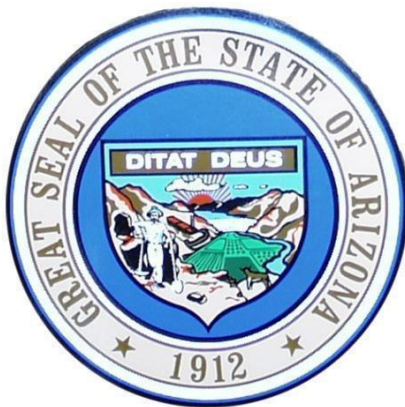


**GOVERNOR'S OFFICE OF YOUTH, FAITH AND  
FAMILY**

**COMPLIANCE WITH THE JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION ACT CORE  
REQUIREMENTS**

**STATE OF ARIZONA COMPLIANCE MONITORING  
POLICIES AND PROCEDURES MANUAL**

**REVIEWED JUNE 2022**



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# **I. INTRODUCTION/BACKGROUND**

## **A. Program Introduction**

The Governor's Office of Youth, Faith and Family (GOYFF) works to address the needs of at-risk youth and delinquent youth to improve positive outcomes for them and for their families; and, to increase public safety in communities across Arizona. GOYFF is the state agency designated to implement the Juvenile Justice and Delinquency Prevention Act in Arizona by administering the [Title II Formula Grant](#) and overseeing the state's advisory group, the [Arizona Juvenile Justice Commission](#).

Title II, Part B, of the [Juvenile Justice and Delinquency Prevention Act](#) ("JJDP" or the "Act") sets out detailed requirements that a state must satisfy in order to be eligible to receive funding under the OJJDP'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)]

For these monitoring purposes, Arizona will utilize the following policies and procedures manual in carrying out an effective system of monitoring. This manual will describe each element in detail and will serve as a desk manual for the Governor's Office of Youth, Faith and Family Juvenile Justice Compliance Monitor.

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

The purpose of this manual is twofold. First, it is to inform about the core requirements Arizona must address under the JJDP, and what the JJDP requires Arizona to include in a comprehensive compliance monitoring manual. This manual addresses the core requirements found in [34 U.S.C. §§ 11133\(a\)\(11\), \(12\), and \(13\)](#).

Monitoring means to watch, observe, or check for a special purpose. In this case, the special purpose is to see that the goals of the Juvenile Justice and Delinquency Prevention Act as Amended by the Juvenile Justice Reform Act of 2018 are fulfilled: Deinstitutionalization of Status Offenders and Non-Offenders, Separation of Juveniles from Adult Inmates while detained or confined, and the Removal of Juveniles from Jails and Lock-ups for Adults. Monitoring also means the evaluation of how well the purposes of the JJDP Act are being met, and the implementation of strategies to address barriers to compliance.

It should be noted that the racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15), is not discussed in this manual because the Arizona compliance monitor does not monitor individual facilities for compliance with racial and ethnic disparities. Arizona's [Racial and Ethnic Disparities Workgroup](#) oversees the state's efforts for reducing disparities in the juvenile justice system and report these efforts to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) using the 3-Stage reduction model (identification, development of an action plan, and an outcome-based evaluation). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides information on the racial and ethnic disparities core requirement on the [CCAS information hub](#). All references made to "core requirements" in this manual pertain to requirements found in 34 U.S.C. § 11133(a)(11), (12), and (13).

Second, this manual is designed to give an example of how the state of Arizona demonstrates compliance with the core requirements. In Sections II and III of this manual there are tables that include two columns. The left-hand column outlines the federal law—what a state must address in a compliance monitoring manual to adhere to the JJDP. The right-hand column is a description of how the state of Arizona plans to adhere to the JJDP. Overall, the tables are designed to show all aspects of Arizona's monitoring plan.

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

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

The following tables list the direct statutory and regulatory references in the left-hand column. In the right-hand column, is the content to demonstrate how Arizona will meet each core requirement.

| <b>A. Deinstitutionalization of Status Offenders (DSO)</b>   |  |
|--|--|
| <b>SUMMARY OF REQUIREMENT</b>  | <b>ARIZONA’S PLAN TO ADDRESS REQUIREMENT</b>   |
| <p><b>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.</b></p> | <p><a href="#">ARS 8-305</a> Section A, allows for juveniles to be detained in a detention center that is separate and apart from a jail or lockup in which adults are confined and where juveniles who are alleged to be delinquent or children who are <a href="#">incurrigible</a> shall be detained when necessary before or after a hearing or as a condition of probation. A juvenile who is charged with an offense that is not a dangerous offense and that is listed in section <a href="#">13-501</a> may be detained in a juvenile detention center if the detention is ordered by the court.</p> <p><a href="#">ARS 8-303</a> Section C.1 reads that a juvenile may be taken into temporary custody by a peace officer pursuant to the laws of arrest, without a warrant, if there are reasonable grounds to believe that the juvenile has committed a <a href="#">delinquent act</a> or the child is <a href="#">incurrigible</a> or has run away from the child’s parents, guardian or other custodian.</p> <p><a href="#">ARS 8-303</a> Section D. reads that a peace officer shall take a juvenile into temporary custody pursuant to the laws of arrest, with or without a warrant, when there are reasonable grounds to believe that either:</p> <ol style="list-style-type: none"> <li>1. The juvenile has committed a criminal act or a delinquent act which if committed by an adult could be a felony or breach of the peace.</li> <li>2. The juvenile has been apprehended in commission of a criminal act or a delinquent act, which if committed by an adult would be a felony, or in fresh pursuit.</li> </ol> <p><a href="#">ARS 8-303</a> Section E. A juvenile who is taken into temporary custody pursuant to subsection D may be released from temporary custody only to the parents, guardian or custodian of the juvenile or to the juvenile court.</p> |

|  |  |
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|  | <p>Compliance with the DSO requirement set forth in <a href="#">Section 223(a)(11)(A)</a> of the JJDP, is maintained by diverting status offenders from secure detention facilities in nearly all circumstances. While Arizona will continue to utilize available resources, including validated detention screening tools, detention alternative programs and diversion to minimize the detention and confinement of status offenders, monitoring compliance of the DSO requirement will be maintained throughout the state.</p> <p>The compliance monitor will be responsible for collecting and verifying data on every juvenile placed in secure facilities in accordance with OJJDP rules and regulations on data collection. Data on all juveniles placed securely is provided each month or according to the agency’s designated reporting frequency. The federal fiscal year, October 1 through September 30, will be used for each annual monitoring cycle.</p> |
| <p style="text-align: center;"><b>SUMMARY OF REQUIREMENT</b></p>   | <p style="text-align: center;"><b>ARIZONA'S PLAN TO ADDRESS REQUIREMENT</b></p>  |
| <p><b>YOUTH HANDGUN SAFETY EXCEPTION – 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.</b></p> | <p>Arizona uses the youth handgun safety exception by following state statute <a href="#">ARS 13-3111</a>, which classifies minors in possession of a firearm as a class 6 felony. Juveniles who are detained for this offense are considered delinquent and may be detained or confined in a jail or lockup up to six hours for processing prior to release or transfer while separated from adult inmates, or detained or confined in a juvenile detention center under the discretion of the juvenile court.</p> <p>These instances are not counted as DSO or Jail Removal violations. However, any documented adult inmate sight or sound contact experienced by a juvenile detained on this offense is a violation of the separation requirement. (See Section III.D of this manual for the Violation Procedures).</p>  |

