

Georgia and the Juvenile Justice & Delinquency Prevention Act



Compliance with the JJDPA

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Juvenile Justice & Delinquency Prevention Act (JJDP)

What?

The JJDP was passed in 1974, with the goal of promoting the well-being of youth in the United States. It established the Office of Juvenile Justice and Delinquency Prevention's Formula Grants Program that directly funds Georgia's initiative to improve its juvenile justice system.

Why?

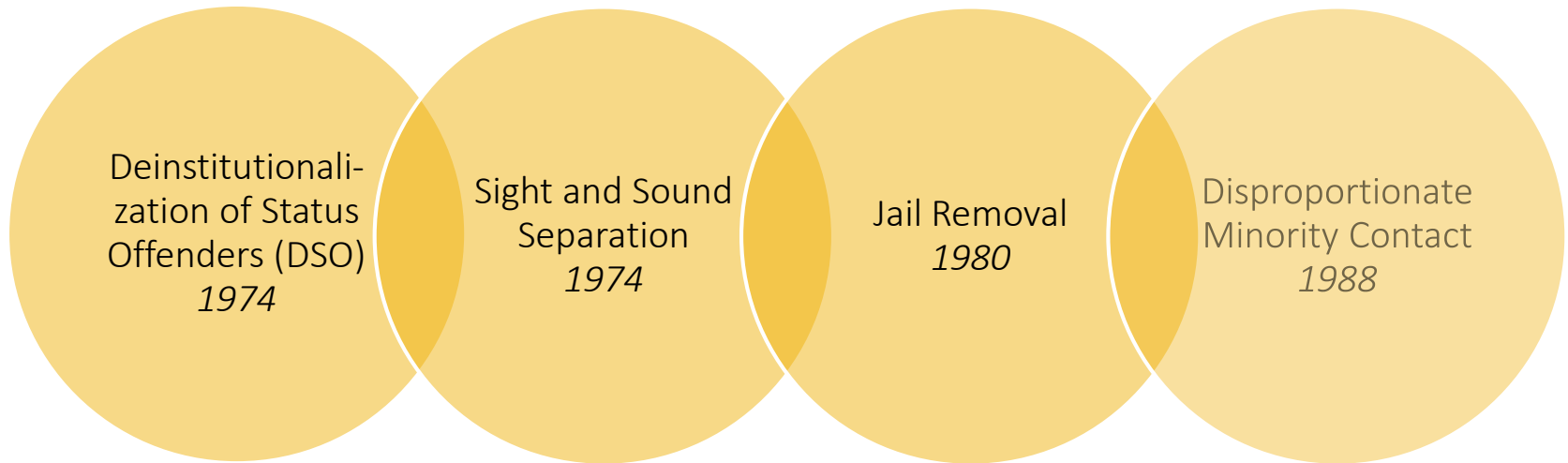
Both Georgia Code (O.C.G.A) and Federal Regulations (JJDP) require compliance with this Act, and the state can lose up to 20% of funding for each protection found out of compliance. Additionally, 50% of remaining funding must be allocated towards Georgia's recompliance efforts.

Detain or Confine

Detain or confine means to hold, keep, or restrain a person such that he is not free to leave, or such that a reasonable person would believe that he is not free to leave, *except* a juvenile (ex. runaway, abandoned, endangered due to mental illness, homelessness, drug addiction, a victim of sex trafficking, or other crimes) held by law enforcement solely for the purpose of returning him/her to their parent or guardian or pending his/her transfer to the custody of a child welfare or social service agency.

Juvenile Justice & Delinquency Prevention Act

JJDPA 2002: Four Core Protections



Deinstitutionalization of Status Offenders/CHINS

Federal Law

Status offenders (e.g. runaways, truancy, curfew violations, ungovernable or possession/use of alcohol) or non offenders **shall not be placed** in secure residential detention facilities or secure correctional facilities.ⁱ

Georgia Law

Children in Need of Services (CHINS) (e.g. runaways, truancy, curfew violations, ungovernable, or possessions/use of alcohol) **in custody may never be detained** in a jail, adult lockup or other adult detention centers.ⁱⁱ

ⁱ 42 U.S.C. § 5633-223(a)(11)

