THE STATE OF MARYLAND COMPLIANCE MONITORING MANUAL

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Table of Contents

INTRODUCTION	2
COMPLIANCE WITH THE CORE REQUIREMENTS	4
ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING	10
COMPLIANCE MONITORING POLICIES AND PROCEDURES	11
MONITORING AUTHORITY	17
COMPLIANCE MONITORING BARRIERS AND STRATEGIES	18
VIOLATION PROCEDURES	20
ADHERENCE TO FEDERAL DEFINITIONS	22
IDENTIFICATION OF THE MONITORING UNIVERSE	23
CLASSIFICATION OF THE MONITORING UNIVERSE	25
INSPECTION OF FACILITIES	27
COMPLIANCE DATA COLLECTION AND VERIFICATION	30
COMPLIANCE MONITORING REPORTING REQUIREMENT	38
COMPLIANCE MONITORING DATA COLLECTION SYSTEM (CMDCS)	39
APPENDIX	51

INTRODUCTION

Monitoring means to watch, observe, or check for a special purpose. In this case, the special purpose is to see that the goals of the Juvenile Justice and Delinquency Prevention Act are fulfilled. Title II, Part B, of the Juvenile Justice and Delinquency Prevention Act ("JJDPA" or the "Act") sets out detailed requirements that a state must satisfy in order to be eligible to receive funding under the Act's Formula Grants Program, including the submission of a state plan that satisfies the requirements set forth at 34 U.S.C. § 11133(a)(1)-
(33). Under the Act, "[i]n accordance with regulations which the Administrator shall prescribe, such plan shall," among other things—

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

The JJDPA seeks to ensure the following core requirements:

Deinstitutionalization of Status Offenders (DSO) 34 U.S.C. §11133(a)(11)(A)

- Juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders), shall not be placed in secure detention facilities or secure correctional facilities. The specific DSO exceptions can be found on page 4 of this manual.

Separation of Juveniles from Adult Inmates (Separation) 34 U.S.C. § 11133(a)(12)

- Juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.
- In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.

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

- Pursuant to 34 U.S.C. § 11133(a)(13) no juvenile shall be detained or confined in any jail or lockup for adults, 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 exceptions can be found on page 8 of this manual.

Removal of Juveniles Prosecuted as Adults from Adult Facilities 34 U.S.C. 11133(a)(11)(B)

- Under Section 223(a)(11)(B), on or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below. The exceptions can be found on page 6 of this manual.

Racial and Ethnic Disparity 34 U.S.C. § 11133(a)(15);

- "implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas,."

COMPLIANCE WITH THE CORE REQUIREMENTS

This section describes the core requirements of 34 U.S.C. § 11133(a)(11), (12), and (13), and below you will find direct statutory and regulatory references.

Deinstitutionalization of Status Offenders (DSO) 34 U.S.C. §11133(a)(11)(A)

Pursuant to 34 U.S.C. § 11133(a)(11)(A), juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non- offenders), shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no such juveniles were placed in secure detention and correctional facilities, or when the state's DSO rate falls below the established threshold.

Interstate Compact on Juveniles

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

Valid Court Order Exception

The Valid Court Order (VCO) exception in 34 U.S.C. § 11133(a)(11)(A)(i)(II) provides that accused or adjudicated status offenders, found to have violated a valid court order based on their status as a juvenile, may be placed in a secure juvenile detention or correctional facility. A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply (see Section III.E. Adherence to Federal Definitions for the definition of "valid court order"). To demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to verify whether court orders used to place status offenders in juvenile detention centers (including juveniles who violate valid court orders related to their status as a juvenile), meet the following requirements (as set forth at 34 U.S.C. § 11133(a)(23)):

An appropriate public agency shall be promptly notified that the status offender is held in custody for violating a valid court order.

b. An authorized representative of that agency shall interview within 24 hours, in person, the status offender who is being held.

c. Within 48 hours during which the status offender is held:

- The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender.
- The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation.
- If the court determines that the status offender should be placed in a secure detention facility or correctional facility for violating the court order, (1) the court must issue a written order that:
  - ✔ Identifies the valid court order that has been violated.
  - ✔ Specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order.
  - ✔ Includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile.
  - ✔ Specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility: and
  - ✔ May not be renewed or extended; and

(2) The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order.

d. There are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a [valid] court order [described in this section] does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter.

Youth Handgun Safety Exception

Under 34 U.S.C. § 11133(a)(11)(A)(i)(I), the DSO requirement does not apply to juveniles charged with or found to have committed a violation of the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or a similar state law, which prohibits a person younger than 18 from possessing a handgun. Such juveniles may be placed in secure detention or secure correctional facilities without resulting in an instance of noncompliance with the DSO requirement.

Removal of Juveniles Prosecuted as Adults from Adult Facilities – 223(a)(11)(B)

Under Section 223(a)(11)(B), on or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below. A juvenile charged as an adult may be detained in an adult jail or lockup if one of the exceptions in 34 U.S.C. § 11133(a)(13) applies (Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception). In addition, a court may determine after a hearing, and in writing, that it is in the interest of justice to permit a juvenile to be detained in a jail or lockup for adults or have sight or sound contact with adult inmates in a secure facility. If the court makes an initial determination that it is in the interest of justice to detain a juvenile under those circumstances, the court must hold a hearing at least every 30 days (at least every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:

1. the age of the juvenile;
2. the physical and mental maturity of the juvenile;
3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
4. the nature and circumstances of the alleged offense;
5. the juvenile's history of prior delinquent acts;
6. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and
7. any other relevant factor(s)

The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility is 180 days, unless the court determines, in writing, that there is good cause for such an extension, or the juvenile expressly waives this 180-day limit.