| SUMMARY OF REQUIREMENT   | ARIZONA'S PLAN TO ADDRESS REQUIREMENT  |
|--|--|
| <p><b>VALID COURT ORDER EXCEPTION – The Valid Court Order (VCO) exception at <a href="#">34 U.S.C. § 11133(a)(11)(A)(i)(II)</a> 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.</b></p>  | <p>Arizona statute <a href="#">ARS 8-247</a> allows the juvenile court to punish a person for contempt of court for willfully violating, neglecting or refusing to obey or perform any lawful order of the juvenile court or for obstructing or interfering with the proceedings of the juvenile court or the enforcement of its orders subject to the laws relating to the procedures therefore and the limitation thereon.</p> <p>The compliance monitor will verify the validity of the Valid Court Order (VCO) using the following criteria:</p> <ol style="list-style-type: none"> <li>1. The First Order Compelling Behavior, signed and dated.</li> <li>2. The written interview report completed by the state agency, signed and dated either before or on the day the violation hearing was held.</li> <li>3. The second order sentencing the youth to secure detention signed and dated.</li> </ol> <p>If discovered invalid, the compliance monitor will initiate the Violation Procedures. (See Section III.D of this manual for the Violation Procedures).</p> <p>Adherence to the core requirements of the DSO, and separation requirements will be given.</p>   |
| <p><b>INTERSTATE COMPACT ON JUVENILES EXCEPTION – Pursuant to the DSO requirement at <a href="#">34 U.S.C. § 11133(a)(11)(A)(i)(III)</a>, status offenders may be detained or confined 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 detained or confined 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.</b></p> | <p>The Arizona compliance monitor will verify that youth who are detained in secure juvenile facilities as runaways from out of state are registered under the <a href="#">state's Interstate Compact for Juveniles (ICJ)</a>.</p> <ol style="list-style-type: none"> <li>1. Juvenile Detention Log (<a href="#">Appendix D</a>) submitted by an agency that includes all juveniles detained during the one-month reporting period.</li> <li>2. Charges listed on the detention log for each juvenile are reviewed by the compliance monitor.</li> <li>3. Entries that note the juvenile was detained with an out-of-state runaway charge with no additional delinquent offenses are flagged.</li> <li>4. Compliance monitor contacts the corresponding agency representative to verify the juvenile was detained or confined under ICJ.</li> <li>5. Agency sends the compliance monitor the appropriate form(s) that confirms the juvenile was detained or confined under ICJ. Documentation is attached to the holding log. No further action needed.</li> </ol> <p><b>Note:</b> If the agency cannot confirm the juvenile was detained or confined under ICJ, and the time detained exceeds 24 hours prior to release or an initial court hearing (not including weekends and legal holidays) and/or exceeds 24 hours after an initial court hearing, the entry is counted as a DSO violation. (See Section III.D of this manual for the Violation Procedures).</p> |

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

| SUMMARY OF REQUIREMENT   | ARIZONA'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><a href="#">ARS 8-305</a> allows for minors charged as adults to be legally detained in a secured juvenile detention facility or a secured adult detention facility based on criteria listed in statute.</p> <p>Arizona will continue to comply with <a href="#">Section 223(a)(11)(B)</a> by continuing to detain these youth in juvenile facilities with the option to detain juveniles in secure adult detention facilities when it has been determined by the court it is in the interest of justice to do so.</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> <li>5. the juvenile's history of prior delinquent acts; the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and</li> <li>6. any other relevant factor(s)</li> </ol> | <p><a href="#">ARS 8-305</a> allows for minors charged as adults to be legally detained in a secure juvenile detention facility or a secure adult detention facility based on criteria listed in section <a href="#">13-501</a>. During the advisory hearing, the court will determine the most appropriate placement.</p> <p>The following criteria listed in <a href="#">ARS 8-305</a> are used to make this decision.</p> <ul style="list-style-type: none"> <li>• The board of supervisors or the county jail district, if authorized pursuant to <a href="#">Title 48, Chapter 25</a> may provide for the detention of juveniles who are accused or convicted of a criminal offense in a jail or lockup in which adults are confined. A juvenile who is confined in a jail or lockup in which adults are confined shall be kept in a physically separate section from any adult who is charged with or convicted of a criminal offense, and no sight or sound contact between the juvenile and any charged or convicted adult is ALLOWED, except to the extent authorized under federal laws or regulations.</li> <li>• In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile with an offense that is listed in section <a href="#">13-501</a>, the court shall consider all of the following:             <ol style="list-style-type: none"> <li>1. The best interests of both the juvenile charged as an adult and the other juveniles detained in the juvenile detention center.</li> <li>2. The juvenile's age.</li> <li>3. The juvenile's physical and mental maturity.</li> <li>4. The juvenile's present mental state, including whether the juvenile presents an imminent risk of harm to the juvenile.</li> <li>5. The nature and circumstances of the alleged offense.</li> <li>6. The juvenile's history of prior delinquent acts.</li> <li>7. The relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile and to protect the safety of the public as well as other detained juveniles.</li> </ol> </li> </ul> |

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| <p>7. <b>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.</b></p> | <p>8. The existing programs and facilities for juveniles at both the juvenile detention center and the adult facility.</p> <p>9. Any other factor relevant to the determination of where to detain the juvenile.</p> <p>When a remanded youth is detained in an adult facility, the compliance monitor will work with the criminal court system to ensure each case is reviewed as per the federal guideline of at least every 30 days (at least every 45 days in a rural jurisdiction). Further, <a href="#">ARS 8-305</a> reads in section E:</p> <p>The director of juvenile court services in the county in which the juvenile is detained may file a motion in the juvenile's criminal case that requests a juvenile who is charged with an offense listed in section <a href="#">13-501</a> be transferred to an adult facility based on the juvenile's conduct while in detention. On the director's request for the juvenile's transfer, the court shall hold a hearing to consider the transfer. At the hearing, the court shall consider all of the factors listed in subsection d of this section.</p> <p>These hearings will determine whether transferring the youth to a juvenile facility is appropriate or that it continues to be in the interest of justice to maintain the current placement. The <a href="#">Arizona Office of the Courts</a> has continued training judges, court personnel and statewide to ensure compliance.</p> <p>The juvenile shall not be detained or confined in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation.</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.



## C. Separation of Juveniles From Adult Inmates

| SUMMARY OF REQUIREMENT   | ARIZONA'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 held 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>Arizona statute <a href="#">ARS 8-305</a> requires that juveniles placed in a jail or lockup in which adults are confined must be separated from adult inmates or suspects, and no sight or sound contact between the juvenile and any charged or convicted adult is permitted. This statute applies to juveniles charged as adults, in addition to delinquent and status offenders.</p> <p>All trained Arizona peace officers who may have contact with juveniles are trained to keep juveniles and adults separated when in custody.</p> <p>Individuals who work with juveniles placed in secure detention and correctional facilities must be trained and certified to work with juveniles. The <a href="#">Arizona Detention Standards section I B 3</a> requires training to ensure all detention centers have highly qualified, committed and trained officers who will implement programs and provide meaningful services to detained juveniles.</p> <p>During each onsite compliance monitoring inspection, the compliance monitor reinforces this awareness by providing technical assistance that educates law enforcement personnel on methods to maintain compliance with the sight or sound separation requirement. The compliance monitor will follow the Inspection of Facilities procedures described in section III.H of this manual, and if a violation is discovered during the onsite compliance monitoring inspection, the compliance monitor will initiate the Violation Procedures (See Section III.D of this manual for the Violation Procedures).</p> <p>An example of technical or training assistance would be to suggest agencies use a different portion of the secure facility to process and detain juveniles temporarily, when available and is safe to do so. This action can reinforce any measure already being taken by individual agencies to sight or sound separate juveniles from adult inmates that may already be included in their policies and procedures.</p> |

**JUVENILES WHO ARE TRANSFERRED, CERTIFIED, OR WAIVED TO CRIMINAL COURT –**

**Juveniles who have been transferred, certified, or waived to criminal court, and are therefore charged as adults, may not be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility, unless it is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B).**

**However, a court may determine that it would be in the interest of justice to do so consistent with [34 U.S.C. § 11133\(a\)\(11\)\(B\)](#). See Section 223(a)(11)(B) above, which applies to juveniles charged as adults. If a juvenile who has been charged as an adult has been convicted and sentenced for the criminal offense, however, Section 223(a)(11)(B) no longer applies.**

Arizona statute [ARS 8-305](#) requires that juveniles placed in a jail or lockup in which adults are confined must be separated from adult inmates or suspects, and no sight or sound contact between the juvenile and any charged or convicted adult is permitted. This statute applies to juveniles charged as adults, in addition to delinquent and status offenders.

All trained peace officers in the state who may have contact with juveniles are trained to keep juveniles and adults separated when in custody. The compliance monitor reinforces this awareness by providing technical assistance that educates law enforcement personnel on methods to maintain compliance with the sight or sound separation requirement.

During each onsite compliance monitoring inspection, the compliance monitor reinforces this awareness by providing technical assistance that educates law enforcement personnel on methods to maintain compliance with the sight or sound separation requirement. The compliance monitor will follow the Inspection of Facilities procedures described in section III.H of this manual, and if a violation is discovered during the onsite compliance monitoring inspection, the compliance monitor will initiate the Violation Procedures (See Section III.D of this manual for the Violation Procedures).

An example of technical or training assistance would be to suggest agencies use a different portion of the secure facility to process and detain juveniles temporarily, when available and is safe to do so. This action can reinforce any measure already being taken by individual agencies to sight or sound separate juveniles from adult inmates that may already be included in their policies and procedures.

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

Arizona statute [ARS 8-202](#) allows for youth who are charged before reaching the age of full criminal responsibility to be retained under juvenile court jurisdiction until the youth reaches the age of 19, unless before the juvenile’s 19<sup>th</sup> birthday either jurisdiction is terminated by order of the court, or the juvenile is discharged from the jurisdiction of the department of juvenile corrections pursuant to [41-2820](#).

