

# Policies and Procedures Manual

For Monitoring Compliance with Core Requirements of  
the Formula Grants Program Authorized Under Title II,  
Part B, of the Juvenile Justice and Delinquency  
Prevention Act

## Commonwealth of Massachusetts

Executive Office of Public Safety and Security  
Office of Grants and Research  
Justice and Prevention Division



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## Table of Contents

I.	Introduction and Background .....	3
A.	Program Introduction .....	3
B.	Purpose of the Compliance Monitoring Manual.....	4
II.	Compliance with the Core Requirements .....	5
A.	Deinstitutionalization of Status Offenders (DSO).....	5
B.	Removal of Juveniles Prosecuted as Adults from Adult Facilities .....	10
C.	Separation of Juveniles from Adult Inmates.....	12
D.	Removal of Juveniles from Adult Jails and Lockups .....	16
III.	Elements of an Effective Monitoring System.....	22
A.	Summary of Elements .....	22
B.	Compliance Monitoring Policies and Procedures .....	23
C.	Monitoring Authority.....	24
D.	Violation Procedures .....	25
C.	Adherence to Federal Definitions .....	31
D.	Identification of the Monitoring Universe .....	38
E.	Classification of the Monitoring Universe.....	40
F.	Inspection of Facilities .....	44
G.	Compliance Data Collection and Verification.....	49
H.	Compliance Monitoring Reporting Requirement.....	55
IV.	Appendix.....	56
A.	Compliance Certification Form: Adult Lockup(s).....	56
B.	Compliance Certification Form: Secure Detention Facilities.....	57
C.	Compliance Certification Form: Secure Correctional Facilities .....	59
D.	Compliance Certification Form: Court Holding Facilities.....	60
E.	Template: Juvenile Detained or Confined Log .....	61
F.	Checklist: Onsite Inspections .....	62
G.	Guidelines: Onsite Inspections .....	63
H.	Guidelines: Secure vs. Non-Secure Custody .....	64
I.	Example Violation Letter: DSO.....	65
J.	Example Violation Letter: Separation .....	66
K.	Example Violation Letter: Jail Removal.....	67
L.	Online Resources.....	68

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# I. Introduction and Background

## A. Program Introduction

This guide was developed to introduce stakeholders in the juvenile justice system to the core requirements required by the federal Juvenile Justice Reform Act (JJRA) of 2018 and as a policies and procedures manual for the Executive Office of Public Safety and Security (EOPSS) Office of Grants & Research (OGR) Compliance Monitors. With EOPSS OGR as its state administrating agency (SAA) pursuant to [Executive Order No. 522: Reestablishing a Juvenile Justice Plan for Massachusetts, Section 1](#), Massachusetts monitors compliance with the JJRA core requirements, administers its Title II Formula Grant funds, and oversees the Governor-appointed state advisory group as mandated by the JJRA. In Massachusetts, the state advisory group is the Juvenile Justice Advisory Committee (JJAC) pursuant to [Executive Order No. 522: Reestablishing a Juvenile Justice Plan for Massachusetts, Section 2](#).

Massachusetts and other participating states receive Title II Formula Grant funds annually and distributions are publicly available [here](#). The Formula Grant award is dependent on the measured level of compliance with the core requirements of the JJRA Act. Incompliance with any of the four core requirements will result in a 20% award reduction, and 50% of the remaining funding being spent on the failed core requirement. The [core requirements](#), explained further in this guide, have become tenets for basic professional practice throughout the country with regard to the detaining and confining of juveniles and the reduction of racial and ethnic disparities in the juvenile justice system. It is incumbent upon all agencies and departments to assist the Commonwealth in maintaining compliance, to assure safe and appropriate holding of juveniles, and to ensure Formula Grant funds continue to be awarded to help fund various types of juvenile justice programming in the Commonwealth.

Massachusetts is required to maintain a manual for an effective system of monitoring facilities to ensure compliance with the [JJDP Act](#) and [Formula Grant Regulations](#). As the SAA, EOPSS OGR is tasked with the implementation of an effective system of monitoring for which it assigns a compliance monitor for executing policies and procedures and annually revising of the monitoring manual.

The following information describes the Compliance Monitoring system in Massachusetts. As the State Planning Agency for the JJDP Act, the Executive Office of Public Safety and Security is responsible for monitoring and reporting under the JJDP Act and JJRA. The Office of Grants and Research compliance monitor will perform statewide monitoring and a detailed description of the process and tasks is contained in subsequent policies.

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## B. Purpose of the Compliance Monitoring Manual

To address the dire conditions of confinement for juveniles at the time, Congress enacted a piece of reform legislation, the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. To continue needed improvements in the juvenile justice system, the JJDP Act was amended during most of its reauthorization efforts. In 2002, the Act was revised and reauthorized as the JJDP Act of 2002. In December 2018, the Juvenile Justice Reform Act (JJRA) of 2018 was signed into law, reauthorizing and substantially amending the JJDP Act. The amendments made by JJRA became effective in FFY2020 (October 1, 2019). Based on these years of discussion and research, this legislation is designed to improve juvenile justice systems through federal direction, coordination, and resources. The JJRA represents widespread consensus on what is considered “best practice” for youth who come into contact with the juvenile justice system.

Participating states enter into a partnership with the federal government. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides technical assistance, training, and coordination of resources to states. Governors of participating states designate a state administering agency (SAA) which oversees implementation. The SAA in Massachusetts is the Executive Office of Public Safety and Security (EOPSS) Office of Grants and Research (OGR). EOPSS OGR staffs the Governor-appointed state advisory group, named the Juvenile Justice Advisory Committee (JJAC), which approves funds recommended for award to Massachusetts entities through Title II of the JJRA.

Massachusetts receives an annual Formula Grant allocation which is used to provide funding for state and local juvenile justice programming as well as to monitor the Commonwealth for compliance with the JJRA core requirements. The annual allocation is based on compliance with the core requirements. If a state is not in compliance with any one of the four core requirements, 20% of the annual allocation is withdrawn. If there is non-compliance with two core requirements, 40% of the allocation is withdrawn, and so on. Of the remaining funds, 50% must then be used to fund initiatives to bring the state back into compliance with the non-compliant core requirement(s). Massachusetts is out of compliance with one of the core requirements. It is critical that all agencies and facilities that affect compliance diligently work toward maintaining compliance so that the Commonwealth continues to receive the full annual Formula Grant allocation for juvenile justice programming.

New components to compliance monitoring introduced by the JJRA include application dates, definition of terms, annual reporting requirements, and the distribution of funds not allocated due to state noncompliance. As a partner with OJJDP, Massachusetts is actively working to define and operationalize these new changes and responsibilities with stakeholders.

### Reasons for Compliance

- Reduced funding means reduced juvenile justice and delinquency prevention funds to local programs.
- EOPSS OGR reserves the right to withhold any Formula Grant funds from the agency in question if there is a lack of compliance.
- A community’s non-compliance with any of the four core requirements means that it is ineligible to apply for JJRA Formula Grant prevention funds.
- Non-compliance also opens the door to civil suits on conditions of confinement litigation. Jailing juveniles has resulted in damage claims under the 8th Amendment Cruel and Unusual Punishment Clause and under the 14th Amendment Due Process Clause.
- The majority of professional organizations have embraced the JJRA and core requirements as standards for the processing and detention of juveniles (American Bar Association, National Sheriff’s Association, National Chiefs of Police, and National Public Defenders).

## II. Compliance with the Core Requirements

This section describes the core requirements at [34 U.S.C. § 11133\(a\)\(11\)\(A\)](#), (11) (12), and (13). In the following tables, you will find direct statutory and regulatory references in the left-hand column. In the right-hand column, you will find a plan to meet the core requirement

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

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p>Pursuant to <a href="#">34 U.S.C. § 11133(a)(11)(A)</a>, juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders), shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no such juveniles were placed in secure detention and correctional facilities, or when the state’s DSO rate falls below the established threshold.</p>	<p>OGR’s compliance monitor conducts a review of juvenile data submitted by secure facilities on an annual basis for compliance with the DSO requirement pursuant to <a href="#">34 U.S.C. § 11133(a)(11)(A)</a>.  <a href="#">Title XVII, Chapter 119, Section 87</a>            Massachusetts law prevents juveniles who are considered as status offenders under the federal definition of 34 U.S.C from being placed in a secure detention facility or secure correctional facility. The law also requires the Department of Youth Services and the Department of Corrections to “promulgate regulations and policies for the implementation, administration, and enforcement of this section and maintain adequate records to ensure compliance with this section”. Although status offenders cannot lawfully be detained or confined in Massachusetts, the compliance monitor reviews all juvenile data for departures from the law. The data submitted to OGR for review includes the juvenile’s alleged offense or reason for placement in a secure detention facility or secure correctional facility. This information is reviewed by the compliance monitor to determine whether a status offender or non-offender has been detained or confined. The following instances of detaining or confining juveniles would be flagged by the compliance monitor as violations pursuant to <a href="#">34 U.S.C. § 11133(a)(11)(A)</a>:</p> <ul style="list-style-type: none"> <li>A. Juvenile was charged with or committed an offense that would not be criminal if committed by an adult (status offenders)</li> <li>B. Juvenile not charged with any offense or alleged to be dependent, neglected, or abused (non-offenders)</li> </ul> <p><i>Please refer to Section III.I. Compliance Data Collection and Verification for a description of the process for collecting data regarding this requirement and verifying that all DSO requirements have been met.</i></p> <p><a href="#">Title XVII, Chapter 119, Section 87</a></p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
	<p><b><i>“Section 87: Placement of juvenile in secure detention facility or secure correctional facility or in any institution in which juvenile has contact with adult inmates</i></b></p> <p><i>(a) The department of youth services and the department of correction shall not place in a secure detention facility or secure correctional facility any juvenile who has: (1) been charged with or who has committed an offense that would not be criminal if committed by an adult, except juveniles who are held in accordance with the interstate compact on juveniles, as enacted by the commonwealth; (2) not been charged with any offense; or (3) been alleged to be dependent on the court, neglected or abused.</i></p> <p><i>(b) The department of youth services and the department of correction shall not detain or confine any juvenile identified subsection (a) or any juvenile alleged to be or found to be delinquent in any institution in which they have contact with adult inmates; and shall require that individuals employed by the department of youth services or the department of corrections who work with both juveniles and adult inmates be trained and certified to work with juveniles by the department of youth services.</i></p> <p><i>The department of youth services and the department of correction shall promulgate regulations and policies for the implementation, administration and enforcement of this section and maintain adequate records to ensure compliance with this section.”</i></p>
<p><b>YOUTH HANDGUN SAFETY EXCEPTION –</b> Under <a href="#">34 U.S.C. § 11133(a)(11)(A)(i)(I)</a>, the DSO requirement does not apply to juveniles charged with or found to have committed a violation of the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or a similar state law, which prohibits a person younger than 18 from possessing a handgun. Such juveniles may be placed in secure detention or secure correctional facilities without resulting in an instance of noncompliance with the DSO requirement.</p>	<p><b>YOUTH HANDGUN SAFETY EXCEPTION - MA</b> does not use the Youth Handgun Safety Exception under <a href="#">34 U.S.C. § 11133(a)(11)(A)(i)(I)</a>, however, the compliance monitor reviews data for departures from this policy. If data submitted to EOPSS OGR indicates that a juvenile has been placed in secure detention or in a secure correctional facility on the basis of this exception, the compliance monitor will assess the incident to determine whether an instance of noncompliance with the DSO requirement has occurred.</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p><b>VALID COURT ORDER EXCEPTION</b> – 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. A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply (see Section III.E. Adherence to Federal Definitions for the definition of “valid court order”). To demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to verify whether court orders used to place status offenders in juvenile detention centers (including juveniles who violate valid court orders related to their status as a juvenile), meet the following requirements (as set forth at <a href="#">34 U.S.C. § 11133(a)(23)</a>): An appropriate public agency shall be promptly notified that the status offender is held in custody for violating a valid court order. An authorized representative of that agency shall interview within 24 hours, in person, the status offender who is being held. Within 48 hours during which the status offender is held: The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender. The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation. If the court determines that the status offender should be placed in a secure detention facility or correctional facility for violating the court order, (1) the court must issue a written order that: Identifies the valid court order that has been violated; Specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order; Includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile; Specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender’s release from such facility; and May not be renewed or extended; and (2) The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order.</p>	<p><b>VALID COURT ORDER EXCEPTION – Massachusetts does not use the Valid Court Order Exception.</b> It is currently illegal for MA to use the Valid Court Order (VCO) exception found at <a href="#">34 U.S.C. § 11133(a)(11)(A)(i)(II)</a>, however, Massachusetts’s compliance monitor has monitored for departures from this policy since VCO guidance went into effect on October 1, 2019.</p> <p>Additionally, EOPSS OGR’s compliance monitor communicates directly with the Deputy Director of Security from the <a href="#">Executive Office of the Trial Court</a> (EOTC) and the <a href="#">Juvenile Court</a> not only to confirm compliance with the core requirements, but also to verify that no departures from policy such as using the VCO exception have occurred. The EOTC facilitates communication and enables joint leadership while the Juvenile Court oversees civil and criminal matters statewide involving juveniles. If the compliance monitor and these agencies determines that the VCO exception has in fact been used, the compliance monitor will use <a href="#">OJJDP’s VCO Checklist</a> to assess the incident and ultimately notify the EOTC and the involved facility by email that a potential violation has occurred and is being investigated. The compliance monitor will use the checklist in order to determine whether the requirements for using the VCO exception were met and the facility’s profile in the compliance monitoring universe will be updated by the compliance monitor to reflect that a VCO exception has been used as well as whether a violation has occurred during the reporting period upon final determination.</p> <p><b>Responsibilities of the Compliance Monitor:</b></p> <ul style="list-style-type: none"> <li>➤ Continuous monitoring of data to ensure that VCO exceptions have not been used.</li> <li>➤ Communication with associated agencies to validate that operations continue to match policies and procedures.</li> <li>➤ Confirmation of violations upon suspicion of VCO exceptions being used.</li> <li>➤ Updating of the compliance monitoring universe to reflect confirmed violations.</li> </ul>

**INTERSTATE COMPACT ON JUVENILES EXCEPTION** – Pursuant to the DSO

requirement at [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(III\)](#), status offenders may be held in accordance with the Interstate Compact on Juveniles, as the state has enacted it. States must verify that all status offenders subject to an out-of-state placement were held pursuant to the Compact. Where the interstate placement of status offenders was not in accordance with the Compact, the state in which the juvenile is placed must report the placement as an instance of noncompliance.

**INTERSTATE COMPACT ON JUVENILES EXCEPTION -**

Whereas Massachusetts is committed to the Interstate Compact on the Placement of Juveniles, the Interstate Compact on Juveniles Exception pursuant to the DSO requirement at [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(III\)](#), provides for status offenders to be held in accordance with the Interstate Compact on Juveniles, as Massachusetts has enacted it. Massachusetts recognizes that each state is responsible for the proper supervision or return of juveniles as required by the Interstate Compact on the Placement of Juveniles (ICPC), delinquents and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and, in so doing, have endangered their own safety and the safety of others. Massachusetts also recognizes that each state is responsible for the safe return of juveniles who have run away from home and, in so doing, have left their state of residence. The compacting states also recognize that Congress, by enacting [4 U.S.C. section 112](#), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

**Interstate Compact and State Legislation**

[Mass. Gen. Laws ch. 120A § 1](#)

In regards to compliance with the core requirements, Massachusetts General Law 120A signed into law as of June 30, 2010 is evidence of Massachusetts’s commitment to ensuring adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state. Pursuant to the rules of this exception, a non-delinquent runaway may be detained or confined to allow such juvenile to be safely returned to a parent or guardian having custody. This creates an exemption to the DSO requirement and permits detention of a juvenile who is held in accordance with the ICJ. A [consent form](#) for voluntary return of an out of state juvenile has been made available.

[Title XVII, Chapter 119, Section 87](#)

Pursuant to this legislation, the Department of Youth Services and the Department of Corrections are not permitted to place a status offender in a secure detention facility or secure correctional facility, “except juveniles who are held in accordance with the interstate compact on juveniles”.