Beginning on December 21, 2021, this requirement applies to all juveniles who had been charged as adults and continued to be detained in adult jails and lockups, and those who were subsequently charged as adults.

Separation of Juveniles from Adult Inmates

Pursuant to 34 U.S.C. § 11133(a)(12), juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates. In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.

Juveniles who are transferred, certified, or waived to criminal court

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

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

Juveniles who reach the age of full criminal responsibility after arrest or adjudication

Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they have reached the state's maximum age of extended juvenile jurisdiction. By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility, are adult inmates, who must not have sight or sound contact with juvenile detainees.

Programs in which juveniles have sight or sound contact with adult inmates

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

Instances of noncompliance with the separation requirement may only occur if a juvenile's participation in such a program is pursuant to law enforcement or juvenile or criminal court authority. In addition, for violations for occur, the juvenile must not be free to leave or withdraw from participation, even if her/his parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile's participation.

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

The following four exceptions allow states to detain or confine juveniles accused of non-status offenses in adult jails or lockups for more than 6 hours while awaiting an initial court appearance and so long as the juveniles do not have sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.

Six Hour Exception

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

- 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, or in which period the juvenile makes a court appearance.
- A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.

Rural Exception

The exception found in 34 U.S.C. § 11133(a)(13)(B)(ii)(I) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available. OMB maintains a list of metropolitan statistical areas which it periodically updates through the posting of a bulletin on its website. OMB bulletins may be found here. The relevant bulletin will be titled OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of "Metropolitan Statistical Areas" that provides the title of the metropolitan statistical area, the principal city or cities, and the counties included in that area.

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.

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.

ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING

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

1. Compliance Monitoring Policies and Procedures
2. Monitoring Authority
3. Violation Procedures
4. Adherence to Federal Definitions
5. Identification of the Monitoring Universe
6. Classification of the Monitoring Universe
7. Inspection of Facilities
8. Compliance Data Collection and Verification

The actual monitoring system is outlined on pages 20-38. This policy provides a general description of the monitoring system and specifies the availability of all laws, regulations, standards, guidelines, and policies dealing with detention and confinement of juveniles.

Procedures:

1. The Compliance Monitor (CM) will maintain this policy and procedure manual, that, at a minimum, will contain:
    a. JJDPA;
    b. Related policies and procedures.
    c. Appropriate sections of the Maryland Annotated Code (Courts & Judicial Proceedings Article, Title 3 Chapter 8A, & COMAR Title 16); and,
    d. Governor's Executive Order 01.01.2022.06

2. The CM will update the policy & procedures manual annually.

COMPLIANCE MONITORING POLICIES AND PROCEDURES

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

A detailed description of the monitoring tasks as well as the identification of the agency or agencies responsible for those tasks is a necessary element to a monitoring system. The following procedure addresses the system of identifying the monitoring universe and describes the monitoring tasks. This system will be reviewed on an annual basis.

Procedures:

1. The CM and Deputy Director of the Youth Justice Division meet bi-weekly to review the monitoring tasks to be accomplished during the year as outlined in this policy.

2. A work plan will be formalized.

3. The monitoring tasks, at a minimum, will include:

Task	Init. Date	Notes	Date
Compliance Monitoring Annual Report to OJJDP/Appendix sections	2/28	Draft to DD of YJD. Compliance Certification due to Executive Director by 2/15 (Could change based on OJJDP release of the solicitation)	
December data collection- Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	1/7	Data submitted via the Compliance Monitoring Data Collection System (CMDCS) by 1/15	
December data review for Secure Juvenile Facilities (DJS)	1/15	Completed by CM	
Compliance Monitoring Annual Report to OJJDP/CERTIFICATION/Appendix	2/28	Completed by CM/JJS	
January data collection Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	2/7	Data submitted via CMDCS. Due to Governor's Office of Crime Prevention, and Policy by 2/15	
January data review for Secure Juvenile Facilities (DJS) (Admissions Log) &	2/20	Completed by CM	

Collocated Facilities (Juvenile Holding Log)- Initial Email Sent			
February data collection-Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	3/7	Data submitted via CMDCS- secure juvenile facilities -Due to Governor's Office of Crime Prevention and Policy by 3/15	
February data review for Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	3/20	Completed by CM	
March data collection Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	4/7	Data submitted via CMDCS due to Governor's Office of Crime Prevention and Policy by 4/15	
Oct-Mar. Data Collection for Lockups (Juvenile Holding Log)- Initial email sent	4/7	Data submitted via CMDCS.Due to Governor's Office of Crime Prevention and Policy 4/15	
Oct-Mar. Data Collection for Jails (Jail & Detention Center Holding Log)- Initial email sent	4/7	Data submitted via CMDCS. Due to Governor's Office of Crime Prevention and Policy 4/15	
March data review for Secure Juvenile Facilities (DJS)	4/20	Completed by CM	
First, follow up email to non-compliant Lockups	5/1	Completed by Office staff	
Data review of juvenile holding logs	5/1	Completed by CM	
Data review of jail & detention center juvenile holding logs	5/1	Completed by CM	
April data collection- Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	5/7	Data submitted via CMDCS. Due to Governor's Office of Crime Prevention, and Policy by 5/15	
Final follow up letter (via email) signed by Deputy Director to all non-compliant jails & lockups	5/10	Completed by CM	

