINAL COURT</b> – Juveniles who have been transferred, certified, or waived to criminal court, and are therefore charged as adults, may not be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility, unless it is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B).</p> <p>However, a court may determine that it would be in the interest of justice to do so consistent with <a href="#">34 U.S.C. § 11133(a)(11)(B)</a>. See Section 223(a)(11)(B) above, which applies to juveniles charged as adults. If a juvenile who has been charged as an adult has been convicted and sentenced for the criminal offense, however, Section 223(a)(11)(B) no longer applies.</p>	<p>Under 33 V.S.A. § (2)(B)(c), sentenced juveniles under the age of 16 are not permitted to be placed at an adult facility. PREA requires that juveniles under the age of 18 are separated from adult inmates. Juveniles that are 18 years of age and charged as adults may have sight or sound contact with adult inmates if the court finds that it is in the interest of justice.</p> <p>Our CM works closely with the Department of Corrections to ensure that any juvenile held in a DOC facility has separation from adult inmates. When separation has not been achieved, our CM is notified by the DOC classification director.</p> <p>During site visits the CM asks how the facility separates juveniles from adult inmates while they are at the facility. This entails that the facility contact person walking the Compliance Monitor through the facility demonstrates that any physical, clear visual, or verbal contact is not possible.</p>
<p><b>JUVENILES WHO REACH THE AGE OF FULL CRIMINAL RESPONSIBILITY AFTER ARREST OR ADJUDICATION</b> – Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they have reached the state's maximum age of extended juvenile jurisdiction. By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal</p>	<p>Vermont's previous secure juvenile detention facility only held juveniles up until age 18. Since the closure of Woodside in 2020, Vermont has not detained juvenile delinquents at a juvenile facility within the state.</p> <p>Juveniles who have not yet reached 18 years of age may be transferred out of state to New Hampshire's Sununu Youth Services Center. Only Vermont juveniles under the age of 18 are permitted at the facility.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
responsibility, are adult inmates, who must not have sight or sound contact with juvenile detainees.	
<p><b>PROGRAMS IN WHICH JUVENILES HAVE SIGHT OR SOUND CONTACT WITH ADULT INMATES –</b>  Programs in which juveniles have sight or sound contact with adult inmates in an attempt to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the separation (and possibly DSO and jail 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><b>PLEASE NOTE FOR PURPOSES OF THIS SECTION:</b></p> <p>Vermont does not operate any shock incarceration programs in which juveniles have sight or sound contact with adult inmates.</p>

## D. Removal of Juveniles From Adult Jails and Lockups

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
Pursuant to <a href="#">34 U.S.C. § 11133(a)(13)</a> , 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.	Our CM collects annual records of juvenile holdings from every law enforcement and court facility in the state. The holding logs used by every facility require entry of any juvenile held at the facility. The holding logs require the facility to submit information regarding the date and time of the holding, the charge, the time of release, and the age/gender/race/ethnicity of the juvenile, and whether the juvenile was detained or not.