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
	<p><b>Compliance Monitoring of Status Offenders held in accordance with the Interstate Compact on Juveniles (ICJ)</b></p> <p>EOPSS OGR’s compliance monitor provides for continuous monitoring, identification and verification of any juveniles that are held in violation of the ICJ, a population which the compliance monitor closely monitors includes juveniles who:</p> <ul style="list-style-type: none"> <li>A. are on probation, parole, or other supervision, or have escaped to another state;</li> <li>B. have run away from home and left their state of residence;</li> <li>C. have been accused of an offense in another state</li> </ul> <p>To monitor this <a href="#">population of juveniles</a>, the compliance monitor works closely with <a href="#">Massachusetts’s ICJ coordinator</a> who provides the compliance monitor with a list of incidents that may be deemed as violations of the exception upon request. Contact information for Massachusetts’s ICJ coordinator, commissioner and state council membership can be found on the Interstate Commission for Juveniles <a href="#">website</a>. The list of juveniles provided by the ICJ coordinator is reviewed by the compliance monitor for violations and if necessary, followed by verification of violations with the involved facilities.</p> <p><b>Identifying and Confirming a Violation</b></p> <p>Whereas the DSO requirement provides that youth charged with status offenses and abused and neglected youth involved with the dependency courts, may not be placed in secure detention or locked confinement, except under very limited circumstances, the compliance monitor is responsible for identifying cases in which status offenders were detained or confined outside of the exception of ICJ. The compliance monitor will use the information provided by the ICJ as well as the involved facility to confirm if a violation has occurred, and if so, will notify the facility of non-compliance and record the violation accordingly in the monitoring universe.</p>

## B. Removal of Juveniles Prosecuted as Adults from Adult Facilities

SUMMARY OF REQUIREMENT	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><b>Massachusetts does not utilize adult jails or lock ups for the detention or confinement of juveniles charged as adults.</b></p> <p>Instead, Massachusetts requires and provides for juveniles to only be held in juvenile-only facilities managed by the <a href="#">Department of Youth Services (DYS)</a> under its establishment by state law in <a href="#">Gen Law Ch. 18A</a>. The only occasion in which juveniles are allowed to be detained or confined in an adult jail or lock up in MA is in accordance with the six-hour exception found at <a href="#">34 U.S.C. § 11133(a)(13)(A)</a>. The compliance monitor will continue to monitor adult jails and lock ups for compliance with <a href="#">Section 223(a)(11)(B)</a> by verifying the absence of juveniles charged as adults detained or confined in adult jails or lockups.</p> <p><b>Policies and Procedures</b></p> <p>Pursuant to <a href="#">Executive Order 522</a>, EOPSS OGR receives a certification of compliance with <a href="#">Section 223(a)(11)(B)</a> from all adult jails or lockups for each reporting period. The compliance monitor verifies compliance by conducting an in-depth review of all records concerning juveniles detained or confined in adult jails or lockups ensuring those instances are limited to and meet the requirements of the six-hour exception. Any departure from what is allowed under the exception for section <a href="#">223(a)(13)</a>, will result in a violation of jail removal, including Separation (if the juvenile had contact), and section <a href="#">223(a)(11)(B)</a>, if the juvenile was being charged as an adult.</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</p>	<p>A juvenile charged as an adult in Massachusetts may be detained in an adult jail or lockup if the following exception at 34 U.S.C. § 11133(a)(13) applies:</p> <ol style="list-style-type: none"> <li>1. Six-Hour Exception</li> </ol> <p>Massachusetts recognizes the six-hour exception found at <a href="#">34 U.S.C. § 11133(a)(13)(A)</a> and maintains that only juveniles held under this exception are permitted to be confined or detained in adult jails or lock ups. The Six-Hour Exception allows for detention or confinement in an adult jail</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p>in the interest of justice to detain a juvenile under those circumstances, the court must hold a hearing at least every 30 days (at least every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:</p> <ol style="list-style-type: none"> <li>1. the age of the juvenile;</li> <li>2. the physical and mental maturity of the juvenile;</li> <li>3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;</li> <li>4. the nature and circumstances of the alleged offense;</li> <li>5. the juvenile’s history of prior delinquent acts;</li> <li>6. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and</li> <li>7. any other relevant factor(s)</li> </ol> <p>The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility is 180 days, unless the court determines, in writing, that there is good cause for such an extension, or the juvenile expressly waives this 180-day limit.</p>	<p>or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:</p> <ol style="list-style-type: none"> <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> </ol> <p><b>INTEREST OF JUSTICE</b>  <b>The Interest of Justice exception is not utilized in Massachusetts because the state does not utilize adult jails or lock ups for the detention or confinement of juveniles charged as adults in accordance with state statutes.</b></p> <p>Massachusetts requires and provides for juveniles to only be held in juvenile-only facilities managed by the <a href="#">Department of Youth Services</a> (DYS) under its establishment by state law in <a href="#">Gen Law Ch. 18A</a>. The only occasion in which juveniles are allowed to be detained or confined in an adult jail or lock up in MA is in accordance with the six-hour exception found at <a href="#">34 U.S.C. § 11133(a)(13)(A)</a>. The compliance monitor will continue to monitor adult jails and lock ups for compliance with <a href="#">Section 223(a)(11)(B)</a> by verifying the absence of juveniles charged as adults detained or confined in adult jails or lockups outside of the six-hour exception. All juvenile data including juveniles being transported to and confined in court holding facilities for each reporting period is reviewed annually by the compliance monitor and is assessed accordingly for potential Jail Removal violations (See Section III.D. Violation Procedures). While the Interest of Justice exception is not utilized in Massachusetts, the compliance monitor continues to monitor for departures from the State’s policy to not use it.</p>

## A. Separation of Juveniles from Adult Inmates

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p>Pursuant to <a href="#">34 U.S.C. § 11133(a)(12)</a>, juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.</p> <p>In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.</p>	<p><b>Maintaining Sight and Sound Separation</b></p> <p>In accordance with the federal definition of "sight or sound contact" at <a href="#">34 U.S.C. § 11103 (25)</a> and included in Section III.E of this manual, Massachusetts uses the federal definition of "sight or sound contact to monitor for compliance of the separation requirement of delinquent, status offenders, and juveniles with adult inmates including any physical, clear visual, or verbal contact that is not brief and inadvertent.</p> <p><b><a href="#">Title XVII, Chapter 119, Section 87</a></b></p> <p>Massachusetts law requires the that the <a href="#">Department of Youth Services (DYS)</a> and the <a href="#">Department of Correction (DOC)</a> shall not detain or confine any juveniles in any institution in which they have contact with adult inmates and also requires that individuals employed with these agencies be trained and certified to work with juveniles by DYS. In addition to state law regulating sight and sound contact, EOPSS OGR employs several processes to monitor all secure facilities ensuring that no departures from state law occur:</p> <p><b>1. Separation Certification Process</b></p> <p>Although the juvenile justice system and its policies and procedures for detaining and confining juveniles in Massachusetts provides for separation between juveniles and adult inmates, EOPSS OGR's compliance monitor also queries all secure facilities in Massachusetts to certify their compliance with the separation requirement annually. This query of compliance with the separation requirement is conducted using each facility's respective certification form provided in the appendix of this document, which is emailed by and returned to the compliance monitor at the close of each federal reporting period.</p> <p><b>2. Inspections to Verify Separation</b></p> <p>Since the certification process relies on facilities to self-report violations, EOPSS OGR's compliance monitor also conducts on-site inspections of secure facilities in order to verify that each facility's</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
	<p>policies, procedures, and infrastructure is able to maintain separation between juveniles and adult inmates. Whereas juveniles are not placed in adult detention facilities in Massachusetts are primarily intended to ensure that separation violations do not occur in the event that a secure jail or lock up is utilizing the six-hour exception to the Jail Removal requirement at <a href="#">34 U.S.C. § 11133(a)(13)(A)</a>.</p> <p><b>3. Monitoring Separation at Juvenile Only and Adult Inmate Only Facilities</b></p> <p>Facilities who only detain or confine juveniles are still required to certify that no separation violations have occurred during each reporting period just as facilities who are only responsible for adult inmates must certify that no juveniles were detained or confined during the reporting period. Both of these types of facilities are also subject to state law pursuant to <a href="#">Title XVII, Chapter 119, Section 87</a>, requiring them to maintain sight and sound separation despite each of these agencies only working with one or the other. The compliance monitor conducts inspections of these two facilities as needed periodically to ensure compliance with the requirements of holding juveniles who reach the age of full criminal responsibility after arrest or adjudication, however, the compliance monitor as it pertains to the separation requirement prioritizes inspection of facilities that detain and confine both juveniles and adult inmates under the six-hour exception.</p> <p><b>Training of Personnel for Maintaining Separation while Utilizing the Six-Hour Exception</b></p> <p>Effective as of July 13, 2018, <a href="#">Massachusetts's Municipal Police Training Committee's (MPTC) Juvenile Arrest Procedures</a> outlines for all associated personnel, the specific requirements of maintaining separation pursuant to <a href="#">34 U.S.C. § 11133(a)(12)</a>.</p>
<p><b>JUVENILES WHO ARE TRANSFERRED, CERTIFIED, OR WAIVED TO CRIMINAL COURT –</b>            Juveniles who have been transferred, certified, or waived to criminal court, and are therefore charged as adults, may not</p>	<p><b>MONITORING JUVENILES WHO ARE TRANSFERRED, CERTIFIED, OR WAIVED TO CRIMINAL COURT -</b> Massachusetts provides for juvenile only facilities managed by</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p>be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility, unless it is pursuant to one of the exceptions at 34 U.S.C. § 11133(a)(13)(B).</p> <p>However, a court may determine that it would be in the interest of justice to do so consistent with <a href="#">34 U.S.C. § 11133(a)(11)(B)</a>. See Section 223(a)(11)(B) above, which applies to juveniles charged as adults. If a juvenile who has been charged as an adult has been convicted and sentenced for the criminal offense, however, Section 223(a)(11)(B) no longer applies.</p>	<p>the <a href="#">Department of Youth Services</a> and the <a href="#">Juvenile Court Department</a> for confining or detaining juveniles outside the exceptions at 34 U.S.C. § 11133(a)(13)(B). The compliance monitor collects and reviews data submitted to EOPSS OGR by the <a href="#">Executive Office of the Trial Court</a> in order to monitor juveniles who are transferred, certified, or waived to criminal court to be charged as an adult. This data reporting process managed by the compliance monitor requires all court holding facilities to report instances in which juveniles were detained in an adult jail or lock up outside the six-hour requirement and or had sight or sound contact outside of the interest of justice exception (not utilized in Massachusetts). The compliance monitor reviews data for potential violations in addition to conducting onsite inspections of each facility’s policies, procedures, and infrastructure to assess whether these items align with Jail Removal and Separation requirements and will refer to OJJDP’s <a href="#">Juveniles Charged as Adults Decision Tree</a> in order to understand the factors that must be considered when determining where to house juveniles awaiting trial or other legal processes.</p>
<p><b>JUVENILES WHO REACH THE AGE OF FULL CRIMINAL RESPONSIBILITY AFTER ARREST OR ADJUDICATION</b> – Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they have reached the state’s maximum age of extended juvenile jurisdiction. By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility, are adult inmates, who must not have sight or sound contact with juvenile detainees.</p>	<p><b>MONITORING JUVENILES WHO REACH THE FULL AGE OF FULL CRIMINAL RESPONSIBILITY AFTER ARREST OR ADJUDICATION</b> - Juveniles who reach the age of full criminal responsibility of 18 as determined by state law in <a href="#">MGL c.119, §§ 52-74</a> after arrest or adjudication are eligible for extension so long as they meet certain conditions, however, the EOPSS OGR compliance monitor closely monitors for juveniles who are charged as adults and conducts follow up to confirm that necessary conditions are being maintained for compliance with the Separation Requirement at <a href="#">34 U.S.C. § 11133(a)(12)</a>.</p> <p><b>1. Post-Adjudication Monitoring</b></p> <p>One of these conditions includes individuals under juvenile court jurisdiction who commit an offense while still a juvenile and have reached the age of full criminal responsibility only after arrest or adjudication. In Massachusetts, the age of full criminal responsibility is eighteen years old.</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
	<p>Therefore, if an accused juvenile was tried in criminal court but was detained in a juvenile detention or correction facility, once they turn 18, they are not required to be removed from a juvenile detention or correction facility and transferred to an adult facility and a separation violation has not occurred between the individual and other juveniles within the juvenile court's jurisdiction. Please note, the only youth in Massachusetts who are tried as adults are those 14 and older who are charged with first or second degree murder. See G.L. c. 119, section 74. Massachusetts law contemplates that such youth be held in adult correctional facilities ("correctional" is not a term used with juveniles in MA, only adults), but Federal law requires that youth be maintained sight and sound separate if under the age of 18. DYS holds those youth on a courtesy basis because Massachusetts adult facilities do not have housing that complies with either the JJDPa or PREA requirements regarding sight and sound separation. G.L. c. 119, sections 68 and 72B.</p> <p><b>2. Separate Offenses Monitoring</b> EOPSS OGR's compliance monitor also closely monitors instances in which individuals who are under juvenile court jurisdiction subsequently commit a separate offense after reaching the age of full criminal responsibility. These individuals are considered adult inmates, and any sight or sound contact with other juvenile detainees would be considered a violation of the separation requirement.</p> <p><b>A. Identification and Investigation</b> Identifying either of the above incidents would prompt the compliance monitor to contact the facility in question in order to confirm whether or not a violation has occurred.</p> <p><b>B. Alerting the Facility of a Violation and Scheduling a Site Visit</b> If further explanation provided by the facility confirms that a juvenile who has reached the age of full criminal responsibility has been detained or confined within sight and sound of other juveniles, but has not met the required criteria, the</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
	<p>compliance monitor will inform the facility of their status of noncompliance, schedule a site visit to review the facility’s policies and procedures and update the facility’s profile to reflect the occurrence of a violation in the monitoring universe.</p>
<p><b>PROGRAMS IN WHICH JUVENILES HAVE SIGHT OR SOUND CONTACT WITH ADULT INMATES –</b>  Programs in which juveniles have sight or sound contact with adult inmates in an attempt to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the separation (and possibly DSO and jail removal) requirements. Whether these programs result in instances of noncompliance will depend on the specific manner in which the program operates and the circumstances of the juveniles’ participation in such a program.</p> <p>Instances of noncompliance with the separation requirement may only occur if a juvenile’s participation in such a program is pursuant to law enforcement or juvenile or criminal court authority. In addition, for violations to occur, the juvenile must not be free to leave or withdraw from participation, even if her/his parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile’s participation.</p>	<p>Facilities in Massachusetts that operate Scared Straight related programs in which juveniles have sight or sound contact with adult inmates are not known to do so with juveniles who are not free to leave or without proper consent. Upon identifying new programs that may depart from this consistency, the compliance monitor refers to the following questions in determining instances of noncompliance with the separation requirement:</p> <ol style="list-style-type: none"> <li>1. Was the juvenile required to participate in the program by a judge or probation officer, and not free to leave the program? (If so, this would be a separation violation.)</li> <li>2. Did the juvenile participate with the consent of a parent or guardian, and with the ability to withdraw consent and leave the program? (If so, this would not be a separation violation.)</li> </ol> <p>During the annual certification process and upon conducting site visits, the compliance monitor queries facilities with the above questions in order to properly identify these programs and assess their compliance with the core requirements.</p>

