

*JJRA of 2018 & Other Issues
Facing Regions of Our Commonwealth*

Interest of Justice Training

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Dear President Judge,

In December of 2018, the Juvenile Justice Reform Act (JJRA) of 2018 was signed into law, reauthorizing and substantially amending the Juvenile Justice and Delinquency Prevention Act (JJDPA) originally enacted in 1974. The JJDPA established the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Department of Justice (DOJ) to support local and state efforts to prevent delinquency and improve the juvenile justice system.

Although there are several significant amendments provided by the JJRA, one of the most impactful is the requirement that any child under the age of 18 who is being processed through criminal proceedings must be separated by sight and sound from adult inmates and may not, except under limited circumstances, be held pretrial in a jail or lockup for adults. *See* 34 U.S.C. § 11133(a)(11)(B).

In Pennsylvania, this requirement would apply to individuals who are either “direct filed” to adult proceedings pursuant to the exclusion provisions of the Juvenile Act (42 Pa.C.S. § 6302), or those who are transferred to criminal proceedings pursuant to the Juvenile Act (42 Pa.C.S. § 6355).

In these situations, if the child is not released pretrial on bail or otherwise, they may be held securely in a facility licensed by the Department of Human Services as a juvenile detention center, but not in an adult jail or lockup.

The exception to this requirement occurs when a court holds a hearing and finds that keeping the child in an adult facility is “in the interest of justice.” *See* 34 U.S.C. § 11133(a)(11)(B). The interest of justice determination must be done prior to secure holding in any adult jail or lockup, and documentation must accompany the juvenile if a determination is made to hold them in an adult jail or lockup.

To determine whether detaining a child in an adult jail or lockup is in the interest of justice, the court must weigh seven factors, including:

- (I) the age of the juvenile;
- (II) the physical and mental maturity of the juvenile;
- (III) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of self-harm;
- (IV) the nature and circumstances of the alleged offense;
- (V) the juvenile’s history of prior delinquent acts;
- (VI) 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
- (VII) any other relevant factor.

34 U.S.C. § 11133(a)(11)(B)(ii).

If the court concludes that the balance of these factors points in favor of detaining the child in an adult facility, the court must hold a hearing once every 30 days to review whether the placement in an adult jail is still in the best interest of justice. *See* 34 U.S.C. § 11133(a)(11)(B)(iii)(I). Additionally, even when it is in

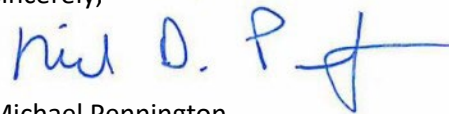
the interest of justice, the child cannot be held in an adult facility for more than 180 days total, unless the court finds good cause for an extension, or the child waives the 180-day maximum. *See* 34 U.S.C. § 11133(a)(B)(iii)(II). Individuals who are held in adult facilities under the interest of justice exception are still be protected by DOJ's Prison Rape Elimination Act (PREA) standards for Youthful Inmates. *See* 28 CFR § 115.14 (relating to youthful inmates).

This requirement of the JJRA becomes effective on December 21, 2021. PCCD is working with the Juvenile Court Judges' Commission and other partners to develop proposed legislative amendments to the Juvenile Act related to transfer to criminal proceedings reflective of the new requirements. Additionally, both the Criminal Procedural Rules Committee and the Juvenile Court Procedural Rules Committee have been invited to consider amendments to their respective rules reflective of these federal requirements.

As efforts continue to clarify these matters through legislative or rules amendment, you will be kept advised. We understand there will be questions related to this new federal law and we are committed to working with you so that Pennsylvania remains in compliance with the federal JJDP Act.

If you have any questions or need technical assistance on these new provisions, please contact Seth Bloomquist at (717) 706-5437 or by email at swbloomquist@ship.edu.

Sincerely,



Michael Pennington
Executive Director
PA Commission on Crime and Delinquency

April 4, 2022

Dear President Judge,

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has issued new guidance regarding required “Interest of Justice” determinations, pursuant to Section 223(a)(11)(B) of the Juvenile Justice and Delinquency Prevention Act (JJDP). As provided below:

“Effective immediately, states must begin holding hearings for any juvenile charged as an adult, regardless of charge date, who is not removed from an adult facility to determine whether the court finds that it is in the interest of justice for the juvenile to remain in the adult facility. States should have initiated collecting data on juveniles in adult facilities beginning on December 21, 2021. All states that participate in the Title II Formula Grants Program must report to OJJDP data for all juveniles charged as adults, regardless of charge date, who remain in an adult jail or lock up as of December 21, 2021, and juveniles who are charged as an adult and detained or confined in an adult jail or lockup on and after December 21, 2021.

Section 223(a)(11)(B) of the JJDP provides that by December 21, 2021, juveniles who are being charged and tried as adults (1) may not be detained or confined in an adult jail or lockup (except as provided under the jail removal requirement), and (2) may not have sight or sound contact with adult inmates—unless found by a court to be in the interest of justice. The determination of whether such detention would be in the interest of justice must (1) be after a hearing, (2) be in writing, and (3) take into consideration several statutorily-prescribed criteria (e.g., the juvenile’s age, physical and mental maturity, present mental state, history of delinquency, etc.).”

We recognize this is a change from what was originally directed by the OJJDP. We also understand agencies will need time to address these changes and begin reporting the data requested. Please begin to schedule these “Interest of Justice” hearings as soon as practicable, bear in mind that review hearings need to occur every 30 days after the initial hearing. Also, remember this change does not apply to juveniles who have reached the age of majority (18 yrs.), nor does it include juveniles who have been found guilty or who have reached a plea and have been sentenced. However, if a juvenile has plead guilty or has been convicted but not sentenced, they should continue to have an “Interest of Justice” determination, if they remain in an adult facility. At 180 days, after a final determination, these hearings are no longer required as well.

As a reminder, there are two things that must be contained in the “Interest of Justice” determination court orders.

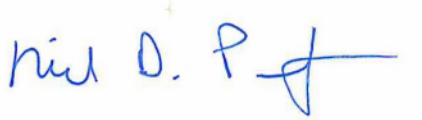
1. The court must consider all the elements contained with the JJDP, while it's only necessary to use one in the determination order.
2. The court order must include that individuals who are held in adult facilities under the interest of justice exception are still be protected by DOJ’s Prison Rape Elimination Act (PREA) standards for Youthful Inmates. *See* 28 CFR § 115.14 (relating to youthful inmates).

These documents must be placed within the juvenile’s file at the facility.

The Pennsylvania Commission on Crime and Delinquency (PCCD) and the Juvenile Court Judges’ Commission (JCJC) will work with OJJDP to clarify their guidance and will provide technical assistance to all jurisdictions within Pennsylvania.

If you have questions regarding the “Interest of Justice” regulation or need technical assistance, please contact Seth Bloomquist at (717) 706-5437 or by email at swbloomquist@ship.edu.

Thank you,

A handwritten signature in blue ink, appearing to read "Michael D. Pennington", with a stylized flourish at the end.

Michael D. Pennington
Executive Director

**This copy is for training purposes and to be used in conjunction with the
Judges/Hearing Officers Training
at the
2023 James E. Anderson Pennsylvania Conference on Juvenile Justice
November 1, 2023**

Redline Version

Juvenile Justice and Delinquency Prevention Act

As Amended by the Juvenile Justice Reform Act of 2018



Sight and Sound Separation and Jail Removal

(II) a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and

(III) a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State; or

(ii) the juvenile—

(I) is not charged with any offense; and

(II)(aa) is an alien; or

(bb) is alleged to be dependent, neglected, or abused; and

(B) require that—

(i) not later than 3 years after the date of enactment of the Juvenile Justice Reform Act of 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility; **TRAINING NOTE: This begins once a juvenile enters a secure holding within a building.**

TRAINING NOTE: The following applies to the arrest process.

(I) shall not have sight or sound contact with adult inmates; and

(II) except as provided in paragraph (13), may not be held in any jail or lockup for adults; **TRAINING NOTE: This rule only applies to an adult facility, not a detention center.**

TRAINING NOTE: The following applies to the hearing process.

(ii) in determining under clause (i) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight or sound contact with adult inmates, a court shall consider—

TRAINING NOTE: As per OJJDP court orders must include all factors and must indicate which factor/factors made the determination. Additionally, orders must accompany the juvenile to the adult facility.