April data review for Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	5/20	Completed by CM	

The first round of site visit emails sent for all July site visits	6/1	Completed by YJD staff	
May data collection- Secure Juvenile Facilities (DJS) (Admission Log) & Collocated Facilities	6/7	Data submitted via CMDCS. Due to Governor's Office of Crime Prevention, and Policy by 6/15	
July Site Visits	7/1	Completed by CM and/or R/ED Coordinator- 7/31	
July Site Visit Summaries	Due 3 days after Site Visit (SV)	Completed by CM and forwarded to JJS for Review- 8/3	
Site visit reminder emails sent for all August site visits	7/5	Completed by Office staff- weekly by 8/31	
June data collection- Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	7/7	Data submitted via CMDCS. Due to Governor's Office of Crime Prevention, and Policy by 7/15	
June data review for Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	7/16	Completed by CM with assistance from YJD staff- 8/7	
August Site Visits	8/1	Completed by CM - 8/31	

August Site Visit Summaries	Due 3 days after SV	Completed by CM and forwarded to JJS for Review- 9/3	
The first round of site visit emails sent for all September site visits	8/5	Completed by YJD staff	
July data collection	8/7	Data submitted via CMDCS	

Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent		Due to Governor's Office of Crime Prevention and Policy by 8/15	
First, follow up email to non-compliant DJS Facilities & Collocated facilities (January – June)	8/10	Completed by Office staff	
July data review for Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	8/16	Completed by CM	
Site visit reminder emails sent for all September site visits	8/25	Completed by YJD staff	
Final follow up letter (via email) signed by Deputy Director to all non-compliant DJS & Collocated facilities (October - March)	9/1	Completed by CM	
September Site Visits	9/1	Completed by CM and/or R/ED Coordinator - 9/30	
September Site Visit Summaries	Due 3 days after SV	Completed by CM and forwarded to JJS for Review- 10/3	
The first round of site visit emails sent for all October site visits	9/5	Completed by Office staff	
August data collection- Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	9/7	Data submitted via CMDCS. Due to Governor's office of Crime Prevention and Policy by 9/15	

August data review for Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	9/16	Completed by CM	
Site visit reminder emails sent for all October site visits	9/25	Completed by YJD staff	
October Site Visits	10/1	Completed by CM - 10/31	
Semi-Annual Data Collection Initial Email sent for Juvenile Holding Logs, Jail & Detention Center Holding Logs	10/1	Completed by CM	

October Site Visit Summaries	Due 3 days after SV	Completed by CM and forwarded to JJS for Review- 11/3	
The first round of site visit emails sent for all November site visits	10/5	Completed by YJD staff	
September data collection- Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	10/7	Data submitted via CMDCS. Due to Governor's Office of Crime Prevention, and Policy by 10/15	
Request List from GOC for Complete List of Licensed Facilities	10/9	Completed by JJS- 10/9	
Semi-Annual Data Collection for Juvenile Holding Logs, Jail & Detention Center Holding Logs, Previous CY Annual Surveys are Due & reviewed	10/15	Completed by CM	
September data review for Secure Juvenile Facilities (DJS) (Admissions Log), & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	10/16	Completed by CM	
Site visit reminder emails sent for all November site visits	10/25	Completed by YJD staff	
November Site Visits	11/1	Completed by CM - 11/30	
November Site Visit Summaries	Due 3 days SV	Completed by CM and forwarded to JJS for Review- 12/3	

First round of site visit emails sent for all December site visits	11/5	Completed by YJD staff	
October data collection- Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	11/7	Data submitted via CMDCS. Due to Governor's Office of Crime Prevention, and Policy by 11/15	
October data review for Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	11/16	Completed by CM	

Site visit reminder emails sent for all December site visits	11/25	Completed by YJD staff	
December Site Visits	12/1	Completed by CM - 12/22	
December Site Visit Summaries	Due 3 days after SV	Completed by CM and forwarded to JJS for Review- 12/27	
November data collection- Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	12/7	Data submitted via CMDCS. Due to Governor's Office of Crime Prevention, and Policy by 12/15	
November data review for Secure Juvenile Facilities (DJS) (Admissions Log) & Collocated Facilities (Juvenile Holding Log)- Initial Email Sent	12/16	Completed by CM with assistance from YJD staff	
Start CM Annual Report; Draft due to Deputy Director	12/20	Completed by CM	

MONITORING AUTHORITY

In order to be eligible for Title II Formula Grants Program funding, a state must specify the legal authority of the agency or agencies that monitor for compliance with the core requirements in all adult jails, adult lockups, secure detention facilities, and secure correctional facilities in the state, pursuant to 34 U.S.C. § 11133(a)(1) and (2). As the SAA, the Governor's Office of Crime Prevention and Policy has been granted the authority to monitor for compliance by Executive Order 01.01.2022.06. This basic authority gives the Governor's Office of Crime Prevention and Policy the right to develop and to enforce, pursuant to State statutes, standards for all secure facilities that might hold, detain, or admit juveniles, inspect the facilities for compliance, to cite facilities for violations of the standards and to enforce sanctions when violations are not corrected.