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both juveniles and adult inmates in collocated facilities to have been trained and certified to work with juveniles:</p>	<p>The holding logs submitted by law enforcement indicate if each juvenile was held due to a delinquent offense or if they were brought in as a CHINS juvenile as dependent, neglected, or abused. Additionally, if the juvenile was a status offender or non-offenders who are aliens, this is indicated as well.</p> <p>Juveniles accused of a delinquent offense have a 6-hour exception to the jail removal requirement. Juvenile status offenders in Vermont are not charged as delinquents. Instead, they are a part of our child welfare system. Vermont law (33 V.S.A. § 5102(3)) classifies a juvenile status offender as a “child in need of care or supervision (CHINS)”. Due to the definition of “detain and confine”, CHINS juveniles are not included in this requirement.</p> <p>Adjudicated juveniles cannot be held securely in an adult jail or lockup for any period of time.</p> <p>Law enforcement enter the charge for each juvenile on the holding log.</p>
<p><b>SIX-HOUR EXCEPTION</b> – The jail removal requirement at <a href="#">34 U.S.C. § 11133(a)(13)(A)</a> allows the detention or confinement in an adult jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:</p> <ul style="list-style-type: none"> <li>a. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility.</li> <li>b. A juvenile who has been adjudicated as delinquent may</li> </ul>	<p>An accused juvenile delinquent should not be detained for longer than is necessary to preserve personal or public safety. When a juvenile is first placed within a secure area of a facility, the six-hour countdown begins, regardless of who is accompanying an accused delinquent during detainment (this includes the juvenile’s custodian). The clock stops when they are removed from the secure setting and leave the facility or are placed in a non-secure area of the facility. Once placed in a non-secure setting, they are no longer considered to be detained for purposes of the JJDP. If, for purposes of personal or public safety, the juvenile needs to be returned to a secure setting, the countdown resumes with the time remaining. An accused delinquent may not be detained for more than a cumulative total of six hours within a single episode.</p> <p>Upon review of the annual juvenile holding logs, any accused juvenile delinquent that is detained for six hours or less qualifies for the 6-hour exception and is not reported as a violation of the jail removal requirement. Should the</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>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> <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>secure juvenile holding exceed six hours, this is reported as a violation to OJJDP. An adjudicated juvenile delinquent detained for any length of time is a violation of this core requirement.</p> <p>The most notable recent change of the jail removal requirement includes court holding facilities. Since these facilities are now classified as adult jails and lockups, Vermont now monitors them for the jail removal requirement, and reviews holding logs from these facilities.</p> <p>Our CM verifies that the date and time of the juvenile holding are recorded to determine if any secure holding would qualify for this exception. The CM may compare the information contained in the holding log with DCF's internal databases for verification purposes. When law enforcement brings an accused juvenile delinquent to their facility, they will contact DCF's Centralized Intake and Emergency Services (CIES) for placement purposes. CIES will record notes in the database that the CM can use to confirm the information on the holding log. If the juvenile is released directly to their parent, then CIES may have no record of the juvenile.</p> <p>The CM provides training to facility staff on detainment of juveniles.</p> <p>Below are not examples of detainment:</p> <ol style="list-style-type: none"> <li>1. The area where the juvenile is held is an unlocked multipurpose area, such as a lobby, office or interrogation room that is not designated, set aside, or used as a secure detention area.</li> <li>2. The juvenile is not physically secured to a cuffing rail or other stationary object within the facility.</li> <li>3. A juvenile is handcuffed to a non-stationary object.</li> <li>4. A juvenile is held solely for the purpose of releasing to their parents/guardian or transfer to the child welfare agency.</li> <li>5. The juvenile is in a transportation vehicle.</li> </ol>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p><b>RURAL EXCEPTION</b> – The exception found at <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(I)</a> 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 <a href="#">here</a>. The relevant bulletin will be titled <i>OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas</i>, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of "Metropolitan Statistical Areas" that provides the title of the metropolitan statistical area, the principal city or cities, and the counties included in that area.</p>	<p>Vermont does currently use this exception.</p> <p>Most of Vermont resides in a Micropolitan Statistical Area, as defined by the Office of Management and Budget here; <a href="https://www2.census.gov/programs-surveys/metro-micro/reference-maps/2020/state-maps/50_Vermont_2020.pdf">https://www2.census.gov/programs-surveys/metro-micro/reference-maps/2020/state-maps/50_Vermont_2020.pdf</a>. In addition, Vermont does not have any secure juvenile facilities. This means that there are limited placement options and frequently no existing acceptable alternative placement options other than the jail or lockup for adults.</p> <p>Our CM references intake records in the holding logs with DCF's data base to ensure that that the juvenile cannot be held non-securely, and that there is no suitable, available placement in a juvenile secure facility before the determination was made to hold the youth in an adult secure facility.</p> <p>The Office of Juvenile Justice and Delinquency Prevention requires all states to have a policy in place that requires individuals who work with juvenile and adult inmates to have training and certification to work with juveniles. Although Vermont has no collocated facilities there are local lockups at most police departments that have the authority to detain both juveniles and adults. All police officers in Vermont must be certified by the State of Vermont Criminal Justice Training Council. The links below reference the legislative action requiring certification of all police officers and the juvenile component of the curriculum.  <a href="https://legislature.vermont.gov/statutes/section/20/151/02358">https://legislature.vermont.gov/statutes/section/20/151/02358</a>  <a href="http://vcjtc.vermont.gov/training/one-and-two">http://vcjtc.vermont.gov/training/one-and-two</a>.</p>
<p><b>TRAVEL CONDITIONS EXCEPTION</b> – Under <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(II)</a>, states may detain a juvenile accused of a delinquent offense in an adult jail or lockup, if the facility is located where</p>	<p><b>STATE'S PLAN TO USE EXCEPTION</b> –</p> <p>Vermont does not currently use this exception.</p>

SUMMARY OF REQUIREMENT	STATE'S PLAN TO ADDRESS REQUIREMENT
<p>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><b>CONDITIONS OF SAFETY EXCEPTION</b>  – Under <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(III)</a>, 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><b>STATE'S PLAN TO USE EXCEPTION –</b>   Vermont does not currently use this exception.</p>

### **III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING**

#### **A. Summary of Elements**

States participating in the Formula Grants Program must provide for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that they meet the core requirements, pursuant to the monitoring and reporting requirement at [34 U.S.C. § 11133\(a\)\(14\)](#). The state's monitoring system, if it is to comply with the statutory and regulatory monitoring requirements, must include all jails, lockups, secure detention facilities, and secure correctional facilities. There are eight elements of an effective system of monitoring.

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

## B. Compliance Monitoring Policies and Procedures

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(i)</a>, one of the required elements of an effective system of monitoring is that states must describe their policies and procedures for monitoring for compliance with the core requirements. The purpose of this manual is to satisfy the policies and procedures element, as well as describe how Vermont satisfies the following additional elements required for an effective system of compliance monitoring (see Section III of this manual).</p>	<p>Every state is mandated by OJJDP to have a written manual, which provides for an effective system of monitoring that all facilities should adhere to. Compliance monitoring affects eligibility for federal formula grant funding and participation in programs available through OJJDP. Noncompliance with any of the core requirements addressed within will result in a 20% reduction of the funds awarded to the state.</p> <p>The compliance monitoring manual describes:</p> <ol style="list-style-type: none"> <li>1. The barriers faced in implementing and maintaining an effective compliance monitoring system and the strategies to overcome these barriers.</li> <li>2. The procedures that have been established for the state to receive, investigate, and respond to reports of compliance violations.</li> <li>3. A detailed description of compliance monitoring tasks.</li> <li>4. The monitoring authority that has been granted in order to perform the compliance monitoring tasks.</li> <li>5. The definition of terms that will be used when performing compliance monitoring.</li> </ol> <p>Time is set aside around the anticipated drop of the next solicitation for administrative tasks to be completed, such as updating policies and procedures, the compliance manual, proposing any legislative or policy changes to strengthen or ensure compliance, and planning the site visit schedule for the next reporting cycle.</p>

**Date of Last Update or Initial Plan Implementation:** 6/13/2022

Please provide a date for each section addressing a requirement, exception, definition, or element of an effective system for monitoring.