## B. Removal of Juveniles from Adult Jails and Lockups

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p>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</p>	<p>Massachusetts’s policies and procedures provide for compliance with <a href="#">34 U.S.C. § 11133(a)(13)</a> in that no juveniles may be detained or confined in any adult jail since the <a href="#">Department of Youth Services</a> (DYS) is tasked with confining and detaining juveniles in Massachusetts.</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p>confined for any length of time in an adult jail or lockup.</p> <p>The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both juveniles and adult inmates in collocated facilities to have been trained and certified to work with juveniles:</p>	<p><b>Annual Certification Process</b>  For compliance with the JJDP A., Massachusetts requires all secure facilities to participate in the annual certification process through which they must indicate whether or not any juveniles were confined or detained in their facilities even if juveniles are outside of their scope of practice.</p> <p><b>Compliance Monitoring and Six-Hour Exception</b>  Instances in which juveniles are awaiting transfer to a DYS facility may require a secure facility to detain or confine a juvenile temporarily. Massachusetts’s annual certification process allows for the compliance monitor to assess whether or not these instances are applicable to the six-hour exception since these facilities are also required to submit all juvenile confinement and detainment data. The data that is submitted by facilities to EOPSS OGR is also verified for accuracy by the compliance monitor during onsite inspections. Please refer to the next section titled six-hour exception for more information on how Massachusetts monitors for compliance of the Jail Removal requirement.</p> <p><b>Monitoring Court Holding Facilities</b>  Whereas the definition of "non-secure custody" in OJJDP policy guidance published in the Federal Register in 1988 is no longer valid as of 2018, court holding facilities fall under the JJDP A definition of “jail or lockup for adults” at <a href="#">34 U.S.C. § 11103 (22)</a>. EOPSS OGR has reorganized its annual certification process for court holding facilities to include a query of compliance with the Jail Removal requirement. Please refer to Appendix D of the manual to view the “Court Holding Facilities Certification Form”. In addition to now certifying compliance with this requirement, the EOTC is now responsible for submitting juvenile data for all of its secure facilities to EOPSS OGR that includes whether or not a juvenile has been detained or confined outside the exception of the six-hour requirement.</p> <p><b>Monitoring Delinquent Juveniles</b>  The statutory exceptions to the jail removal requirement do not apply to juveniles who have been adjudicated as delinquent and thus detention or confinement in an adult jail or lockup for any length</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p><b>SIX-HOUR EXCEPTION</b> – The jail removal requirement at <a href="#">34 U.S.C. § 11133(a)(13)(A)</a> allows the detention or confinement in an adult jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:</p> <ul style="list-style-type: none"> <li>b. 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>c. A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.</li> </ul> <p>The following three exceptions allow states to detain or confine juveniles accused of non-status offenses in adult jails or lockups for more than 6 hours while awaiting an initial court appearance and so long as the juveniles do not have sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.</p>	<p>of time of these juveniles will result in a jail removal violation. The compliance monitor reviews juvenile data for detained or confined juveniles adjudicated as delinquents as EOPSS OGR is committed to identifying instances in which facilities inappropriately apply any of the statutory exceptions.</p> <p><b>SIX-HOUR EXCEPTION</b> - Massachusetts tasks OGR’s compliance monitor with assessing implementation and compliance with the six-hour exception to the jail removal requirement as provided at <a href="#">34 U.S.C. § 11133(a)(13)(A)</a>. Although facilities in Massachusetts are free to utilize the six-exception as they see fit so long as criteria for the exception are met, all of these facilities must participate in Massachusetts’s annual certification process, which provides juvenile data for each reporting period that is used by the compliance monitor to determine the exception’s applicability and compliance with the Jail Removal requirement.</p> <p><b>Six-Hour Exception: Review of Juvenile Lockup Data</b></p> <p>A juvenile accused of a delinquent offense may be detained in an adult jail or lockup 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. The compliance monitor utilizes lock up and release times submitted by facilities to EOPSS OGR in order to verify a facility’s compliance with the Jail Removal requirement as reported by the facility’s annual certification.</p> <p>Steps for this review process are provided here: Juvenile confinement or detainment data is received by the compliance monitor from facilities state-wide from September 31 to December 31.</p> <p>If a facility confines or detains juveniles during the reporting period as indicated on their certification form, then the compliance monitor will review the associated lock up log provided by the facility.</p> <ol style="list-style-type: none"> <li>3. When assessing the lock up log for violations of the six-hour exception, the compliance monitor reviews the lock up and release times and dates.</li> <li>4. The six-hour exception has been used correctly and a Jail Removal <u>violation has not</u> occurred if the time span between the lock up time</li> </ol>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
	<p>and release time is equal to or less than six-hours. Although the cumulative time is provided on the log, the compliance monitor should still manually calculate in order to avoid missing any violations.</p> <p>5. The six-hour exception has not been used correctly and a Jail Removal <u>violation has occurred</u> if the time span between the lock up time and release time is greater than six-hours.</p> <p>6. Upon identifying a potential violation, the compliance monitor will compare what has been reported with data that is reported to <a href="#">CJIS</a>.</p> <p>7. The compliance monitor will then contact and provide the facility with an opportunity to clarify any potential errors with the reported times or otherwise provide explanation as to why the violation occurred.</p> <p>8. If a violation has occurred, the facility will receive a jail removal violation letter (Appendix K) addressed from EOPSS OGR notifying the facility of their incompliance and the compliance monitor will update the facility's profile with the violation in the monitoring universe.</p> <p><b>Six-Hour Exception: Record Keeping Assessments</b></p> <p>The compliance monitor must also ensure that the data being reported by facilities is true, accurate, and recorded in a way that is pursuant to requirements set forth by <a href="#">34 U.S.C. § 11133(a)(13)(A)</a>. For example, the compliance monitor must observe for departments that are not recording a cumulative total of 6 hours, for instance for 2 hours before, and then for an additional 4 hours following a court appearance. To account for any inconsistencies during the record keeping process as it relates to the six-hour exception, the compliance monitor reviews the facility's juvenile record keeping procedures with appropriate facility staff during on-site inspections and also provides facilities with fact sheets during the annual certification process. To achieve ensure that all required data is provided, EOPSS OGR provides facilities with a juvenile log template annually which can be found in Appendix E of this document.</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p><b>RURAL EXCEPTION</b> – The exception found at <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(I)</a> provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available. OMB maintains a list of metropolitan statistical areas which it periodically updates through the posting of a bulletin on its website. OMB bulletins may be found <a href="#">here</a>.</p>	<p><b>RURAL EXCEPTION - Massachusetts does not utilize the rural exception</b> found at <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(I)</a>, however, EOPSS OGR’s compliance monitor will monitor for any departures from this policy.</p>
<p><b>TRAVEL CONDITIONS EXCEPTION</b> – Under <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(II)</a>, states may detain a juvenile accused of a delinquent offense in an adult jail or lockup, if the facility is located where conditions of distance to be traveled or the lack of highway, road, or transportation does not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable.</p>	<p><b>TRAVEL CONDITIONS EXCEPTION - Massachusetts does not utilize the travel conditions exception</b> under <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(II)</a>, however, EOPSS OGR’s compliance monitor will monitor for any departures from this policy.</p>

SUMMARY OF REQUIREMENT	PLAN TO ADDRESS REQUIREMENT
<p><b>CONDITIONS OF SAFETY EXCEPTION</b> – Under <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(III)</a>, if the adult jail or lockup is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), a juvenile accused of a delinquent offense may be detained therein and his or her court appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.</p>	<p><b>CONDITIONS OF SAFETY EXCEPTION -</b> Massachusetts does not utilize the conditions of safety exception under <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(III)</a>, however, the compliance monitor will monitor for departures from this policy.</p>

# III. Elements of an Effective Monitoring System

## A. Summary of Elements

Massachusetts provides for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that core requirements are met, pursuant to the monitoring and reporting requirement at [34 U.S.C. § 11133\(a\)\(14\)](#). To comply with the statutory and regulatory monitoring requirements, the system of monitoring includes all jails, lockups, secure detention facilities, and secure correctional facilities.

This section of the manual provides specific policies and procedures to each of the eight elements of an effective system of monitoring that follow:

#	Elements of an Effective System of Monitoring
<b>1</b>	<b>Compliance Monitoring Policies and Procedures</b> <a href="#">28 CFR §31.303(f)(1)(i)</a> Massachusetts provides a written plan and procedures for annually monitoring jails, lockups, detention facilities, and correctional facilities. The plan details Massachusetts’s implementation of key monitoring system elements.
<b>2</b>	<b>Monitoring Authority</b> <a href="#">34 USC §11133(a)(2)</a> By <a href="#">Executive Order 522</a> , Massachusetts designates the Executive Office of Public Safety and Security as the state agency with the authority to execute the state’s plan and inspect and collect data from all facilities in the monitoring universe.
<b>3</b>	<b>Violation Procedures</b> <a href="#">28 CFR §31.303(f)(1)(iii)</a> Massachusetts has established procedures for receiving, investigating, and reporting alleged violations of deinstitutionalization of status offenders (DSO), separation, and jail removal which is supported by existing legislative and administrative procedures and sanctions.
<b>4</b>	<b>Adherence to Federal Definitions</b> <a href="#">28 CFR §31.303(f)(1)(iii)</a> and <a href="#">28 CFR §31.304</a> When Massachusetts’s definitions differ from federal definitions, Massachusetts will apply federal definitions during the compliance monitoring process.
<b>5</b>	<b>Identification of the Monitoring Universe</b> <a href="#">28 CFR §31.303(f)(1)(i)(A)</a> Every facility that might detain or confine juveniles pursuant to law enforcement or juvenile court authority, whether publicly or privately owned and operated, is included in the monitoring universe.
<b>6</b>	<b>Classification of the Monitoring Universe</b> <a href="#">28 CFR §31.303(f)(1)(i)(B)</a> Massachusetts classifies all facilities in the monitoring universe by facility type (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>7</b>	<b>Inspection of Facilities</b> <a href="#">28 CFR §31.303(f)(1)(i)(C)</a> Massachusetts inspects 15% of facilities annually to verify classification and to confirm that they maintain adequate sight and sound separation between juvenile detainees and adult inmates. The inspection process also reviews recordkeeping systems to ensure that facilities are maintaining sufficient data and policies to determine compliance with the core requirements and to ensure an accurate assessment of each facility’s classification.
<b>8</b>	<b>Compliance Data Collection and Verification</b> <a href="#">28 CFR §31.303(f)(1)(i)(D)</a> Massachusetts collects and verifies data from at least 85% of adult jails, adult lockups, secure detention facilities, and secure correctional facilities on-site to determine whether facilities are in compliance with the applicable core requirements of DSO, separation, and jail removal during each federal fiscal year (October 1 to September 30). On-site data verification involves the review of data that a facility self-reports monthly and annually, including a review of the facility’s original admissions records and booking logs.

## B. Compliance Monitoring Policies and Procedures

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)](#), one of the required elements of an effective system of monitoring is that states must describe their policies and procedures for monitoring for compliance with the core requirements. The purpose of this manual is to satisfy the policies and procedures element, as well as describe how Massachusetts satisfies the following additional elements required for an effective system of compliance monitoring (see Section III of this manual).

#	<p style="text-align: center;"><b>Requirements of Compliance Monitoring Policies and Procedures</b></p> <p style="text-align: center;">This table lists the requirements of Massachusetts’s policies and procedures that are described within this manual.</p>
1	<p>Specify the legal authority of the agency or agencies that monitor for compliance in all facilities, including adult facilities, in which a juvenile might be detained or confined pursuant to law enforcement or juvenile court authority.</p> <p><a href="#">34 U.S.C. § 11133(a)(1) and (2)</a></p>
2	<p>Provide a basic timeline denoting when and where compliance monitoring will occur.</p> <p><a href="#">28 C.F.R. § 31.303(f)(1)(i)</a></p>
3	<p>Specify how Massachusetts receives, investigates, and reports complaints of instances of noncompliance with the DSO, separation, and jail removal requirements.</p> <p><a href="#">28 C.F.R. § 31.303(f)(1)(iii)</a></p>
4	<p>Specify how Massachusetts develops and implements plans to address barriers it faces in implementing and maintaining an effective monitoring system.</p> <p><a href="#">28 C.F.R. § 31.303(f)(1)(ii)</a></p>
5	<p>Specify how Massachusetts identifies, classifies, and inspects all facilities in which a juvenile might be detained or confined pursuant to law enforcement or juvenile court authority.</p> <p><a href="#">28 C.F.R. § 31.303(f)(1)(i)(A)-(C)</a></p>
6	<p>Specify how Massachusetts collects and verifies data from all facilities regarding compliance with the DSO, separation, and jail removal requirements.</p> <p><a href="#">28 C.F.R. § 31.303(f)(1)(i)(D)</a></p>

## C. Monitoring Authority

SUMMARY OF MONITORING AUTHORITY	PLAN TO ADDRESS ELEMENT
<p>Massachusetts is 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><b>Massachusetts’s Designated State Agency (DSA)</b>            The Governor of the Commonwealth of Massachusetts, by <a href="#">Executive Order Number 522, Reestablishing a Juvenile Justice Plan for Massachusetts, Section 1</a>, dated April 2, 2010, designated the Executive Office of Public Safety and Security (EOPSS) as the “sole state agency responsible for supervising the preparation and administration of the Massachusetts juvenile justice plan.” Although Executive Order Number 522 revokes and supersedes <a href="#">Executive Order 204</a> and <a href="#">Executive Order 339</a>, it does not make substantive changes to how compliance monitoring is conducted in the Commonwealth.</p> <p><b>Authority to Request Compliance Data</b>            EOPSS OGR as Massachusetts’s DSA currently maintains and exorcises the authority to collect and verify data on all juveniles detained or confined in all jails, lockups, detention facilities, and correctional facilities in the monitoring universe through annual certification, data submission, and onsite inspections in order to monitor for compliance with the JJDP’s core requirements.</p> <p><b>Authority to Inspect Facilities</b>            EOPSS OGR as the DSA pursuant to <a href="#">Executive Order Number 522</a>, maintains the authority to conduct onsite inspections of all facilities listed at <a href="#">34 U.S.C. § 11133(a)(14)</a> 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).</p> <p><b>Advising State Leadership</b>            EOPSS OGR also advises the Governor on all phases of the adult and juvenile systems of law enforcement and criminal justice in the Commonwealth including, but not limited to: developing and revising comprehensive law enforcement and criminal justice plans; studying problems and needs; setting priorities for improvements in response to adult and juvenile crime at the state, regional, county and local levels; providing technical assistance; conducting research; collecting statistics and other data; and encouraging and facilitating the dissemination of law enforcement and criminal justice information.</p>

SUMMARY OF MONITORING AUTHORITY	PLAN TO ADDRESS ELEMENT
	<p><b>Massachusetts Legislation</b>  <a href="#">Executive Order Number 522</a></p> <ul style="list-style-type: none"> <li>➤ Massachusetts’s DSA, EOPSS OGR pursuant to state statutes has the right to and is responsible for development and enforcement of policies and procedures.</li> <li>➤ EOPSS OGR can sanction non-complying facilities from receiving and applying for Formula Grant Funding, and the compliance monitor has the right to inspect facilities and logs to ensure accuracy in reporting.</li> </ul>

## D. Violation Procedures

SUMMARY OF ELEMENT	STATE’S PLAN TO ADDRESS ELEMENT
<p>Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(iii)</a>, Massachusetts 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>Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(iii)</a>, Massachusetts has administrative procedures for receiving, investigating, and reporting complaints of noncompliance with the core requirements.</p> <p><b>1. Violations and Data Collection</b></p> <p>Massachusetts’s process for receiving information on instances of potential violations involving the DSO, separation, and jail removal requirements is greatly dependent on the compliance monitor. In addition to a monthly reporting process that is managed by CJIS and shared with the compliance monitor, EOPSS OGR has established an annual data submission process that requires all secure facilities to review, certify, and submit all juvenile confinement or detainment data at the conclusion of each reporting period. Both monthly and annual reports are reviewed and provide juvenile data that is used by the compliance monitor to assess for potential violations.</p> <p>Additionally, the compliance monitor’s contact information is readily available on OGR’s <a href="#">website</a> under JJDPa Grant Program and can be emailed or called by anyone seeking to report an incident. When a violation is reported to the compliance monitor by a third party (i.e., District Attorney’s Office, parents, concerned citizens) or is made known to the compliance monitor prior to monthly or annual review of the facility’s juvenile records, the following steps are taken by the EOPSS OGR compliance monitor:</p> <ul style="list-style-type: none"> <li>A. the compliance monitor will request necessary information for follow up including the facility name and address, the juvenile’s most serious offense alleged, lock up and release dates and times.</li> <li>B. the compliance monitor will cross reference the provided information with available CJIS data,</li> </ul>

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	<p>followed by contacting the facility's point of contact (found in the compliance monitoring universe) to request more information on the incident. The compliance monitor will follow the below policies and procedures for further investigating and reporting the violation to OJJDP.</p> <p><b>Identifying Violations</b></p> <p>Juvenile confinement and detainment data is received and reviewed by the compliance monitor for violation criteria pertaining to each of the core requirements:</p> <p><b>A. DSO Requirement at <a href="#">34 U.S.C. § 11133(a)(11)(A)</a></b></p> <p><i>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.</i></p> <p>Although status offenders under the federal definition of 34 U.S.C cannot lawfully be detained or confined in Massachusetts pursuant to <a href="#">Title XVII, Chapter 119, Section 87</a>, EOPSS OGR's compliance monitor reviews all juvenile detainment and confinement records to verify the absence of status offenders and non-offenders in secure detention facilities or secure correctional facilities. To verify the absence of status offenders detained and confined in these facilities, the compliance monitor reviews available records (See Section III.D. Data Collection and Verification) involving juveniles and confirms that <a href="#">status offenses</a> or noncriminal acts that are considered a law violation only because of a juvenile's status as a minor including but not limited to truancy, violating curfew, run-away, underage alcohol use, and general ungovernability are not listed as the most serious offense. If a status offense or non-offense is listed as the most serious offense for a juvenile who has been detained or confined, a violation has occurred because a status offender or non-offender has been placed in a secure detention facility or secure correctional facility after being charged with an offense that would not be criminal if committed by an adult.</p> <p><b>B. Violations of the Interest of Justice Requirement at <a href="#">Section 223(a)(11)(B)</a></b></p>

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	<p><i>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 unless criteria for certain exceptions are met.</i></p> <p>Whereas MA does not utilize jails or lockups for adults for the detention or confinement of juveniles charged as adults and the state does not utilize the interest of justice, a violation of this requirement has occurred anytime a juvenile charged as an adult was detained or confined in a jail or lockup for adults beyond the time allowed by exception under section <a href="#">223(a)(13)</a>. Violations are determined through the collection and review of data, that includes metrics for any persons under the state's age of majority (18) that was detained or confined in a jail or lockup for adults. When reviewing detainment and confinement data, the compliance monitor will verify the absence of juveniles in the records of adult jails and lockups and ensure that any juveniles held in exception of <a href="#">223(a)(13)</a> meet the required criteria. A violation of <a href="#">Section 223(a)(11)(B)</a> has occurred in MA when a juvenile charged as an adult is detained or confined for a period of more than 6 hours (when exception of <a href="#">223(a)(13)</a> does not apply). A violation of this requirement also occurs when a juvenile held under <a href="#">223(a)(13)</a> has had sight or sound contact with adult inmates in the secure facility. All secure facilities in MA despite their jurisdiction are required to complete and submit a certification of compliance with the sight and sound separation requirement at <a href="#">34 U.S.C. § 11133(a)(12)</a> to be later verified via onsite inspections. <u>Any reported instances of sight or sound contact will be investigated by the compliance monitor and determined to be violations after confirming with the facility that the reported visual contact or oral communication between a juvenile and adult inmate was not brief and inadvertent.</u></p> <p><b>C. Violations of the Separation Requirement at <a href="#">34 U.S.C. § 11133(a)(12)</a>.</b></p> <p><i>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</i></p>