(I) the age of the juvenile;

(II) the physical and mental maturity of the juvenile;

(III) the present mental state of the juvenile, including whether the juvenile presents an

imminent risk of harm to the juvenile;

(IV) the nature and circumstances of the alleged offense;

(V) the juvenile's history of prior delinquent acts;

(VI) 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

(VII) any other relevant factor; and

(iii) if a court determines under clause (i) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—

(I) the court shall hold a hearing not less frequently than once every 30 days, or in the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; an **TRAINING NOTE: An IOJ hearing must occur every 30 days or every 45 days with a rural exception. If using the rural exception, Pennsylvania must file a rural exception request prior to using this exception.**

(II) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation; TRAINING NOTE: PA Rule 600/ 180-day hearing must be conducted or waived. After 180-day hearing, 30-day/45-day hearings should continue to be conducted.

(12) provide that--

~~(C)~~(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have sight or sound contact with adult inmates; and

~~(D)~~(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in colocated facilities, have been trained and certified to work with juveniles;

TRAINING NOTE: The following applies to the six-hour secure holding rule.

(13) provide that no juvenile will be detained or confined in any jail or lockup **for adults** except--

(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for

a period **not to exceed 6 hours--**

TRAINING NOTE: These rules apply to all adult secure holding areas within the arrest and court process (i.e., adult jails, all police departments, adult booking centers, adult court holding secure cells). The area must be a secure area within a building to be counted under the 6-hour exception. Areas designated as “Juvenile Only” secure holding areas are excluded from these requirements.

- (i) for processing or release;
- (ii) while awaiting transfer to a juvenile facility; or
- (iii) in which period such juveniles make a court appearance;

and only if such juveniles do not have sight or sound contact with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in colocated facilities have been trained and certified to work with juveniles;

(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup--

(i) in which--

(I) such juveniles do not have sight or sound contact with adult inmates; and

(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in colocated facilities have been trained and certified to work with juveniles; and

(ii) that--

(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do 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; or

(III) is located where conditions of safety exist (such as severe adverse, life-

threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

(14) provide for an ~~adequate effective~~ system of monitoring jails, lock-ups, detention facilities, and correctional facilities, ~~and non-secure facilities~~ to ~~insure~~ ensure that the ~~requirements of paragraphs (11), (12), and (13)~~ core requirements are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and

For Training Purposes

**JUDGMENT ENTRY/MAGISTRATE ORDER ON
CONFINEMENT OF JUVENILE CHARGED AS AN ADULT**

IN THE _____ COURT OF _____ COUNTY
STATE OF _____

THE STATE OF

:
:
:
:
:

vs.

Case No.

The Court, having determined that the above-named juvenile charged as an adult should remain in confinement, now must determine the appropriate facility in which that confinement should occur. Pursuant to section 223(a)(11)(B) of the Juvenile Justice and Delinquency Prevention Act (JJDP) (see 34 U.S.C. § 11133(a)(11)(B)), a juvenile who is charged as an adult must not be held in an adult jail or lockup, nor have sight or sound contact with adult inmates, unless the Court determines that it is in the interest of justice, by making certain findings. (Failure to comply with this requirement will result in an instance of noncompliance with the statutory requirement and may affect [STATE'S] ability to receive its full Formula Grants Program funding under Title II, Part B, of the JJDP.)

The Court therefore determines the following:

1. The Court has conducted a hearing on this matter, on the record, with the juvenile charged as an adult participating and represented by counsel;
2. The Court determines that it ☐ is ☐ is not in the interest of justice to confine the juvenile in an adult jail or lockup;
3. In making this decision, the Court has considered each of the following factors:
 - a. The age of the juvenile: _____;
 - b. The physical and mental maturity of the juvenile;
 - c. The nature and circumstances of the alleged offense;
 - d. The juvenile's prior delinquent acts: _____;
 - e. The current mental state of the juvenile;
 - f. The juvenile ☐ does ☐ does not pose an imminent risk of harm to themselves;
 - g. The available juvenile detention facilities ☐ can ☐ cannot meet the needs of the juvenile and protect public safety and other detained youth;

- h. The available adult facilities ☐ can ☐ cannot meet the needs of the juvenile and protect public safety;
- i. The following other relevant factors:

Based upon these findings the Court determines that ☐ it is ☐ is not in the interest of justice for the juvenile to be held in an adult jail or lockup.

(Insert following paragraphs only if determination is made to detain juvenile in an adult facility)

It ☐ is ☐ is not in the interest of justice to keep the juvenile sight and sound separated from adult inmates.

Pursuant to the JJDPA at 34 U.S.C. § 11133(a)(11)(B), the Court must hold a hearing and review this confinement order at least every 30 days (45 days in rural jurisdictions). This matter shall come before the Court for review of this confinement determination on _____.

(Insert following paragraph only if juvenile is detained in an adult facility more than 180 days)

Pursuant to the provisions of the JJDPA, a juvenile charged as an adult may not be held in an adult jail or lockup or without sight and sound separation from adult inmates for more than 180 days unless certain findings are made, in writing, by the Court. The juvenile in this matter has now been held in an adult facility/without sight or sound separation from adult inmates for 180 days. The Court determines, in writing, that continued confinement is appropriate based upon the following:

- ☐ The juvenile has expressly waived the 180-day limit
- ☐ The Court finds the following good cause for the continued confinement:

Date: _____

JUDGE/MAGISTRATE

cc: Juvenile and Counsel
Prosecutor
Victim Advocate
Adult Jail/Detention Center

CLEAR FORM

Section II

Answer "Yes" or "No" to each of the following questions:

- ① Was there a court hearing to consider whether it was in the interest of justice to detain the juvenile in an adult jail or lockup or such that he has contact with adult inmates? _____ ☐ Yes ☐ No
- ② Is there a written court order following the hearing to determine that it is in the interest of justice to detain the juvenile in an adult jail or lockup or such that he has contact with adult inmates? _____ ☐ Yes ☐ No
- ③ Does the order indicate that the court considered the following factors? _____ ☐ Yes ☐ No
 - a. The age of the juvenile;
 - b. The physical and mental maturity of the juvenile;
 - c. The present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
 - d. The nature and circumstances of the alleged offense;
 - e. The juvenile's history of prior delinquent acts;
 - f. 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
 - g. Any other relevant factor.
- ④ Following the initial hearing and court order, was there a court hearing at least every 30 or (in the case of a rural jurisdiction) 45 days, that the individual has been detained in the adult jail or lockup or such that he has sight or sound contact with adult inmates, to review whether it is still in the interest of justice to permit the juvenile to be so detained? _____ ☐ Yes ☐ No
- ⑤ If the individual has been detained in a jail or lockup for adults, or such that he has sight or sound contact with adult inmates, for more than 180 days, is there a written court order that articulates the court's finding of good cause for an extension, or documentation of a waiver by the juvenile? _____ ☐ Yes ☐ No

Proceed to Section III.

Section III

Are the answers to **both** questions in Section I "yes"?

☐ Yes ————— • Compliance with Section 223(a)(11)(B) of the JJDPA

If the answer to **one or both** of the questions in Section I is "no," are the answers to **all** of the questions in Section II "yes"?

☐ Yes ————— • Compliance with Section 223(a)(11)(B) of the JJDPA

☐ No ————— • Noncompliance with Section 223(a)(11)(B) of the JJDPA

Section 223(a)(11)(B) of the JJDPA Checklist

Please note that use of this form is not required. It is intended to be a tool to assist in determining whether an instance of noncompliance with Section 223(a)(11)(B) of the JJDPA has occurred.

Complete this form for each instance occurring on or after December 21, 2021, in which a juvenile is charged as an adult and detained in an adult jail or lockup while awaiting trial or other legal process.

Section I

Answer "Yes" or "No" to each of the following questions:

- ① Was the juvenile sight and sound separated from adult inmates? ☐ Yes ☐ No
- ② Do any of the following exceptions apply? ☐ Yes ☐ No
 - a. ☐ The juvenile was detained for a period that did not exceed six hours for processing or release;
 - b. ☐ The juvenile was detained for a period that did not exceed six hours while awaiting transfer to a juvenile facility;
 - c. ☐ The juvenile was detained for a period that did not exceed six hours during which period the juvenile made a court appearance;
 - d. ☐ The juvenile was detained for no more than 48 hours while awaiting an initial court appearance in a jail or lockup that was outside a metropolitan statistical area (as defined by the Office of Management and Budget), and the state had no existing acceptable alternative placement available;
 - e. ☐ The juvenile was detained in an adult jail or lockup located where conditions of distance to be traveled or the lack of highway, road, or transportation did not allow for a court appearance within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay was excusable; or
 - f. ☐ The juvenile was detained in an adult jail or lockup located where conditions of safety existed (such as severely adverse, life-threatening weather conditions that did not allow for reasonably safe travel) and the court appearance was delayed until no more than 24 hours after the time that such conditions allowed for reasonably safe travel.