ⁱⁱ O.C.G.A. § 15-11-135 / O.C.G.A. § 15-11-412 / O.C.G.A. § 15-11-413

Deinstitutionalization of Status Offenders/CHINS

Federal Law Exceptions

Exceptions for the placement of status offenders in **secure juvenile facilities** include the following: **24 hour exception, out-of-state runaways, and handgun exception.**ⁱ

Georgia Law Exceptions

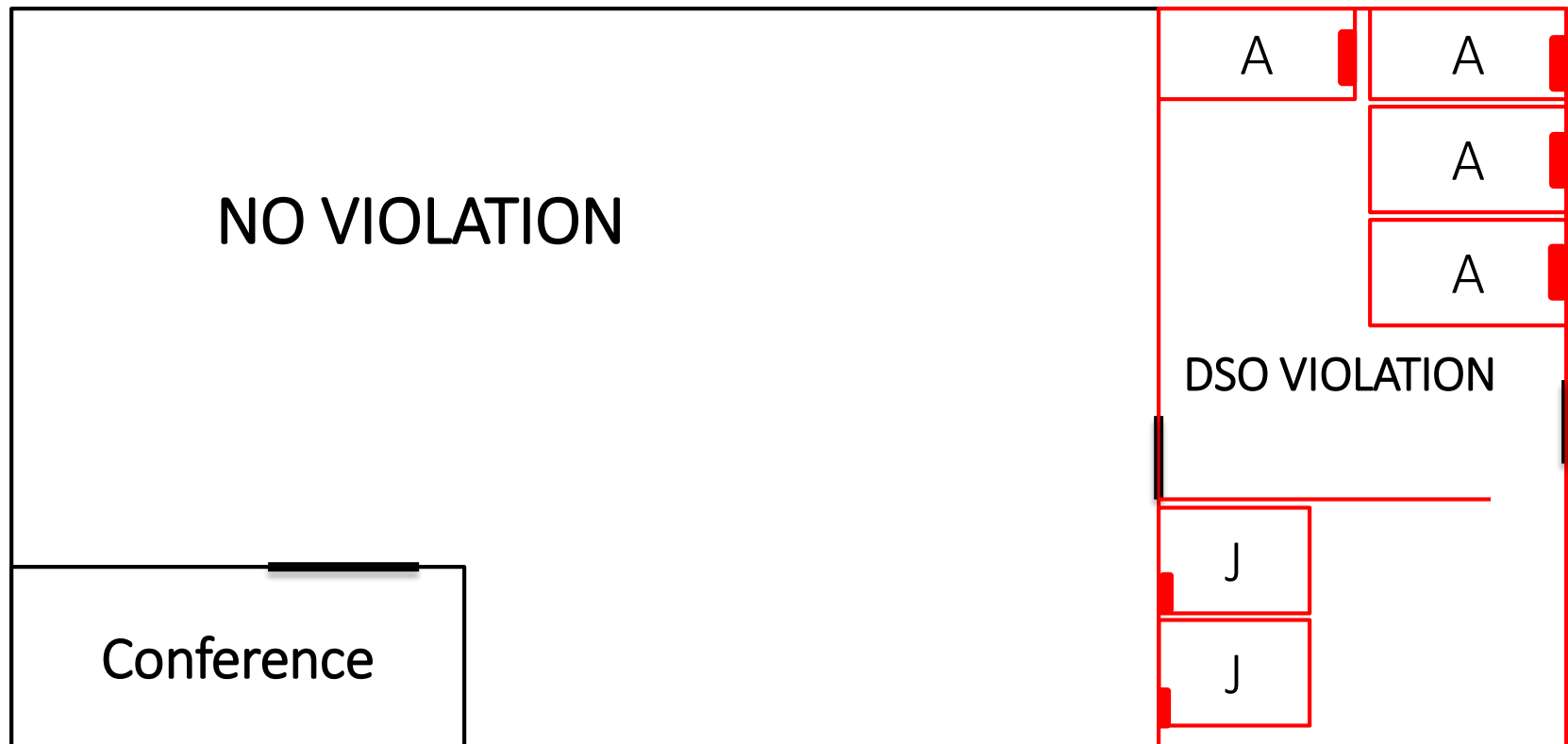
Exceptions for the placement of CHINS in **secure juvenile facilities** include the following: **runaways, previous failure to appear in court.**ⁱⁱ

ⁱ 42 U.S.C. § 5633-223(a)(11)