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	<p><i>alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.</i></p> <p>The compliance monitor's process to validate separation violations varies depending on how the violation has been discovered. Sight or sound contact between juveniles and adult inmates that is self-reported by a facility during their annual certification process (see Appendix A-D) are considered to be violations until the compliance monitor can validate during a future onsite inspection. If upon conducting an onsite inspection, the compliance monitor determines that the facility in question lacks either policies or the infrastructural capacity to maintain site or sound separation, the compliance monitor will review individual juvenile records with the facility to validate whether any violations have occurred during the previous reporting period. Please note that violations of the separation requirement include any physical, clear visual, or verbal contact with adult inmates that is not brief and inadvertent. Sight contact is clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders.</p> <p><b>D. Violations of the Jail Removal Requirement at <a href="#">34 U.S.C. § 11133(a)(13)</a></b></p> <p><i>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.</i></p> <p>To assess for jail removal violations, the compliance monitor analyses juvenile data that is submitted monthly and annually to EOPSS OGR. This data offers the compliance monitor insight that can be used to determine whether the six-hour exception at <a href="#">223(a)(13)</a> (the only time a juvenile can be detained or confined in an adult jail or lockup in MA) has been met. By assessing the release times of juveniles detained or confined in jails or lockups for adults, the compliance monitor is able to determine if a juvenile has been detained or confined for a cumulative period of more than six-hours while awaiting processing or release, transfer to a juvenile facility, or to make a court appearance during this period. If a cumulative period</p>

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	<p>that exceeds six-hours is identified and the accuracy of the data is confirmed after alerting the facility of the potential violation, the compliance monitor will determine that a Jail Removal violation has occurred. Similarly, the compliance monitor also utilizes collected data from adult jails and lockups to scan for potential status offenders and non-offenders who have been detained or confined. A violation of the Jail Removal requirement has also occurred if juveniles belonging to either of those populations are discovered to have been detained or confined in an adult jail or lockup. Whereas MA has statutes (see Section II. B of this manual) which prohibit the practice of detaining juveniles charged as adults in jails or lockups for adults, any detention or confinement of juveniles charged as adults which goes beyond the exceptions outlined under <a href="#">Section 223(a)(13)</a>, could be considered a violation of (11)(B) (if the juvenile were being charged as an adult), and (12), if the juvenile had contact with adult inmates.</p> <p><b>2. Investigation</b></p> <p>If a potential violation is identified during the compliance monitor's monthly or annual review of juvenile data or if an incident is reported to the compliance monitor, the compliance monitor will investigate using the procedure below:</p> <p>A. <u>Accuracy of Data</u></p> <p>The compliance monitor will contact the facility to confirm the following information regarding the involved juvenile as the accuracy of this information is critical to making a correct compliance determination:</p> <ul style="list-style-type: none"> <li>✓ Most serious offense alleged</li> <li>✓ Lockup and release dates and times</li> <li>✓ Was the juvenile detained or confined?</li> </ul> <p>B. <u>Measuring Sight and Sound Separation</u></p> <p>If a separation violation has been self-reported during annual certification, the compliance monitor will investigate by further evaluating a facility's ability to maintain sight and sound separation while conducting an inspection using several metrics.</p> <ul style="list-style-type: none"> <li>✓ <b>Facility's infrastructure</b> <ul style="list-style-type: none"> <li>a. <u>Sight</u>: the compliance monitor evaluates the facility's sight separation by physically standing in the juvenile designated cell and ensuring lack of vision to anything that would be associated with adult inmates including but not limited to the general booking area and adult inmate only cells.</li> <li>b. <u>Sound</u>: the compliance monitor evaluates the facility's sound separation with the help of a colleague or facility staff member who the compliance monitor asks to call out loudly from outside the cell while the</li> </ul> </li> </ul>

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	<p>compliance monitor is in the juvenile cell. While standing in the juvenile cell, the compliance monitor should not be able to hear the individual who is outside the cell.</p> <p>✓ <b>Facility's policies and procedures</b></p> <p>a. <u>Policies</u>: the compliance monitor reviews the facility's available policies to ensure that the facility observes the separation requirement such as having a policy for when an adult inmate is present in a booking room that is used for booking both juveniles and adult inmates.</p> <p>b. <u>Procedures</u>: The compliance monitor will ask the facility to provide a physical walk through as if he or she was a juvenile being booked and detained. This walkthrough should match the reviewed policies and provide the compliance monitor with confidence that future sight and sound contact with adults will not occur.</p> <p><b>3. Reporting and Follow Up</b></p> <p>The compliance monitor will update the monitoring universe throughout the investigation process in order to track pending information requests and ongoing investigations in order to accurately report violations to OJJDP via the OJJDP's <a href="#">Compliance Reporting Tool</a>. All violations, their type and circumstances are recorded in the confirmed violations column of each facility. Additionally, all violations are tracked numerically by type on the data tab of the compliance monitoring universe.</p> <p><b>4. Post-Investigation Procedures</b></p> <p><u>1. Violation Letter</u></p> <p>Once a violation determination has been made, the compliance monitor immediately alerts the facility by emailing an official violation letter. Templates of this letter are available to the compliance monitor and are also located in Appendix I-K.</p> <p><u>2. Narrative Request</u></p> <p>The compliance monitor must also request a narrative from the facility explaining the circumstances leading to the violation if this has not already been provided.</p> <p><u>3. Corrective Action Request</u></p> <p>In addition to written narrative, the compliance monitor must also request that the facility provide a plan for corrective action that has and/or will take place (e.g., training for officers, disciplinary action, re-writing policies and procedure, posting relevant handouts, etc.).</p> <p><u>4. Updating the Compliance Monitoring Universe</u></p> <p>The violation and the explanation must be added to the facility's profile in the compliance monitoring universe. For tracking purposes, it is recommended that the compliance monitor continuously update the status of the investigation in the monitoring universe so that</p>

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	<p>all violations can be reported completely and accurately via the CMT tool.</p> <p><u>5. Schedule a Site Visit</u></p> <p>The compliance monitor will schedule a site visit to review the core requirements and reasons for remaining in compliance within six months of sharing the violation letter. All collected data is maintained electronically and physically for at least three years before it can be archived, which includes lockup information and certification forms outlined in the data collection section.</p>

<b>Consequences of Incompliance</b>
<p>Section III. D. described a compliance system's violation procedures that ensure that Massachusetts effectively tracks incompliance with the core requirements in addition to providing assurance that what is reported to be a violation is actually a violation and vice versa. Violations confirmed through the process above are recorded in the monitoring universe and saved for annual reporting to OJJDP.</p> <p>Violations of the core requirements have consequences for Massachusetts's effort to improve the juvenile justice system. Massachusetts receives an annual Formula Grant allocation which is used to provide funding for state and local juvenile justice programming. The annual allocation is based on compliance with the core requirements. If Massachusetts is not in compliance with any one of the four core requirements, 20% of the annual allocation is withdrawn. If there is non-compliance with two core requirements, 40% of the allocation is withdrawn, and so on. Of the remaining funds, 50% must then be used to bring Massachusetts back into compliance with the non-compliant core requirement(s). It is critical that all agencies and facilities that affect compliance diligently work toward maintaining compliance so that the Commonwealth continues to receive the annual Formula Grant allocation for juvenile justice programming. Secure facilities found to be in compliance following the investigation and disposition process are subject to consequences pursuant to <a href="#">Executive Order 522</a> in which EOPSS OGR as the DSA reserves the right to deny funding to those facilities. Facilities with patterns of noncompliance may find their time and resources spent on subsequent site visits by the compliance monitor as discussed in the investigation and disposition process. Lastly, incompliance suggests maintaining practices that are inconsistent with the best practices of the JJRA embraced by professional organizations as standards for the processing and detention of juveniles (<a href="#">American Bar Association</a>, <a href="#">National Sheriff's Association</a>, <a href="#">National Chiefs of Police</a>, and <a href="#">National Public Defenders</a>).</p>

## C. Adherence to Federal Definitions

**The State of Massachusetts utilizes federal definitions when there is a difference between state and federal definitions during the compliance monitoring process.**

ADHERENCE TO FEDERAL DEFINITIONS	PLAN TO ADDRESS ELEMENT
<p>Definitions that states use for key juvenile and criminal justice terms sometimes differ from the “federal” definitions. The federal definitions, for purposes of compliance monitoring, are only those provided in the JJDP Act at <a href="#">34 U.S.C. § 11103</a> the Formula Grants Program Regulation at <a href="#">28 C.F.R. § 31.304</a> and <a href="#">An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance With the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act.</a></p>	<p>Massachusetts has different juvenile and criminal justice terms and definitions than those in the JJDP Act at <a href="#">34 U.S.C. § 11103</a> and provided at <a href="#">28 C.F.R. 31.304.</a></p> <p>While monitoring for compliance with the core requirements, Massachusetts and EOPSS OGR apply federal definitions when there is a difference between state and federal definitions.</p> <p>Where there is a difference in the definitions, Massachusetts acknowledges that the federal definition must be used.</p>

<i>Federally Defined Terms Relating to Compliance with the Formula Grants Program</i>	<i>Massachusetts Definitions, and How They Differ from the Federal Definition</i>
<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>Massachusetts does not have a state definition for <b>adult inmate</b> and will use the federal definition described at <a href="#">34 U.S.C. § 11103 (26)</a> for compliance monitoring.</p> <p>OJJDP’s <a href="#">Juveniles Charged as Adults Decision Tree</a> can assist stakeholders in determining whether an individual meets the amended statutory definition of an adult inmate found in Section 103(26) [34 U.S.C. § 11103(26)] of the JJDP Act.</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>Massachusetts does not have a state definition for <b>assessment</b> and will use the federal definition described at <a href="#">34 U.S.C. 11103(38)</a> for compliance monitoring.</p>

<p><b>COLLOCATED FACILITIES</b>   <a href="#">34 U.S.C. § 11103 (28)</a> – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.</p>	<p>Massachusetts does not have a state definition for <b>collocated facilities</b> and will utilize the federal definitions found at <a href="#">34 U.S.C. § 11103 (28)</a> for compliance monitoring.</p>
<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>Massachusetts does not have state definitions for the <b>core requirements</b> and will utilize the federal definitions described at <a href="#">34 U.S.C. § 11133(11), (12), (13), and (15)</a> for compliance monitoring.</p>
<p><b>CRIMINAL-TYPE OFFENDER</b>   <a href="#">28 C.F.R. § 31.304(a)</a> – means a juvenile offender who has been charged who or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.</p>	<p>Massachusetts does not have a state definition for <b>criminal-type offender</b> and will utilize the federal definitions described at <a href="#">28 C.F.R. § 31.304(a)</a> for 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. 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>Massachusetts does not have a state definition for <b>detain or confine</b> and uses the federal definition found at <a href="#">28 C.F.R. § 31.304 (b)</a> for compliance monitoring.</p> <p><b>PROTECTIVE CUSTODY</b> - <a href="#">Gen Law Pt1 XVI Ch.111E Section 9A</a> – Any person who is incapacitated may be placed into protective custody by a police officer without the person’s consent for the purpose of immediately transporting the person to an acute care hospital.</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>Massachusetts does not have a state definition of an <b>institution</b> and uses the federal definition found in the <a href="#">Compliance Monitoring TA Tool</a> for 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>Massachusetts does not have a state definition for <b>jail or lockup for adults</b> and will use the federal definition found at <a href="#">34 U.S.C. § 11103 (22)</a> for 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>Massachusetts does have several terms closely related to juvenile offender, which have been provided below for reference, however, Massachusetts will always utilize the federal definition found at <a href="#">28 C.F.R. § 31.304 (d)</a> when</p>

	<p>discussing a juvenile offender who has been charged or adjudicated for conduct. There are two categories of juvenile offenders in MA: delinquents and youthful offenders. Both categories of youth are tried in the juvenile court by juvenile court judges and not criminal court (juveniles are not considered criminals pursuant to <a href="#">G.L. c. 119, section 53</a>. The category of youthful offender and the law defining youthful offender and the process/sentencing options replaced juvenile transfer hearings in 1996. There are some youth who are adjudicated youthful offender pursuant to G.L. c. 119, section 58 who may receive an adult sentence. If a youthful offender who receives an adult sentence is under 18, DYS similarly holds them on a courtesy basis until they turn 18.</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>Massachusetts does not have a state definition for <b>Maximum Age of Extended Juvenile Court Jurisdiction</b> and will use the federal definition found in the <a href="#">Compliance Monitoring TA Tool</a> for compliance monitoring. <a href="#">G.L. c. Section 72</a>. (a) The divisions of the juvenile court department shall continue to have jurisdiction over children who attain their eighteenth birthday pending final adjudication of their cases, including all remands and retrials following appeals from their cases, or during continuances or probation, or after their cases have been placed on file, or for any other proceeding arising out of their cases. Except as provided in subsection (b), nothing herein shall authorize the commitment of a person to the department of youth services after he has attained his twentieth birthday.</p> <p>If a child commits an offense prior to his eighteenth birthday, and is not apprehended until between such child's eighteenth and nineteenth birthday, the court shall deal with such child in the same manner as if he has not attained his eighteenth birthday, and all provisions and rights applicable to a child under</p>

	<p>18 shall apply to such child.</p> <p>(b) If the commonwealth has proceeded by indictment, the divisions of the juvenile court department shall continue to have jurisdiction over such persons who attain their eighteenth birthday pending the final adjudication of their cases, including all remands and retrials following appeals from their cases, or pending the determination allowed under section 58, or during continuances or probation, or after their cases have been placed on file, or for any other proceeding arising out of their cases. Nothing herein shall authorize the commitment of a youthful offender to the department of youth services after he has attained his twenty-first birthday.</p> <p><i>To note:</i> Usually when people use the word commitment, they are thinking of youth committed to DYS' custody pursuant to <a href="#">G.L. c. 119, section 58</a>. Legally, the statutes contemplate 2 types of commitment to DYS – commitment to DYS' custody (G.L. c. 119, section 58) and commitment to DYS' care (G.L. c. 119, section 68). Commitment to DYS' care is usually referred to as pre-trial detention.</p>
<p><b>MONITORING UNIVERSE</b>   <a href="#">Compliance Monitoring TA Tool</a> – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.</p>	<p>Massachusetts does not have a state definition for the <b>monitoring universe</b> and will use the federal definition found in the <a href="#">Compliance Monitoring TA Tool</a> for 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>Massachusetts does not have a state definition for <b>nonoffender</b> and will use the federal definition found in <a href="#">28 C.F.R. § 31.304 (i)</a> for 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 for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.</p>	<p>Massachusetts does not have a state definition for <b>residential</b> and will use the federal definition found in the <a href="#">Compliance Monitoring TA Tool</a> for 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</p>	<p>Massachusetts does not have a state definition for <b>secure</b> and will use the federal definition found at <a href="#">28 C.F.R. § 31.304 (m)</a> for compliance monitoring. Massachusetts does have several</p>

<p>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>closely related definitions to secure provided below, however, the federal definition of secure is always utilized for the purpose of compliance monitoring.</p> <p><b>SECURE TREATMENT</b>   <a href="#">Gen Law Pt1, Title II, CH. 18B</a> - Residential placement of a child committed to DYS in a locked or staff secure DYS facility for the purposes of treatment and public safety.</p> <p><b>RESIDENTIAL PLACEMENT</b>   <a href="#">Gen Law Pt1, Title II, CH. 18B</a> - Concerns children who have been committed to DYS and are sent to a DYS secure facility for treatment and public safety.</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>Massachusetts does not have a state definition for a <b>secure correctional facility</b> and will use the federal definition found at <a href="#">34 U.S.C. § 11103 (13)</a> for compliance monitoring.</p> <p><b>COMMITMENT TO DYS</b>   <a href="#">Gen Law, Pt1, Title CVII, Ch. 119</a> - A delinquency or youthful offender disposition in which the juvenile is committed to the Department of Youth Services until age 18 or age 21 respectively.</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>Massachusetts does not have a state definition for a <b>secure detention facility</b> and will use the federal definition found at <a href="#">34 U.S.C. § 11103 (12)</a> for 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>Massachusetts does not have a state definition for <b>sight or sound contact</b> and will use the federal definition found at <a href="#">34 U.S.C. § 11103 (25)</a> for compliance monitoring.</p>
<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>Massachusetts does not have a state definition for <b>state</b> and will use the federal definition found at <a href="#">34 U.S.C. § 11103(7)</a> for compliance monitoring. Massachusetts does have several state associated terms, and these have been provided below for reference.</p>

	<p><b><u>EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY (EOPSS)</u></b>   <a href="#">Gen Law, Part1, Title II, Ch. 6A</a> - The state agency that plans and oversees the Commonwealth's public safety efforts, including compliance with the JJDP ACT, by supporting, supervising, and providing planning and guidance to a variety of Massachusetts public safety agencies, boards and commissions.</p> <p><b><u>JUVENILE JUSTICE ADVISORY COMMITTEE (JJAC)</u></b>   <a href="#">Exec Order No. 522</a> - Massachusetts State Advisory Committee that is appointed by the Governor and charged with the responsibility to fund programs that implement Juvenile Justice and Delinquency Prevention Act goals, coordinate juvenile justice and delinquency prevention efforts in the Commonwealth and provide policy recommendations to the Governor and state legislators.</p> <p><b><u>DEPARTMENT OF YOUTH SERVICES (DYS)</u></b>   <a href="#">Gen Law, Pt1, Title II, Ch. 18A</a> - Statewide agency responsible for the administration of secure detention facilities, residential commitment facilities, and a range of community- based treatment and monitoring programs for accused and/or delinquent youth.</p> <p><b><u>DEPARTMENT OF CHILDREN AND FAMILIES (DCF)</u></b>   <a href="#">Ch. 176 An Act Protecting Children in the Care of the Commonwealth</a> - The state agency charged with the responsibility of protecting children from child abuse and neglect.</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>Massachusetts does not have a state definition for a <b>status offender</b> and will use the federal definition found at <a href="#">34 U.S.C. § 11103(42)</a> for compliance monitoring.</p>
<p><b>TWENTY-FOUR HOURS</b> <a href="#">Compliance Monitoring TA Tool</a> – means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.</p>	<p>Massachusetts does not have a state definition for <b>twenty-four hours</b> and will use the federal definition found in the <a href="#">Compliance Monitoring TA Tool</a> for compliance monitoring.</p>

**VALID COURT ORDER** | [34 U.S.C. § 11103\(16\)](#) – means a court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.