## C. Monitoring Authority

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>States are required under <a href="#">34 U.S.C. § 11133(a)(1) and (2)</a> 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 agency responsible for compliance monitoring, the Vermont Agency of Human Services Department for Children and Families, has legal authority to conduct on-site monitoring and data collection from adult jails, adult lockups, secure detention facilities, and secure correctional facilities in the state. The monitoring authority allows the compliance monitor to inspect each facility for purposes of classification, to keep specific juvenile admission and release records and allow the Compliance Monitor access to these records during the year.</p> <p>The Children and Family Council for Prevention Programs, created pursuant to Chapter 33 of Title 33 of Vermont Statutes Annotated, serves as Vermont's State Advisory Group pursuant to section 223 of the JJDP and 34 U.S.C. 11133.</p> <p>Former Vermont Governor Peter Shumlin designated Vermont's Children and Family Council for Prevention Programs as Vermont's Supervisory Board for purposes of the Juvenile Justice and Delinquency Prevention Act, as amended by the Juvenile Justice Reform Act of 2018.</p> <p>An OJJDP compliance audit report from January 2018 found that the state had not adequately designated authority to monitor all facilities covered under the JJDP. During the 2018 legislative session, the authority to monitor compliance and all aspects of the JJDP program were clarified and codified here: <a href="https://legislature.vermont.gov/statutes/section/33/033/03309">https://legislature.vermont.gov/statutes/section/33/033/03309</a>.</p> <p>33 V.S.A. § 3309 Compliance with the Juvenile Justice and Delinquency Prevention Act</p> <p>The Department for Children and Families, within the Agency of Human Services, is the State agency designated for supervising the preparation and administration of the Juvenile Justice and Delinquency Prevention Act State Plan and is also designated as the State agency responsible for monitoring and data collection for purposes of compliance</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	with the Juvenile Justice and Delinquency Prevention Act. (Added 2017, No. 201 (Adj. Sess.), § 4, eff. May 30, 2018.)

**Date of Last Update or Initial Plan Implementation:** 6/13/2022

## D. Violation Procedures

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(iii)</a>, 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>The processes for collecting violations can take several different forms: through the Compliance Monitor, the facility itself, the general public, child advocacy groups, attorneys, the Disabilities Rights Counsel, or the agency with oversight authority. The Compliance Monitor is the primary person to discover, investigate and report compliance violations throughout the state. Violations are mostly found through the review of the annual juvenile holding logs. The holding logs are voluntarily provided by law enforcement agencies.</p> <p>The CM reviews holding logs from every secure facility in the state of Vermont. The holding logs contain information on the juvenile's age, race, charge, the date and time of the start of the detainment, and the date and time they were released.</p> <p>The CM reviews the logs to see if any status offenders were detained and not released to their parent/guardian or the child welfare agency. If so, the CM verifies this information with the law enforcement agency and includes each instance of a violation with the annual report to OJJDP.</p> <p>After the CM completes their investigation, any violations are included in the annual report to the OJJDP. In addition, each violation triggers a violation letter on DCF letterhead to the facility and any other involved agencies or staff to inform them that the holding resulted in a violation that was reported to OJJDP. Violation letters are</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>drafted by the CM and submitted to the Juvenile Justice Specialist, and Policy Director for feedback before they are sent electronically as well as a hard copy mailed to the facility.</p> <p>Violation letters include the juvenile's date and time of the secured holding, any other relevant information, and a recommendation as to how further violations may be avoided. The CM offers technical support and any other useful resources as part of the violation letter.</p> <p><b>Deinstitutionalization of Status Offenders (DSO) 34 U.S.C. §11133(a)(11)(A)</b></p> <p>Under DSO, Section 223(a)(11)(B), 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.</p> <p>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>If an ICJ juvenile is at a jail or lockup for adults before being transferred to a secure juvenile facility, the juvenile may have been detained at the jail or lockup for adults. The CM reviews charges on the holding log to ensure that any ICJ status offenders transferred to a juvenile facility are not held for longer than six hours.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>Holding logs include the charge for each juvenile and may be verified by the CM through DCF's internal data base and the Judiciary's data base.</p> <p><b>Separation of Juveniles from Adult Inmates (Separation) 34 U.S.C. § 11133(a)(12)</b></p> <p>Juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.</p> <p>In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.</p> <p>Each instance is investigated by the CM to determine whether separation was achieved, absent an approved exception in the JJDPA. During onsite investigations the CM may request additional information to ensure that separation was properly maintained.</p>

**Removal of Juveniles From Adult Jails and Lockups (Jail Removal) 34 U.S.C. § 11133(a)(13)**

Pursuant to 34 U.S.C. § 11133(a)(13) no juvenile shall be detained or confined in any jail or lockup for adults, except pursuant to the 6-hour exception or rural removal exception. 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.

The CM checks the dates and times of juveniles detained. Any juveniles detained for more than six hours are verified with law enforcement or the facility, or 48 hours if the facility is within a rural exception zone. Each verified instance is considered a violation of the jail removal requirement and is reported to the OJJDP with the annual report.

Any violation investigation begins with a review of the arrest record or incident. In some cases, incorrect information is recorded on the juvenile holding log and the entry may only appear to be a violation. After further investigation, it may be revealed that the times or detaining charge(s) were recorded incorrectly. In addition, the Compliance Monitor may consult DCF internal databases, and the judiciary's online portal. Potential violations are reviewed and investigated to determine if any applicable exception is met.

The Compliance Monitor will conduct more frequent follow up site visits to facilities where a recent violation has been confirmed. Juvenile holding logs from non-compliant or high-risk facilities may be requested more frequently. The Compliance Monitor and/or Juvenile Justice Specialist will provide progress reports on the violations to the State Advisory Group as needed.