If the answers to both of the questions in Section I is "yes," there is compliance with section 223(a)(11)(B) of the JJDPA. Skip to Section III.

If the answer to either of the questions in Section I is "no," proceed to Section II.

30-day/45-day Sample court order language:

Example:

AND NOW, this _____ day of _____, 2023, this Court, having considered arguments on each of the required factors for an interest of justice determination, hereby GRANTS the Commonwealth's motion to detain the defendant at _____ County jail, in the Juvenile Block, in the interest of justice, Sheriff to transport forthwith. In addition, the juvenile may or may not have contact with adult inmates as per the Prison Rape Elimination Act (PREA).

The next monthly interest of justice hearing shall be held on _____ Courtroom _____.

Example:

- COMMITMENT REASON: AND NOW, this _____ Day of _____, 2023, this court having considered arguments on each of the required factors for an interest of justice determination, hereby GRANTS the Commonwealth's motion to detain the defendant at _____ County Jail, in the juvenile Block, in the interest of justice. In addition, the juvenile may or may not have contact with adult inmates as per the Prison Rape Elimination Act (PREA), Sheriff to transport forthwith.

The next monthly interest of justice hearing shall be held on _____ Courtroom _____.

Juvenile Waiver Sample Court Order Language: Must occur every 30-day/45-days.

And now this _____ day of _____ 2023, this matter was scheduled today for a 30-day Interest of Justice Review. The juvenile has requested a waiver to appear, as evidenced by the attached written "30-day Interest of Justice Review Hearing Order," which was executed by the juvenile and his Counsel. As a result, having considered that there have been no changes with each of the factors relative to an interest of justice determination, it is hereby ORDERED that the Review Hearing of the Court's confinement determination, which is mandated under the Juvenile Justice and Delinquency Prevention Act (JJDP) at U.S.C. Section 11133 (a)(11)(B), has been accepted.

The next 30-day interest of justice hearing shall be conducted on _____ at _____ am/pm at the _____ Courthouse.

By the Court:

As per OJJDP auditing requirements:

The courts must conduct 30-day/45-day (rural exception) review hearings, even if the juvenile does not want to be present.

If the Court continues the IOJ review hearing, the factors must be enumerated within the continuance order. OJJDP recommends, that the Court, state the reason for the continuance and that no new information related to the factors having been present for consideration.

The juveniles cannot waive these review hearings, but it is not necessarily required the juvenile to present. The sample waiver order below states that the juvenile requested a waiver to appear, that the juvenile is represented by counsel, and that counsel, in conjunction with the judge, held a hearing and determined that there's been no change in status, by review of the previously established seven factors.

PD Interest of Justice Notification to Police

Dear Chief _____:

In December 2018, the federal Juvenile Justice Reform Act (JJRA) was signed into law, reauthorizing and substantially amending the Juvenile Justice and Delinquency Prevention Act (JJDPA) originally enacted in 1974. The JJDPA established the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Department of Justice (DOJ) to support local and state efforts to prevent delinquency and improve the juvenile justice system. Although there are several significant amendments provided by the JJRA, one of the most impactful is the requirement that any child under the age of 18, who is being processed through criminal proceedings, must be separated by both sight and sound from adult inmates, must be under surveillance at all times while inside the police department, and may not be held in police custody longer than six hours upon arrest. See 34 U.S.C. §11133(a)(11)(B).

These are the important factors of this mandate.

1. The rule is in effect immediately for all juveniles who are arrested/charged as adults and are securely or non-securely detained as soon as they enter the police department.
2. A juvenile who is arrested/charged as an adult can be held in a lockup (police department) pursuant to the 6-hour exception, as long as the juvenile remains sight and sound separated from adult inmates and is under surveillance at all times while inside the police department. The 6-hour rule begins as soon as the juvenile enters the police department and is placed in secure custody.
3. The court order/arraignment must occur prior to the end of the 6-hour exception in order for the juvenile to continue to be detained within the police department without a federal violation. Juveniles detained longer than six hours must be reported to ChildLine. The 6-hour rule begins as soon as the juvenile enters the police department and is placed in secure custody.
4. Juveniles who are arrested/charged as an adult must be reported in PCCD's JHELD Electronic Reporting System.
5. The rule applies to all juveniles who enter the police department upon arrest and are placed in secure custody. Removing a juvenile from secure custody stops the 6-hour clock.
6. Juveniles who are detained at the scene and then taken to a booking and/or processing center or jail will be reported by that detaining department.

As efforts continue to clarify these matters through legislation or procedural rule amendment, you will be kept advised. If you have questions or need technical assistance on these new provisions, please contact Seth Bloomquist at (717) 706-5437 or at swbloomquist@ship.edu.

§6302. Definitions

“Delinquent act.”

(1) The term means an act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law, or under local ordinances or an act which constitutes indirect criminal contempt under 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

(2) The term shall not include:

(i) The crime of murder.

(ii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and a deadly weapon as defined in 18 Pa.C.S. §2301 (relating to definitions) was used during the commission of the offense which, if committed by an adult, would be classified as:

(A) Rape as defined in 18 Pa.C.S. §3121 (relating to rape).

(B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. §3123 (relating to involuntary deviate sexual intercourse).

(C) Aggravated assault as defined in 18 Pa.C.S. §2702(a)(1) or (2) (relating to aggravated assault).

(D) Robbery as defined in 18 Pa.C.S. §3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(E) Robbery of motor vehicle as defined in 18 Pa.C.S. §3702 (relating to robbery of motor vehicle).

(F) Aggravated indecent assault as defined in 18 Pa.C.S. §3125 (relating to aggravated indecent assault).

(G) Kidnapping as defined in 18 Pa.C.S. §2901 (relating to kidnapping).

(H) Voluntary manslaughter.

(I) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§901 (relating to criminal attempt), 902 (relating to criminal solicitation) and 903 (relating to criminal conspiracy).

(iii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and has been previously adjudicated delinquent of any of the following prohibited conduct which, if committed by an adult, would be classified as:

(A) Rape as defined in 18 Pa.C.S. §3121.

(B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. §3123.

(C) Robbery as defined in 18 Pa.C.S. §3701(a)(1)(i), (ii) or (iii).

(D) Robbery of motor vehicle as defined in 18 Pa.C.S. §3702.

(E) Aggravated indecent assault as defined in 18 Pa.C.S. §3125.

(F) Kidnapping as defined in 18 Pa.C.S. §2901.

(G) Voluntary manslaughter.

(H) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§901, 902 and 903.

(iv) Summary offenses, unless the child fails to comply with a lawful sentence imposed thereunder, in which event notice of such fact shall be certified to the court.

(v) A crime committed by a child who has been found guilty in a criminal proceeding for other than a summary offense.

§6303. Scope of chapter

(b) Minor judiciary. --No child shall be detained, committed or sentenced to imprisonment by a district justice or a judge of the minor judiciary unless the child is charged with an act set forth in paragraph (2)(i), (ii), (iii) or (v) of the definition of "Delinquent Act" in section 6302 (relating to definitions). **(See Above)**

The information presented is taken from the Pennsylvania Juvenile Act, 42 Pa.C.S. Sec. 6301 et seq., Juvenile Court Judges' Commission, January 2008.

To access the full Juvenile Act, go to: www.pachiefprobationofficers.org/docs/Juvenile%20Act.pdf

Reporting Requirements on Juveniles in JHELD

The requirements governing holding practices for juveniles changed with the reauthorization of the Federal JJDP Act. Therefore, what you must report to PCCD has changed. The most important change is the Federal Government now requires us to report **all** juveniles that are brought into a police station/holding facility.

When to Report Juvenile Holdings in the JHELD System

Juveniles brought into the police station or other holding facility, **who are not free to leave**, regardless of whether they are non-securely or securely detained **must** be entered into the juvenile holding logs in the JHELD Electronic Reporting System. This includes juveniles brought into the facility and waiting in the lobby for parents to pick up, as well as juveniles you have arrested and/or charged. As soon as a juvenile enters the police station and is placed in a secure holding facility, the 6 (six) hour countdown begins. Juveniles who are securely detained (ie: cuffing bench, cuffing ring, cell) cannot be held for greater than a total of 6 (six) hours. Removing a juvenile from secure custody allows your department to stop/pause the six-hour time limit. Although, total time whether non-securely or securely detained must be reported in JHELD.