Massachusetts does not have a state definition for a **valid court order** since this exception is illegal in Massachusetts and will use the federal definition found at [34 U.S.C. § 11103\(16\)](#) for compliance monitoring.

Massachusetts does have several definitions related to a valid court order, which have been provided below for reference:

**ADJUDICATION** | [Mass.gov](#) - A finding by a judge or jury in a delinquency case that a child is delinquent, or in a youthful offender case that a child is a youthful offender.

**INDICTMENT** | [Mass.gov](#) - Process by which a juvenile is charged with a crime as a youthful offender.

## D. Identification of the Monitoring Universe

Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(A), Massachusetts must ensure that it identifies and includes as part of the monitoring universe all state and local facilities that might detain or confine individuals pursuant to a law enforcement or juvenile court authority, including jails, lockups, secure detention facilities, secure correctional facilities, adult prisons, court holding facilities, and nonsecure facilities as listed at [34 U.S.C. § 11133\(a\)\(14\)](#).

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
<p>The reporting of instances of noncompliance with the core requirements is facility-based and therefore the “monitoring universe” includes all facilities within the state (public and private) that are jails and lockups for adults (including court holding facilities), secure detention facilities, and secure correctional facilities (including adult prisons), as listed at <a href="#">34 U.S.C. § 11133(a)(14)</a>. These are the facilities in which instances of noncompliance with the core requirements may occur. States must ensure that they identify and include all of these facilities as part of the monitoring universe.</p>	<p>The monitoring universe for the purpose of this section of the manual includes all facilities within the state (public and private) that are jails and lock ups for adults including court holding facilities, secure detention facilities, and secure correctional facilities and for Massachusetts this translates to the following facilities, which are queried annually and required to certify compliance annually:</p> <ol style="list-style-type: none"> <li>1. <b><u>Adult Lockups</u></b> <ol style="list-style-type: none"> <li>A. Police Departments (359 secure facilities)               <ol style="list-style-type: none"> <li>a. <a href="#">Municipal Police Departments</a></li> <li>b. <a href="#">Massachusetts State Police</a></li> <li>c. Campus Police Departments</li> </ol> </li> <li>B. <b><u>Court Holding Facilities</u></b> <ol style="list-style-type: none"> <li>a. 93 adult lock ups under <a href="#">Office of the Trial Court</a></li> </ol> </li> </ol> </li> <li>2. <b><u>Secure Correctional Facilities</u></b> <ol style="list-style-type: none"> <li>A. 15 adult prisons under the <a href="#">Department of Corrections (DOC)</a></li> </ol> </li> <li>3. <b><u>Massachusetts Sheriffs Association</u></b> <ol style="list-style-type: none"> <li>a. 14 adult jails under the <a href="#">Sheriffs Association</a></li> </ol> </li> <li>4. <b><u>Secure Juvenile Detention and Correctional Facilities</u></b> <ol style="list-style-type: none"> <li>a. 37 secure juvenile detention/treatment facilities; and any other facilities that detain or confine juveniles pursuant to public authority and under the management of the <a href="#">Department of Youth Services</a></li> <li>b. juvenile detention facility is a facility that,</li> </ol> </li> </ol>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>through construction fixtures, is designed to physically restrict the movements and activities of juveniles held in lawful custody and/or are utilized for the temporary placement of a juvenile accused of any offense or non-offense.</p> <p><b>5. <u>Non-Secure Facilities</u></b></p> <ul style="list-style-type: none"> <li>a. 58 non-secure law enforcement facilities</li> <li>b. 11 non-secure DYS facilities</li> <li>c. 46 non-secure colleges and universities</li> </ul> <p><b>Accounting for New Facilities and Changes to Facilities</b>  To ensure a complete and accurate monitoring universe is maintained, the compliance monitor utilizes a combination of annual certification forms and email requests to all facilities in the monitoring universe as part of an ongoing process.</p> <p><u>Annual Certification Process:</u>  In order to ensure that new facilities are accounted for in the monitoring universe as well as any infrastructural changes to existing facilities that would constitute a classification change, all secure and nonsecure facilities contained in the monitoring universe are required to complete an annual certification survey (see Appendix A-D). The survey is able to account for new police departments as the request is made directly to facilities by the <a href="#">Massachusetts Chiefs of Police Association</a> (MCOPA). For state correctional institutions, court holding facilities, sheriff's departments, and secure juvenile detention and treatment facilities, the request is made directly by the compliance monitor to the heads or appointed designees of the Department of Corrections, Executive Office of the Trial Court, Massachusetts Sheriffs Association, and the Department of Youth Services respectively. The points of contact for each of these organizations is responsible for querying their own facilities for the information surveyed which allows for new and closed facilities to be accounted for. Additionally, the compliance form also specifically queries whether any changes have been made to facilities. Despite not being required by OJJDP, nonsecure facilities are also surveyed and tracked in the monitoring universe in order to account for changes to their facility that may reclassify them as a secure facility. If this occurs, the compliance monitor schedules a site visit to review the change in order to accurately update the monitoring universe.</p> <p><b><u>Procedures of the Certification Process for a Reporting Period as it relates to Identification of the Monitoring Universe</u></b></p> <ul style="list-style-type: none"> <li>1. <u>November 1<sup>st</sup></u> <ul style="list-style-type: none"> <li>A. Compliance monitor coordinates with MCOPA to distribute certification forms and logs relevant to most recent reporting period to police departments with a submission deadline of December 31.</li> <li>B. Compliance monitor requests directly of the Department of Corrections, Massachusetts State Police, Executive Office of the Trial Court, Sheriffs</li> </ul> </li> </ul>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>Association, and the Department of Youth Services to complete and submit their respective certification forms. Contact information for these agencies are located in EOPSS OGR’s shared folder.</p> <p>2. <u>December 31<sup>st</sup></u></p> <p>A. Compliance monitor follows up directly by email with any non-reporting agencies as well as determines whether any new facilities have certified for their subsequent adding to the compliance monitoring universe.</p> <p>3. <u>December 31<sup>st</sup> - March 1<sup>st</sup></u></p> <p>A. Compliance monitor conducts onsite inspections of any new facilities as well as any facilities that have reported adding or removing any secure holding capability since the previous reporting period. facilities during routine inspections.</p> <p>B. Compliance monitor also queries all facilities during inspection on whether they plan to add, close, or change their facilities as well as whether they are aware of any new facilities in their region that they can provide us information on.</p> <p>C. The compliance monitor verifies that all information regarding facility changes has been added to the monitoring universe fully and accurately by reviewing all certification submissions to date. This process is twofold as it assists the compliance monitor in preparing, assessing, and organizing all received data for annual submission to OJJDP in April or May.</p> <p><b>Facilities Not Included in the Monitoring Universe</b>  At this time, shopping centers, malls, entertainment/sporting stadiums, megaplexes, complexes, and other venues have been eliminated from the Commonwealth’s monitoring universe. The reason for this is that the local on-site private security firms cannot detain or confine any type of offender pursuant public authority. These security firms are required to work with “detailed” sworn law enforcement agents when a situation arises that would require the arrest and secure detention of any offenders, juvenile offenders or adult inmates.  Foster care, group homes and other related non-secure facilities, which are currently under the purview of the DCF, have also been eliminated from the monitoring universe. The rationale for this stems from stringent guidelines that prohibit the use of mechanical restraints and usage of secure locations (unless under the purview of DYS) via DCF and DEEC regulation pursuant <a href="#">MGL Chapter 28A</a>.</p>

### E. Classification of the Monitoring Universe

Massachusetts is required under [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(B\)](#) to classify all secure facilities in the compliance monitoring universe.

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
Massachusetts is required under <a href="#">28 C.F.R. §</a>	Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(i)(B)</a> , and in

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
<p><a href="#">31.303(f)(1)(i)(B)</a> to classify each facility in the monitoring universe to specify whether it is a (1) a jail or lockup for adults (<a href="#">34 U.S.C. § 11103(22)</a>); (2) secure detention facility (<a href="#">34 U.S.C. § 11103(12)</a>); or (3) secure correctional facility (<a href="#">34 U.S.C. § 11103(13)</a>).</p> <p><i>Please note that court holding facilities fall within the definition of “jail or lockup for adults” at <a href="#">34 U.S.C. § 11103(22)</a>. (The definition of “court holding facility” in OJJDP policy guidance published in the Federal Register in 1988 is no longer valid, as that guidance was rescinded on July 3, 2018.) To address the above change, Massachusetts’s certification form for court holding facilities (Appendix D) has been updated to query for jail removal and DSO violations.</i></p>	<p>accordance with guidelines set forth by OJJDP, EOPSS OGR uses a combination of year-round onsite inspections and annual certification surveying to classify all facilities in the monitoring universe as one of the following options:</p> <ul style="list-style-type: none"> <li>A. jail or lock up for adults <a href="#">34 U.S.C. § 11103(22)</a></li> <li>B. secure detention facility <a href="#">34 U.S.C. § 11103(12)</a></li> <li>C. secure correctional facility <a href="#">34 U.S.C. § 11103(13)</a></li> </ul> <p><b>Classification Procedures and Timeline</b></p> <ul style="list-style-type: none"> <li>A. <u>Annual Certification Form</u></li> </ul> <p>Although classification of the monitoring universe is an ongoing process in Massachusetts, EOPSS OGR’s annual certification surveys (see Appendix A-D) enable Massachusetts to reclassify facilities annually until they can be inspected at a later date, which is critical to determining the applicability of the DSO, separation, and jail removal requirements in each facility.</p> <p><u>November 1<sup>st</sup></u></p> <ul style="list-style-type: none"> <li>A. Compliance monitor coordinates with MCOA to distribute certification form (Appendix A.) and logs relevant to most recent reporting period to heads of police departments with a submission deadline of December 31.</li> <li>B. Compliance monitor sends respective certification forms to designated contacts of State Police (Appendix A) Department of Corrections (Appendix C), Executive Office of the Trial Court (Appendix D), designees of Sheriff’s Departments (Appendix C), and the Department of Youth Services (Appendix B).</li> </ul> <p><u>November 1<sup>st</sup> – December 31<sup>st</sup></u></p> <ul style="list-style-type: none"> <li>C. Compliance monitor receives, saves, and reviews certification forms.</li> <li>D. During this time, the compliance monitor will update facility classifications in th monitoring universe using the data received from the certification process.</li> </ul> <p><u>December 31<sup>st</sup> - March 1<sup>st</sup></u> (year round)</p> <ul style="list-style-type: none"> <li>E. Compliance monitor follows up directly by email with any non-reporting agencies as well as determines whether any new facilities have certified for their subsequent classification and adding to the monitoring universe.</li> <li>F. Compliance monitor conducts onsite inspections of any new facilities as well as</li> </ul>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>any facilities that have reported adding or removing any secure holding capability since the previous reporting period in order to determine whether facilities qualify for reclassification.</p> <p>G. The compliance monitor uses survey data in order to determine if a facility is residential or nonresidential and to indicate whether a facility is juveniles-only, adults-only, or juveniles and adults.</p> <p>H. If a new facility is discovered, it will be contacted immediately for more information and a site visit as needed in order to correctly classify the facility in the monitoring universe. Likewise, if a facility that was previously nonsecure reports changes to their secure holding capability on the certification form, then the compliance monitor will follow up.</p> <p>I. <u>Year-Round Onsite Inspections</u></p> <p>In addition to annual reclassification performed during the certification process discussed above, the compliance monitor also conducts year-round onsite inspections of facilities with an intent to classify facilities. Onsite inspections allow for further assessment of the facility’s physical layout, the potential for a juvenile to be detained or confined and the existence or use of cuffing rings, cuffing benches, cuffing bars, or any stationary objects that are used as such. Onsite inspections are also essential to ensuring that information reported by certification forms used to classify facilities is accurate. Therefore, this two-fold process ensures accuracy of data utilized for classification. For additional guidance on classifying a facility, please refer to OJJDP’s <a href="#">Facility Diagrams and Classification Answer Keys</a>.</p>

Massachusetts Facility Classification Chart					
Facility Types	Security Status	Operation	Facility Subtypes	Residential Status	Setting
<b>Adult Lockup(s)</b> The term “jail or lockup for adults” means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates. <a href="#">34 U.S.C. § 11103 (22)</a>	Secure and non-secure	Public and Private	Agencies with Arresting Powers Court Holding Facilities	Residential and Non-Residential	Juveniles Adult Inmates

<b>Adult Jail(s)</b>	Secure	Public	County Jails	Residential	Adult Inmates
<b>Secure Correctional Facility</b> (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility (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. <a href="#">34 U.S.C. § 11103 (13)</a>	Secure	Public	Prisons	Residential	Juveniles Adult Inmates
<b>Secure Detention Facility</b> (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. <a href="#">34 U.S.C. § 11103 (12)</a>	Secure	Public	Juvenile Detention Facility	Residential	Juveniles
Secure	<i>As used to define a detention or correctional facility this term includes residential facilities which 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. <a href="#">28 C.F.R. § 31.304 (m)</a></i>				
Residential	<i>The term "residential" means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.</i>				

### OJJDP Guidance on Applicability of the Core Requirements by Classification

Facility Type	DSO Applicable Requirement	Removal Applicable Requirement	Separation Applicable Requirement	Section 223(a)(11)(B) of the JJCPA Applicable Requirement
Secure: <b>JUVENILE Detention Facilities</b>	yes	no	yes	no
Secure: <b>JUVENILE Correction Facilities</b>	yes	no	yes	no
Secure: <b>ADULT Correction Facilities (Prisons)</b>	yes	yes	yes	yes
Secure: <b>ADULT Jails*</b>	yes**	yes	yes	yes
Secure: <b>ADULT Lockups*</b>	yes**	yes	yes	yes

# F. Inspection of Facilities

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(C\)](#), inspection of facilities is necessary to ensure an accurate assessment of each facility’s classification and record keeping.