Youth who are housed in a secure juvenile facility will be discharged to the adult system if they are charged with a criminal offense after turning 18 years old. This policy prevents sight or sound violations for extended jurisdiction youth who commit a subsequent offense.

**PROGRAMS IN WHICH JUVENILES HAVE SIGHT OR SOUND CONTACT WITH ADULT INMATES –**

**Programs in which juveniles have sight or sound contact with adult inmates in an attempt to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the separation (and possibly DSO and jail removal) requirements. Whether these programs result in instances of noncompliance will depend on the specific manner in which the program operates and the circumstances of the juveniles' participation in such a program.**

**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.**

Arizona monitors the sight or sound separation requirement by ensuring that no 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) exist.

During each onsite compliance monitoring inspection, the compliance monitor assesses the agency's potential affiliation with Scared Straight, shock incarceration or similar programs through observation and interviews with staff while providing instructions on the sight or sound separation requirement. This practice allows for nuanced, non-threatening conversations that illustrate the various initiatives occurring in the community.

In the last several years, Arizona has had no reports of programs that bring youth in contact with adult inmates or bring status or non-offenders in a secure detention setting without the approval of a guardian and ability to withdraw consent.

During each onsite compliance monitoring inspection, the compliance monitor reinforces this awareness by providing technical assistance that educates law enforcement personnel on methods to maintain compliance with the sight or sound separation requirement. The compliance monitor will follow the Inspection of Facilities procedures described in section III.H of this manual, and if a violation is discovered during the onsite compliance monitoring inspection, the compliance monitor will initiate the Violation Procedures (See Section III.D of this manual for the Violation Procedures).

## D. Removal of Juveniles From Jails and Lock-ups for Adults

| SUMMARY OF REQUIREMENT   | ARIZONA'S PLAN TO ADDRESS REQUIREMENT  |
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| <p><b>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.</b></p> <p><b>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:</b></p>   | <p>In Arizona, <a href="#">ARS 8-305(E)</a> prohibits the detention of status offenders in a jail or lockup for adults and requires that delinquent offenders detained in a jail or lockup are separated from adult inmates and detained no longer than six hours. Juveniles detained per the Six-Hour Exception in jails or lockups for adults, shall also ensure that juveniles are sight or sound separated from adult inmates, during any processing, awaiting transport or release.</p> <p>All jails and lockups for adults that may detain juveniles are required to report to the compliance monitor all juveniles detained, with a description of their charges in addition to the date and time detained and the date and time released. This documentation allows the state to evaluate whether the juvenile is detained in compliance with the jail removal requirement.</p>  |
| <p><b>SIX-HOUR EXCEPTION – 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:</b></p> <ol 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 not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.</li> </ol> <p><b>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.</b></p> | <p>The following is noted about the six-hour exception:</p> <ul style="list-style-type: none"> <li>• A juvenile accused of a delinquent offense may be detained in a jail or lock-up for adults for a combined total of no more than 6 hours, so long as the juvenile does not have sight or sound contact with adult inmates. This does not allow a state to detain an accused delinquent offender in a jail or lockup for adults for more than a cumulative total of 6 hours, for instance for 3 hours before, and then for an additional 4 hours following a court appearance.</li> <li>• The 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.</li> </ul> <p>Arizona uses the statutory “6 hour” exception for the detention of juvenile criminal and delinquent offenders in facilities that also detain adults pending investigation, processing, transfer or release if the juvenile is sight or sound separated from adult offenders.</p> <p>A standard method for tracking the period a juvenile is detained in a jail or lockup for adults is used statewide. A juvenile is logged in when placed in the jail or lockup following arrest. The juvenile is logged out when permanently removed from the jail or lockup (i.e., the juvenile does not return from an area outside the jail or lockup prior to being transferred or released). If the juvenile is moved out of the jail or lockup temporarily, the entire time the juvenile was outside the jail or lockup is added to the total time detained.</p> |

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|   | <p>This includes when a juvenile leaves the jail or lockup to use the restroom, participate in an interview or other temporary activities that might occur outside the jail/lockup facility.</p> <p><u>Court holding exception:</u><br/>Arizona does not use the six-hour exception to hold juveniles pending a court hearing. Juveniles awaiting court are detained in juvenile-only facilities.</p> <p><u>Adjudicated juveniles:</u><br/>Jails and lockups are not used in Arizona to detain youth as a consequence of their adjudication. All youth detained in these facilities are pending new charges and are transferred or released as quickly as possible.</p> <p><u>Training policy:</u><br/>All juveniles detained in detention facilities are supervised and monitored by individuals trained and certified to work with such juveniles. The <a href="#">Arizona Juvenile Detention Standards Section I-B 3.5</a> requires 20 hours of training annually for all detention officers to increase knowledge, skills and understanding of responsibilities in care and safety of juveniles detained in a county juvenile detention facility.</p> |
| <p><b>RURAL EXCEPTION – 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.</b></p> <p><b>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 OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of “Metropolitan Statistical Areas” that provides the title of the metropolitan statistical area, the principal city or cities, and the counties included in that area.</b></p> | <p>Arizona does not use the Rural Exception, but the Compliance Monitor will monitor for violations of this exception.</p> <p>If discovered invalid, the compliance monitor will initiate the Violation Procedures. (See Section III.D of this manual for the Violation Procedures).</p>  |

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| <p><b>TRAVEL CONDITIONS EXCEPTION – 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 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.</b></p> | <p>Arizona does not use the Travel Exception, but the Compliance Monitor will monitor for violations of this exception.</p> <p>If discovered invalid, the compliance monitor will initiate the Violation Procedures. (See <a href="#">Section III.D</a> of this manual for the Violation Procedures).</p>  |
| <p><b>CONDITIONS OF SAFETY EXCEPTION – 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.</b></p>   | <p>Arizona does not use the Safety Exception, but the Compliance Monitor will monitor for violations of this exception.</p> <p>If discovered invalid, the compliance monitor will initiate the Violation Procedures. (See <a href="#">Section III.D</a> of this manual for the Violation Procedures).</p>  |
|   | <p><b>PLEASE NOTE FOR PURPOSES OF THE JAIL REMOVAL SECTION – The following is noted about this exception:</b></p> <ul style="list-style-type: none"> <li>• If a juvenile is detained in a jail or lockup for adults, the jail removal requirement applies. The definition of "non-secure custody" in OJJDP policy guidance published in the Federal Register in 1988 is no longer valid, as that guidance was rescinded by the Department of Justice in 2018.</li> <li>• As noted above, court holding facilities fall under the JJDPa definition of “jail or lockup for adults” at <a href="#">34 U.S.C. § 11103(22)</a>.</li> <li>• The statutory exceptions to the jail removal requirement do not apply to juveniles who have been adjudicated as delinquent. Detention or confinement in a jail or lock-up for adults for any length of time of these juveniles will result in a jail removal violation.</li> <li>• The state may use the jail removal exceptions only if there is a state policy in effect that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.</li> <li>• The JJDPa provides a definition for “jail or lockup for adults” at <a href="#">34 U.S.C. § 11103(22)</a>. Accordingly, because there is a statutory definition, the Formula Grants Program regulation was amended on June 11, 2021, to remove the definitions for “adult jail” and “adult lockup.”</li> </ul> |

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

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

Pursuant to [34 U.S.C. § 11133\(a\)\(14\)](#) the JJDP Act requires that states must provide for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements of paragraphs [34 U.S.C. § 11133\(a\)\(11\)–\(13\)](#) are met for annual reporting of the results for such monitoring to the OJJDP Administrator.

This section provides a description of how Arizona incorporates the eight elements of an effective system into its system of compliance monitoring.