Securely Detained (per federal definition) applies to all facilities with construction features designed to physically restrict the movements and activities of persons (adult and juvenile) in custody such as locked rooms and buildings, fences, or other physical features (cuffing rails, floor rings, cells). It does not apply to facilities where physical restriction of movement or activity is provided only by the facility staff (28 CFR 31.303(d)).

Securely detained includes:

- a. Placing a juvenile in a cell or soft cell.
- b. Cuffing a juvenile to a secure bench or cuffing ring/rail.
- c. Locking a juvenile in a secure interview room or conference room.
- d. Placing a juvenile in a secure cell or soft cell with the door left open.

Non-Securely Detained (per federal definition) is defined as a juvenile who has entered your department and is **not free to leave**.

Non-Securely detained includes:

- a. Cuffing a juvenile to himself or another juvenile as long as they are not attached to an object (bench, cuffing rail, floor ring).
- b. Placing a juvenile in an unlocked interview room or conference room.
- c. Sitting a juvenile in an unsecured lobby or waiting area.
- d. Sitting a juvenile in a non-secure office space (squad room, an officer's desk, break room, lobby).

NOTE: All monthly juvenile holding logs must be submitted by the 10th of the following month into the JHELD Electronic Reporting System at: www.pccdjhled.pa.gov. If your facility does **not** bring juveniles into your police station, **do not** submit a blank log into the JHELD Electronic Reporting System.

For questions or assistance contact: Seth Bloomquist at 717-706-5437

October 4, 2021

In March 2021, the Pennsylvania Commission on Crime and Delinquency (PCCD) was notified that the Federal Office Juvenile Justice Delinquency Prevention (OJJDP) made a regulatory change related to all county juvenile court holding facilities. (34 U.S.C. § 11133(a)(13) and 34 U.S.C. § 11133(a)(13)(A))

As per the notification, OJJDP has determined that all juvenile cells used for the purpose of court must be considered and monitored as a police cells (lockup). PCCD recognizes that this change will have an immediate impact on the court holding process and the reporting requirements. In order to comply with these changes PCCD will be making changes to the admission logs contained within the PCCD JHELD SYSTEM.

These changes include the following:

1. All juveniles held in secure holding at the courthouse must be reported within the PCCD JHELD system.
2. Juvenile must not be securely held greater than six hours (total time including before/after court).
3. Reporting will include criminal charges, grading, time juvenile enters secure holding, time the juvenile is released from secure holding, gender, race, ethnicity, DOB, place of holding, release information.
4. Juveniles held in secure holding must always be sight and sound separated from adult inmates either through policy or physical structure.

Example: The following is noted about this exception: 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 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. This does not allow a state to detain an accused delinquent offender in a jail or lockup for adults for more than a cumulative total of 6 hours, for instance for 3 hours before, and then for an additional 4 hours following a court appearance.

*Please note Seth Bloomquist, Director of Compliance Monitoring, will be requesting a site visit, providing training, answering questions and is responsible for monitoring all of these regulatory changes.

If you have any questions, concerns or want to schedule a site visit please feel free to contact Seth at 717-706-5437.

Thank you,

Gregory Young

Gregory Young, Deputy Director of Juvenile Justice Initiatives
Office of Justice Programs
Pennsylvania Commission on Crime and Delinquency

OJJDP Reclassification of Secure Court Holding Facilities

The following message is sent on behalf of Dr. TeNeane Bradford, Associate Administrator for the State Relations and Assistance Division (SRAD), Office of Juvenile Justice and Delinquency Prevention (OJJDP):

OJJDP is committed to its mission of supporting states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. More importantly, our office strives to strengthen the juvenile justice system's efforts to protect public safety, hold justice-involved youth appropriately accountable, and provide services that address the needs of youth and their families, in part through the administration of the Formula Grants Program authorized under Title II, Part B, of the Juvenile Justice and Delinquency Prevention Act (JJDP) (34 U.S.C. §§ 11131-11133).

In this effort to support states we are eager to provide additional guidance for monitoring and collecting data from court holding facilities under the jail removal requirement at 34 U.S.C. § 11133(a)(13). Prior to the enactment of the Juvenile Justice Reform Act of 2018 (Pub. L. No. 115-385) ("JJRA"), the term "jail or lockup for adults" was defined in the JJDP, at 34 U.S.C. § 11103(22), as follows:

(22) the term "jail or lockup for adults" means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

- (A)** pending the filing of a charge of violating a criminal law;
- (B)** awaiting trial on a criminal charge; or
- (C)** convicted of violating a criminal law[.]

This pre-JJRA definition of "jail or lockup for adults" (above) could be understood to exclude nonresidential court holding facilities, because of the ambiguity in the phrase "awaiting trial," which allowed for the interpretation that it refers to the period "before a trial has recommenced (following a break in trial proceedings)" rather than "the period *before* a trial has begun at all." The definition of "jail or lockup for adults" was significantly revised by the JJRA, however, by eliminating the three subparagraphs referring to the limiting purposes for which adults might be detained, and now reads as follows:

(22) the term "jail or lockup for adults" means a secure facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adult inmates[.]

This revised definition removes the ambiguity (discussed above) in the earlier definition, and, on its face, leaves no room for any argument that nonresidential court holding facilities are excluded. All such facilities, assuming them to be secure, are clearly used by a State, unit of local government, or other law enforcement authority to detain adults. Thus, court-holding facilities, both residential and nonresidential, now fall within the statutory definition of jails or lockups for adults. The revised definition was signed into law on December 21, 2018, and became effective, by the express terms of the statute, beginning with awards made in FY 2020. The requirement that states monitor court holding facilities for jail removal violations became effective for the current FY 2021 data collection period that began on October 1, 2020.

States must monitor to ensure that jails and lockups for adults, including court holding facilities, document, at or near the time of detention, appropriate information on all juveniles detained or

confined, including date of birth, date/time in, date/time out, and most serious offense. (See 34 U.S.C. § 11133(a)(11), (12), (13), and (14), and 28 C.F.R. § 31.303(f)(1)(i)(C)(2) and (D)). States must also ensure that there is sight and sound separation between detained juveniles and adult inmates, including when the juveniles and adults are moved within a secure court holding facility.

While we know some states have reported concerns about data collection efforts with various courts, and with potential violations that may result from juveniles being adjudicated delinquent during their dispositional hearings, and subsequently detained in a court holding facility pending transfer to a juvenile facility, OJJDP will be providing examples and policy recommendations to assist states with complying with this new requirement and keeping youth safe during their detention in secure court holding facilities.

In recognition of the challenges presented by the COVID pandemic, OJJDP will allow states that comply with the jail removal (and separation) requirement in court holding facilities to certify to such compliance for FY 2021. Specifically, if a state offers evidence that it was complying with the jail removal (and separation) requirement in court holding facilities in FY 2021, but is unable to demonstrate that it complied, because the state was, practically speaking, unable to monitor court holding facilities during the COVID pandemic, the state may provide a certification that it is unaware of any instances of noncompliance other than those reported, in lieu of the compliance data that it would normally submit to OJJDP. In the certification, the state must indicate—

- that the court holding facilities are aware of the jail removal requirement at 34 U.S.C. § 11133(a)(13) and the separation requirement at 34 U.S.C. § 11133(a)(12);
- that the individual signing the certification is not aware of any instances of noncompliance during the pertinent period; and
- what steps the signatory undertook to obtain information to support the certification (for example, the state could conduct a survey of court holding facilities to query whether any instances of noncompliance with the jail removal requirement occurred therein during the pertinent period).

OJJDP welcomes any questions you may have regarding the guidance provided above or any general information about the Title II Formula Grants Program. Please send all questions or comments to your OJJDP program manager for proper routing.

Sincerely,

Dr. TeNeane Bradford

OJJDP Reclassification of Secure Holding Areas As Lockups (Police Departments) Issues

As provided in the “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 September 2019.” Juvenile’s following a hearing of adjudication can no longer be return to an area classified as Adult for any length of time.

C. Removal of Juveniles from Jails and Lockups for Adults

Pursuant to 34 U.S.C. § 11133(a)(13), no juvenile shall be detained or confined in any jail or lockup for adults, with exceptions described below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense, and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in an adult jail or lockup. The following four exceptions apply to the jail removal requirement, as long as juveniles accused of nonstatus offenses do not have 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:

1. The 6-Hour Detention Exception

The jail removal requirement at 34 U.S.C. § 11133(a)(13)(A) allows the detention or confinement in an adult jail or lockup of juveniles accused⁷ of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:

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. OJJDP recommends that any detention of juveniles be limited to the absolute minimum time necessary to complete these purposes,⁸ but in any case, not to exceed 6 hours.

b. Any detention of a juvenile adjudicated as a delinquent in an adult jail or lockup is an instance of noncompliance with the jail removal requirement.