ⁱⁱ O.C.G.A. § 15-11-412

Deinstitutionalization of Status Offenders/CHINS

SHERIFF'S OFFICE



ⁱ 42 U.S.C. § 5633-223(a)(11)

ⁱⁱ O.C.G.A. § 15-11-412

Jail Removal

Federal Law

Delinquent juveniles **may not be detained or confined in jails or lock ups for adults.** (This protection does not apply to juveniles charged as adults (SB 440)).ⁱ

Georgia Law

Delinquent juveniles **may only be securely detained in a foster home, approved home, child welfare agency, relative, or YDC/RYDC.** (This protection does not apply to juveniles charged as adults (SB 440)).ⁱⁱ

ⁱ 42 U.S.C. § 5633-223-11 (13)

ⁱⁱ O.C.G.A. § 15-11-504 (c)

Jail Removal

Federal Law Exceptions

Exceptions for placing a juvenile in an adult jail, lockup, or other adult detention facility include **the six hour rule.**ⁱ

Georgia Law Exceptions

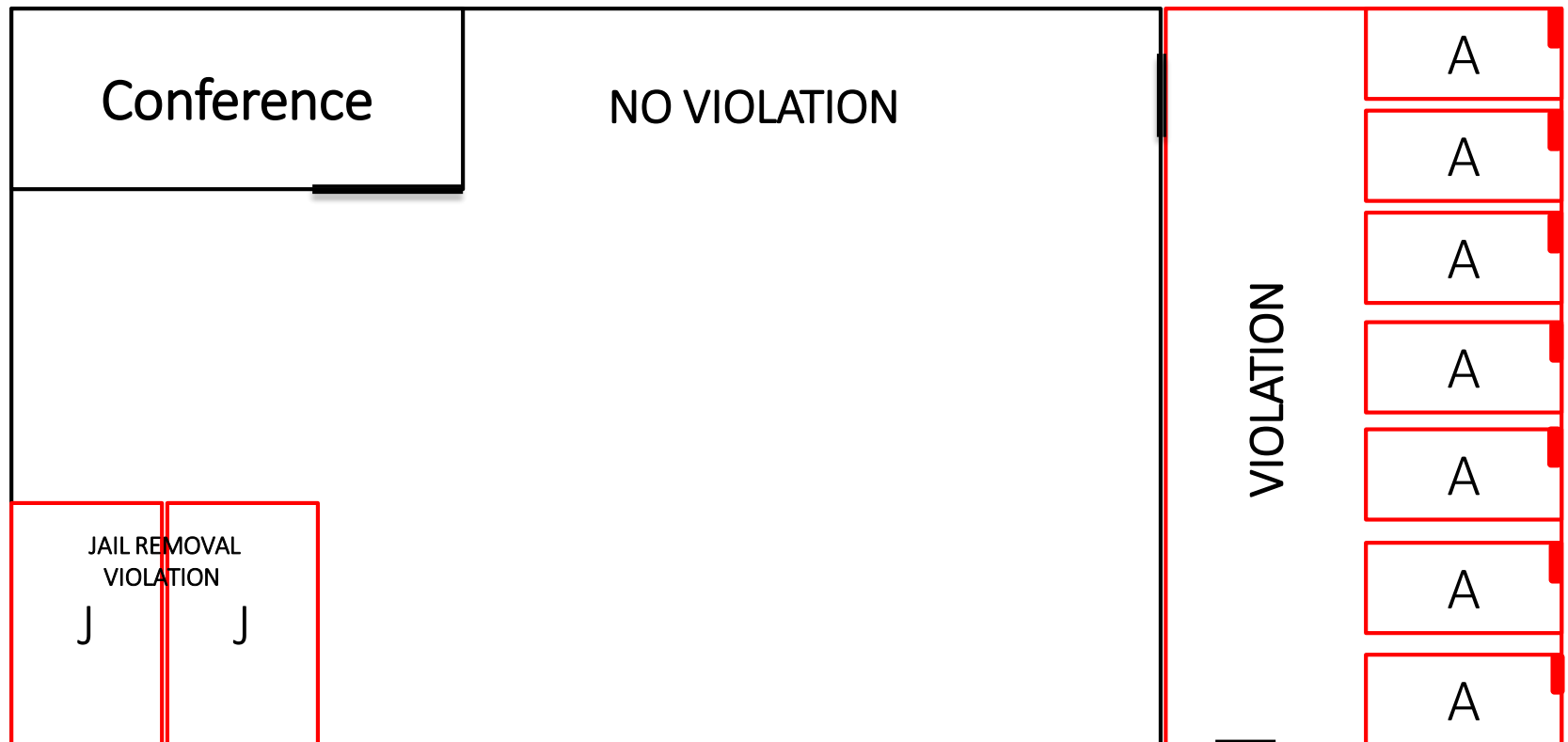
Exceptions for placing a juvenile in an adult jail, lockup, or other adult detention facility **if the child is 15 or older** include **the six hour rule.**ⁱⁱ