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

**Date of Last Update or Initial Plan Implementation:** June 2021.

## B. Compliance Monitoring Policies and Procedures

| SUMMARY OF ELEMENT   | ARIZONA'S PLAN TO ADDRESS ELEMENT  |
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| <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.</p> | <p>The purpose of this manual is to satisfy the policies and procedures element, as well as describe how Arizona satisfies the following additional elements required for an effective system of compliance monitoring (see Section III of this manual). The Arizona state compliance monitoring system includes the following eight required elements:</p> <ol style="list-style-type: none"> <li>1. Compliance Monitoring Policies and Procedures</li> <li>2. Monitoring Authority</li> <li>3. Violation Procedures</li> <li>4. Adherence to Federal Definitions</li> <li>5. Identification of the Monitoring Universe</li> <li>6. Classification of the Monitoring Universe</li> <li>7. Inspection of Facilities</li> <li>8. Compliance Data Collection and Verification</li> </ol> |

## C. Monitoring Authority

| SUMMARY OF ELEMENT   | ARIZONA'S PLAN TO ADDRESS ELEMENT  |
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| <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>Executive Order 2020-06 (Appendix A), signed by Arizona Governor Doug Ducey on February 11, 2020, is the current monitoring authority that identifies the <a href="#">Governor's Office of Youth, Faith and Family (GOYFF)</a> as the agency designated "to coordinate efforts to achieve and sustain compliance with the core requirements of the JJDPA". <a href="#">GOYFF and the Arizona Juvenile Justice Commission (AJJC)</a> lead monitoring oversight in the state and coordinate training efforts to educate law enforcement partners on how to achieve compliance of the deinstitutionalization of status offenders (DSO), separation, and jail removal requirements.</p> |

## D. Violation Procedures

| SUMMARY OF ELEMENT   | ARIZONA'S PLAN TO ADDRESS ELEMENT   |
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| <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>All monitored facility staff have available to them the compliance procedures necessary to comply with the federal regulations that are appropriate for their facility through the compliance monitor. The mechanisms that are used to report violations are also available to each agency with oversight by the compliance monitor who will provide follow-up and technical assistance as needed. The Violation Reporting Form (Appendix B) documents each violation that occurred during the period reported. This form provides information on the circumstances of the violation, the reason for its occurrence (training issue,</p> |



safety issue, etc.), reporting agency follow up and whether technical assistance is needed to address the violation. The compliance monitor is the primary agent to record, report and investigate violations throughout the state. Violations are most often found within the monthly or quarterly reports as provided to GOYFF by the agency. In addition to relying on each agency to self-report their violations, the compliance monitor may discover unreported violations through reviewing records submitted by the agency or during an on-site visit of the facility.

The compliance monitor will engage in the following process to determine if a compliance violation has occurred:

1. Juvenile Detention Log (Appendix D) is submitted by an agency which includes all juveniles detained during the month or other agreed upon reporting period.
2. If a violation has occurred based on the core requirements then the agency will submit a violation form with the juvenile detention log to the compliance monitor.
3. The Compliance Monitor will enter the information on the violation forms into the [Compliance Monitoring Universe \(CMU\)](#).
4. The completed violation report is placed in a digital facility folder.
5. If a violation is discovered in the Juvenile Detention Log (Appendix D), but a violation report is **not submitted** regarding the case, the compliance monitor contacts the reporting agency to verify the information. If the violation is confirmed, the compliance monitor will request completion of the Violation Reporting Form (Appendix B). Once received, steps (2), (3), and (4) of this section are conducted.

If it is confirmed that a violation did not occur, the compliance monitor will document this clarification on the Juvenile Detention Log and save it in the facility's digital folder in perpetuity.

## E. Adherence to Federal Definitions

| SUMMARY OF ELEMENT  | ARIZONA'S PLAN TO ADDRESS ELEMENT  |
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| <p>Definitions that states use for key juvenile and criminal justice terms sometimes differ from the “federal” definitions. The federal definitions, for purposes of compliance monitoring, are only those provided in the JJDPa at <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>  | <p>When monitoring for compliance with the core requirements, the Arizona Governor’s Office of Youth, Faith and Family (GOYFF) 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, GOYFF acknowledges that the federal definition must be used.</p>  |
| SUMMARY OF ELEMENT  | ARIZONA'S PLAN TO ADDRESS ELEMENT  |
| <p>Federally Defined Terms Relating to Compliance With the Formula Grants Program</p>   | <p>Similar State Definitions, and How They Differ From the Federal Definition<sup>2</sup></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><b>ADULT</b>–<a href="#">ARS 8-201</a><br/>A person eighteen years of age or older. The federal definition is used for the purposes of compliance monitoring.</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><b>ASSESSMENT</b>–<a href="#">ARS 8-272</a><br/>An evaluation conducted by a psychologist, psychiatrist or physician for a child suspected of suffering from a mental disorder or is a danger to self or others to determine the appropriate treatment needed. The assessment must take place at a location convenient for the professional and the child.<br/><br/>The federal definition is used for the purposes of compliance monitoring.</p> |
| <p><b>COLLOCATED FACILITIES</b>   <a href="#">34 U.S.C. § 1103 (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>No comparable state term. The federal definition is used for the purposes of compliance monitoring.</p>   |

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| <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>No comparable state term. The JJDP core requirements are addressed in state statute <a href="#">ARS 8-305</a>. The federal definitions for DSO, separation and jail removal are used for the 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 with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.</p>  | <p><b>DELINQUENT JUVENILE</b>–<a href="#">ARS 8-201</a><br/>A child who is adjudicated to have committed a delinquent act.</p> <p><b>DELINQUENT ACT</b>–<a href="#">ARS 8-201</a><br/>An act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. The federal definition is used for the purposes of compliance monitoring.</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.</p> <p>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><b>SECURE CARE</b>–<a href="#">ARS 8-201</a><br/>Confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress. The federal definition is used for the purposes of compliance monitoring.</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>No comparable state term. The federal definition is used 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 secure facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adult inmates.</p>  | <p><b>JAIL OR LOCKUP FOR ADULTS</b>–<a href="#">ARS 8-303</a><br/>Statute refers to jails and lockups as facilities “where adults charged or convicted of a crime are detained”. The federal definition is used for the purposes of compliance monitoring.</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 offense limitations as defined by state law (i.e., a criminal-type offender or a status offender).</p>  | <p><b>JUVENILE</b>–<a href="#">ARS 8-305</a><br/>A person who is under the jurisdiction of the juvenile court. The federal definition is used for the purposes of compliance monitoring.</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><b>JURISDICTION OF THE JUVENILE COURT</b>–<a href="#">ARS 8-202</a><br/>The juvenile court may retain jurisdiction until the juvenile reaches 19 years of age.</p>   |

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| <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>No comparable state term. The federal definition is used for the purposes of compliance monitoring.</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><b>DEPENDENT CHILD</b>–<a href="#">ARS 8-201</a><br/>A child who is adjudicated to be in need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control. The federal definition is used for the purposes of compliance monitoring.</p>   |
| <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 overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.</p>   | <p>No comparable state term. The federal definition is used for the 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><b>SECURE CARE</b>–<a href="#">ARS 8-201</a><br/>Confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress. The federal definition is used for the 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><b>CORRECTIONAL FACILITY</b>–<a href="#">ARS 31-341</a><br/>Any place used for the confinement or control of a person: (a) Charged with or convicted of an offense (b) Detained or confined for extradition (c) Pursuant to an order of court for law enforcement purposes. Lawful transportation or movement incident to correctional facility confinement pursuant to subdivision (a), (b) or (c) is within the control of a correctional facility. The federal definition is used for the purposes of compliance monitoring.</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><b>DETENTION CENTER</b>–<a href="#">ARS 8-305</a><br/>Referenced in statute but not defined. The federal definition is used for the purposes of compliance monitoring.</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><b>SIGHT OR SOUND CONTACT</b>–<a href="#">ARS 8-305</a><br/>Referenced in statute as required for separating juveniles and any charged or convicted adult. The federal definition is used for the purposes of compliance monitoring.</p>  |

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| <p><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.</p>  | <p>STATE–<a href="#">ARS 8-171</a><br/>Under Interstate Compact article, a state, district, commonwealth or territory of the United States. The federal definition is used for the purposes of compliance monitoring.</p>   |
| <p><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.</p>  | <p><b>INCORRIGIBLE CHILD</b>–<a href="#">ARS 8-201</a><br/>A child who: (a) Is adjudicated as a child who refuses to obey the reasonable and proper orders or directions of a parent, guardian or custodian and who is beyond the control of that person, (b) Is habitually truant from school as defined in <a href="#">section 15-803, subsection C</a>, (c) Is a runaway from the child's home or parent, guardian or custodian. The federal definition is used for the purposes of compliance monitoring.</p>             |
| <p><b>TWENTY-FOUR HOURS Compliance Monitoring TA Tool</b> – means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.</p>   | <p><b>TWENTY-FOUR HOURS</b>– <a href="#">17B A.R.S. Juv.Ct.Rules of Proc., Rule 23</a><br/>The maximum length of time a juvenile can be detained in a juvenile detention center prior to a petition being filed. If a hearing is not detained or confined within 24 hours after the petition is filed, the juvenile must be released to a parent, guardian or Department of Child Safety. This rule applies to delinquent and status offenders. The federal definition is used for the purposes of compliance monitoring.</p> |
| <p><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.</p> | <p>No comparable state term. The federal definition is used for the purposes of compliance monitoring.</p>  |

<sup>2</sup> Although it is not necessary that a state provide citations to local law, it is good practice particularly when during the course of monitoring, designated state agencies identify competing statutes that not only do not align but may even differ from definitions provided by the JJDP.