The following is noted about this exception:

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 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. This does not allow a state to detain an accused delinquent offender in a jail or lockup for adults for more than a cumulative total of 6 hours, for instance for 3 hours before, and then for an additional 4 hours following a court appearance.

The following three exceptions allow states to detain or confine juveniles accused of nonstatus 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 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:

2. Rural Exception The exception found at 34 U.S.C. § 11133(a)(13)(B)(ii)(I) provides that juveniles accused of nonstatus 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), and the state has no existing acceptable alternative placement available.

Pursuant to 28 C.F.R. § 31.303(f)(4), states must have received prior approval from OJJDP to use the rural exception. OJJDP strongly recommends that jails and lockups for adults, in which juveniles are detained or confined, provide youth-specific admissions screening and continuous visual supervision of juveniles detained or confined pursuant to this exception

3. Travel Conditions Exception Under 34 U.S.C. § 11133(a)(13)(B)(ii)(II), 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.
4. Conditions of Safety Exception Under 34 U.S.C. § 11133(a)(13)(B)(ii)(III), if the adult jail or lockup is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), a juvenile accused of a delinquent offense may be detained therein and his or her court appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.

County Booking Center/Court Holding Facility

The Department of Justice has recently published new mandates for all booking/processing centers and court holding facilities. Please be advised that all juveniles who are securely detained within these facilities must submit admission records to the Pennsylvania Commission on Crime and Delinquency (PCCD) on a monthly basis. Guidance on the classification of these each of these facilities is provided below:

Classification of a Court Holding Facility under the Federal OJJDP/JJDP Act

To be appropriately classified as a court holding facility, the facility must meet all of the following criteria cited below:

- Is a secure facility;
- Be used only in conjunction with court appearances;
- Be non-residential (less than 24 hours/no overnight stays);
- Not be used for punitive purposes.
- If the facility is not classified as a juvenile only facility, the juvenile must be removed from secure custody within six hours. Additional holding can occur in non-secure areas.

If local police departments bring arrestees to the secure court holding facility for purposes unrelated to a court hearing, the facility no longer qualifies as a court holding facility and **must be monitored as an adult booking/processing area for reporting purpose within the JHELD electronic system** (Section 223 (a) (14) (b) federal JJDP Act).

Processing/County Booking Centers:

The Department of Justice is now requiring that all county processing/booking centers to provide secure holding admission records for juveniles who are securely detained within your facility as part of the arrest process. If the juvenile is securely detained within your facility as part of the arrest process an admission record must be reported within the JHELD electronic system. Juveniles securely detained in these facilities must meet all the following criteria:

- Status Offenders, in state runaways, and abused or negated juveniles are never allowed to be securely held within the facility;
- Must be sight and sound separated from adult inmates at all times;
- Must never be securely held longer than 6 hours.

PCCD has established an electronic reporting system County Booking and Court Holding facilities within the court house or jail are required mandated reporting.

Questions or concerns about the above should be referred to:

Seth Bloomquist: Central, Eastern and Western Regions at 717-706-5437

INTEREST OF JUSTICE REPORTING PROCESS FOR JAILS

The date of each admission would be as follows:

- The first admission would be the day the juvenile enters the jail. Keep in mind that admission records should be added each month they are securely held within the jail until release.
- Each month, you need to re-enter the juvenile's identifying information, the date of admission would be the date of the interest of justice hearing. The order should be uploaded in the same admission logging section at the bottom of the page you will see "Add new Attachment to this monthly Report."
- If a juvenile does not have an interest of justice order on file, you would write this information within the admission log in the note section and the date of admission would be 30 days past the previous admission date.
- At 180 days, I would need the court order explaining the reason for the extension of secure custody within the jail with a finding and the interest of justice order. Again, the date entered secure custody would be the date of the hearing.
- If the juvenile waives their right to these hearings, I will also need that document uploaded within the system below the admission logs in the document section "Add new Attachment to this monthly Report."
- If the juvenile waived their 30-day IOJ hearing, the waiver hearing and/or IOJ hearing should occur every 30 days.

*Again, if no Interest of Justice documentation was provided to you, you must indicate within the note section of each log that it was not received.

PREA Standards Related to IOJ

Q.

Do all inmates under the age of 18, regardless of court adjudication, need to be housed and managed in an area totally separate from adult inmates while residing in an adult jail or prison?

A.

PREA Standard 115.14 provides that *youthful inmates*, which the standards define as "any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail," must be housed separately from adult inmates in a jail or prison, but may be managed together outside of a housing unit if supervised directly by staff. Standard 115.114 provides analogous but abbreviated standard requirements for lockups.

The standard includes three requirements. First, no youthful inmate may be placed in a housing unit where he/she will have contact with any adult inmate through use of a shared day room or other common space, shower area, or sleeping quarters. Second, outside of housing units, agencies must either maintain "sight and sound separation" between youthful inmates and adult inmates – ie., prevent adult inmates from seeing or communicating with youth – or provide direct staff supervision when youthful inmates and adult inmates are together. Third, agencies must make their best efforts to avoid placing youthful inmates in isolation to comply with this provision. Finally, absent exigent circumstances, agencies must comply with this standard in a manner that affords youthful inmates daily large-muscle exercise and any legally required special education services, and provides access to other programs and work opportunities to the extent possible.

Persons under 18 who are charged with status offenses and/or delinquent offenses are not covered by Standard 115.14, but they are covered by the Juvenile Justice and Delinquency Prevention Act (JJDP) and regulations promulgated pursuant to the JJDP. These requirements ensure that states do not securely detain status offenders in adult facilities and severely limit the time in which accused delinquent youth may spend in adult facilities; status offending and delinquent youth must always be sight and sound separated from adult inmates in prisons, jails, and lockups. More information about JJDP requirements is available at www.ojjdp.gov/compliance.

In crafting this standard, DOJ was cognizant of agency concerns regarding cost, feasibility, and preservation of state law prerogatives related to youthful inmates. Accordingly, this standard affords facilities and agencies flexibility in devising an approach to separate youthful inmates. In particular, agencies can

achieve compliance by 1) confining all youthful inmates to a separate housing unit; 2) transferring youthful inmates to a facility within the agency that enables them to be confined to a separate unit; 3) entering into a cooperative agreement with an outside jurisdiction to enable compliance; or 4) ceasing to confine youthful inmates in adult facilities as a matter of policy or law. Agencies may, of course, combine these approaches as they see fit.

STANDARD

115.14

CATEGORIES

Definitions,
Youthful Inmates

IOJ Questions and Answers for Judges Training

Direct file Training for Judges Related to Interest of Justice Determination

Section 223(a)(11)(B)/Removal of Juveniles Charged as Adults

Initial hearing requirement:

[QUESTION] In what time frame does the initial court hearing need to take place? Does the court have 30-days to make this determination?

[RESPONSE] If the juvenile is being held in a juvenile facility, no (11)(B) hearing needs to take place. If the juvenile is being held in an adult jail or lockup, a hearing must take place within 6-hours.

[QUESTION] What if the decision as to whether or not to charge as an adult is not made within the 6-hours?

[RESPONSE] That would be a jail removal requirement and separation would apply if the juvenile is detained in an adult jail or lock-up.

Court order must contain all six elements:

[QUESTION] What documentation will be necessary to demonstrate compliance when a youth is held in a secure adult facility in the interest of justice? [JJRA7]

[RESPONSE] The court order that documents the seven factors of section 11133(a)(11)(B) demonstrating all factors were considered is what is required.

[QUESTION] If the court only answers the required questions with a "Yes, it was considered" with no further details, is that acceptable? (Refer to Sample Section 223(a)(11)(B) Court Order, <https://ccastates.org/resource/sample-section-223211b-jjdpa-judgement-entrymagistrate-order>).

[RESPONSE] Yes, 34 U.S.C. § 11133(a)(11)(B)(ii) requires only that the court must consider the factors enumerated, but there is nothing in the provision that specifically requires discussion or analysis of those factors in the court's written finding.

Virtual Hearings:

[QUESTION] Is there anything that prohibits those hearings every 30 days from happening virtually?

[RESPONSE] There is nothing in the Section 223(a)(11)(B) requirement that would prohibit a court from conducting the hearings virtually.