**Date of Last Update or Initial Plan Implementation:** 6/13/2022

## 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 JJDP Act at <a href="#">34 U.S.C. § 11103</a> the Formula Grants Program Regulation at <a href="#">28 C.F.R. § 31.304</a> and <a href="#">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.</a></p>	✓

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p><i>Federally Defined Terms Relating to Compliance With the Formula Grants Program</i></p>	<p>The State of Vermont applies the federal definition of any term related to compliance monitoring where the state definitions of the term differ from the federal definition. Where there is a difference in the definitions, the State of Vermont Department for Children and Families acknowledges that the federal definition must be used.</p>
<p><b>ADULT INMATE</b>   <a href="#">34 U.S.C. § 11103 (26)</a> – 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>When monitoring for compliance with the core requirements, Vermont applies the federal definition of adult inmate related to compliance monitoring. Given the federal definition, it is pertinent to note that Vermont does not currently have a secure juvenile facility in the state, so there is no applicable maximum age for a juvenile to be held at a juvenile facility.</p>
<p><b>ASSESSMENT</b>   <a href="#">34 U.S.C. 11103(38)</a> – includes, at a minimum, an interview and review of available records and other pertinent information – (A) by an appropriately trained professional who is licensed or certified by the applicable state in the mental health, behavioral health, or substance abuse fields; and (B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth's confinement.</p>	<p>Vermont applies the federal definition of assessment for purposes of compliance monitoring. Vermont utilizes the Youth Assessment and Screening Instrument (YASI), which is an evidenced-based risk/needs assessment and case planning tool, validated for juveniles ages 10–25. In Vermont, the YASI shall be completed with juveniles who are at-risk (CHINS C), truant (CHINS D), or have committed delinquent acts. Please see FSD's policy regarding the use of YASI here: <a href="#">Purpose (vermont.gov)</a>.</p>
<p><b>COLLOCATED FACILITIES</b>   <a href="#">34 U.S.C. § 11103 (28)</a> – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.</p>	<p>Vermont applies the federal definition of colocated facilities for purposes of compliance monitoring.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p><b>CORE REQUIREMENTS</b>   <a href="#">34 U.S.C. § 11103 (30)</a> – means the requirements described at <a href="#">34 U.S.C. § 11133(11), (12), (13), and (15)</a>.</p>	<p>Vermont applies the federal definition of core requirements for purposes of compliance monitoring.</p>
<p><b>CRIMINAL-TYPE OFFENDER</b>   <a href="#">28 C.F.R. § 31.304(a)</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>Vermont applies the federal definition of criminal-type offender for purposes of compliance monitoring. These juveniles are typically referred to as accused or adjudicated juvenile delinquents. Status offenses are not charged as delinquencies in the state of Vermont, but rather as children in need of supervision.</p>
<p><b>DETAIN OR CONFINE</b>   <a href="#">28 C.F.R. § 31.304 (b)</a> – means to hold, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition.</p>	<p>Vermont applies the federal definition of detain or confine for purposes of compliance monitoring. This definition is particularly important to Vermont, given that status offenders are not charged as delinquents. Instead, they are treated as nonoffenders and defined in state statute as children in need of supervision (CHINS) (33 V.S.A. § 5102(3)). If appropriate, custody of a CHINS juvenile will be granted to DCF, which is both the child welfare and juvenile justice agency for Vermont. However, since status offenders remain solely in the child welfare portion of the system, law enforcement may detain the juvenile until a FSD worker arrives.</p>
<p><b>INSTITUTION</b>   <a href="#">Compliance Monitoring TA Tool</a> means “a secure facility that law enforcement or a juvenile or criminal court authority uses to detain or confine juveniles or adults (1) accused of having committed a delinquent or criminal offense, (2) awaiting adjudication or trial for the delinquent or criminal offense, or (3) found to have committed the delinquent or criminal offense.”</p>	<p>Vermont applies the federal definition of institution for the purposes of compliance monitoring.</p>
<p><b>JAIL OR LOCKUP FOR ADULTS</b>   <a href="#">34 U.S.C. § 11103 (22)</a> – means a locked facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adult inmates.</p>	<p>Vermont applies the federal definition of jail or lockup for Vermont.</p>
<p><b>JUVENILE OFFENDER</b>   <a href="#">28 C.F.R. § 31.304 (d)</a> – means an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and</p>	<p>Vermont uses the federal definition of juvenile offender for purposes of compliance monitoring.</p> <p>In Federal Fiscal Year 2020, <a href="#">Act 201 (the “Raise the Age” law (RTA))</a> came into effect, and</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>offense limitations as defined by state law (i.e., a criminal-type offender or a status offender).</p>	<p>Vermont become the first state in the nation to raise its upper age of juvenile jurisdiction past a juvenile's 18th birthday. Beginning on July 1, 2020, 18-year-olds charged with a criminal offense (excluding the more serious "Big 12" offenses) were prosecuted in the Family Division of the Superior Court (rather than the adult Criminal Division), with supervision and coordination of services provided by the Department for Children and Families (DCF), rather than the Department of Corrections.</p> <p>Vermont classifies a juvenile as a person at or under age 17, from October 1, 2019, to June 30, 2020. VT classifies a juvenile as a person at or under age 18, as of July 1, 2020. Violations of the DSO, Jail Removal and Sight &amp; Sound Separation for the end of FFY2020 (from July 1, 2020 - September 30, 2020) and entirety of FFY 2021 will include 18-year-old juveniles. The Compliance Monitor has updated holding logs for all facilities to include 18-year-olds. These juveniles are treated the same for all core requirements of the JJDP as their 17- year-old counterparts.</p>