The Youth Justice Division in the Governor's Office of Crime Prevention and Policy includes, but is not limited to, the Juvenile Justice Specialist, Compliance Monitor and Statewide Racial and Ethnic Disparities Coordinator. This team within the Division will review records containing detention; holding or admission information and the Compliance Monitor will respect the confidential nature of the information and will not knowingly record or divulge information.

Procedures:

1. State statutes define the responsibility of agencies that may be holding juveniles securely with regards to the development and implementation of licensing requirements or other standards for operation. The Division will utilize existing federal requirements as defined in the JJDPA 34 U.S.C. § 11133(a)(1) and (2).]), the JJDPA and the Formula Grants Program regulation, 28 C.F.R. part 31, and the "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" to the violating agency.

2. The Governor's Executive Order 01.01.2022.06 gives the Governor's Office of Crime Prevention, and Policy the responsibility for ensuring the proper administration of funds, if Maryland satisfies the eligibility requirements for funding of Title II, Part B of the JJDPA, thereby giving the authority to inspect and review records of juvenile detention, holding or admission to Governor's Office of Crime Prevention and Policy.

3. The Compliance Monitor is part of the Youth Justice Division Unit at the Governor's Office of Crime Prevention and Policy. The Compliance Monitor reports directly to the Deputy Director of the Youth Justice Division. The Governor's Office of Crime Prevention and Policy retains accountability for the overall performance of the monitoring tasks.

COMPLIANCE MONITORING BARRIERS AND STRATEGIES

A description of the barriers faced in implementing a monitoring system as well as the State and local strategies and plans to overcome those barriers is necessary to maintain the integrity of the monitoring plan and system.

Barriers:

- Salient consequences that directly affect facilities who are not compliant with data collection efforts and/or facilities who have repeated violations of the core requirements.
- Legislation and/ or policy changes at the state level are needed to ensure the requirements under section 223(a)(11)(B) can be adequately addressed.

Section 223 (a)(11)(B) – Requires the court to determine that it is in the interest of justice, after considering various factors delineated at 34 U.S.C. 11133(a)(11)(B), for a juvenile charged as an adult to be detained in an adult jail or lockup, or such that he has contact with an adult inmate. The law only allows for a 6-hour exception for the child to be held in an adult jail or lockup, and in that time the hearing and order must be issued. Maryland automatically charges juveniles as adults for certain offenses. Youth charged under criminal court jurisdiction will not have a hearing within 6 hours under current state law.

- Maryland has submitted a plan to the Office of Juvenile Justice and Delinquency Prevention. In addition, a court order has been created with the language of JJDPA and the 223(a)(11)(B) requirement. The Designated State Agency has sought support for statutory changes that would align with JJDPA requirements and will continue to work with stakeholders to effectuate the necessary changes. The state will need a legislative change in order to comply with the Act.

Procedures:

1. The Juvenile Grant Planning and Review Council (Juvenile Council) is the identified State Advisory Group (SAG) in Maryland as required by Section 34 U.S.C. § 11133(a)(3) of the JJDPA. The Juvenile Council may participate in the development of the State's Juvenile Justice Plan.

2. By February 28th, of each calendar year, the Compliance Monitor will submit the State's Annual Compliance Monitoring Report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The State Advisory Group (SAG) will be updated on the following items at meetings:

   A. Any barriers faced in implementing and maintaining a monitoring system.

   B. Any recommendations for plans to overcome those barriers.

   C. Annual report on the number of core requirement violations.

3. The CM will provide updates to the Juvenile Council.

4. Plans to overcome compliance monitoring barriers may include, but are not limited to, the following activities:

   A. Regional training workshops for those agencies involved in monitoring or implementation of the JJDPA.

   B. Administrative meetings with any agencies, public or private involved in monitoring or implementation of the JJDPA. Such agencies may include, but are not limited to, the Department of Juvenile Services (DJS), the Department of Public Safety and Correctional Services (DPSCS), the Department of Human Resources (DHR), Maryland Correctional Administrators Association (MCAA), Maryland State Police, Maryland Department of Transportation Authority, Maryland Transit Authority, and local Police Chiefs and Sheriffs.

   C. Keep legislators informed about Maryland's compliance status with the core requirements and support statutory changes where necessary.

   D. Request additional technical assistance as needed from the OJJDP.

VIOLATION PROCEDURES

Pursuant to 28 C.F.R. §31.303(f)(1)(iii), once a monitoring system has been established to monitor all adult jails, adult lockups, secure correctional facilities, and secure detention facilities to ensure compliance with the requirements of the JJDPA and the Formula Grants Program regulations, it is critical to then outline the administrative procedures that will be issued by Governor's Office of Crime Prevention and Policy to receive, investigate, and respond to reports of compliance violations.

The Governor's Executive Order, 01.01.2022.06, gives the Governor's Office of Crime Prevention and Policy oversight authority and responsibility for receiving, investigating, and responding to reports of compliance violations.

Procedures:

1. The CM will perform statewide monitoring and serve as the State's primary agent to investigate and report compliance violations; a detailed description of the process and tasks is contained on pages 15-25 of this manual.