Court order must be obtained within 6-hrs:

[QUESTION] Does the court order need to be obtained in the 6-hour window? [JJRA61]

[RESPONSE] If a juvenile who is charged as an adult is detained in a jail or lockup for adults pursuant to the 6-hour exception, the court order must be obtained prior to the end of the 6-hour period.

Transportation:

[QUESTION] Does the 6-Hour hold limit under the Delinquent exception to the Jail Removal (JR) requirement (34 U.S.C. § 11133(a)(13)) include transport time between facilities or time in a courtroom?

[RESPONSE] The 6-hour rule does not include transport time. The time clock begins once the juvenile is secured in the holding cell within the court facility. Once the juvenile is taken out of the cell to go before the judge, the clock stops. If the juvenile is placed back into the cell after the hearing, then the clock resumes, and the total time allotted is not to exceed 6 hours or a violation will occur.

[QUESTION] Does the jail removal requirement apply when juveniles are being transported from one place to another?

[RESPONSE] No. The jail removal requirement applies only when a juvenile is in a jail or lockup for adults. It does not apply while a juvenile is being transported – ie., is in a vehicle. If, however, the juvenile is detained or confined in a jail or lockup for adults prior to or following transport, the jail removal requirement applies during the time the juvenile is in the jail or lockup. If a juvenile is detained or confined in a secure facility in which they have contact with an adult inmate, prior to or following transport, it will result in an instance of non-compliance with the separation requirement.

I.O.J no longer required:

[QUESTION] Once the juvenile who is charged as an adult turns 18, are they able to be transferred to an adult facility? [JJRA62]

[RESPONSE] A juvenile who is charged as an adult, and then subsequently turns 18, may be transferred to an adult facility, because they are no longer a "juvenile" awaiting trial or other legal process[.]"

[QUESTION] If a juvenile charged as an adult is held in a juvenile facility and then subsequently convicted and sentenced to a jail or prison term, can the juvenile then be transferred to the adult jail or prison without requiring 30-day/45-day, 180-day reviews? [JJRA158]

[RESPONSE] The Section 223(a)(11)(B) requirement is only for those who have been charged or are pending trial. If they have been convicted already, this requirement does not apply.

[QUESTION] Is it true that after conviction, the provisions of 223(a)(11)(B) do not apply, as the defendant is no longer awaiting trial or other legal process? [JJRA100]

[RESPONSE] Yes. The provisions of Section 223(a)(11)(B) apply to any juvenile who is charged as an adult, is awaiting trial or other legal process, and is detained in an adult jail or lockup.

30-day/45-day requirements:

[QUESTION] What if their [the court's] periodic reviews are NOT at 30 or 45 days, but at different intervals per state law? [JJRA63]

[RESPONSE] Each time a review occurs at an interval of more than 30 (or 45 days) – even if state law permits it – will result in an instance of noncompliance with the Section 223(a)(11)(B) requirement.

[QUESTION] How many Section 223(a)(11)(B) violations can be counted per youth? For example, if the court were late completing two 30-day hearings prior to the youth's adjudication, is that one violation or two?

[RESPONSE] A violation can occur at each 30/45-day or 180-day hearing if there is no court

documentation or if at the 180-day marker there's no hearing or waiver from the juvenile. In order to maintain compliance with the Section 223(a)(11)(B) requirement, a state must show that in every instance in which a juvenile was charged as an adult and detained in an adult jail or lockup, or had sight or sound contact with adult inmates, a court hearing was held every 30 (or 45 in case of rural jurisdictions) days to determine whether to detain the juvenile in an adult jail or lockup for adults, or to permit the juvenile to have sight or sound contact with adult inmates. A failure to make such a determination at any 30- (or 45-) day period **results in a separate violation.**

[QUESTION] Courts want to know why they have to have a hearing every 30 days when a hearing to address "all factors" was completed prior to sending the individual to the adult jail. Courts indicate they are not changing their minds every 30 days. How do we address this?

[RESPONSE] The statutory provision at 34 U.S.C. § 11133(a)(11)(B)(iii)(I) requires that courts hold a hearing at least every 30 days (in the case of a rural jurisdiction, every 45 days) to determine whether it is still in the interest of justice to continue to detain a juvenile charged as an adult within an adult jail or lockup, or such that they have sight or sound contact with an adult inmate.

Court holding:

[QUESTION] If a court detains a juvenile charged as an adult in a jail or lockup for adults pursuant to the Section 223(a)(11)(B) requirement, may that juvenile be detained in a court holding facility? [JJRA89]

[RESPONSE] Yes. If a court in complying with the Section 223(a)(11)(B) requirement, permits a juvenile who's being charged as an adult to be held in a jail or lockup for adults, this includes a court holding facility, which falls within the definition of a jail or lockup for adults.

[QUESTION] If a juvenile has a hearing scheduled in the morning but the case is continued, and they are taken out of the court holding facility for lunch, does the 6-hour clock restart when they are returned to the court holding facility after lunch? [JJRA92]

[RESPONSE] The time that a juvenile is detained in a court holding facility, for a court appearance prior to and after lunch, must be counted cumulatively, rather than as two separate time periods. For instance, if the juvenile is detained for 4 hours prior to being taken out of the facility for lunch, they may be detained in the facility after lunch for no more than an

additional 2 hours. Once a juvenile is adjudicated as delinquent, however, they may not be detained for any length of time in the court holding facility (a jail or lockup for adults).

[QUESTION] Can juveniles who have been adjudicated delinquent be detained in a court holding facility pending transfer to a secure juvenile facility? [JJRA83]

[RESPONSE] Once a juvenile has been adjudicated delinquent, they may not be detained in an adult jail or lockup (which includes a court holding facility) for any length of time without it **resulting in a jail removal violation.**

Violation of 223(a)(11)(B):

[QUESTION] Would a violation of the Section 223(a)(11)(B) requirement be based on the youth or the number of days in violation? For example, if there is no Section 223(a)(11)(B) hearing and the youth spends 30+ days in an adult facility, would the state just count that as one violation or multiple violations? [JJRA200]

[RESPONSE] Each additional 30-day period in which the juvenile charged as an adult is detained in an adult jail or lockup, or within sight or sound contact of an adult inmate, and in which no hearing is held to determine whether it is in the interest of justice, results in a new violation of the Section 223(a)(11)(B) requirement.

Section 223(a)(12)/Sight and Sound Separation of Juveniles from Adult Inmates:

[QUESTION] Does a juvenile have to be detained and confined for sight and sound separation to apply?

[RESPONSE] Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) as amended (34 U.S.C. § 11133(a)(12)) (the "separation" requirement) requires that states not detain or confine juveniles in any institution in which they have contact with adult inmates.

[QUESTION] Do youth under the age of majority who have been convicted in adult court and are in an adult prison have to be sight and sound separated?

[RESPONSE] Section 11133(a)(11)(B) does not apply to juveniles convicted of criminal offenses.

[QUESTION] How does the adult inmate definition apply to individuals over the state's age of majority who remain on extended juvenile court authority in the community? [JJRA73]

[RESPONSE] An individual who reaches the age of full criminal responsibility while still under the jurisdiction of the juvenile court (pursuant to state law) does not become an adult inmate simply by virtue of reaching the age of full criminal responsibility.

Rural Exception:

[QUESTION] Does the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended specifically define what is considered rural? [JJRA105]

[RESPONSE] No. However, for compliance purposes, rural is defined as an area that is outside a metropolitan statistical area (34 U.S.C. § 11103(43)), as defined by the Office of Management and Budget (<https://www.whitehouse.gov/omb/information-for-agencies/bulletins/>).

What Steps OJJDP has taken to notify Stakeholders:

[QUESTION] Is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) taking steps to inform impacted stakeholders (i.e., the courts) of this change in federal law? While Designated State Agency (DSA) staff can assist, it would be helpful if information was also disseminated through national associations.

[RESPONSE] We have presented this information to the National Council of Juvenile and Family Court Judges (NCJFCJ) and provided the materials. OJJDP has a working relationship with NCJFCJ and is always open to assisting DSA personnel in sharing this information with you or impacted stakeholders. That is one example. We also share information with the National Institute of Corrections Advisory Board and the applicable associations. All of our partners, the National Partnership for Juvenile Services (NPJS), the Council of Juvenile Justice Administrators (CJJA), and the Center for Juvenile Justice Reform (CJJR) are also going to be continuing to work with us, to help spread the message to all impacted stakeholder groups.