## F. Identification of the Monitoring Universe

| SUMMARY OF ELEMENT   | ARIZONA'S PLAN TO ADDRESS ELEMENT  |
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| <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 compliance monitor will maintain a Compliance Monitoring Universe (CMU) using appropriate resources and contacts (Appendix G) to identify agencies in the state which might hold juveniles pursuant to public authority. The CMU is accessed from the compliance monitor’s computer. The compliance monitor will update the CMU on an ongoing basis. The updates will occur by gathering information from each agency website and their contacts listed in the procedures section of this policy. Identification procedures must adhere to the minimum standards as noted in <a href="#">34 U.S.C. § 11133(a)(14)</a> and in <a href="#">28 C.F.R. § 31.303(f)(1)(i)(A)</a> “identification of all facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if it should be included in the monitoring effort. This includes those facilities owned or operated by public and private agencies.”</p> <p>The following process is used to identify the state monitoring universe:</p> <ol style="list-style-type: none"> <li>1. In January of each year the compliance monitor will refer to various websites (agency websites, law enforcement associations, and any available public records) and agency contacts (Appendix G) to gather information required to determine inclusion into the compliance monitoring universe as directed in <a href="#">34 U.S.C. § 11133(a)(14)</a> and in <a href="#">28 C.F.R. § 31.303(f)</a>.</li> <li>2. The information requested from potential agencies includes operating facilities, planned facilities, and contracts with private facilities. Additionally, information on agency specific policy and procedures are collected to review JJDPa related standards, licensing and inspection procedures.</li> <li>3. All facility information gathered is entered into the CMU.</li> <li>4. The list of agencies that have been identified in this matter can be queried and printed as required by the Annual Compliance Monitoring Report and OJJDP compliance monitoring audit.</li> <li>5. A digital facility folder will be created for each facility to store important documents.</li> <li>6. The identification of the monitoring universe is an on-going process. During on-site visits to facilities, the compliance monitor should ask questions during the interview with the administrator or contact regarding new construction, remodeling of current facilities and proposed construction. In addition, the compliance monitor should also inquire about other agencies when conducting site visits. For example, when monitoring a sheriff’s department, the compliance monitor should ask which other law</li> </ol> |

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|  | enforcement agencies are currently operational within the area. If a police department or other facility has recently become operational, or is being constructed, it is entered into the CMU and may be subject to the classification, inspection, and data collection/data verification tasks. |
|--|--|

## G. Classification of the Monitoring Universe

| SUMMARY OF ELEMENT  | ARIZONA'S PLAN TO ADDRESS ELEMENT   |
|---|---|
| <p><b>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>).</b></p> | <p>The compliance monitor will annually classify and/or reclassify, all facilities listed in the Facility Master List (Sample List in Appendix G) located within the Compliance Monitoring Universe per <a href="#">34 U.S.C. § 11133(a)(14)</a>.</p> <p>The following process is used to classify the state monitoring universe:</p> <ol style="list-style-type: none"> <li>1. The compliance monitor determines whether the federal definition of the term, “institution” applies to the facility in question, which states that juveniles may have contact with adult inmates.</li> <li>2. If the facility meets the federal definition of an institution, the compliance monitor assesses the utilization of the facility to determine whether it is a jail or lockup for adults (including court holding facilities), a secure juvenile or adult detention facility, or a secure juvenile or adult correctional facility.</li> <li>3. If the institution is determined to be residential, per the federal definition, an area used to confine individuals overnight, and may include sleeping, shower and toilet, and day room areas, and it is used to temporarily detain juveniles or other individuals accused of committing an offense, it shall be classified as a secure juvenile or adult detention facility pursuant to the age range of the detained population.</li> <li>4. If the institution is determined to be residential, per the federal definition, and it is used to detain juveniles or other individuals only after adjudication or disposition following a committed offense, it shall be classified as a secure juvenile or adult correctional facility pursuant to the age range of the detained population. Prisons are classified as secure adult correctional facilities.</li> <li>5. If the institution does not meet the federal definition of residential, and it is used to detain or confine adult inmates, it shall be classified as a jail or lock-up for adults. This classification includes court holding facilities.</li> <li>6. In Arizona, the Jail classification may also apply</li> </ol> |

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|  | <p>to a secure adult detention facility based on federal definitions of these terms.</p> <ol style="list-style-type: none"> <li>7. Facilities that meet the federal definition of collocated facilities are documented.</li> <li>8. When it is unclear how to classify a facility within the monitoring universe, the compliance monitor will consult with the state OJJDP representative to make an accurate determination.</li> <li>9. The classification status of a facility shall be updated as needed to ensure it is accurately categorized within the monitoring universe.</li> </ol> |
|--|---|

## H. Inspection of Facilities

| SUMMARY OF ELEMENT  | ARIZONA'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>The compliance monitor will routinely inspect facilities that exist within the monitoring universe pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(i)(C)</a>. Inspections are conducted to verify the facility's classification, assess the capacity for the sight or sound separation of juveniles and adult inmates, and to ensure accuracy of the tracking and record keeping of detained juveniles. All appropriate facilities are inspected at minimum once every three years. However, frequency of inspections may increase for a particular facility as needed to support compliance with the JJDP core requirements. Facilities that meet the federal definition of collocated facility are inspected annually.</p> <p>The following process is used when inspecting facilities within the state monitoring universe:</p> <ol style="list-style-type: none"> <li>1. The compliance monitor contacts the facility to set up the date and time of the inspection.</li> <li>2. Prior to the visit, the compliance monitor reviews the facility's policies and procedures manual to assess alignment with the JJDP core requirements.</li> <li>3. Once the compliance monitor has met with the agency representative onsite, a walkthrough of the facility is conducted to assess the capacity for adequate separation of adult and juvenile detainees (if applicable).</li> <li>4. During the walkthrough, the compliance monitor provides the representative(s) with technical assistance for compliance with the JJDP core requirements as applicable based on the facility's classification.</li> <li>5. A review of the juvenile and adult (if applicable) records is conducted to assess the facility's reporting and record keeping process.</li> <li>6. At the conclusion of the inspection, an exit interview is conducted to review the findings discovered during the visit. At minimum, this includes the determination of a) the facility's capacity for</li> </ol> |



|  |  |
|--|--|
|  | <p>maintaining adequate separation of juvenile and adult inmates (if applicable), b) the facility’s ability to track and report accurate data, and c) the adequacy of the facility’s policies and procedures as they pertain to compliance with the JJDP core requirements, and d) the facility’s overall ability to maintain compliance with all applicable core requirements.</p> <ol style="list-style-type: none"> <li>7. In addition to a discussion of findings with the agency representative(s), the compliance monitor provides an update on the number of compliance violations that have occurred in the current and previous reporting periods and offers technical assistance resources as needed.</li> <li>8. Information gathered during the inspection is entered into the compliance monitoring inspection report (Appendix C), which is added to the facility’s digital folder.</li> </ol> |
|--|--|

## I. Compliance Data Collection and Verification

| SUMMARY OF ELEMENT  | ARIZONA'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 <b><u>October 1 to September 30</u></b>. 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 will be responsible for collecting and verifying data on every youth detained or confined in secure detention and correctional facilities, jails and lockups in accordance with OJJDP rules and regulations on data collection.</p> <p>Data on all juveniles detained or confined in these facilities is provided each month or according to the agency’s designated reporting frequency.</p> <p>While the state strives to collect data from all eligible facilities, OJJDP requires 85 percent of each facility type to report data on detained juveniles during the federal fiscal year monitoring period.</p> <p>The following process is used to collect data and verify the DSO requirement has been met:</p> <p><u>Secure Adult Detention/Correctional Facilities</u></p> <ol style="list-style-type: none"> <li>1. Juvenile detention log is submitted by each agency that includes all juveniles detained during the one-month or other agreed upon reporting period.</li> <li>2. Charges listed on the detention log for each juvenile are reviewed.</li> <li>3. Entries that include only charges that are (a) classified as status offenses by the <a href="#">federal OJJDP definition (including non-offenders and aliens)</a>, or (b) <a href="#">labeled warrant or probation violation</a> are flagged.</li> <li>4. Entries that do not include at least one charge are also flagged.</li> <li>5. If the charge listed meets one of the categories</li> </ol> |

described in (3), the compliance monitor will email the agency representative to verify accuracy. If the representative does not reply, the compliance monitor will try other means of contact.

6. Response from the agency confirms or corrects the charge listed on the detention log.
7. A confirmed detained accused or adjudicated status offender is counted as one DSO violation.
8. Compliance monitor requests a violation report from the agency that documents the reason for the violation and the agency's action to address the incident.
9. An entry confirmed as incorrectly labeled with a status offense is edited on the detention log with the correct delinquent offense, and documentation that demonstrates the correction is attached by the agency.
10. An entry that meets the federal OJJDP definition of a non-offender is flagged and verified in the same manner as a status offender.
11. Entries with charges that cannot be verified are counted as default DSO violations.
12. During onsite inspections, detention log files are reviewed, and additional findings of DSO non-compliance are recorded.
13. Juveniles detained or confined for federal agencies are exempt from monitoring.