<p><b>MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION</b>   <a href="#">Compliance Monitoring TA Tool</a> by OJJDP – means the age above which a juvenile court may no longer exercise jurisdiction under state law.</p>	<p>Vermont uses the federal definition of maximum age of extended juvenile court jurisdiction for purposes of compliance monitoring.</p> <p>Under 33 V.S.A. § 5103 (C)(2)(A), jurisdiction over a child with a delinquency may be extended until six months beyond the child's (i) 19th birthday if the child was 16 or 17 years of age when the offense was committed or (ii) 20th birthday if the child was 18 when the offense was committed.</p> <p>Juveniles are eligible for youthful offender status until age 21. When a juvenile is on youthful offender status, both a Family Services Worker and Department for Corrections assigned Officer</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>supervise probation and help make sure the juvenile meets the conditions of probation. By connecting eligible juveniles to the Family Division and the Department for Children and Families (DCF), Youthful Offender status allows juveniles to receive age-appropriate treatment and supervision. For juveniles with this status who complete the terms of their probation successfully, their Family Division record will be sealed thus avoiding the conviction on their permanent record.</p>
<p><b>MONITORING UNIVERSE</b>   <a href="#">Compliance Monitoring TA Tool</a> – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.</p>	<p>Vermont uses the federal definition of monitoring universe for purposes of compliance monitoring submission to OJJDP.</p> <p>The CM maintains the monitoring universe and dates of each facility site visit to ensure that secured facilities are visited at least once every three years. The CM updates the monitoring universe if any new facilities are being used or if any previously utilized facilities are no longer in operation. As of June 13, 2022, there are 90 total secure facilities in the state of Vermont:</p> <ul style="list-style-type: none"> <li>- 48 Municipal P.D.'s</li> <li>- 11 County Sheriffs</li> <li>- 11 VSP</li> <li>- 14 Court facilities</li> <li>- 6 Prisons</li> </ul> <p>Vermont maintains an internal monitoring universe that includes facilities that cannot detain juveniles and/or adult inmates. The CM spot checks these facilities to ensure that they are still classified as non-secure. If their status changes, they are moved to the external monitoring universe as submitted to OJJDP.</p>
<p><b>NONOFFENDER</b>   <a href="#">28 C.F.R. § 31.304 (i)</a> – means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.</p>	<p>Vermont uses the federal definition of nonoffender for purposes of compliance monitoring.</p> <p>In Vermont, status offenders are also considered nonoffenders and are subject to the jurisdiction of the family division as Children in Need of Supervision (CHINS), under 33 V.S.A. § 5102.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p><b>RESIDENTIAL</b>   <a href="#">Compliance Monitoring TA Tool</a> – 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>Vermont uses the federal definition of residential for purposes of compliance monitoring.</p>
<p><b>SECURE</b> as defined under <a href="#">28 C.F.R. § 31.304 (m)</a> and used to define a detention or correctional facility – includes residential facilities that include construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.</p>	<p>Vermont uses the federal definition of secure for purposes of compliance monitoring.</p>
<p><b>SECURE CORRECTIONAL FACILITY</b>   <a href="#">34 U.S.C. § 11103 (13)</a> – means any public or private residential facility which—(1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals 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>Vermont uses the federal definition of secure correctional facility for purposes of compliance monitoring.</p> <p>There are currently no secure juvenile correctional facilities operating in the state of Vermont.</p>
<p><b>SECURE DETENTION FACILITY</b>   <a href="#">34 U.S.C. § 11103 (12)</a> – means any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals 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>Vermont uses the federal definition of secure detention facility for purposes of compliance monitoring.</p> <p>There are currently no secure juvenile detention facilities in the state of Vermont</p>
<p><b>SIGHT OR SOUND CONTACT</b>   <a href="#">34 U.S.C. § 11103 (25)</a> – means any physical, clear visual, or verbal contact that is not brief and inadvertent.</p>	<p>Vermont uses the federal definition of sight or sound contact for purposes of compliance monitoring. Vermont’s Compliance Monitor</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	educates law enforcement and other stakeholders on contact that is brief and inadvertent when they perform site visits.
<b>STATE</b>   <a href="#">34 U.S.C. § 11103(7)</a> – means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.	Vermont uses the federal definition of state for purposes of compliance monitoring.
<b>STATUS OFFENDER</b>   <a href="#">34 U.S.C. § 11103(42)</a> – means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.	Vermont uses the federal definition of status offender for purposes of compliance monitoring.  In Vermont, nonoffenders and status offenders are both defined as children in need of supervision (CHINS).
<b>TWENTY-FOUR HOURS</b> <a href="#">Compliance Monitoring TA Tool</a> – 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.	Vermont uses the federal definition of 24-hour period for purposes of compliance monitoring.
<b>VALID COURT ORDER</b>   <a href="#">34 U.S.C. § 11103(16)</a> – means a court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.	Vermont uses the federal definition of valid court order for purposes of compliance monitoring but does not utilize VCO’s as an exception to the DSO core requirement.