2. The process used to receive, investigate, and respond to compliance violations is outlined in the Compliance Monitoring Risk Assessment Tool & Guidelines (Appendix C):

    A. The CM will fully investigate the violations according to the Formula Grants Program regulation.

        1. For example, a local county or municipality police department, a police department located within a larger facility, such as an airport (in this instance, only the area that the police department occupies would be considered the facility, not the entire airport), multiple group home cottages/residence halls located on the same grounds, and the holding area(s) within a courthouse but only if it meets the definition of an adult jail or lockup, secure correctional or secure detention facility.

    B. The CM will provide intensive follow-up on-site visits to determine if compliance is still an issue based upon the facility's risk level as defined in the Compliance Monitoring Risk Assessment Tool (Appendix C).

    C. The CM will secure files for a minimum of three (3) years. The CM will provide technical assistance to those facilities not in compliance with data collection and/or DSO, Section 223(a)(11)(B), separation, and jail removal requirements based upon the guidelines set forth in the Risk Assessment Tool (Appendix C). The core requirements are defined on pages 2-7.

D. The CM will bring all technical assistance issues to the prompt attention of the Deputy Director of the Youth Justice Division, the SAA Executive Director, and State Advisory Group, as necessary.

3. The Governor's Office of Crime Prevention and Policy may require additional measures to be taken based upon the guidelines set forth in the Risk Assessment Tool. A violation is defined as:

   A. Violations of the DSO, Separation, Jail removal, and section 223(a)(11)(B) requirements of the JJDPA.

   B. Failure to cooperate with compliance monitoring activities (to include but not limited to site visits, data collection & technical assistance requests).

4. Sanctions by the State may include, but are not limited to:

   A. Reduction or loss of Title II Formula Grant funds awarded directly or indirectly to the facility.

   B. Temporary delay, reduction, or loss of other OJP funds (i.e., Byrne Justice Assistance Grants) that are administered by the Governor's Office of Crime Prevention and Policy

5. The Deputy Director of the Youth Justice Division and any other affected authority will be immediately notified of violations(s) that threaten funding allocations.

ADHERENCE TO FEDERAL DEFINITIONS

In identifying the monitoring universe and classifying facilities, Maryland will apply the federal definition of any term related to compliance monitoring where the state definitions of the term differ from the federal definition. The federal definitions for the purpose of compliance monitoring, are only those provided in the JJDPA Formula Grants Program regulation, and the document provided by OJJDP entitled "*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."*

The Governor's Office Crime Prevention and Policy will adopt and follow the JJDPA and the Formula Grants Program regulations, 28 C.F.R. part 31, Subpart A. Below are the links to regulations and guidelines as listed above:

https://uscode.house.gov/view.xhtml?path=/prelim@title34/subtitle1/chapter111&edition=prelim

https://www.ecfr.gov/current/title-28/chapter-I/part-31/subpart-A

IDENTIFICATION OF THE MONITORING UNIVERSE

The reporting of instances of noncompliance with the core requirements is facility-based and therefore the "monitoring universe" includes all facilities within the state (public and private) that are jails and lockups for adults, secure detention facilities, and secure correctional facilities (including adult prisons), as listed in 34 U.S.C. § 11133(a)(14). These are the facilities in which instances of noncompliance with the core requirements may occur. States must ensure that they identify and include all of these facilities as part of the monitoring universe. This policy relates to the annual identification of the monitoring universe.

The Compliance Monitor will update the compliance monitoring universe for the purpose of inclusion or exclusion pursuant to the JJDPA requirements. The specific type of facilities that the state will monitor for are adult jails, adult lockups, secure detention facilities and secure correctional facilities. The monitor will include in the monitoring universe both residential and nonresidential facilities under 34 U.S.C. § 11133(a)(14). The monitor will ensure that if the state contracts with a private facility within the state's own borders, that facility will be included within the state's monitoring universe. This includes those facilities owned or operated by public or private agencies. Depending on the scope of the jurisdiction and authority of the juvenile court, the list may include public or private mental health facilities, chemical dependency programs, and detoxification centers but only if they meet the definition of jail or lockup for adults, secure detention facility, or secure correctional facility.

Procedures for identifying adult jails, adult lockups, secure detention facilities, and secure correctional facilities:

1. Surveys and emails to the following agencies will be sent bi-annually throughout the federal fiscal year of October 1st to September 30th. Below is a list of agencies that will be contacted:

    - Maryland Department of Health (MDH)
    - Department of Juvenile Services (DJS)
    - Department of Public Safety & Correctional Services (DPSCS)
    - Maryland Sheriff's Association
    - Maryland Chiefs of Police Association
    - Department of Human Services (DHS)
    - All other known agencies or facilities (such as military bases, universities, malls, and airports)

2. The request from the above agencies and associations will be for an updated list of current facilities, planned facilities, and contracts with private facilities; this is done through emails and surveys bi-annually.

3. Information is collected from Agency websites that provide a listing of active facilities.

4. External websites such as Maryland Association of Counties and International Association of Chiefs of Police provide listings of facilities by county and state.

5. All facility information gathered will be updated in the Compliance Monitoring Universe Database as it is obtained.

6. Non-Secure Adult and Juvenile facilities will not be added to the monitoring universe but will be spot checked and selected facilities will be contacted electronically annually by survey during the federal fiscal year from October 1st to September 30th.