SUMMARY OF ELEMENT	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>EOPSS OGR’s compliance monitor is responsible for conducting onsite inspections of all facilities in in order to ensure an accurate assessment of each facility’s classification and record keeping in accordance with <a href="#">28 C.F.R. § 31.303(f)(1)(i)(C)</a></p> <p>In addition to confirming the classification of facilities, inspections are intended to verify that facilities are maintaining sight and sound separation between detained juveniles and adult inmates pursuant to the separation requirement at <a href="#">34 U.S.C. § 11133(a)(12)</a>. The compliance monitor also uses inspections to verify that facilities maintain an effective process for collecting data to demonstrate compliance with the jail removal requirement at <a href="#">34 U.S.C. § 11133(a)(13)</a>.</p> <p>Whereas OJJDP’s 100% inspection of all secure facilities no longer exists, EOPSS OGR has determined that it will inspect no less than 15% of secure facilities using the internal facility inspection form (see Appendix F) during each federal reporting period. During these visits, all applicable information on compliance with the JJDP Act in terms of updates and revisions of policy from OJJDP and or EOPSS OGR will be provided along with an inspection summary letter detailing the findings of the visit to the inspected facility.</p> <p><b><u>Inspection of Facilities Procedures:</u></b></p> <p><b>A. <u>Identifying Facilities for Inspection</u></b></p> <p>The compliance monitor should prioritize facilities that meet the following criteria:</p> <ol style="list-style-type: none"> <li>1. New facilities or facilities with new capabilities</li> <li>2. Facilities with violations of the core requirements during the previous reporting period</li> <li>3. Facilities identified as non-reporting during the certification process</li> </ol> <p>Upon identifying a facility in need of inspection, the compliance monitor should also consider other nearby facilities in need of a periodic visit.</p> <p><b>B. <u>Scheduling Inspections</u></b></p> <p>Compliance monitor contacts the appropriate facility staff at least seven days prior to proposed date by email to request an inspection.</p> <ol style="list-style-type: none"> <li>C. facility contact information is located in the monitoring universe</li> <li>D. site visit request email is drafted and</li> </ol>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>available to the compliance monitor in the compliance folder.</p> <p>E. Appropriate personnel should include at a minimum, a facility head or staff that is responsible for the completion and submission of the certification form and confinement or detainment data.</p> <p><b><u>Conducting Inspections</u></b></p> <p>During each onsite inspection, the compliance monitor will complete the on-site inspection form (Appendix F) detailing where juveniles are booked and held until release, whether the facility is residential or non-residential based on observation of beds, cots, or other sleeping quarters that may provide for overnight accommodations, whether the facility has a DYS approved juvenile cell that is inspected yearly, and what type of holding areas the facility.</p> <p>Using the form as a guide while conducting the inspection, the inspection should include:</p> <ol style="list-style-type: none"> <li>1. Review of physical accommodations to determine whether it is a secure or non-secure facility, and the appropriate facility classification.</li> <li>2. Walk through of the facility to determine the level of sight and sound separation between juveniles and adult inmates.</li> <li>3. Records review to determine whether sufficient data are maintained.</li> </ol> <p><b><u>Review of Physical Accommodations</u></b></p> <p>This walkthrough should address where the juvenile is questioned, booked, and if applicable confined or detained until release. The compliance monitor should assess these areas for characteristics that would define the areas as being secure including immovable cuffing objects such as cuffing rings, cuffing rails, cuffing bench, cells as well as locking doors that would consider a juvenile detained or confined despite whether these tools are used. If any of these are identified, the compliance monitor informs the staff of the area's secure nature and reviews the facility's policies during the record review to ensure that lock up and release times properly account for time in these areas.</p> <p><b><u>Residential or Non-Residential?</u></b></p>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>Although facilities self-report their status as residential or non-residential via annual certification, onsite inspections confirm that the facility’s classification is accurate by allowing the compliance monitor to visually determine if it is equipped with beds, cots, or other sleeping quarters and or whether it appears to have the capacity to provide overnight accommodations to juveniles or adults who are accused of committing or who have committed an offense. If so, the compliance monitor should validate this determination with the facility’s staff and report any findings on the facility’s inspection form. If the facility’s classification has changed as a result of the site visit, the compliance monitor will update the facility’s classifications in the compliance monitoring universe to reflect the change.</p> <p><u>Assessing Sight and Sound Separation</u></p> <p>The compliance monitor must review the facility’s physical accommodations as well as the facility’s policies and procedures to ensure that sight and sound separation between juveniles and adult inmates exists pursuant to the DSO requirement at 223(a)(11)(B). If the facility has cells, the compliance monitor must physically stand in those cells and ensure that visibility from the cell does not allow for a juvenile to see an adult inmate. Likewise, the compliance monitor also tests sound separation by standing in the cell and asking an associate or facility staff to call their name. In doing so, the compliance monitor should be able to confirm sight and sound separation exists if the compliance monitor can neither see nor hear the staff from the cell they are standing in. If sight and sound separation does not exist, the compliance monitor should recommend solutions for physical and procedural accommodations to achieve compliance as well as review the facility’s log data with facility staff for potential sight and sound violations that may have occurred during the previous reporting period.</p> <p><u>Records Review</u></p> <p>Following a walkthrough of the facility and discussion of the process the facility uses to detain and confine juveniles, the compliance monitor and facility staff conclude with reviewing juvenile records.</p> <ol style="list-style-type: none"> <li>1. Review of facility’s data submitted monthly to CJIS if applicable to the facility and compare</li> </ol>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>these with records located onsite</p> <ol style="list-style-type: none"> <li>a. Reassess logs for violations of the six-hour exception to the jail removal requirement. A violation of the jail removal requirement has occurred if the cumulative time between lock up and release is greater than six hours.</li> <li>b. Reassess logs for violations of the DSO requirement by reviewing each juvenile's most serious alleged offense for any charges consistent with status offenders.</li> </ol> <ol style="list-style-type: none"> <li>2. Review of facility's data submitted annually to EOPPS OGR and compare these with records located onsite       <ol style="list-style-type: none"> <li>a. Reassess logs for violations of the six-hour exception to the jail removal requirement. A violation of the jail removal requirement has occurred if the cumulative time between lock up and release is greater than six hours.</li> <li>b. Reassess logs for violations of the DSO requirement by reviewing each juvenile's most serious alleged offense for any charges consistent with status offenders.</li> </ol> </li> <li>3. Verbally verify with on-site staff whether there were any known instances in which sight and sound separation may have not been maintained but was not reported on the certification form.</li> </ol> <p><u>Post Inspection</u></p> <ol style="list-style-type: none"> <li>c. Compliance monitoring universe is updated as needed with site visitation date and classification changes and confirmed violations if applicable</li> <li>d. Inspection summary letter is sent to the inspected facility by email confirming the facility's classification, level of compliance and any necessary changes to policies and procedures needed to achieve compliance.</li> </ol> <p><u>Outside Inspections</u></p> <p>EOPSS OGR is the only agency tasked with and holding the authority under Executive Order 522 to conduct inspections of all adult jails, adult lockups, secure detention facilities, and secure correctional facilities for compliance with the core requirements of the JJDP.</p>

## G. Compliance Data Collection and Verification

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
<p>Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(i)(D)</a> and <a href="#">(5)</a>, the state must collect and verify data from all adult jails, adult lockups, secure detention facilities, and secure correctional facilities for the 12-month federal fiscal year (FY) reporting period, to determine whether the facilities are in compliance with the applicable requirements of DSO, Section 223(a)(11)(B), separation, and jail removal. The federal fiscal year is <u>October 1 to September 30</u>. States that are unable to report data for 100% of facilities must report data for at least 85% of facilities within the state that are required to report.</p>	<p>Pursuant to <a href="#">28 C.F.R. § 31.303(f)(1)(i)(D)</a> and <a href="#">(5)</a>, EOPSS as Massachusetts’s DSA implemented a comprehensive data collection process that EOPSS OGR maintains to ensure that no less than 85% of adult jails, adult lockups, secure detention facilities, and secure correctional facilities reporting and verified of their compliance with the core requirements of the JJDP Act during each federal fiscal year which is October 1 to September 30. All secure and nonsecure facilities in the monitoring universe are required by EOPSS OGR to participate in the annual certification and data collection process pursuant to <a href="#">Exec Order No. 522</a>. EOPSS OGR’s data collection process is combined with mechanisms for data verification that are managed by the compliance monitor including onsite inspections as well as monthly and annual data reviews.</p> <p><b><u>Monthly Data Collection and Verification</u></b></p> <p>The <a href="#">Department of Criminal Justice Information Services</a> (DCJIS) manages and administers Massachusetts’s law enforcement information and criminal records systems. Each month, adult jails and lock ups submit juvenile confinement and detainment data to CJIS, and staff from CJIS’s Constituent Assistance and Research Unit share this data with the compliance monitor by email and are used to verify the accuracy of annual reports.</p> <p><b><u>Monthly Verification Procedures</u></b></p> <ol style="list-style-type: none"> <li>1. Compliance monitor receives juvenile confinement or detainment excel spreadsheets by email from CJIS.</li> <li>2. Compliance monitor verifies the data for DSO violations by reviewing the offense codes for any offenses that would define a juvenile as a status offender pursuant to 34 U.S.C. § 11133(a)(11)(A).</li> <li>3. Compliance monitor verifies the data for jail removal violations by reviewing the calculated time for any instances in which a juvenile has been detained or confined longer than 6 hours pursuant to the six-hour exemption of the jail</li> </ol>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>removal requirement found at 34 U.S.C. § 11133(a)(13)(A).</p> <ol style="list-style-type: none"> <li>4. In terms of the separation requirement at 34 U.S.C. § 11133(a)(12), all facilities will certify compliance with this requirement during annual certification, which will be further verified during the compliance monitor’s onsite inspections.</li> <li>5. The compliance monitor will follow the procedures outlined in Section D, “Violation Procedures” for any violations of the core requirements identified during monthly review.</li> </ol> <p><b><u>Annual Data Collection and Verification</u></b></p> <p>OGR’s compliance monitor follows a sequence of steps during the annual collection process including preparation and updating of certification forms and logs, distribution to facilities, follow up and verification.</p> <p><b><u>Annual Verification Procedures</u></b></p> <ol style="list-style-type: none"> <li>1. There is a certification form for each type of facility in the monitoring universe in order to streamline operations, however, determinations of surveying are in accordance with federal definitions (Appendix A-D). The compliance monitor must update each form to reflect the appropriate federal reporting period and ensure that content is updated and aligned with the most current policies of OJJDP and or EOPSS. Additionally, a draft log (Appendix E) is also provided with the certification forms.</li> <li>2. Certification forms and lockup logs are distributed by the compliance monitor using the email list located in the monitoring universe to all adult jails, adult lockups, secure detention facilities, and secure correctional facilities on or around September 30<sup>th</sup> of each year. Massachusetts Chiefs of Police Association (MCOPA) is contacted to confirm any change in facilities.</li> <li>3. Completed surveys and juvenile data are returned to the compliance monitor by email or fax no later than December 31 as instructed and will be reviewed on a rolling basis as they are received from the date of distribution.</li> </ol>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<ol style="list-style-type: none"> <li>4. Although violations of the jail removal requirement may have already been reviewed during the monthly reporting process, the compliance monitor reviews all annual submissions from adult jails, adult lockups, secure detention facilities, and secure correctional facilities for any instances in which a juvenile has been confined or detained for longer than 6 hours pursuant to the six-hour exemption of the jail removal requirement found at 34 U.S.C. § 11133(a)(13)(A).</li> <li>5. Likewise, the compliance monitor will review all annual data submissions for violations of the DSO requirement by reassessing all listed offenses that would define a juvenile as a status offender pursuant to 34 U.S.C. § 11133(a)(11)(A).</li> <li>6. The certification form (Appendix A-D) provides all queried facilities with the opportunity to self-report any violations of the separation requirement found at 34 U.S.C. § 11133(a)(12) or otherwise certify their compliance with this core requirement. The facility’s annual certification of compliance with the separation requirement will be further verified via onsite inspection at a later date, which the compliance monitor will use to validate compliance through review of the facility’s policies, procedures, and structural design (more details provided in Section H “Inspection of Facilities”).</li> <li>7. Annual certification provides agencies that are not permitted to detain or confine juveniles or vice versa with adults in their facilities pursuant to state law (<a href="#">Title XVII, Chapter 119, Section 87</a>) with an opportunity to verify that they have not departed from this policy.</li> <li>8. Until the federal data solicitation, the compliance monitor will contact any non-reporting facilities using contact information available in the compliance monitoring universe to request that they complete and submit their certification as necessary in order for EOPSS OGR to meet the federal eight-five percent reporting requirement.</li> <li>9. The compliance monitor will follow the</li> </ol>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>procedures outlined in Section D, “Violation Procedures” for any violations of the core requirements identified during annual review.</p> <p><b><u>Process for Validating Self-Reported Data</u></b>  Monthly and annual self-reported data submissions from adult jails, adult lockups, secure detention facilities, and secure correctional facilities are followed by additional reviews and record reviews conducted at onsite inspections focused on discovering unreported DSO and jail removal violations.</p> <p><b><u>Additional Reviews</u></b></p> <ol style="list-style-type: none"> <li>1. The compliance monitor reviews all juvenile data for violations of the core requirements as it is received and described in the previous sections. Additionally, the compliance monitor conducts a review of 100% of all data prior to submission through OJJDP’s Compliance Reporting Tool.</li> <li>2. All annual data is cross referenced with all monthly data and vice versa in as a measure to ensure that what is being submitted is accurate.</li> </ol> <p><b><u>Onsite Inspections</u></b></p> <ol style="list-style-type: none"> <li>1. Record keeping reviews during onsite inspections provide an additional opportunity for the compliance monitor to confirm the accuracy of submitted data. The compliance monitor verifies the consistency of monthly and annually submitted data with the record keeping system used at a facility while assessing the facility’s procedures and effectiveness in record keeping.</li> <li>2. Walkthroughs of facilities during onsite inspections are used to determine whether a facility’s policies, procedures, and physical capabilities provide for sight and sound separation of juveniles and adult inmates and thus validates the initial certification.</li> </ol> <p><b><u>Data Collection Pertaining to the VCO Requirement</u></b>  It is currently illegal for Massachusetts to use the Valid Court Order (VCO) exception found at <a href="#">34 U.S.C. § 11133(a)(11)(A)(i)(II)</a>, however, Massachusetts’s compliance monitor coordinates with the Executive Office of the Trial Court and the Juvenile Court to alert EOPSS OGR of any potential departures from this</p>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>policy.</p> <p><i>VCO Data Collection and Verification Procedures:</i></p> <ol style="list-style-type: none"> <li>1. Compliance monitor receives an alert from the Executive Office of the Trial Court or Juvenile Court that the VCO exception has been used.</li> <li>2. Compliance monitor investigates further by contacting the associated facility to determine whether a jail removal violation (juvenile was held longer than 6 hours) and or separation violation (juvenile had sight and sound contact with an adult inmate) has occurred.</li> <li>3. Compliance monitor will notify the facility of incompliance and record the violation(s) accordingly in the monitoring universe.</li> </ol> <p><u>Data Collection Pertaining to ICJ Exception</u>  EOPSS OGR’s compliance monitor provides for continuous monitoring, identification and verification of any juveniles that are held in violation of the ICJ, a population which the compliance monitor closely monitors includes juveniles who: are on probation, parole, or other supervision, or have escaped to another state; have run away from home and left their state of residence; have been accused of an offense in another state.</p> <p><i>ICJ Data Collection and Verification Procedures:</i></p> <ol style="list-style-type: none"> <li>1. Compliance monitor contacts <a href="#">Massachusetts’s ICJ coordinator</a> for a list of incidents that may be deemed as violations of the exception.</li> <li>2. Compliance monitor may also send a list of juveniles to the ICJ to confirm that these juveniles have in fact been held in accordance with the ICJ.</li> <li>3. The compliance monitor will use the information provided by the ICJ as well as the involved facility to confirm if a violation has occurred, and if so, will notify the facility of incompliance and record the violation accordingly in the monitoring universe.</li> </ol> <p><u>Data Collection Pertaining to the Rural Exception</u>  Massachusetts does not currently utilize the rural exception found at <a href="#">34 U.S.C. § 11133(a)(13)(B)(ii)(I)</a>, however, EOPSS OGR’s compliance monitor will</p>

SUMMARY OF ELEMENT	PLAN TO ADDRESS ELEMENT
	<p>monitor for any departures from this policy. Whereas pursuant to 28 C.F.R. § 31.303(f)(4), states must have received prior approval from OODJP to use the rural exception, it is unlikely for the rural exception to be utilized in any reporting period without the prior knowledge of EOPSS OGR.</p> <p><i>Rural Exception Data Collection and Verification Procedures:</i></p> <ol style="list-style-type: none"> <li>1. Juvenile is found to be detained or confined for a period of longer than six-hours with the facility citing the rural exception as explanation</li> <li>2. the compliance monitor will inform the facility of their misunderstanding and confirm with them that a jail removal violation has occurred.</li> <li>3. Compliance monitor will proceed according to violation procedures.</li> </ol>

<b>Data Collected from the 518 Secure Facilities in Massachusetts</b> <small>Please refer to OJJDP's 2021 <a href="#">Compliance Monitoring Suggested Data Elements</a> for more information.</small>		<b>Applicable Core Requirements</b>	<b>Form, Agency # of Facilities</b>
<b>Adult Lock Up(s)</b>	<u>Monthly and Annual Data Collection:</u> unique identifier, date of birth, race/ethnicity, gender, charge(s), time placed in and released from secured environment/cell, date <u>Annual Certification:</u> (1) Did facility detain or confine juveniles (2) # of juveniles not sight and sound separate (3) Adding or removal of secure holding capabilities (4) Classification as residential or nonresidential	DSO Removal Separation	Appendix A <a href="#">MCOA</a> (#322) <a href="#">State Police</a> (#34) <a href="#">EOTC</a> (#94)
<b>Adult Jail(s)</b>	<u>Annual Certification:</u> (1) agency does not detain or confine juveniles in any of its facilities. (2) agency does not detain or confine status offenders in any of its facilities.	DSO Separation	Appendix D <a href="#">MSA</a> (#15)
<b>Secure Detention Facility</b>	<u>Annual Certification:</u> (1) agency does not detain or confine adult inmates in any of its facilities. (2) agency does not detain or confine status offenders in any of its facilities.	DSO Separation	Appendix B <a href="#">DYS</a> (#35)
<b>Secure Correctional Facility</b>	<b>Correctional Facilities for Adults Only:</b> <u>Annual Certification:</u> (1) agency does not detain or confine juveniles in any of its facilities. (2) agency does not detain or confine status offenders in any of its facilities. <b>Juvenile Correctional Facilities for Juveniles Only:</b> <u>Annual Certification:</u>	DSO Separation	Appendix C <a href="#">DOC</a> (#16) Appendix B <a href="#">DYS</a> (#35)