Date of Last Update or Initial Plan Implementation: 6/13/2022

## 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 <a href="#">34 U.S.C. § 11133(a)(14)</a>. 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>The CM monitors all secure facilities. Within three-year cycles, the CM conducts site visits to every law enforcement agency or department in the state, and every court facility that could potentially detain a juvenile. The CM identifies secure facilities in the monitoring universe.</p> <p>The monitoring universe refers to the identification of adult jails, adult lockups, secure detention facilities, and secure correctional facilities within the state. The below steps outline the Compliance Monitor’s process of identification.</p> <ol style="list-style-type: none"> <li>1. The identification of the universe is an ongoing process, but at a minimum the Compliance Monitor will annually update the compliance monitoring universe spreadsheet in preparation for the title II solicitation. The Compliance Monitor contains records of all the police departments in the state, names of chiefs of police, mail and email addresses and telephone numbers. This list also contains sheriffs, state police and state prison contact information. A list of all police jurisdictions in the state is kept current by the Vermont Criminal Justice Training Council (VCJTC) and the Vermont Police Academy (VPA). The Compliance Monitor utilizes the published list and makes direct contact with the VPA to identify possible additions or reductions to the monitoring universe.</li> <li>2. During site visits, the Compliance Monitor assesses any proposed new construction or remodeling of the current facility that could impact classification or changes to the universe.</li> <li>3. Both the County Department &amp; Vermont State Police Stations are utilized to verify information from the VPA regarding any</li> </ol>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>changes in local law enforcement entities within their regional jurisdictions. If a new department is identified and confirmed it will be added to the Universe. Similarly, if a department has been disbanded and confirmed, it will be deleted from the Universe. Any new department will be scheduled for a site visit, classified, and provided with holding logs and instructions for data collection process by the Compliance Monitor.</p> <ol style="list-style-type: none"> <li>4. Court holding facilities are identified by the Compliance Monitor contacting the Director of Security for the Vermont Superior Courts. The director's office maintains a list of facilities and current Court Operations Managers (COM). Site visits are normally coordinated with the COM. These sites are included and classified in the Universe as adult jails or lockups.</li> <li>5. Department of Corrections (DOC) maintains the six (6) Regional Correctional Centers for adults. The Compliance Monitor utilizes their public <a href="#">website</a> for identification of facilities and current administrators and connects with DOC's director of classification regarding changes to facilities. Site visits are pre-arranged with superintendents of each facility. The Compliance Monitor also cross-verifies use of any of those sites with the Director of Classification regarding any detainment of a 16, 17, or 18-year-old person. Under 33 V.S.A. § 5293 (2)(B)(c), no sentenced youth under the age of 16 may be placed at a DOC facility.</li> <li>6. Identification of the non-secure, residential, group homes, is accomplished by the Compliance Monitor obtaining the current list of licensed care facilities from the DCF/ Residential, Licensing, and Special Investigations (RSLI) Unit. While these are not in the official compliance universe, it is</li> </ol>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>critical that the Compliance Monitor is aware of these programs to ensure that they remain non-secure. If the facility becomes secure, it will be reclassified and monitored as appropriate based on its new status. The RLSI unit is responsible for investigation and inspection of these residential programs. Inspections done every two years, at minimum, by the RLSI staff.</p> <p>DCF maintained a secure juvenile treatment facility (Woodside Juvenile Rehabilitation Center) from 1986 to Fall of 2020. The last juvenile left Woodside on August 27, 2020, with no further admissions to the facility. Act 154 authorized the Agency of Human Services (AHS) to cease operations and the facility permanently closed on October 17, 2020. Instead, to meet the state's needs for secure treatment, the DSA has established a contract effective November 15th, 2020, with the Sununu Youth Services Center (SYSC) in New Hampshire for Vermont juveniles in need of secure treatment for an interim period.</p>

**Date of Last Update or Initial Plan Implementation:** June 13, 2022

## G. Classification of the Monitoring Universe

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>States are required under <a href="#">28 C.F.R. § 31.303(f)(1)(i)(B)</a> to classify each facility in the monitoring universe to specify whether it is a (1) a jail or lockup for adults (<a href="#">34 U.S.C. § 11103(22)</a>); (2) secure detention facility (<a href="#">34 U.S.C. § 11103(12)</a>); or (3) secure correctional facility (<a href="#">34 U.S.C. § 11103(13)</a>).</p>	<p>The classification of the monitoring universe is completed and reviewed annually by the Compliance Monitor. During inspection of facilities, the CM confirms the current classification of the facility. The CM re-assesses classification by reviewing the following for each facility:</p> <ol style="list-style-type: none"> <li>1. Has the facility changed from secure to nonsecure?</li> <li>2. Is the facility residential or non-residential?</li> </ol>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ol style="list-style-type: none"> <li>3. Is the facility for juveniles only, adult only or both?</li> <li>4. Is the facility equipped with beds or cots and has the capacity for overnight stays for individuals accused of an offense?</li> <li>5. Is the facility open 24 hours?</li> <li>6. Is the facility used for temporary placement of individuals accused of an offense, or used for placement after adjudication or conviction?</li> </ol> <p>Facilities are classified as adult jail or lockup, secure detention, and secure correctional facility. Facility classification documentation includes categories 1-6 above. In addition, each facility is determined to be residential or non-residential. Lastly, classification indicates whether the facility is juveniles only, adults only, or juveniles and adults. All classification elements are included in the CM's site visit worksheet completed with each site visit and added in the universe.</p> <p>Residential facilities are open 24 hours and have beds or other sleeping quarters. Secure detention and secure correctional facilities are residential. Secure detention facilities are used for individuals who are accused, and secure correctional facilities are used for individuals after adjudication or conviction.</p> <p>When a facility indicates renovations or new build plans, the Compliance Monitor will include that into the site visit worksheet and plan another site visit for the next FFY to insure current, accurate, and complete classification. Changes in the physical structure of the buildings could either be adding or reducing secure capabilities. Facilities can meet the definition of more than one facility type, for example a lockup can be a secure detention facility and a secure correctional facility.</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>The Compliance Monitor's site visit is critical to maintain accurate classification and update the monitoring universe. If the incorrect classification of a facility occurs, then violations may be missed.</p>