#### Secure Juvenile Detention/Correctional Facilities

1. Juvenile detention log submitted by agency that includes all juveniles detained during the one-month or other agreed upon reporting period.
2. Charges listed on the detention log for each juvenile are reviewed.
3. If the subject entered on the log is (a) an accused status offender and the time detained exceeds 24 hours prior to release or an initial court hearing (not including weekends and legal holidays) or exceeds 24 hours after an initial court hearing, (b) an adjudicated status offender and the time detained is pursuant to a court consequence, or (c) a non-offender under the [federal definition \(including aliens\)](#), the entry is flagged.
4. If the charge listed meets one of the categories described in (3) or does not include enough information to distinguish it between a delinquent or status offense, the compliance monitor emails the agency representative to verify accuracy. If the representative does not reply, the compliance monitor will try other means of contact.
5. Response from the agency should confirm or correct the charge and other relevant information listed on the detention log.
6. A confirmed detention that meets one of the categories described in (3) is counted as one DSO

violation.

7. An entry confirmed to have incorrect information and proves it does not meet one of the categories described in (3) is edited on the detention log with the correct information added. Documentation to demonstrate the correction is attached.
8. Entries with charges that cannot be verified are counted as default DSO violations.
9. During onsite inspections, detention log files are reviewed, and additional findings of Jail Removal non-compliance are recorded.
10. Juveniles held for federal agencies are exempt from the DSO monitoring.

The following process is used to collect data and verify the Jail Removal requirement has been met:

#### Jail or Lock-up for Adults

1. Juvenile detention log is submitted by an agency that includes all juveniles detained during the one-month or other agreed upon reporting period.
2. Charges listed on the detention log for each juvenile are reviewed.
3. Entries that include only charges that are (a) classified as status offenses by the [federal OJJDP definition \(including non-offenders and aliens\)](#), or (b) [labeled warrant or probation violation](#) are flagged.
4. Entries that do not include at least one charge are also flagged.
5. If the charge listed meets one of the categories described in (3), the compliance monitor emails agency representatives to verify accuracy. If the representative does not reply, the compliance monitor will try other means of contact.
6. Response from the agency confirms or corrects the charge listed on the detention log.
7. A confirmed detained accused or adjudicated status offender is counted as one Jail Removal violation.
8. Compliance monitor requests a violation report from the agency that documents the reason for the violation and the agency's action to address the incident.
9. An entry confirmed as incorrectly labeled with a status offense is edited on the detention log with the correct delinquent offense, and documentation that demonstrates the correction is attached.
10. An entry that meets [the federal OJJDP definition of a non-offender](#) is flagged and verified in the same manner as a status offender.
11. If the entry indicates the juvenile was detained on an accused delinquent offense, the compliance monitor reviews the time of entry and time of exit columns to determine whether the juvenile was detained within a six-hour timeframe.
12. Detention times that exceed six hours are flagged,

and the agency representative is contacted to verify accuracy. If the representative does not respond, the compliance monitor will try other means of contact.

13. Response from the agency confirms or corrects the time of detention listed on the detention log.
14. A confirmed detention that exceeds six hours is counted as one Jail Removal violation.
15. Compliance monitor requests a violation report from the agency that documents the reason for the violation and the agency's action to address the incident.
16. An entry confirmed to have incorrect entry and/or exit times are edited on the log to document the correct information. If the corrected information demonstrates the juvenile was not detained or confined over six hours, documentation of the correction is attached to the report.
17. Entries that demonstrate an adjudicated delinquent offender has been detained or confined in a jail or lockup (including court holding facility) after adjudication for any amount of time are counted as violations of the Jail Removal requirement. Please note: Detention of adjudicated juveniles in jails and lock-ups for adults (including court holding facilities) is not current practice in Arizona.
18. Entries with charges that cannot be verified are counted as default Jail Removal violations.
19. During onsite inspections, detention log files are reviewed, and additional findings of Jail Removal non-compliance are recorded.
20. Juveniles detained or confined for federal agencies are exempt from monitoring. The following process is used to collect data and verify the separation requirement has been met:

The following process is used to collect data and verify the separation requirement has been met:

1. Juvenile detention log is submitted by an agency that includes all juveniles detained during the one-month or other agreed upon reporting period.
2. Birthdays on the detention log are reviewed to verify detained youth are under the age of 18 at the time they were detained.
3. If adult detention logs are submitted by agency, the compliance monitor cross-references the juvenile and adult logs to determine whether any potential sight or sound contact occurred.
4. Any potential incidents of contact between adult and juvenile detainees are flagged and verified with the agency through email. If the representative does not respond, the compliance monitor will use other means to contact the agency.
5. Response from an agency confirms or corrects the charge listed on the detention log.

6. A confirmed incident that meets the federal definition of sight or sound contact between detained juveniles and adults is counted as one separation violation.
7. A confirmed incident of sight or sound contact between detained juveniles and adults that occurs in a jail or lockup is also counted as one Jail Removal Violation.
8. The compliance monitor requests a violation report from the agency that documents the reason for the violation(s) and agency's action to address the incident.
9. Confirmation from the agency that the information reported is not accurate and no sight or sound contact occurred between a detained juvenile and adult requires the compliance monitor to edit the detention log and attach documentation that demonstrates the correction.

Section 223(a)11(B)

1. The compliance monitor will work with the criminal court system to ensure each case is reviewed as per the federal guideline of at least every 30 days (at least every 45 days in a rural jurisdiction).
2. The compliance monitor will verify with the Arizona Office of the Courts that judges, court personnel and statewide are adhering to the elements described in section II.B. of this manual.
3. Any communication or documentation will be collected and saved onto each digital file folder for each respective agency where instances of this section are taking place.

Valid Court Order

1. The compliance monitor will verify the validity of the Valid Court Order (VCO) using the following criteria:
  - a. The First Order Compelling Behavior, signed and dated.
  - b. The written interview report completed by the state agency, signed and dated either before or on the day the violation hearing was held.
  - c. The second order sentencing the youth to secure detention signed and dated.
2. Any communication or documentation will be collected and saved onto each digital file folder for each respective agency where instances of this section are taking place.

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

| COMPLIANCE REPORTING PERIOD   | NOTES   |
|---|---|
| <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 – Compliance data and supporting documentation is submitted annually through OJJDP’s <a href="#">Compliance Reporting Tool</a>.</b></p> | <p>The data and information collected throughout the year must be analyzed, reviewed, and written up in the form of the annual Compliance Monitoring Report. The period covered in the report is based on the federal fiscal year (October 1 through September 30).</p> <p>It is the compliance monitor’s responsibility to collect, verify and compile the data each year. The compliance monitor will complete all required components of the compliance monitoring report, including preparation of any verification forms requiring signature from the GOYFF director and the narrative for the report.</p> <p>The following process is used to collect data and verify the compliance monitoring reporting requirement has been met</p> <ol style="list-style-type: none"> <li>1. On or before January 31 of each</li> <li>2. Year, the compliance monitor will have collected and verified the data as listed under the data sets.</li> <li>3. After all data has been collected and verified, the compliance monitor will extract the data that relates to the Annual Monitoring Report and will complete the report. The report is entered into the <a href="#">OJJDP Compliance Monitoring Reporting Tool</a>.</li> <li>4. The compliance monitor will submit a draft of the report for internal review and revisions. The report is due by February 28 (tentatively) of each year, unless an extension from OJJDP is provided.             <ol style="list-style-type: none"> <li>a. Instructions provided by OJJDP that inform an alternate due date or method of submission will supersede procedures noted in this section.</li> </ol> </li> </ol> |

**APPENDIX A– Executive Order 2020-06**

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA  
★  
EXECUTIVE ORDER

**Executive Order 2020-06**  
**Continuance of the Arizona Juvenile Justice Commission**  
***(Superseding and Amending Executive Order 2012-04)***

**WHEREAS**, the children of the State of Arizona are our most valuable resource and our most important responsibility; and

**WHEREAS**, efforts to keep Arizona children out of crime are important; and

**WHEREAS**, there is a critical need and responsibility to ensure public safety and reduce victimization; and

**WHEREAS**, programs that prevent juvenile delinquency or reduce recidivism for juveniles are crucial for increasing public safety; and

**WHEREAS**, pursuant to Executive Order 2007-26 and amended by Executive Order 2010-08 and 2012-04, the Arizona Juvenile Justice Commission was created to help address juvenile crime and related issues within the state.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this state hereby order as follows:

1. The Arizona Juvenile Justice Commission ("Commission") shall continue to serve in an advisory capacity over the duties for which it was established as set forth in the Juvenile Justice Delinquency Prevention Act of 1974, as amended ("JJDP").
2. The Governor's Office of Youth, Faith and Family ("GOYFF") shall serve as the lead entity for administration of the Commission. GOYFF shall also serve as the state designee to coordinate efforts to achieve and sustain compliance with the core requirements of the JJDP and certify whether the state is in compliance with such requirements.
3. The Commission shall:
  - a. Assist in the development and review of the state's Three-Year Plan for the JJDP Formula Grant program.
  - b. Be provided the opportunity to review Title II juvenile justice and delinquency prevention grant applications submitted to GOYFF.
  - c. Submit a report and necessary recommendations at least every 2 years to the Governor and Legislature regarding the state's compliance with the core requirements of the JJDP.
  - d. Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.
  - e. Review progress and accomplishments of projects funded under the state's Three-Year Plan.
  - f. Serve as the State Council for Interstate Juvenile Supervision as required by A.R.S. § 8-361, Art. IX, the Interstate Compact for Juveniles ("Compact"), signed by Arizona in 2003 and effective in 2008. The Commission will direct Arizona's participation in Compact activities, develop state policy concerning operations and procedures of the Compact within Arizona, and perform other duties as assigned under the Compact.
4. The Commission shall consist of no fewer than 15 members and no more than 30 members, who shall be

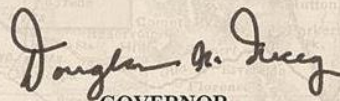


appointed by and serve without compensation at the pleasure of the Governor. The Governor shall appoint the Chair for the Commission. The majority of members, including the chairperson and vice-chairperson, shall not be full time government employees. At least 20 percent of commission members shall be under the age of 28 at the time of appointment.

5. Commission Membership shall include:
- a. One or more locally elected official representing local government, including at least one member of the Arizona Legislature.
  - b. Representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and/or probation workers.
  - c. Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and/or youth services.
  - d. Representatives of non-profit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, education, the quality of juvenile justice, education, and/or social services for children.
  - e. Volunteers who work with delinquent youth or youth at risk of delinquency.
  - f. Representatives of programs serving as alternatives to incarceration, including programs providing organized recreation activities.
  - g. Persons with special experience and competence in addressing problems related to school violence and vandalism, and/or alternatives to suspension and expulsion.
  - h. Persons, licensed or certified by the state, with expertise and competence in preventing and addressing mental health and/or substance abuse needs in delinquent youth and youth at risk of delinquency.
  - i. Representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and/or trauma before entering the juvenile justice system.
  - j. At least one representative of a tribal nation, or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities.
  - k. At least three members who have been, or are currently, under the jurisdiction of the juvenile justice system, or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system.
  - l. The Interstate Compact for Juveniles Administrator or designee.

This Executive Order amends and supersedes Executive Order 2012-04.

IN WITNESS THEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

  
GOVERNOR

DONE at the Capitol in Phoenix on this 11th day of February in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

ATTEST:





Secretary of State



**APPENDIX B– Violation Reporting Form**

# Violation Reporting Form

|   |  |   |
|---|--|---|
|                          | <b>ARIZONA GOVERNOR'S OFFICE OF YOUTH, FAITH AND FAMILY</b><br><b>ADULT JAIL/LOCK-UP REPORTING FORM</b><br><b>COMPLIANCE WITH THE JJDP ACT</b> |  |
| <b>VIOLATION REPORT</b>   |  |   |
| <b>Name of Agency:</b>  |  |   |
| <b>Substation:</b>  |  |   |
| <b>Prepared by:</b>   |  |   |
| <b>Date:</b>  |  |   |
| <b>Phone Number:</b>  |  |   |
| <b>Email:</b>   |  |   |
| <b>Reporting Period:</b>  |  |   |
| <b>Date of Violation:</b>   |  |   |
| <b>DR/File Number:</b>  |  |   |
| <b>Circumstances of Violation:</b><br>(please describe in detail)   |  |   |
| <b>Primary Cause of Violation:</b>  |  |   |
| Training Issue  |  |   |
| Safety Concern  |  |   |
| Staffing Issue (available officers on duty)   |  |   |
| Lengthy/Complex Investigation   |  |   |
| Other (please list)   |  |   |
| <b>Department Follow Up Action:</b><br>(i.e. notification of officer/supervisor, training provided, etc.) |  |   |
| <b>Assistance required to address situation causing violation :</b>                                       |  |   |
| <b>Other Comments:</b>  |  |   |

Rev. March 2022

**APPENDIX C– Inspection Report**

# Inspection Report



**Arizona Governor's Office of Youth, Faith and Family  
Juvenile Justice Delinquency Prevention Act  
Facility Compliance Survey**



| AGENCY INFORMATION  |       |                       |  |
|---|-------|-----------------------|--|
| Agency:   |       | Date:                 |  |
| Facility:   |       | Phone:                |  |
| Address:  |       |                       |  |
| On-site Representative:   |       | Visit Contact:        |  |
| Email:  |       |                       |  |
| Policies/Procedures Date:   |       | Facility Layout/Plan: |  |
| Estimated Juveniles:  |       |                       |  |
| CLASSIFICATION  |       |                       |  |
| Primary Type:   |       | SubType:              |  |
| Features:   |       |                       |  |
| SEPARATION  |       |                       |  |
| Sight & Sound Levels: (1) <b>High Contact Risk</b> (2) <b>Medium Contact Risk</b> (3) <b>Minimal Contact Risk</b> |       |                       |  |
| LOCATION  | Level | Comments              |  |
| Entry   |       |                       |  |
| Detention   |       |                       |  |
| Interview   |       |                       |  |
| Booking   |       |                       |  |
| Juvenile Cell   |       |                       |  |
| Other   |       |                       |  |
| RESIDENTIAL   | Level | Comments              |  |
| Housing   |       |                       |  |
| Dining  |       |                       |  |
| Recreation  |       |                       |  |
| Education   |       |                       |  |
| Medical   |       |                       |  |
| Inmate Workers Access to Juvenile Area?   |       |                       |  |
| Shock Incarceration "Scared Straight"?  |       |                       |  |
| DETAINMENT LOCATION   |       |                       |  |
| (L) Locked; (C) Cuffing Apparatus; (D) Delayed Egress; (A) Adult Use; (J) Juvenile Use; (R) Residential           |       |                       |  |
| Sally Port:   |       | Other:                |  |
| Juvenile Cell:  |       | Other:                |  |
| Holding Cells:  |       | Other:                |  |
| Interview Room:   |       | Other:                |  |
| DATA REVIEW   |       |                       |  |
| Year  |       | Comments:             |  |
| Violations Discovered   |       | Comments:             |  |
| Violations Discovered   |       | Comments:             |  |
| Violations Discovered   |       | Comments:             |  |

**APPENDIX D– Juvenile Custody Log**

# Juvenile Custody Log

## *JUVENILE CUSTODY LOG*

**Please return reporting form and documents used to complete the report to:**

**EMAIL: JJCOMPLIANCE@AZ.GOV**

**Fax: (602) 542-4644**

**Compliance Monitor Office Phone: (602) 542-1764**

**ALL JUVENILES IN CUSTODY MUST BE SIGHT AND SOUND SEPARATED FROM ADULTS IN CUSTODY  
STATUS OFFENDERS (RUNAWAY, INCORRIGIBLE, TOBACCO, CURFEW, TRUANCY) MUST BE DETAINED NON-SECURE**

**JUVENILE DELINQUENT (CRIMINAL) OFFENDERS MUST NOT BE DETAINED MORE THAN 6 HOURS**

| <i>Reporting Period:</i>    |                              |                            |               |             | <i>Name of Facility:</i> |                 |                                  |             |                              |                          |                     |
|-----------------------------|------------------------------|----------------------------|---------------|-------------|--------------------------|-----------------|----------------------------------|-------------|------------------------------|--------------------------|---------------------|
| <u>Date</u><br>(mm/dd/yyyy) | <u>Name</u><br>(Last, First) | <u>DOB</u><br>(mm/dd/yyyy) | <u>Gender</u> | <u>Race</u> | <u>Time In</u>           | <u>Time Out</u> | <u>Charges</u><br>(A.R.S. Codes) | <u>DR #</u> | <u>Officer ID</u><br>(Badge) | <u>Secure/Non-Secure</u> | <u>Released To?</u> |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |
|                             |                              |                            |               |             |                          |                 |                                  |             |                              |                          |                     |