	<p>(1) agency does not detain or confine adult inmates in any of its facilities.</p> <p>(2) agency does not detain or confine status offenders in any of its facilities.</p>		
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## H. 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</b> – Compliance data and supporting documentation is submitted annually through OJJDP’s <a href="#">Compliance Reporting Tool</a>.</p>	<p>Massachusetts’s DSA, EOPSS OGR tasks the compliance monitor with reviewing all state data for accuracy and submitting Category 2 compliance data through OJJDP’s <a href="#">Compliance Reporting Tool</a>, which will pertain to data of the most recent federal reporting period from October 1<sup>st</sup> to September 30<sup>th</sup> including:</p> <ol style="list-style-type: none"> <li>1. The number of violations recorded for each of the core requirements during the reporting period (DSO, Separation, and Jail Removal) <ol style="list-style-type: none"> <li>a. Each facility has violations listed by amount and type in the monitoring universe.</li> <li>b. The data tab of the monitoring universe also provides statewide cumulations for each of the violations so long as this has been updated by the compliance monitor.</li> </ol> </li> <li>2. Facility Classifications <ol style="list-style-type: none"> <li>a. The classification of all facilities in Massachusetts are located in the compliance monitoring universe, however, cumulations are also located in the data tab of the monitoring universe.</li> </ol> </li> <li>3. Training Policy Certification</li> <li>4. Compliance Monitoring Data Certification</li> </ol> <p>To report the above data pursuant to <a href="#">28 C.F.R. § 31.303(f)(5)</a>, EOPSS OGR’s compliance monitor will login to the Compliance Reporting Tool using login information credentials located in the data tab of the monitoring universe and will submit a request for extension by email to OJJDP’s State Relations and Assistance Division (SRAD) if necessary.</p>

## IV. Appendix

### A. Compliance Certification Form: Adult Lockup(s)

*Note: Certain information has been redacted from this document to protect sensitive or confidential content.*



# FFY2024 Formula Compliance Monitoring Certification Form

Office of Grants and Research (OGR), Justice and Prevention Division

## Introduction

In accordance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP), the Executive Office of Public Safety and Security and the Office of Grants and Research ask that you complete this online form. All facilities are required to submit this online form, even if no juveniles were held. Please submit all forms reflecting the federal fiscal year of October 1, 2023 through September 30, 2024.

**Forms are due prior to December 31, 2024.**

This form helps us assess the Commonwealth's level of compliance with the federal [Juvenile Justice and Delinquency Prevention Act \(JJDP\)](#). The JJDP requires that juveniles not be detained in any facility for adults, except:

- Juveniles who are accused of offenses that would be criminal if committed by an adult (i.e., delinquent, or criminal); **BUT** only provided the juvenile does not have sight or sound contact with adult inmates; **AND** the juvenile is released from custody within six hours from the time detainment at the facility began.

Please do not include juveniles detained in non-secure areas of the facility or held solely for their benefit, pending reunification with a parent, guardian, social service or child welfare agency.

## Key Dates

This required annual report covers the period of **October 1, 2023** through **September 30, 2024**.

Submission of this report due by **December 31, 2024**.

If you have any questions, please contact Compliance Monitor, **Jacqueline Philyaw**, at [Jacqueline.Philyaw2@mass.gov](mailto:Jacqueline.Philyaw2@mass.gov)

## Directions

Please complete all sections in this online form.

The "Save" feature at the bottom of each page allows you to save your responses and provides you with a unique link to return at a later time without losing any information you have entered. Once you have

completed all relevant sections in the form, click the "Submit" button.

Please note that once you submit the form, you will not be able to edit your responses.

**Agency Type**

Adult Jail Lock-Up Facility (Local, Campus, and State Police Departments)

**Facility Name**

[Redacted]

Have you or someone else in your agency previously submitted this form for the current fiscal year?

[Redacted]

**Authorizing Official Contact**

**Name**

[Redacted]

**Job Title**

[Redacted]

**Email**

[Redacted]

**Phone**

[Redacted]

**Mailing Address**

[Redacted]

**Name of Person Completing the Form**

**Name**

[Redacted]

**Job Title**

[Redacted]

**Email**

[Redacted]

**Phone**

[Redacted]

**Resources for Completing this Form**

**Definitions**

Jail or Lockup for Adults

Means a secure facility that is used by a State, unit of local government, or any law enforcement authority uses to detain or confine adult inmates - 34 U.S.C. § 11103 (22)

**Compliance Questions**

The purpose of this survey is to collect data on juveniles securely "detained or confined" within your facility during the reporting period of October 1, 2023 through September 30, 2024.

"Detained or Confined" is defined as "not being free to leave". Youth placed into a cell, a lockable room, secured to an immovable cuffing object (cuffing ring, rail, bench, etc.) or placed into a room with an immovable cuffing object are considered securely "detained or confined."

Be advised that youth held for their own safety in non-secure areas of jails or lockups, pending reunification with a parent, guardian, or transfer to a child welfare or social service agency are **NOT** detained or confined within the parameters of the [Juvenile Justice and Delinquency Prevention Act](#).

Please respond to the questions below. If a yes response is entered, you will be required to upload the agency's juvenile holding log sheet(s) for this survey period. Please ensure no personal identifying information is included. Sample log sheets are attached to the email from your Compliance Monitor.

**During the survey period, was your facility used to securely "Detain or Confine" ANY juvenile offenders?**

**Does your agency report juvenile lockup data to Massachusetts Department of Criminal Justice Information Services (DCJIS)?**

*If your department reported juvenile data to CJIS during the reporting year and would like to review your submitted data prior to uploading your juvenile log sheet, please save this form and email your Compliance Monitor, Jackie Philyaw at [Jacqueline.philyaw2@mass.gov](mailto:Jacqueline.philyaw2@mass.gov).*

**Log Sheet**

**Were any juveniles detained within sight and/or sound contact of any adult detainee?**

**Were any juveniles detained or confined for a total of six hours or more during FFY2024?**

**Has the department added or removed any secure holding capability since the previous reporting period?**

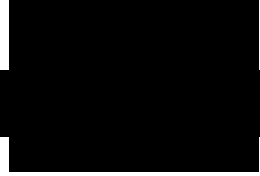
**Is your facility residential?**

## Authorizing Official Signature

This form must be signed by the Chief/Director and in signing the form the Chief/Director is certifying accuracy of the information provided. If any of the above information changes, contact your Compliance Monitor to update.

**Signature**

**Date**



*To share with the Authorizing Official, please click save below and you will be emailed a link to this form, you may then send this link to the Authorizing Official to review the content of the form and digitally sign and submit.*

**Name**

John Bonney

**Title**

Chief of Police

## **Submitting Your Report**

Once you have completed all sections in this report, click the "Submit" button at the bottom of the page. Once you submit the report, you will not be able to edit your responses.

After you click "Submit", you will be emailed a copy of your completed report in PDF form and uploaded documents for your records.

Thank you!

## B. Compliance Certification Form: DYS

*Note: Certain information has been redacted from this document to protect sensitive or confidential content.*



# FFY2024 Formula Compliance Monitoring Certification Form

Office of Grants and Research (OGR), Justice and Prevention Division

## Introduction

In accordance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP), the Executive Office of Public Safety and Security and the Office of Grants and Research ask that you complete this online form. All facilities are required to submit this online form, even if no juveniles were held. Please submit all forms reflecting the federal fiscal year of October 1, 2023 through September 30, 2024.

**Forms are due prior to December 31, 2024.**

This form helps us assess the Commonwealth's level of compliance with the federal [Juvenile Justice and Delinquency Prevention Act \(JJDP\)](#). The JJDP requires that juveniles not be detained in any facility for adults, except:

- Juveniles who are accused of offenses that would be criminal if committed by an adult (i.e., delinquent, or criminal); **BUT** only provided the juvenile does not have sight or sound contact with adult inmates; **AND** the juvenile is released from custody within six hours from the time detainment at the facility began.

Please do not include juveniles detained in non-secure areas of the facility or held solely for their benefit, pending reunification with a parent, guardian, social service or child welfare agency.

## Key Dates

This required annual report covers the period of **October 1, 2023** through **September 30, 2024**.

Submission of this report due by **December 31, 2024**.

If you have any questions, please contact Compliance Monitor, **Jacqueline Philyaw**, at [Jacqueline.Philyaw2@mass.gov](mailto:Jacqueline.Philyaw2@mass.gov)

## Directions

Please complete all sections in this online form.

The "Save" feature at the bottom of each page allows you to save your responses and provides you with a unique link to return at a later time without losing any information you have entered. Once you have

completed all relevant sections in the form, click the "Submit" button.

Please note that once you submit the form, you will not be able to edit your responses.

**Agency Type**

Department of Youth Services

**Have you or someone else in your agency previously submitted this form for the current fiscal year?**

## Authorizing Official Contact

Name

Job Title

Email

Phone

Mailing Address

## Name of Person Completing the Form

Name

Job Title

Email

Phone

## Resources for Completing this Form

### Compliance Questions

The purpose of this survey is to collect data on juveniles securely "detained or confined" within your facility during the reporting period of October 1, 2023 through September 30, 2024.

"Detained or Confined" is defined as "not being free to leave". Youth placed into a cell, a lockable room, secured to an immovable cuffing object (cuffing ring, rail, bench, etc.) or placed into a room with an immovable cuffing object are considered securely "detained or confined."

Be advised that youth held for their own safety in non-secure areas of jails or lockups, pending reunification with a parent, guardian, or transfer to a child welfare or social service agency are **NOT** detained or confined within the parameters of the [Juvenile Justice and Delinquency Prevention](#)

[Act.](#)

Current Facility List

## Authorizing Official Signature

The authorizing official of the Department of Youth Services must indicate if both statements below are true.

Yes

- The Department of Youth Services DOES NOT detain or confine adult inmates in any of its facilities.
- The Department of Youth Services DOES NOT detain or confine status offenders in any of its facilities.

**"Detained or Confined"** is generally defined as **"not being free to leave"**. Youth placed into a cell, placed into a locked or lockable room, secured to an immovable cuffing object (cuffing ring, rail, bench, etc.), or placed into a room with an immovable cuffing object are considered securely "detained or confined". **Be advised that youth held for their own safety in Non-Secure areas of jails or lockups, and pending reunification with a parent or guardian or pending transfer to a child welfare or social service agency, are NOT Detained or Confined within the meaning of the JJDP Act.**

Signature

Date

[Redacted Signature]

*To share with the Authorizing Official, please click save below and you will be emailed a link to this form, you may then send this link to the Authorizing Official to review the content of the form and digitally sign and submit.*

Name

[Redacted Name]

Title

[Redacted Title]

## Submitting Your Report

Once you have completed all sections in this report, click the "Submit" button at the bottom of the page. Once you submit the report, you will not be able to edit your responses.

After you click "Submit", you will be emailed a copy of your completed report in PDF form and uploaded

# C. Compliance Certification Form: Secure Detention Facilities



## MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY & SECURITY

Juvenile Justice and Delinquency Prevention Act  
 FFY2024 Compliance Certification Form:  
 Massachusetts Correctional Institutions  
**Reporting Period 10-01-2023 to 09-30-2024**

**Agency:** \_\_\_\_\_

**Name and Title of Head Administrator:** \_\_\_\_\_

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

*This form will be utilized to determine the level of compliance of all 15 Massachusetts Correctional Institution facilities with the federal Juvenile Justice and Delinquency Prevention Act (JJJPA) in Federal Fiscal Year 2024 (data recorded from October 1, 2023 to September 30, 2024). Please consult your admissions files to answer each of the following questions.*

- 1) Have any juveniles under the jurisdiction of the juvenile court been detained in any of the 15 Massachusetts Correctional Institution Facilities in FFY2024? (This does not include juveniles that have had their rights waived and were processed through the "adult" Superior Court as a result of a murder charge or the Youthful Offender Statute.)

Indicate A Response for Each Facility

Facility Name	Detained juveniles under jurisdiction of the juvenile court <b>Yes or No</b>	If yes, dates(s) detained <i>(i.e. 10/1/23 or NIA)</i>	If yes, provide total number detained
MCI Boston Pre-Release Center			
MCI Bridgewater State Hospital			
MCI Concord			
MCI Framingham			
MCI Lemuel Shattuck Hospital Correctional Unit			



MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY & SECURITY

MCI Massachusetts Alcohol & Substance Abuse Center			
MCI Massachusetts Treatment Center			
MCI Norfolk			
MCI North Central Correctional Institution/Gardner			
MCI Northeastern Correctional Center			
MCI Old Colony Correctional Center			
MCI Pondville Correctional Center			
MCI Shirley			
MCI Souza-Baranowski Correctional Center			

2) Have any **Court Mandated Juvenile Tours or "Scared Straight" Programs** occurred in any of the 15 Massachusetts Correctional Institution Facilities during FFY2024?

Indicate A Response for Each Facility

Facility Name	Court mandated juvenile tour occurred <b>Yes or No</b>	If yes, date of tour(s) <i>(i.e. 10/1/23 or N/A)</i>	If yes, provide total number juveniles on all tours
MCI Boston Pre-Release Center			
MCI Bridgewater State Hospital			
MCI Cedar Junction at Walpole			
MCI Concord			
MCI Framingham			
MCI Lemuel Shattuck Hospital Correctional Unit			



MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY & SECURITY

MCI Massachusetts Alcohol & Substance Abuse Center			
MCI Massachusetts Treatment Center			
MCI Norfolk			
MCI North Central Correctional Institution/Gardner			
MCI Northeastern Correctional Center			
MCI Old Colony Correctional Center			
MCI Pondville Correctional Center			
MCI Shirley			
MCI Souza-Baranowski Correctional Center			

**CERTIFICATION:** This form must be signed by the Head Administrator and in signing this form, the Head Administrator is certifying accuracy of the information provided. If any of the above information changes, contact EOPSS Compliance Monitor Jacqueline Philyaw by Email: [Jacqueline.Philyaw2@mass.gov](mailto:Jacqueline.Philyaw2@mass.gov) or by Phone: 781-535-0076.

Head Administrator's Name: \_\_\_\_\_

Head Administrator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please submit by uploading this completed form to the online form found here:**

**[FFY2024Compliance Certification Form](#)**

**Please submit online by December 31, 2024**

## D. Compliance Certification Form: Court Holding Facilities



### MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY & SECURITY

Juvenile Justice and Delinquency Prevention Act  
 FFY2024 Compliance Data Certification Form:  
 Massachusetts Executive Office of the Trial Court  
**Reporting Period 10-01-2023 to 09-30-2024**

**Agency:** \_\_\_\_\_

**Name and Title of Head Administrator:** \_\_\_\_\_

*This form will be utilized to determine the level of compliance of all 93 Massachusetts court holding facilities with the federal Juvenile Justice and Delinquency Prevention Act (JJDP) in Federal Fiscal Year 2024 (data recorded from October 1, 2023 to September 30 2024).*

**“Detailed or Confined”** is generally defined as “not being free to leave.” Youth placed into a cell, placed into a locked or lockable room, secured to an immovable cuffing object (cuffing ring, rail, bench, etc.) or placed into a room with an immovable cuffing object are considered securely “detained or confined.”

Be advised that youth held for their own safety in **non-secure areas** of jails or lockups, and pending reunification with a parent or guardian or pending transfer to a child welfare or social services agency, are NOT Detained or Confined within the meaning of the JJDP Act.