**Date of Last Update or Initial Plan Implementation:** 6/13/2022

## H. Inspection of Facilities

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(i)(C)</a>, inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping.</p>	<p>At least ten percent of all facilities identified in the monitoring universe are to be inspected annually, and all facilities within three years. Inspection of facilities is required to classify them according to federal regulations and to determine whether adequate separation exists between juveniles and adult offenders in secure facilities. These inspections are also used to determine whether adequate data are maintained for compliance with the three mandated core requirements. The CM is a part time employee of the DSA and conducts all facility inspections.</p> <p>Each facility used to detain juveniles shall maintain a holding log for all juveniles detained. The log shall contain the DOB, gender, race and ethnicity of the juvenile, the charge, the date and time locked in secure detention, the date and time released from secure detention, to whom released, and the reason for secure detention.</p> <p>The CM ensures that the paper holding log is kept next to the secure portion of the facility and will compare the most recent entries against the facility data base with the facility staff present for the site visit.</p> <p>1. A thorough review of all secure facilities' data collection systems will be conducted to ensure each keeps data consistent with the JJDP and Formula Grants Program Regulations and, at a minimum, include for each juvenile:</p> <ol style="list-style-type: none"> <li>a. Name or ID number</li> <li>b. Date of birth/sex/race/ethnicity</li> <li>c. Most serious offense</li> <li>d. Court of jurisdiction</li> <li>e. Time placed into secure detention</li> <li>f. Date and time of release</li> <li>g. Name and or relationship of person to whom the juvenile was released.</li> </ol>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>2. Site Visits will consist of the following:</p> <ol style="list-style-type: none"> <li>a. A tour of the facility <ol style="list-style-type: none"> <li>i. To include secure and non-secure areas where a juvenile or adult offender may be detained or confined and to determine the facility classification.</li> <li>ii. Purpose of the tour will be to verify compliance with the Separation Core requirement and correct classification.</li> </ol> </li> <li>b. Review of the previous 6 months of data, including: <ol style="list-style-type: none"> <li>i. Juvenile arrest, detention, holding, or prisoner records/logs.</li> </ol> </li> </ol> <p>The CM reviews the records of each facility to ensure sufficient data is maintained to determine compliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements. If insufficient data is reported from any facility, the CM will request clarification to ensure adequate information is recorded.</p> <p>The log shall be kept confidential both by the agency or facility that maintains it, and by the Department that receives copies. Facility inspections confirm the classification and assess separation of juveniles and adult inmates. Prior to the inspection of a facility, the site visit is arranged with the contact person at the facility. A minimum of one hour should be allotted for a site visit for each facility. The Compliance Monitor will be responsible for maintaining records of when facilities are visited and reports annually to OJJDP. A site visit begins with discussion on any changes since the last inspection. The Compliance Monitor will:</p> <ul style="list-style-type: none"> <li>• Request a copy of policies and procedures for the processing of juveniles in their custody.</li> </ul>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ul style="list-style-type: none"> <li>• Request to see any non-secure areas and confirm if status offenders (and non-offenders) are held there.</li> <li>• Request a walk through or tour of the facility as if the Compliance Monitor was an accused juvenile delinquent in order to determine if separation is maintained from adult inmates. At the conclusion of the tour, it is important to confirm that the Compliance Monitor has seen every room a juvenile could be held in. When the CM is conducting a site visit, they will enter the area where a juvenile could be held and ask a staff member to speak in areas where adult inmates are to see if sound would pass through.</li> <li>• Ask how juveniles are monitored while in custody, i.e., camera/video systems or personnel supervision.</li> <li>• Request information on all juveniles held in secure custody. All juveniles that are held in secure custody are required to be recorded on a juvenile holding log.</li> <li>• Confirm classification and sight or sound separation while on-site.</li> <li>• Make sure to assess sound separation between adult and juvenile cells that are in close proximity of one another.</li> <li>• Facilities use the juvenile holding log as provided by the Compliance Monitor. Most of the facilities that use the juvenile holding log form keep it in the booking/processing area in a binder and it is completed at the time of arrest. If the lockup logs have not been forwarded to the Compliance Monitor already, site visits are a good time to collect any logs that need collecting.</li> <li>• During this time, the Compliance Monitor will compare the juvenile holding logs previously received from the facility that are on file to the lockup</li> </ul>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>logs/admission/release records at the facility to verify their authenticity and accuracy. Any missing information is to be collected at this time as well as correcting any other discrepancies that may exist on the lockup logs. The Compliance Monitor will make sure to answer any questions that the facility contact may have and provide any recommendations or changes for their facility. After a site visit is completed, the Compliance Monitor will document it in the compliance monitoring universe.</p> <ul style="list-style-type: none"> <li>• At every inspection, a site visit worksheet (will be completed and kept in the annual facility site inspection folder.</li> </ul> <p>Questions the Compliance Monitor will ask of the facility point of contact include:</p> <ol style="list-style-type: none"> <li>i. Where are adult inmates at all times, in all areas when juveniles are in the facility?</li> <li>ii. Are adult inmates used in the facility and if so for what purpose?</li> <li>iii. Are juveniles supervised at all times?</li> <li>iv. What areas are dedicated for juvenile use?</li> <li>v. How is the juvenile brought into the facility and how are they processed through the facility?</li> <li>vi. Is time-phasing used (using the same area for both adults and juveniles just not at the same time)?</li> <li>vii. Are policies in place to prohibit contact between adults and juveniles?</li> <li>viii. How are special population needs served (suicidal, intoxication)?</li> <li>ix. How are status offenders and non-offenders handled? Where do they stay when in the facility, if applicable?</li> </ol>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<ul style="list-style-type: none"> <li>x. What are the facilities hours?</li> <li>xi. Who fills out the holding log with the appropriate information?</li> <li>xii. Do individuals leave for court appearances? How is that handled?</li> </ul> <p>While all questions may not be relevant to a specific potential violation for each facility, the CM will still ask all. It is important that the CM is aware of the population and practices that every facility conducts when working with delinquents, status offenders or juveniles charged as adults. For example, the CM will still ask non-residential facilities how they address status offenders.</p>