ⁱ 42 U.S.C. § 5633-223 (a) (13)

ⁱⁱ O.C.G.A. § 15-11-504 (c)

Jail Removal

SHERIFF'S OFFICE

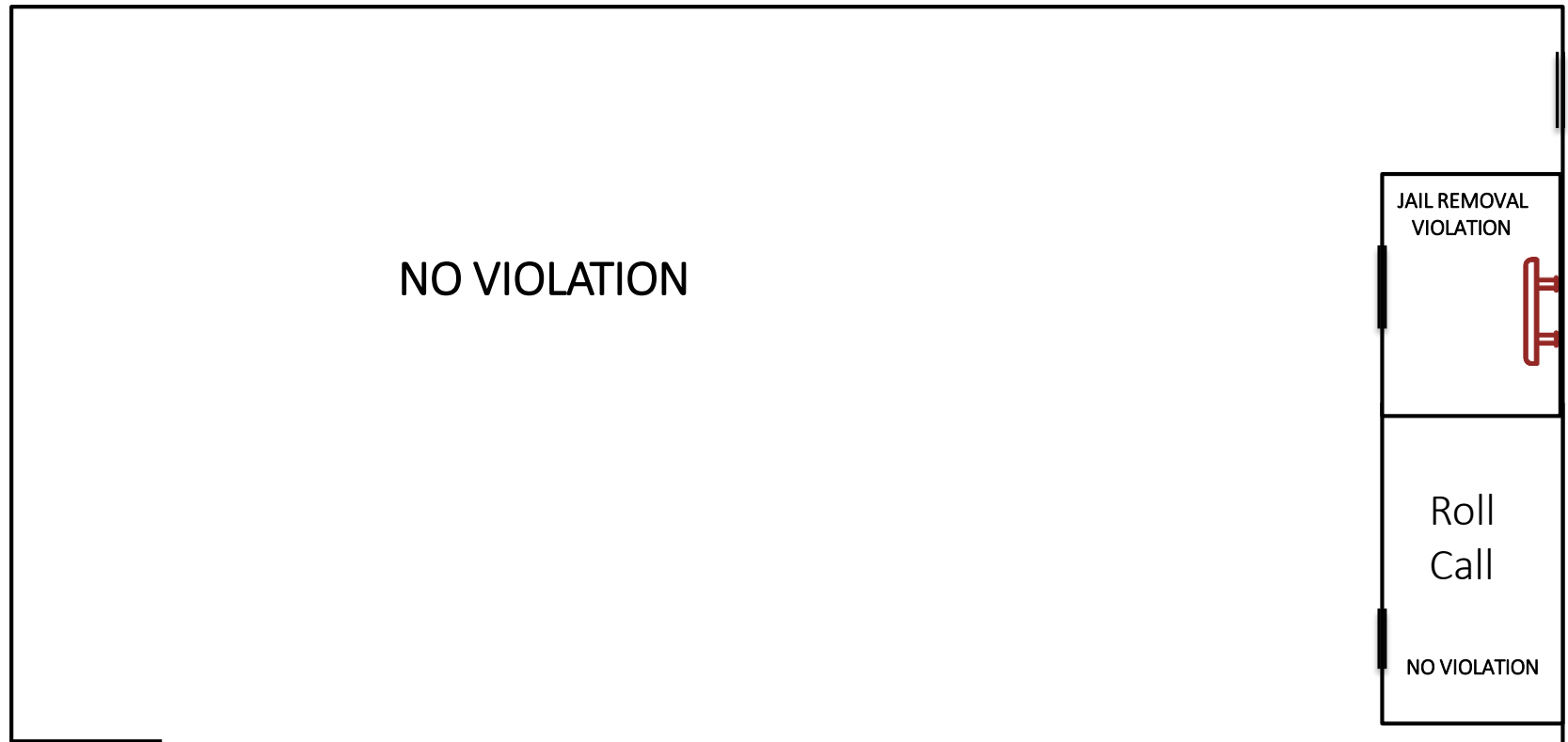


ⁱ 42 U.S.C. § 5633-223 (a) (13)