Compliance Monitoring Tool (CMT)
Pennsylvania

Data Collection Reporting Period: Fiscal Year 2022

Metric	Value
STATE PROFILE	
STATE JUVENILE POPULATION DATA	
Age of full criminal responsibility under state law (Select an age from 16 to 25).	18
Total population under the age of full criminal responsibility under state law (Juvenile Population).	1362936
FACILITIES	
Number of adult lockups (including court holding facilities) that detain adult inmates.	1164
Number of adult lockups (including court holding facilities) that detain adult inmates and reported data.	1164
Percent of adult lockups (including court holding facilities) that detain adult inmates and reported data.	100%
Number of adult lockups (including court holding facilities) that detain adult inmates and received onsite inspections.	685
Percent of adult lockups (including court holding facilities) that detain adult inmates and received onsite inspections.	59%
Number of adult jails.	62
Number of adult jails that reported data.	62
Percent of adult jails that reported data.	100%
Number of adult jails that received onsite inspections.	22
Percent of adult jails that received onsite inspections.	35%
Number of secure, juvenile, detention facilities.	15
Number of secure, juvenile, detention facilities that reported data.	15
Percent of secure, juvenile, detention facilities that reported data.	100%
Number of secure, juvenile, detention facilities that received onsite inspections.	5
Percent of secure, juvenile, detention facilities that received onsite inspections.	33%
Number of secure, adult, correctional facilities (including prisons).	24
Number of secure, adult, correctional facilities (including prisons) that received onsite inspections.	0
Percent of secure, adult, correctional facilities (including prisons) that received onsite inspections.	0%
Number of secure, juvenile, correctional facilities.	14
Number of secure, juvenile, correctional facilities that reported data.	14
Percent of secure, juvenile, correctional facilities that reported data.	100%

Number of secure, juvenile, correctional facilities that received onsite inspections.	7
Percent of secure, juvenile, correctional facilities that received onsite inspections.	50%
Number of secure Juvenile Detention or Correctional Facilities that are Collocated with an Adult Jail or Lockup.	0
Number of secure Juvenile Detention or Correctional Facilities that are Collocated with an Adult Jail or Lockup that received onsite inspections.	0
Percent of secure Juvenile Detention or Correctional Facilities that are Collocated with an Adult Jail or Lockup that received onsite inspections.	0%
Total number of facilities.	1255
Total number of facilities that reported data.	1255
Percent of all facilities that reported data.	100%
Total number of facilities that received onsite inspections.	719
Percent of all facilities that received onsite inspections.	57%
SUMMARY OF FACILITIES REQUIRED TO REPORT COMPLIANCE DATA - 85% RULE	
Cumulative percent of facilities reporting data that are required to report compliance data (85% rule).	100%
DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)	
STATUS OFFENDERS AND NON-OFFENDERS PLACED IN SECURE DETENTION OR CORRECTIONAL FACILITIES	
Number of accused and adjudicated status offenders who were placed in secure detention or correctional facilities. Include status offender Valid Court Order violators (where applicable) and out of state runaways. Do not include juveniles held in violation of the Youth Handgun Safety Act or similar state law.	0
Number of accused and adjudicated status offenders who were placed in secure juvenile detention or correctional facilities and charged with or committed a violation of a valid court order. (Note: This is a statutory exception to the total number of instances of non-compliance with DSO.)	0
Number of accused and adjudicated status offenders who were placed in secure juvenile detention or correctional facilities in accordance with the Interstate Compact on Juveniles as enacted by the State. (Note: This is a statutory exception to the total number of instances of non-compliance with DSO.)	2
Calculated total number of accused and adjudicated status offenders who were placed in secure detention or correctional facilities not pursuant to one of the statutory exceptions, and therefore resulting in instances of non-compliance with DSO.	-2
Number of non-offenders who were placed in secure detention or correctional facilities and are aliens or were alleged to be dependent, neglected, or abused.	0

DSO SUMMARY	
Calculated total number of DSO violations.	-2
Calculated total number of DSO violations adjusting for non-reporting facilities.	-2.00
RATE of non-compliance with DSO per 100,000 juvenile population.	-0.15
RATE of non-compliance with DSO per 100,000 juvenile population, adjusting for non-reporting facilities.	-0.15
SEPARATION	
POLICY IMPACTING SEPARATION	
Does the state have a policy in effect that requires individuals who work with both juveniles and adult inmates to have been trained and certified to work with juveniles?	Yes
SEPARATION IN SECURE JUVENILE DETENTION OR CORRECTIONAL FACILITIES	
Number of juveniles alleged to be or found to be delinquent who were detained or confined in secure juvenile detention or secure juvenile correctional facilities and who had sight or sound contact with adult inmates, including inmate trustees.	0
Number of juvenile status offenders and juvenile non-offenders who were aliens or alleged to be dependent, neglected, or abused and were detained or confined in secure juvenile detention or correctional facilities and had sight or sound contact with adult inmates, including inmate trustees.	0
TOTAL number of juveniles who were alleged to be or found to be delinquent, juvenile status offenders or juvenile non-offenders who are aliens or alleged to be dependent, neglected, or abused and were detained or confined in secure juvenile detention or correctional facilities and had sight or sound contact with adult inmates, including inmate trustees.	0
SEPARATION IN ADULT JAILS, ADULT LOCKUPS, SECURE ADULT DETENTION FACILITIES AND SECURE ADULT CORRECTIONAL FACILITIES	
Number of juveniles who were alleged to be or found to be delinquent and were detained or confined in adult jails or adult lockups, secure adult detention facilities, or secure adult correctional facilities and had sight or sound contact with adult inmates.	0
Number of juvenile status offenders and juvenile non-offenders who are aliens or alleged to be dependent, neglected, or abused and detained or confined in adult jails or adult lockups, secure adult detention facilities, or secure adult correctional facilities and had sight or sound contact with adult inmates.	0
TOTAL number of juveniles who were alleged to be or found to be delinquent, juvenile status offenders, and juvenile non-offenders who are aliens or alleged to be dependent, neglected, or abused, who were detained or confined in adult jails or adult lockups, secure adult detention facilities, or secure correctional facilities, and who had sight or sound contact with adult inmates.	0

Total number of juveniles charged as adults and detained in adult jails or lockups (for any length of time) that had sight or sound contact with adult inmates under section 223(a)(1 2)	39
SEPARATION SUMMARY	
Calculated total number of separation violations	0
Calculated total number of separation violations adjusting for non-reporting facilities	0.00
RATE of non-compliance with separation per 100,000 juvenile population.	0.00
RATE of non-compliance with separation per 1 00,000, adjusting for non-reporting facilities.	0.00
JAIL REMOVAL	
FACILITIES IN WHICH JUVENILES WERE DETAINED OR CONFINED	
Total number of jails or lockups for adults that are approved for the rural exception. (If zero, do not include rural table for certifying 45-day hearings on Interest of Justice)	0
Total number of adult jails and adult lockups in which juveniles were detained or confined that meet rural exception criteria.	0
Total number of juveniles detained in a jail or lockup for adults that is approved for the rural exception.	0
Total number of juveniles charged as adults and detained in adult jails or lockups beyond what is permitted by exception under section 223(a)(13) (i.e., 6 hours for urban facilities/48 hours for rural facilities)	0
JUVENILES DETAINED WITHIN SIGHT OR SOUND CONTACT OF ADULT INMATES	
Total number of juveniles accused of a delinquent offense who were detained or confined in adult jails or adult lockups for 6 hours or less, for processing or release, while awaiting transfer to a juvenile facility, or prior to/following a court appearance, but who had contact with adult inmates.	0
JUVENILES ACCUSED OF DELINQUENT OFFENSES OR ADJUDICATED DELINQUENT	
Total number of juveniles accused of delinquent offenses who were detained or confined in adult jails or adult lockups in excess of 6 hours, and not pursuant to the rural, conditions of distance, or conditions of safety exceptions.	61
Total number of juveniles accused of delinquent offenses who were detained or confined in adult jails or adult lockups, for 6 hours or less, for purposes other than processing or release, while awaiting transfer to a juvenile facility, or during which period such juveniles made a court appearance.	0
Total number of juveniles accused of delinquent offenses who were detained or confined in adult jails or adult lockups in excess of 6 hours, but less than 48 hours (not including weekends and legal holidays), while awaiting an initial court appearance pursuant to the rural	0