**Date of Last Update or Initial Plan Implementation:** 6/13/2022

## I. Compliance Data Collection and Verification

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
<p>Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(i)(D)</a> and <a href="#">(5)</a>, 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>The Compliance Monitor collects annual data of holding logs via email or paper copy for all juveniles held in all adult jails, adult lockups, secure detention facilities, and secure correctional facilities. These facilities include municipal police stations, sheriff's departments, state police, county jails, local lockups, state prisons, court holding facilities and colleges and universities (the University of Vermont is the only college/university that currently has secure detention capabilities). Our CM follows up by email if no data is received after 30 days from which the first request is made. The CM has reached out to all facilities by October 30<sup>th</sup> and reminded facilities that the data is necessary for reporting to OJJDP. The CM may do a site visit to assist in transference of required data.</p> <p>The CM's process of compiling data includes manual tabulation of all juvenile holding logs from secure facilities in the state. Annually, the CM checks the metropolitan statistical areas as defined by OMB. All holding facilities will be categorized as a metropolitan rural exception or not. The CM determines whether the rural exception applies, and all reporting is completed based on the elements required for the exception. Verification of compliance is documented based on requirements associated with facility location. During site visits the CM verifies that logs are accurately completed, and checks against the facility's internal records. The CM checks documentation that no secure juvenile detention was available. Presently there is no secure juvenile detention in Vermont. Time that a juvenile is in a courtroom does not count toward the 6-hour limit, because a courtroom is not a jail or lockup for adults.</p> <p>The reporting cycle runs from October 1 through September 30 and logs are collected by the Compliance Monitor annually. Once the logs are</p>

SUMMARY OF ELEMENT	STATE'S PLAN TO ADDRESS ELEMENT
	<p>collected, their content is verified for proper detaining offenses and correct detainment times. When the Compliance Monitor performs site visits at facilities, they should review the holding logs and confirm the appropriate data with the facility contact. Typically, this is completed through asking the contact to use their internal database to confirm the full information in the holding log with the Compliance Monitor. The Compliance Monitor will also review a copy of the juvenile's arrest record. After the information is verified, it will be entered into a compliance spreadsheet, as is all data that is obtained via the juvenile holding logs.</p> <p>Documentation is kept of all violations committed throughout the reporting cycle. This record should include the initials of the juvenile, the date of the violation, the type of violation and the facility that committed the violation. The data obtained throughout the reporting cycle, both by lockup logs and site visits, is analyzed to determine the progress toward meeting the core requirements of the JJDP.</p> <p>In addition to the review conducted during facility inspections, the Compliance Monitor may also utilize the internal DCF database and judicial portal to check for any discrepancies in the holding logs.</p> <p>Our CM references intake records with DCF's data base to ensure that the juvenile cannot be held non-securely, and that there is no available placement in a juvenile secure facility before the determination was made to hold the youth in an adult secure facility.</p> <p>The first two to three months of the new reporting period is reserved for collecting and documenting the data from the previous reporting period as well as completing the annual compliance monitoring data submission.</p>

## **IV. COMPLIANCE MONITORING REPORTING REQUIREMENT**

<b>COMPLIANCE REPORTING PERIOD</b>	<b>NOTES</b>
<p>Under <a href="#">28 C.F.R. § 31.303(f)(5)</a>, 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><b>COMPLIANCE DATA AND SUPPORTING DOCUMENTATION</b> – Compliance data and supporting documentation is submitted annually through OJJDP’s <a href="#">Compliance Reporting Tool</a>.</p>	<p>After the data for the current reporting period is collected, reviewed, and analyzed, the Annual Compliance Monitoring Report is completed using the template provided by OJJDP. Any violations found should be recorded and documented in a violation letter on DCF letterhead to the facility and any other involved agencies or staff. Violation letters are drafted by the CM and submitted to the Juvenile Justice Specialist, and Policy Director for feedback before they are sent electronically as well as a hard copy mailed to the facility.</p> <p>Violation letters include the juvenile’s date and time of the secured holding, any other relevant information, and a recommendation as to how further violations may be avoided. The CM offers technical support and any other useful resources as part of the violation letter. These letters are used as the basis of the report to OJJDP.</p> <p>This report should be made available to the Juvenile Justice Specialist, SAG, FSD Deputy Commissioner, and DCF Commissioner at least 2-4 weeks in advance of the date it is due to OJJDP. This report will be submitted to OJJDP by the date set by the office.</p>

## **APPENDIX A – ONLINE RESOURCES**

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

# APPENDIX B – SITE VISIT WORKSHEET

Site Visit Worksheet( \_\_\_\_\_ ) Facility Id & Classification \_\_\_\_\_

Agency Name:- \_\_\_\_\_

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

Town/City: \_\_\_\_\_

Type of facility: \_\_\_\_\_ Secure: \_\_\_\_\_ Non-secure: \_\_\_\_\_ Both: \_\_\_\_\_

Year Built: \_\_\_\_\_ Plans for new build? \_\_\_\_\_ If yes,when? \_\_\_\_\_

Floor plan/layout obtained: \_\_\_\_\_ (year)/(keep in file) \_\_\_\_\_

Contact Person/title: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail \_\_\_\_\_

Residential: Y N Hours of Operation(24 hours) Y N \_\_\_\_\_

Capacity: Adults: Y N Juveniles:Y N Both:Y N \_\_\_\_\_

Nonsecure Area for Status Offenders: Y N (locations) \_\_\_\_\_

\_\_\_\_\_

Cells(type & number):Adult \_\_\_\_\_ Juvenile \_\_\_\_\_

Cuffing Rings/Bench/Rails: (circle) \_\_\_\_\_

Monitoring By: Staff Audio Video A&V \_\_\_\_\_

Sight & Sound: Sight Only Sound Only S & S \_\_\_\_\_

S & S Achieved By: \_\_\_\_\_

Juvenile Handling/Custody Policy:Y N Verbal/other? \_\_\_\_\_

Copy Obtained of any SOP's used: \_\_\_\_\_

Computer/electronic records used: \_\_\_\_\_

Other Comments/Concerns: \_\_\_\_\_

Compliance Monitor: \_\_\_\_\_ Other: \_\_\_\_\_