CLASSIFICATION OF THE MONITORING UNIVERSE

In order to establish and maintain an effective monitoring system and plan for purposes of compliance and for compliance audits, the Compliance Monitor will classify all facilities listed in the Compliance Monitoring Data Collection System on an annual basis. States are required under 28 CFR 31.303 (f)(1)(i)(B) to determine if the facility is (1) a jail or lockup of adults (34 U.S.C. §11103(22); (2) secure detention facility (34 U.S.C. §11103(12); or (3) secure correctional facility (34 U.S.C. §11103(13).

Facilities will be classified according to the following criteria:

- Adult Jails
- Adult Lockups
- Secure Detention Facility
- Secure Correctional Facility

For classification purposes, the following definitions of terms will be used (Appendix B):

1. Secure
    a. As used to define a detention or correctional facility, to include residential facilities, which include related construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

2. Facility
    a. A place, an institution, a building, or part thereof, a set of buildings or an area (whether or not enclosing a building) or a set of buildings which is used for the lawful custody and treatment of juveniles and may be owned or operated by public and private agencies.

3. Jail or Lockup for Adults
    a. A secure facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adult inmates.

4. Private agency
    a. A non-governmental agency, for profit agency, organization, or institution.

5. Collocated facility
    a. Facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.

6. Residential

a. Equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.

7. Secure Detention Facility
    a. Any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

8. Secure Correctional Facility
    a. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and
    b. Is used for the temporary placement after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or of any other individual convicted of a criminal offense.

Procedures:

1. All State operated adult correctional facilities and halfway houses will be classified as secure adult facilities and will not be subject to data collection but may be required to complete the State's Jail & Prison Survey (Appendix G) on an annual basis by October 15 for the previous Federal Fiscal Year.

2. All adult jails, adult lockups, secure detention facilities or secure correctional facilities and private facilities that meet the definition of a jail or lockup for adults, secure detention facility, or secure correctional facility in the State that accept referrals or admissions from the Department of Juvenile Services or the courts, will be classified by the Compliance Monitor as secure facilities that may be used for the holding and/or detention of juveniles and/or adults.

3. All facilities not classified under #2 will be classified as follows if it meets the definition of jail or lockup for adults, secure detention facility, or secure correctional facility.
    a. All facilities, public and private, that are operated for residential purposes and have a State agency with licensing authority. The State agencies with licensing authority are:
        i. Department of Juvenile Services (DJS)
        ii. Department of Public Safety & Correctional Services (DPSCS)
        iii. Maryland Department of Health (MDH)
        iv. Department of Human Services (DHS)
    b. All facilities that the departments operate directly, provide funding to use as a placement, license, and/or monitor will be classified by the Compliance Monitor if it meets the definition of jail or lockup for adults, secure detention facility, or secure correctional facility.

INSPECTION OF FACILITIES

Inspection of facilities is necessary to ensure an accurate assessment of each facility's classification, to verify the adequacy of sight and sound separation where both juvenile and adult inmates are present, and to ensure appropriate record keeping. The inspection process shall include a method of reporting compliance with the separation requirements for each jail and lockup for adults (including adult court holding facilities), secure detention facilities, and secure correctional facilities. Reports on each facility's compliance status will be made available to the facility and its licensing authority following the site visit. The Governor's Office of Crime Prevention and Policy will maintain a file for each facility containing:

1. A site visit summary report
2. Data collection log or survey and list of violations
3. Correspondence between the Governor's Office of Crime Prevention and Policy and the Facility (i.e. internal/external notes/corrective action)

The Compliance Monitor and/or the Statewide Racial and Ethnic Disparities Coordinator will inspect facilities for the following:

1. A review of the facility's policy and procedures that enforce the core requirements of the JJDPA and the physical accommodations to determine if they are a secure detention or correctional facility or a residential/nonresidential facility.
2. A determination of whether the facility is maintaining sight and sound separation between juveniles and adult inmates.
3. A review of the facility's data collection system to determine whether sufficient data is maintained to comply with 34 U.S.C. § 11133(a)(11), (12), (13), (14), of the JJDPA.

The following guidelines will be used to determine which facilities will receive an on-site inspection:

Facility Type	**Site Visit Every 3 years**	**Site Visit as needed**	**Site Visit Annually**	**Data Collected Monthly**	**Surveyed Annually**	**Data Collected Semi-Annually**
Adult Lockups	X					X
Adult Jails	X				X	X
Secure Juvenile Det/Cor– DJS	X			X		

Secure Juv. – Residential Treatment Centers (RTC)	X				X	
Secure Correctional Facilities	X				X	
Collocated			X			

1. All Adult Jails, Adult Lockups, Secure Detention Facilities, and Secure Correctional facilities, will be subject to announced or unannounced site inspections by the Compliance Monitor if a complaint regarding a core requirement violation is received. Non-Secure Facilities will only be spot-checked to ensure they do not become secure Adult Lockups, Adult Jails, Secure Detention, or Secure Correctional Facility and will not be included in the monitoring universe.

2. The Compliance Monitor and/or Racial and Ethnic Disparities Coordinator will document site visit dates and results.

3. Inspections will be scheduled to accommodate the Compliance Monitor and/or Racial and Ethnic Disparities Coordinator, the facility administrator, and the facility contact. Please refer to Appendix J for a complete list of the active facilities in the monitoring universe.