ⁱⁱ O.C.G.A. § 15-11-504 (c)

Jail Removal

SHERIFF'S OFFICE



ⁱ 42 U.S.C. § 5633-223 (a) (13)

ⁱⁱ O.C.G.A. § 15-11-504 (c)

Sight and Sound Separation

Federal Law

Juvenile offenders may not be detained or confined in any facility in which they have contact **(any physical or sustained sight and/or sound contact)** with adult inmates.ⁱ

Georgia Law

The jail or other facilities for the detention of adults provides sight and sound separation **(including adult cells, dining halls, or any circumstance that could result in sustained verbal and nonverbal communication)** for juveniles.ⁱⁱ

ⁱ 42 U.S.C. § 5633 (11)

ⁱⁱ O.C.G.A. § 15-11-504 (c) (5)

Sight and Sound Separation

Court Holding Facility

A court holding facility is defined as a secure facility, other than an adult jail or adult lockup, that is used to temporarily detain persons immediately before or after detention hearings. **Court holding facilities are required to fulfill the sight and sound separation requirement of the JJDPA.ⁱ**

ⁱ 42 U.S.C. § 5633 (12) (A) / O.C.G.A. § 15-11-48 / “IV. Policy: Criteria for Court Holding Facilities.” 11-03-88.

The Role of the Compliance Monitor

Juvenile Detention Compliance Monitor

The Juvenile Detention Compliance Monitor is responsible for the monitoring of all adult detention centers, lock ups, and juvenile detention centers to ensure Georgia's compliance with **first three of the Four Core Protections**.

The Crucial Role of Jail Administration

Maintaining Compliance with the JJDP

- Keep **ALL** held juveniles sight and sound separated from adult inmates.ⁱ
- Never securely detain delinquent offenders for more than 6 hours.ⁱ
- Never securely detain status offenders/CHINS or non-offenders.
- Maintain a holding log of all juveniles held in secure custody, regardless of their length of stay.ⁱⁱ

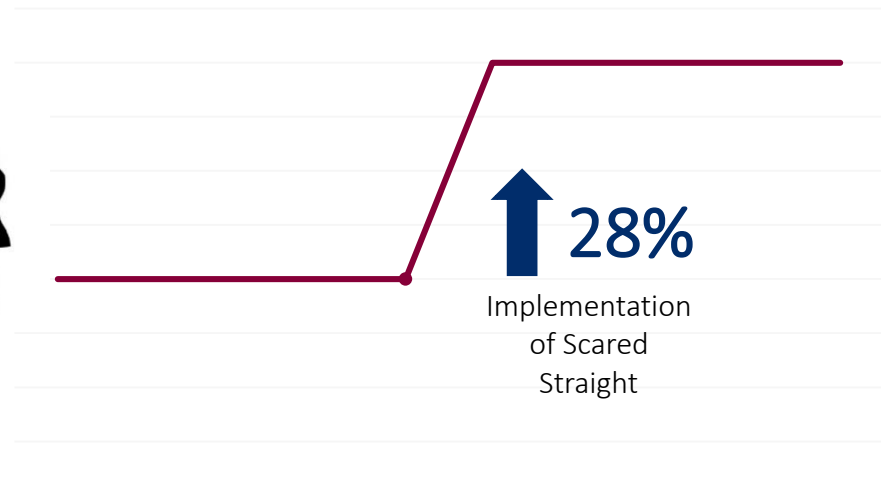
ⁱ Excluding any exceptions permitted through SB440

ⁱⁱ O.C.G.A. § 15-11-504 (c)

Scared Straight and Jail Tours

Scared Straight

- is an **ineffective** crime prevention strategy,
- can lead to an **increase in crime** up to 28%, *and*;
- can be in **violation of the JJDP Act.**ⁱ



ⁱ 42 U.S.C. § 5633 (11) / O.C.G.A. § 15-11-504 (c) 5

Questions

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