Below is the current list of court holding facilities. Please update the list below by removing any closed facilities and adding any facilities that are not on the list,

*Please consult your admissions files to answer each of the following questions.*

Indicate A Response for Each Facility

Court Facility Name	Were any juveniles detained within sight and/or sound contact of any adult detainee during FFY24? If yes, indicate the number of juveniles. If no, indicate no.	Were any juveniles detained or confined for a total of six hours or more during FFY24? If yes, indicate the number of juveniles. If no, indicate no.
Attleboro District Court/Juvenile Court		
Ayer District Court		
Barnstable District Court		
Barnstable Superior Court		



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<b>Court Facility Name</b>	<b>Were any juveniles detained within sight and/or sound contact of any adult detainee during FFY24?</b> If yes, indicate the number of juveniles. If no, indicate no.	<b>Were any juveniles detained or confined for a total of six hours or more during FFY24?</b> If yes, indicate the number of juveniles. If no, indicate no.
Berkshire Probate Court		
Berkshire Superior Court		
BMC - Brighton		
BMC - Charlestown		
BMC - Dorchester		
BMC - East Boston		
BMC - Roxbury		
BMC - South Boston		
BMC-West Roxbury		
Bristol County Taunton (Sup)		
Brockton District Court		
Brooke W. Edward Courthouse		
Brookline District Court		
Cambridge District Court		
Cambridge Juvenile Court		
Chelsea District Court		
Chicopee District Court		
Clinton District Court		
Concord District Court		
Dedham District Court		
Dudley District Court/Juvenile Court		
Dukes County Superior Court		
<b>Court Facility Name</b>	<b>Were any juveniles detained within sight and/or sound contact of any adult detainee during FFY24?</b>	<b>Were any juveniles detained or confined for a total of six hours or more during FFY24?</b>



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	If yes, indicate the number of juveniles. If no, indicate no.	If yes, indicate the number of juveniles. If no, indicate no.
East Brookfield District Court		
Eastern Hampshire District Court		
Fall River District Court/Superior Court		
Fall River Durfee		
Falmouth District Court		
Fitchburg District Court/Juvenile Court		
Framingham District Court		
Framingham Juvenile Court		
Gardner District Court		
Gloucester District Court		
Great Barrington District Court/Juvenile Court		
Greenfield Court Complex		
Hadley Juvenile Court		
Haverhill District Court		
Hingham District Court/Juvenile Court		
Holyoke District Court		
Holyoke Juvenile Court		
Lawrence District Court (Fenton)		
Lawrence Superior Court		
Leominster District Court		
Lowell District Court		
Lowell Superior Court		
Lynn District Court		
Lynn Juvenile Court		
<b>Court Facility Name</b>	<b>Were any juveniles detained within sight and/or sound</b>	<b>Were any juveniles detained or confined for</b>



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	<b>contact of any adult detainee during FFY24?</b> If yes, indicate the number of juveniles. If no, indicate no.	<b>a total of six hours or more during FFY24?</b> If yes, indicate the number of juveniles. If no, indicate no.
Malden District Court		
Marlborough District Court		
Martha's Vineyard District Court		
Milford District Court/Juvenile Court		
Nantucket County		
Nantucket District Court		
New Bedford District Court		
New Bedford Superior Court		
Newburyport District Court		
Newburyport Superior Court		
Newton District Court		
Norfolk Juvenile Court		
Norfolk Probate Court		
Norfolk Superior Court		
North Adams Court Complex		
Northampton Probate Court		
Northampton Court Complex		
Orange District Court		
Orleans District Court		
Palmer District Court		
Peabody District Court		
Pittsfield District Court		
Pittsfield Juvenile Court		
Plymouth District Court		
Plymouth County (Brockton Sup)		



MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY & SECURITY

<b>Court Facility Name</b>	<b>Were any juveniles detained within sight and/or sound contact of any adult detainee during FFY24?</b> If yes, indicate the number of juveniles. If no, indicate no.	<b>Were any juveniles detained or confined for a total of six hours or more during FFY24?</b> If yes, indicate the number of juveniles. If no, indicate no.
Quincy District Court/Juvenile Court		
Salem Probate Court		
Salem Ruane Judicial Center		
Somerville District Court		
Springfield Juvenile Court		
Stoughton District Court		
Suffolk Superior Court		
Taunton District Court		
Uxbridge District Court		
Waltham District Court		
Wareham District Court		
Westborough District Court		
Westfield District Court		
Woburn District Court		
Woburn Superior Court		
Worcester District Court		
Wrentham District Court		



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**CERTIFICATION:** This form must be signed by the Head Administrator and in signing the form, the Head Administrator is certifying accuracy of the information provided. If any of the above information changes, contact EOPSS/OGR Compliance Monitor Jacqueline Philyaw by Email: [Jacqueline.Philyaw2@mass.gov](mailto:Jacqueline.Philyaw2@mass.gov) or by Phone: 781-535-0076.

Head Administrator's Name: \_\_\_\_\_

Head Administrator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please submit by uploading this completed form to the online form found here:**

**[FFY2024 Formula Compliance Monitoring Certification Form](#)**

**Please submit online by December 31, 2024**



## F. Checklist: On site Inspections

### Massachusetts Compliance Monitoring Inspection

EOPSS OGR as the DSA pursuant to [Executive Order Number 522](#), maintains the authority to conduct onsite inspections of all facilities listed at [34 U.S.C. § 11133\(a\)\(14\)](#) 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).

FACILITY:

INSPECTION DATE:

#### Walkthrough

- A. Are juveniles detained or confined, if so where?** \_\_\_\_\_ (if no, confirm logs)
- B. Are Adult Inmates Detained or Confined, if so where?** \_\_\_\_\_ (if yes to A and B, confirm S/S)
- C. Are there alternative options for non-secure status?** \_\_\_\_\_ (if yes, walkthrough to confirm non-secure)  
(i.e. non-lockable interview rooms, lobby, non-secure booking room, conference room, family room, roll call)

#### Confirm Classification

**Is the facility secure?**  Yes  No

*Secure:* This term includes residential facilities which 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. [28 C.F.R. § 31.304 \(m\)](#)

**Is the facility residential?**  Yes  No

*Residential:* means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense. [Compliance Monitoring TA Tool](#)

**Does the facility have juvenile cell(s)?**  Yes  No

**Has the facility added or removed any capabilities, or does the facility plan to do so?**  Yes  No

**Jail or Lockup for Adults** The term "jail or lockup for adults" means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates. [34 U.S.C. § 11103 \(22\)](#)

**Reconfirm and proceed as follows:** If yes to (1) and (2), ensure S/S separation was assessed accordingly.

(1) Adult Lockup with juvenile cells (2) Adult Lockup with adult cells (3) No Cells (4) Non-secure only

#### [Secure Correctional Facility](#)

Is the facility used to place, after adjudication and disposition, any juvenile or adult inmate who has been adjudicated as having committed an offense?  Yes  No

#### [Secure Detention Facility](#)

Is the facility used to place, any juvenile or other individual who is accused of having committed an offense?  Yes  No

#### Records and Policy Review

#### Notes

**Records Reviewed:**  Review record keeping system to determine whether sufficient data is maintained to determine compliance with the DSO, separation, and jail removal requirements. Juvenile logs should accurately note the following: JUV ID, DOB, sex, race, charge, documented times, and dates Juvenile was detained and confined.

**Policies Reviewed:**

Is it necessary to change policies and procedures to achieve compliance?  Yes  No

Provide recommendations in site visit summary letter.

#### Summary of Confirmed Violations

[Jail Removal](#) #: \_\_\_\_\_  
Explanation: \_\_\_\_\_

[Sight and Sound Separation](#) #: \_\_\_\_\_  
Explanation: \_\_\_\_\_

[DSO](#) #: \_\_\_\_\_  
Explanation: \_\_\_\_\_

**Potential New Facilities:** Is the facility aware of any new or shut down facilities in the area, which may have or had secure holding capabilities? \_\_\_\_\_  
If yes, schedule an inspection of the new facility, classify, and add to the monitoring universe accordingly.

## G. Guidelines: Onsite Inspections

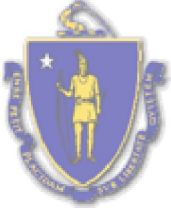
Items to be reviewed upon inspection	
<b>1</b>	<p>Physical accommodations to determine whether the facility is secure or non-secure, residential or nonresidential, and whether effective sight and sound separation between juvenile and adult inmates exists.</p> <p><i>Secure: This term includes residential facilities which 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. <a href="#">28 C.F.R. § 31.304 (m)</a></i></p> <p><i>Residential: means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense. <a href="#">Compliance Monitoring TA Tool</a></i></p>
<b>2</b>	<p>Record keeping system to determine whether sufficient data are maintained to determine compliance with the DSO, separation, and jail removal requirements.</p>
Facility Specific Inspection Guidelines	
<b>1</b>	<p><b>Adult Lockup(s)</b> The term "jail or lockup for adults" means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates. <a href="#">34 U.S.C. § 11103 (22)</a></p>
	<p>A. Review record keeping (juvenile log) to verify accuracy of submitted data re: ages, secure entry/release dates, charges and lockup/release times</p> <p>B. Inspect where juveniles are booked, confined and or detained.</p> <p>C. Confirm classifications (i.e., secure vs. nonsecure, residential)</p> <p>D. Confirm <u>sight and sound separation</u> (conduct experiment)</p> <p>E. If detained or confined, determine, and inspect non-secure alternatives such as offices and family rooms.</p> <p>F. Verify that policies and procedures match OJJDP guidelines</p>
<b>2</b>	<p><b>Adult Jail(s)</b></p>
	<p>A. Review record keeping concerning ages/charges of individuals to confirm no <u>juvenile</u> offenders were detained.</p> <p>B. Confirm classification as secure facility via tour of facility.</p>
<b>3</b>	<p><b>Secure Detention Facilities</b> The term "secure detention facility " 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. <a href="#">34 U.S.C. § 11103 (12)</a></p>
	<p>A. Review record keeping concerning charges of juveniles to confirm that no status offenders have been confined or detained and review lockup and release times for any juveniles confined or detained longer than six-hours.</p> <p>B. Confirm classification as secure facility via tour of facility.</p> <p>C. Confirm classification as residential or nonresidential.</p>
<b>4</b>	<p><b>Secure Correctional Facilities</b> 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. <a href="#">34 U.S.C. § 11103 (13)</a></p>
	<p><b>Secure Juvenile Correctional Facilities:</b></p> <p>A. Review record keeping for ages/charges of individuals to confirm no <u>adult</u> inmates were detained.</p> <p>B. Confirm classification as secure facility via tour of facility.</p> <p><b>Secure Adult Correctional Facilities:</b></p> <p>A. Review record keeping concerning ages/charges of individuals to confirm no <u>juvenile</u> offenders were detained.</p> <p>B. Confirm classification as secure facility via tour of facility.</p>

## H. Secure vs. Non-Secure Custody

*Secure:* This term includes residential facilities which 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. [28 C.F.R. § 31.304 \(m\)](#)

<p style="text-align: center;"><b>Secure Custody: JJDP Act Applies</b></p>	<p style="text-align: center;"><b>Non-Secure Custody: JJDP Act Does Not Apply</b></p>
<p>If the room where the juvenile is detained or confined is within a larger, secure perimeter; OR</p>	<p>If the room where the juvenile is detained or confined is not within a larger, secure perimeter;</p>
<p>If the juvenile is cuffed to a cuffing rail or other stationary object; OR</p>	<p>If the juvenile is not cuffed to a stationary object but may be handcuffed to him/herself; AND</p>
<p>The room where the juvenile is being held is designated, set aside, or used as a secure detention area or is part of such an area; OR</p>	<p>If the juvenile is in a room that is not designated, set aside, or used as a secure detention area and it is an unlocked multipurpose area such as a lobby, office, or interrogation room; AND</p>
<p>If the room contains construction features designed to physically restrict the movement and activities of persons in custody such as a lock on the door (whether or not the door is actually locked), a cuffing ring or rail (only if no written policy in place on limiting use of cuffing devices), steel bars, etc.; OR</p>	<p>If the room contains no construction fixtures designed to physically restrict the movement and activities of persons in custody such as a lock on the door, a cuffing ring or rail, steel bars, etc.; AND</p>
<p>If the room is designated or intended to be used for residential purposes; OR</p>	<p>If the room is not designated or intended to be used for residential purposes; AND</p>
<p>If the room contains delayed egress devices where the delay is greater than 30 seconds and the facility has not received written approval from the fire inspector to use the room; OR</p>	<p>If the room contains delayed egress devices that do not exceed 30 seconds and the facility has received written approval from the fire inspector to use the room; AND</p>
<p>If the area is being used for purposes other than identification, investigation, processing, and release to parents; OR</p>	<p>If the area is used only for the purpose of identification, investigation, processing and release to parents, the juvenile is under constant supervision AND is sight and sound separated from adult inmates.</p>
<p>If the juvenile is left in a secure booking area after being photographed and fingerprinted; OR</p>	<p>If the juvenile is booked in a secure booking area and is under continuous law enforcement visual supervision and is removed from the secure booking area (if there is no un-secure booking area available within the facility) to a non-secure booking area <u>immediately following the booking process</u> for interrogation, contacting parents, or arranging placement or transportation; AND</p>
<p>If the juvenile is being processed through a secure booking area when an un-secure booking area is available within the facility.</p>	<p>If the juvenile is under continuous visual law enforcement supervision and physical restriction of movement or activity is provided solely through facility staff (staff secure). A juvenile in a police car is considered to be in non-secure custody.</p>

# I. Example Violation Letter: DSO



## The Commonwealth of Massachusetts Executive Office of Public Safety and Security Office of Grants and Research

15 Braintree Hill Office Park  
Braintree, MA 02184

Tel: (617) 725-3301  
Fax: (617) 725-0260

MURRAY T. HEALEY  
Governor

TERRANCE M. REIDY  
Secretary

KIMBERLEY DRISCOLL  
Lieutenant Governor

KEVIN STANTON  
Executive Director

|

Date of Notification:

Agency with Violation:  
Facility Address:  
Agency Contact Person:

Date of Violation(s):

Incident: The facility has either self-reported incidents through annual certification or by other inspection and required review the compliance monitor has identified instances in which securely confined and detained juveniles may have been had sight or sound contact with adult inmates;

Reason for violation(s):

Pursuant to [34 U.S.C. § 11133\(g\)\(2\)](#) of the Juvenile Justice and Delinquency Act of 2022; juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are without legal immigration status or alleged to be dependent, neglected, or abandoned may not be confined or confined in a room or institution in which they have sight or sound contact with adult inmates;

**Suggested Action:** This Law Enforcement Agency should amend policy and practice in order to ensure that juveniles, alleged to be found to be delinquent, status offender, and juvenile; who are not charged with an offense will not be detained or confined in any area of the facility where they may have sight and sound contact with adult inmates. If technical assistance is needed, please contact the Office of Grants and Research Compliance Monitor.

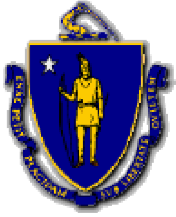
We appreciate your cooperation in compliance with the Core Requirements of the Juvenile Justice and Delinquency Act (JDPA).

For questions or comments, please contact:

Jacqueline P. Gilroy, Program Coordinator, Compliance Monitor  
Office: 35 Braintree Hill Office Park, Braintree, MA 02184  
Phone: (617)-535-0076  
Email: [Jacqueline.Phillips@ma.gov](mailto:Jacqueline.Phillips@ma.gov)



# K. Example Violation Letter: Jail Removal



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security  
Office of Grants and Research  
35 Braintree Hill Office Park  
Braintree, MA 02184  
Tel: (617) 725-3301  
Fax: (617) 725-0260

MAIJRA T. HEALEY  
Governor

KJMBBRIEY DRJSCOLL  
Lieutenant Governor

TERRENCE M. REIDY  
Secretary

KEVIN STJWION  
Executive Director

### Violation Notice:

Agency/Institution:  
Facility Address:  
Agency Contact:

### Violation(s):

During review of your secure juvenile holding log, it was determined you were held for \_\_\_\_\_ in an out-of-state jail or lockup.

### Reason for Violation:

Under the Juvenile Justice and Delinquency Prevention Act, pursuant to the jail or lockup agreement, 34 U.S.C. § 11133(a)(13)(A), no juvenile shall be detained or committed to a jail or lockup for adults.

This requirement allows for the detention or confinement in a jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by a juvenile), under the following circumstances:

- a. A juvenile accused of a delinquent offense may be detained for a maximum of 6 hours for the purpose of processing or release to a waiting transfer to a juvenile facility.
- b. A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup for any length of time, whether in violation of a court order or otherwise.

Secure facilities in Massachusetts are free to utilize the six-exemption as they see fit so long as criteria for the exemption are met and all juvenile data is reported for a federal fiscal year during the reporting period.

**Segregated Aisles:** This Law Enforcement Agency is in compliance through policy and practice with the Juvenile Justice and Delinquency Prevention Act. Juveniles will not be securely detained or confined for more than 6 hours while pending release to parents or transfer to a juvenile court, a juvenile shelter, or a juvenile detention center. If technical assistance is needed please contact the Office of Grants and Research Compliance Monitor. All law enforcement should be provided with information on the required procedures for staying in compliance with the JJJPA C-01e Requirements (Deinstitutionalization of Status Offenders, Sift and Sort, and Juvenile Release).

We appreciate your cooperation in complying with the Core Requirements of the Juvenile Justice Delinquency Prevention Act (JJJPA).  
For questions or comments, please contact:

Jacqueline Philyaw, Program Coordinator, Compliance Monitor  
Office: 35 Braintree Hill Office Park, Braintree, MA 02184  
Phone: (781) 535-0076  
Email: [jqacqueline.philyaw@almass.gov](mailto:jqacqueline.philyaw@almass.gov)

## L. Online Resources

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