Procedures:

1. A thorough review of all secure facilities' data collection systems will be conducted to ensure each keeps data consistent with the JJDPA and Formula Grants Program Regulations and, at a minimum, include for each juvenile:
    a. Name or ID number
    b. Date of birth/sex/race/ethnicity
    c. Most serious offense
    d. Court of jurisdiction
    e. Date and time of admission
    f. Time placed into secure detention
    g. Time released from secure detention
    h. Date and time of release

i. Name and or relationship of person to whom the juvenile was released.
j. Review of "interest of justice" and "good cause" orders for youth charged as adults

2. Site Visits will consist of the following:
    a. A tour of the facility
        i. To include secure and non-secure areas where a juvenile or adult offender may be detained or confined and to determine the facility classification.
        ii. Purpose of the tour will be to verify compliance with the Separation Core requirement and correct classification.
    b. Review of the previous 6 months of data, including:
        i. Juvenile arrest, detention, holding, or prisoner records/logs.
        ii. Purpose is to verify compliance with the DSO and Jail Removal core requirements.
        iii. Adult arrest, detention, holding, or prisoner records/logs will be cross referenced with juvenile arrest, detention, holding, or prisoner records/logs to verify compliance with the Separation core requirements.
        iv. Review of "223(a)(11)(B) and good cause orders" for youth charged as adults
    c. Collection of any new or updated information, including:
        i. General Orders
        ii. Memorandums
        iii. Juvenile Arrest and/or Detention Policies
        iv. Juvenile Arrest and/or Detention Procedures
        v. Blank arrest, detention, holding, or prisoner records/logs
        vi. Floor plan

3. After all inspections, the *Compliance Monitoring Site Visit Report* will be completed and retained by the Governor's Office of Crime Prevention and Policy. This will also be provided to the facility. The following information will be included in the report:
    a. Cover letter
    b. Summary of visit
    c. Follow up activities with due dates
    d. Violations
4. The Compliance Monitoring Data Collection System will be maintained by the Compliance Monitor.

COMPLIANCE DATA COLLECTION AND VERIFICATION

Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(D) and (5), the state must collect and verify data from all adult jails, adult lockups, secure detention facilities, and secure correctional facilities for the 12-month federal fiscal year (FY) reporting period, to determine whether the facilities are in compliance with the applicable requirements of DSO, Section 223(a)(11)(B), separation, and jail removal. The federal fiscal year is October 1st to September 30th. States that are unable to report data for 100% of facilities must report data for at least 85% of facilities within the state that are required to report.

The CM will be responsible for verifying the accurate collection of data for jails and lockups for adults, secure detention facilities, and secure correctional facilities. Data is verified through scheduled onsite audits, CMDCS reporting tool, phone, email, fax, or scanned copies of requested data logs from the facilities. Data collection will occur monthly (secure juvenile facilities) and October and April of each monitoring period for adult lockups and adult jails. The following data shall be obtained:

1. Secure Juvenile Correctional and Detention Centers (Secure DJS facilities) shall submit a monthly admissions log via the Compliance Monitoring Data Collection System (CMDCS) by the 15th of each month.

2. Secure Juvenile Facilities (not owned/operated by DJS) shall submit a Secure Juvenile Facility Survey via the CMDCS on an annual basis by October 15th.

3. Adult Lockups shall submit data using the Juvenile Holding Log via the CMDCS on a bi-annual basis by October 15th & April 15th of each calendar year. Each submission will include data on all juveniles who were detained and confined under law enforcement custody within a Police Department, District, Detachment, Precinct, Substation, or Sheriff's Office.

4. Prisons, Adult Jails and Detention Centers shall submit a Jail & Prison Survey via the CMDCS on an annual basis by October 15th.

5. Adult Jails and Detention Centers shall submit data using the Jail & Detention Center Holding Log via the CMDCS by April 15th & October 15th of each calendar year. Jails and Detention Centers will need to provide an interest of justice order for any youth placed in their facility. In addition, a "good cause" order at 180 days.

6. The facilities policy and procedures, Floor Plan, and Arrest Logs/Intake Logs/Admission Logs, will be uploaded to the Compliance Monitoring Data Collection System.

Deinstitutionalization of Status Offenders (DSO) 34 U.S.C. §11133(a)(11)(A)

Pursuant to 34 U.S.C. § 11133(a)(11)(A), juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders), shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no such juveniles were placed in secure detention and correctional facilities, or when the state's DSO rate falls below the established threshold.

The CM will validate all juvenile holding logs for any juveniles held on status offenses or non-offenders placed in a secure detention or correctional facility. Self-reported data logs via the Compliance Monitoring Data Collection System will be validated either by annual on-site audits of records, phone, or email validation.

Interstate Compact on Juveniles

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

The CM will validate all interstate compact holds for juveniles held on status offenses in secure juvenile detention facilities via the Compliance Monitoring Data Collection System and on-site audits of records, phone, or email validation from the Office of Interstate Compact on Juveniles.

Valid Court Order Exception

A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply (see Section III.E. Adherence to Federal Definitions for the definition of "valid court order"). To demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to verify whether court orders used to place status offenders in juvenile detention centers (including juveniles who violate valid court orders related to their status as a juvenile), meet the following requirements (as set forth at 34 U.S.C. § 11133(a)(23)).

Maryland does not use the Valid Court Exception.

Youth Handgun Safety Exception

Under 34 U.S.C. § 11133(a)(11)(A)(i)(I), the DSO requirement does not apply to juveniles charged with or found to have committed a violation of the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or a similar state law, which prohibits a person younger than 18 from possessing a handgun. Such juveniles may be placed in secure detention or secure correctional facilities without resulting in an instance of noncompliance with the DSO requirement.