**APPENDIX E- CMU**



# Compliance Monitoring Universe (CMU) - Violation Entry

The screenshot displays the 'Agency Report Entry' application window. The main interface is titled 'Adult Juvenile Lock Up' and includes a sidebar with 'Queries' and a 'Fiscal Year of Report' dropdown set to '10'. The primary data entry area is for 'Chandler Police Department, Main' and includes fields for 'Last Site Visit' (3/5/2008) and 'Adult Jail/Lock-up Facility Monthly Report'. A 'Violations Input Form (Adult)' dialog box is open, showing a violation entry for '11/20/2008' with 'DH/File Number' 09-134105 and 'Guest #' AceSt. The charge is 'Minor Possession/Consump' with a 'Primary Cause' of 'Training Issue'. The 'Circumstances' field contains the text: 'Juvenile brought into secure holding facility'. The 'Dept. Follow-Up' field contains: 'Eval sent to officer and supervisor advising of JWP Act and general orders.' The 'Assistance Required' and 'Staff Notes' fields are both set to 'None'. Below the dialog, a summary table lists various violation categories with their respective counts. The 'Total Violations' is shown as 3.

| Category                | Description  | Count    |
|-------------------------|--|----------|
| 4                       | The number of juvenile nonoffenders (i.e. a juvenile subject to jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile) held securely for ANY length of time. | 0        |
| 5                       | The number of Federal wards (i.e. any juvenile held pursuant to a contract with a Federal agency such as INS, U.S. Marshal, Park Ranger, etc.) held securely for ANY length of time.   | 0        |
| 6                       | The number of out-of-state runaways held securely for ANY length of time.  | 0        |
| 7                       | The number of accused juvenile delinquent offenders held securely for MORE THAN SIX HOURS, either PRIOR to or AFTER a court appearance.  | 0        |
| 8                       | The number of juveniles adjudicated for a delinquent offense held securely for ANY length of time.   | 0        |
| <b>Total Violations</b> |  | <b>3</b> |

**APPENDIX F– Digital Facility Folder**

## Digital Facility Folder

Includes:

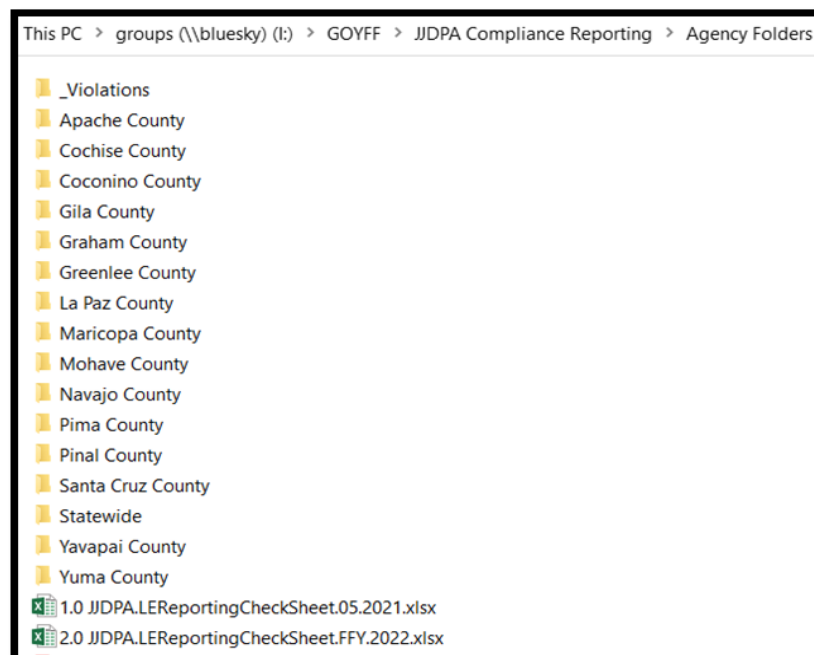
1. Agency Folders
2. Inspection Forms
3. Lockup Forms
4. Policies and Procedures

Juvenile Logs are recorded within each respective agency. This is done as soon as they are sent in via email or faxed in monthly or any agreed upon time frame.



| Name                            | Date modified     | Type               | Size   |
|---------------------------------|-------------------|--------------------|--------|
| MCSO_D4Creek.DetRpt.FY22-Q1.pdf | 1/6/2022 12:06 PM | Adobe Acrobat D... | 631 KB |
| MCSO_D4Creek.DetRpt.FY22-Q2.pdf | 4/5/2022 12:22 PM | Adobe Acrobat D... | 237 KB |

Arizona maintains agency folders for each of the 15 counties. Additionally, a separate folder is maintained to record any Violations. Violations are then entered into the CMU.



**APPENDIX G– Resources and  
Facility Sample List**

## Identification of Monitoring Universe Resource and Contact List

| Entity   | Information  | Web Address          |
|--|--|----------------------|
| Administrative Office of the Courts  | Juvenile Detention Facilities                          | <a href="#">Link</a> |
| Arizona Criminal Justice Commission  | Lockups, Jails, Court Holding, College Police, Prisons | <a href="#">Link</a> |
| Arizona Department of Juvenile Corrections   | Juvenile Correctional Facilities                       | <a href="#">Link</a> |
| Arizona Department of Health Services, Office of Behavioral Health Licensing (OBHL)* | Behavioral Health Group Homes                          | <a href="#">Link</a> |
| Arizona Department of Child Safety, Office Licensing and Regulation*                 | Foster Homes, Shelter Facilities, Group Homes          | <a href="#">Link</a> |

\*These entities are agencies utilized for additional resources only, not agencies that are monitored by the Title II Compliance Monitor.

## Identification of Monitoring Universe Facility Sample List

| Sample List of Facilities within the Compliance Monitoring Universe |                                 |  |               |                   |             |                 |                 |                  |
|---|---------------------------------|--|---------------|-------------------|-------------|-----------------|-----------------|------------------|
| County  | Agency                          | Facility                                   | Facility Type | Secure/ NonSecure | Residential | Public/ Private | Adult/ Juvenile | Reporting Status |
| Yavapai   | Yavapai College                 | Yavapai College - Prescott Campus Security | Lockup        | S                 | No          | Public          | A, J            | Quarterly        |
| Yavapai   | Yavapai County Sheriff's Office | Prescott Jail                              | Jail          | S                 | No          | Public          | A               | Annually         |
| Pinal   | Kearny Police Department        | Main                                       | Lockup        | N                 | No          | Public          | A, J            | Exempt           |
| Pinal   | Pinal County Sheriff's Office   | Kearny Substation, District 7              | Lockup        | S                 | No          | Public          | A, J            | Annually         |
| Pinal   | Mammoth Police Department       | Main                                       | Lockup        | N                 | No          | Public          | A, J            | Exempt           |
| Pinal   | Pinal County Sheriff's Office   | Saddlebrooke Substation                    | Lockup        | S                 | No          | Public          | A, J            | Annually         |
| Pinal   | Pinal County Sheriff's Office   | Main Administration - Investigations       | Lockup        | N                 | No          | Public          | A, J            | Exempt           |
| Pinal   | Pinal County Sheriff's Office   | Adult Detention Center                     | Jail          | S                 | Yes         | Public          | A               | Annually         |
| Maricopa  | Phoenix Police Department       | Main (General Investigations)              | Lockup        | S                 | No          | Public          | A, J            | Monthly          |
| Maricopa  | Phoenix Police Department       | Central City Precinct                      | Lockup        | S                 | No          | Public          | A, J            | Quarterly        |
| Maricopa  | Phoenix Police Department       | Airport Bureau                             | Lockup        | S                 | No          | Public          | A, J            | Quarterly        |
| Maricopa  | Phoenix Police Department       | Ahwatukee Foothills                        | Lockup        | S                 | No          | Public          | A, J            | Monthly          |
| Maricopa  | Goodyear Police Department      | Main Station                               | Lockup        | S                 | No          | Public          | A, J            | Monthly          |

## APPENDIX H- Online Resources

| Title   | Description  |                      |
|---|--|----------------------|
| Office of Juvenile Justice and Delinquency Prevention (OJJDP) Webpage   | <p>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.</p> <p>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.</p> | <a href="#">Link</a> |
| Authorizing Legislation   | <p>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.</p>   | <a href="#">Link</a> |
| Juvenile Justice and Delinquency Prevention Act   | <p>This is the text of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.</p>   | <a href="#">Link</a> |
| Redline Version Juvenile Justice and Delinquency Prevention Act as Amended by the Juvenile Justice Reform Act of 2018                   | <p>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).</p>   | <a href="#">Link</a> |
| OJJDP Core Requirements Webpage   | <p>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.</p>  | <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 | <p>This fact sheet describes several significant amendments to the JJDP made by the JJRA.</p>  | <a href="#">Link</a> |
| National Archives: Code of Federal Regulations for Part 31 – OJJDP Grant Programs   | <p>This is the existing regulation implementing the Formula Grants Program authorized under the JJDP.</p>  | <a href="#">Link</a> |