exception, provided that there was no sight or sound contact with adult inmates (Note: This is a statutory exception to the jail removal requirement and applies to facilities that have prior approval to use the rural exception by the DSA)	
Total number of juveniles accused of delinquent offenses who were detained or confined in excess of 6 hours but not more than 48 (not including weekends and legal holidays) while awaiting an initial court appearance in an Adult Jail or Adult Lockup due to conditions of distance to be traveled or the lack of highway, road, or transportation, provided that during this time there was no contact with adult inmates (pursuant to Section 223(a)((13)(B)(ii)(II) of the JJDP Act) (Note: This is a statutory exception to the total number of instances of non-compliance with jail removal or its rural exception.)	0
Total number of juveniles accused of delinquent offenses who were detained or confined in adult jails or adult lockups in excess of 6 hours, but not more than 24 hours after the time that such conditions allowed for reasonably safe travel, while awaiting an initial court appearance, where conditions of safety existed (e.g., severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), provided that during there was no contact with adult inmates (Note: This is a statutory exception to the jail removal requirement.)	0
Total number of juveniles adjudicated of delinquent offenses who were detained or confined in adult jails or adult lockups for any length of time.	0
JUVENILE STATUS AND NONOFFENDERS	
Total number of accused or adjudicated status offenders detained or confined for any length of time in adult jails or adult lockups.	5
Total number of juveniles who have not been charged with any offense and are aliens or are alleged to be dependent, neglected, or abused who were detained or confined for any length of time in adult jails or adult lockups.	0
JAIL REMOVAL SUMMARY	
Total instances of non-compliance with the jail removal requirement.	66
Total instances in which the state used the rural, travel conditions, or conditions of safety exceptions to detain or confine juveniles in adult jails or adult lockups in excess of 6 hours.	0
Total instances of non-compliance with the jail removal requirement as a result of juveniles detained or confined in adult jails or adult lockups, adjusting for non-reporting facilities.	66.00
Rate of non-compliance with jail removal per 100,000 juvenile population.	4.84
Rate of non-compliance with jail removal per 100,000 juvenile population, adjusting for non-reporting facilities.	4.84
SECTION 223(a)(11)(B)	
USE OF JAILS OR LOCKUPS FOR ADULTS TO DETAIN JUVENILES CHARGED AS ADULTS	

Does state law restrict the use of facilities qualifying as "jails or lockups for adults" to be used for the confinement of juveniles charged as adults and pending the outcome of their trial? If "Yes", using the "Other Documentation" tab, upload relevant statutes to provide documentation for the following areas: (1) juveniles charged as adults; (2) direct file/waiver hearings; and (3) sentencing.	No
INITIAL COURT HEARING ESTABLISHING INTEREST OF JUSTICE	
Total number of juveniles accused of criminal offenses who were detained or confined in adult jails or adult lockups in excess of 6 hours, and not pursuant to the rural, conditions of distance, or conditions of safety exceptions.	47
Of the total number of juveniles charged as adults that were detained in jails or lockups for adults, how many received an interest of justice hearing?	88
How many interest of justice hearing court orders met all 7 factors?	88
Of the court orders that met all seven factors, please describe what "other relevant factors" were considered? Response:	
Number of Interest of Justice hearings that did not occur plus the number of Interest of Justice hearings that did occur but did not meet all seven (7) factors.	-41
Of the number of interest of justice court orders that did not meet all 7 factors, which factors were not met - please check all that are missing: <ul style="list-style-type: none"> • age of the juvenile • physical and mental maturity of the juvenile • present mental state of the juvenile including whether the juvenile presents an imminent risk of harm to the juvenile • nature and circumstances of the alleged offense • juvenile's history of prior delinquent acts • 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 • other relevant factor 	
LENGTH OF STAY FOR JUVENILES CHARGED AS ADULTS DETAINED OR CONFINED IN ADULT JAILS OR LOCKUPS	
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for upwards to 180 days and received a court hearing, in non-rural areas, at 30 days	143
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 30 days, in non-rural areas	79
Number of Court Hearings at 30 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	64

Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for upwards to 180 days and received a court hearing, in non-rural areas, at 60 days	114
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 60 days, in non-rural areas	63
Number of Court Hearings at 60 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	51
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for upwards to 180 days and received a court hearing, in non-rural areas, at 90 days	90
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 90 days, in non-rural areas	43
Number of Court Hearings at 90 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	47
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for upwards to 180 days and received a court hearing, in non-rural areas, at 120 days	67
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 120 days, in non-rural areas	29
Number of Court Hearings at 120 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	38
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for upwards to 180 days and received a court hearing, in non-rural areas, at 150 days	49
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 150 days, in non-rural areas	26
Number of Court Hearings at 150 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	23
Total number of Court Hearings for upwards to 180 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas (Total Number of Violations)	223
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for upwards to 180 days and received a court hearing, in rural areas, at 45 days	1
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 45 days, in rural areas	1

Number of Court Hearings at 45 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in rural areas	0
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for upwards to 180 days and received a court hearing, in rural areas, at 90 days	0
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 90 days, in rural areas	0
Number of Court Hearings at 90 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in rural areas	0
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for upwards to 180 days and received a court hearing, in rural areas, at 135 days	0
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 135 days, in rural areas	0
Number of Court Hearings at 135 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in rural areas	0
Total number of Court Hearings for upwards to 180 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in rural areas (Total Number of Violations)	0
JUVENILES CHARGED AS AN ADULT WITH A LENGTH OF STAY AT OR MORE THAN 180 DAYS IN AN ADULT JAIL OR LOCKUP	
How many juveniles have been detained in a jail or lockup for adults, or such that they have sight or sound contact with adult inmates, for more than 180 days?	28
Of the number of juveniles charged as adults in 4a, how many written court orders articulates the court's finding of good cause for an extension, or documents a waiver by the juvenile?	4
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for greater than 180 days and received a court hearing, in non-rural areas, at 210 days	23
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 210 days, in non-rural areas	11
Number of Court Hearings at 210 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	12
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for greater than 180 days and received a court hearing, in non-rural areas, at 240 days	20

Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 240 days, in non-rural areas	7
Number of Court Hearings at 240 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	13
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for greater than 180 days and received a court hearing, in non-rural areas, at 270 days	15
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 270 days, in non-rural areas	4
Number of Court Hearings at 270 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	11
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for greater than 180 days and received a court hearing, in non-rural areas, at 300 days	5
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 300 days, in non-rural areas	0
Number of Court Hearings at 300 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	5
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for greater than 180 days and received a court hearing, in non-rural areas, at 330 days	0
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 330 days, in non-rural areas	0
Number of Court Hearings at 330 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas	0
Total number of Court Hearings for greater than 180 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in non-rural areas (Total Number of Violations)	41
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for greater than 180 days and received a court hearing, in rural areas, at 225 days	0
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 225 days, in rural areas	0
Number of Court Hearings at 225 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in rural areas	0

Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for greater than 180 days and received a court hearing, in rural areas, at 270 days		0		
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 270 days, in rural areas		0		
Number of Court Hearings at 270 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in rural areas		0		
Number of Juveniles Charged as an Adult Detained or Confined in an Adult Jail or Lockup for greater than 180 days and received a court hearing, in rural areas, at 315 days		0		
Number of Court Orders received that document the 7 relevant factors to consider when making an "Interest of Justice" finding at 315 days, in rural areas		0		
Number of Court Hearings at 315 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in rural areas		0		
Total number of Court Hearings for greater than 180 days that did not document the 7 relevant factors to consider when making an "Interest of Justice" finding in rural areas (Total Number of Violations)		0		
How many juveniles have been detained or confined in a jail or lockup for adults, or such that they have sight or sound contact with adult inmates, for more than 360 days?		0		
Of the number of juveniles charged as adults in 4c, how many written court orders articulate the court's finding of good cause for an extension, or documentation of a waiver by the juvenile?		0		
SECTION 223(A)(11)(B) SUMMARY				
Total instances of non-compliance with the 223(a)(11)(B) requirement.		223		
Total instances of non-compliance with the 223(a)(11)(B) requirement, adjusting for non-reporting facilities.		223.00		
Rate of non-compliance with Section 223(a)(11)(B) per 100,000 juvenile population.		16.36		
Rate of non-compliance with 223(a)(11)(B) per 100,000 juvenile population, adjusting for non-reporting facilities.		16.36		
Secure Facility On-Site Inspection Compliance - Planning Cycle 10/01/2019 - 09/30/2022				
	Year	Total Number Secure Facilities	Number Facilities Receiving On-Site Inspections	Percent Facilities Receiving On-Site Inspections
	1	1137	131	11.52%
	2	1227	402	32.76%
✓	3	1255	719	57.29%

**Pennsylvania Commission on Crime and Delinquency
2023 Police Department Regional Compliance Monitoring Map**