Maryland complies with this exception.

Removal of juveniles charged as adults from adult jails and lockups (section 223(a)(11)(B))

Under Section 223(a)(11)(B), on or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below:

- A juvenile charged as an adult may be detained in an adult jail or lockup if one of the jail removal exceptions in 34 U.S.C. § 11133(a)(13) applies (Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception)as described below in the jail removal section.
- In addition, a court may determine after a hearing, and in writing, that it is in the interest of justice to permit a juvenile to be detained in a jail or lockup for adults or have sight or sound contact with adult inmates in a secure facility. If the court makes an initial determination that it is in the interest of justice to detain a juvenile under those circumstances, the court must hold a hearing at least every 30 days (at least every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:
    1. the age of the juvenile;
    2. the physical and mental maturity of the juvenile;
    3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
    4. the nature and circumstances of the alleged offense;
    5. the juvenile's history of prior delinquent acts;
    6. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and
    7. any other relevant factor(s)

The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility is 180 days, unless the court determines, in writing, that there is good cause for such an extension, or the juvenile expressly waives this 180-day limit.

Maryland has submitted a plan for the 223(a)(11)(B) requirement to the Office of Juvenile Justice and Delinquency Prevention. In addition, a court order has been created with the language of JJDPA for the 223(a)(11)(B) requirement. The CM will:

- Utilize the Office of Juvenile Justice and Delinquency Prevention's Flow Chart for investigating instances of non-compliance with the 223(a)(11)(B) requirement to determine if a 223(a)(11)(B) requirement violation has occurred.
- Starting on December 21, 2021, review the state's Compliance Monitor Database Collection System's Jail and Detention Center's holding logs for all youth charged as adults and held in an adult jail or lockup, and will validate all self-reported logs by phone, fax, email, or on-site audit to ensure every youth has received a 223(a)(11)(B) order. This applies to all youth still detained in the adult jails prior to December 21, 2021. The CM will review the logs for the date and time in the facility to ensure that any child charged as an adult and held past six hours, and past 30 days and each subsequent 30 days, up to 180 days receives a 223(a)(11)(B) requirement order.
- Review and validate the "good cause" order for any youth detained in the adult jail for 180 days. The monitor will resume monitoring for the 223(a)(11(B) requirement at 30 days past the 180-day order if the child is still being held in the facility.

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

The following exceptions allow states to detain or confine juveniles accused of non-status offenses in adult jails or lockups for more than 6 hours while awaiting an initial court appearance and so long as the juveniles do not have sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.

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

- 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, or in which period the juvenile makes a court appearance.
- A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.
    - Maryland will monitor this exception by reviewing the Compliance Monitoring Data Collection System for all adult jail and detention center holding logs (including the

223(a)(11)(B) requirement which allows for a six-hour exception) and all self-reported juvenile holding logs from the adult lockups (which now includes court holding facilities), through phone, email, fax, and onsite-inspections, and data verification.

- Adjudicated youth are not subject to the six-hour exception and any youth brought back to secure holding after being adjudicated would result in a jail removal violation. Adult lockups will be required to submit in their juvenile holding logs a notation regarding whether the juvenile was adjudicated and brought back to secure holding in the external notes section of the Compliance Monitoring Data Collection System.

Rural Exception

The exception found in 34 U.S.C. § 11133(a)(13)(B)(ii)(I) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available. OMB maintains a list of metropolitan statistical areas which it periodically updates through the posting of a bulletin on its website. OMB bulletins may be found here: Bulletins | The White House the relevant bulletin will be titled OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas, and the most recently issued update should be used. In order to determine whether a jurisdiction is outside a metropolitan statistical area, and is, therefore, rural, the state should use the list of "Metropolitan Statistical Areas" that provides the title of the metropolitan statistical area, the principal city or cities, and the counties included in that area.

Maryland does not use the Rural Exception

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.

Maryland will allow the facility to use the travel exception as needed but must fully document the use of the exception in the external notes section of the juvenile holding logs. Validation of the logs will be done via the Compliance Monitoring Data Collection System and via on-site audits, phone, and or email.

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.

Maryland will allow the facility to use the travel exception as the need arises but must fully document the use of the exception by reporting into the Compliance Monitoring Data Collection System, that facility at a minimum should provide the section of the incident report or logs that explain in detail why the exception was used, and it should be placed in the external notes section of the juvenile holding logs. Validation of the logs will be done via the Compliance Monitoring Data Collection System and via on-site audits, phone, and or email.

Separation of Juveniles from Adult Inmates

Pursuant to 34 U.S.C. § 11133(a)(12), juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates. In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.

Maryland has a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles.

Maryland will monitor for separation through onsite inspections of the adult jails, adult lockups, secure correctional and secure detention facilities to determine when and where contact can occur in secure residential areas.

Maryland will review all self-reported data on youth in the Compliance Monitoring Data Collection System for all adult jails, adult lockups, secure detention, and correctional facilities, that were not being sight and sound separated and not subject to the provisions set forth in 223(a)(11)(B).

Juveniles who are transferred, certified, or waived to criminal court

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

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

Maryland will comply with the separation requirement for youth charged as adults under the JJDPA and the court will decide when to apply section 34 U.S.C. § 11133(a)(13)(B) in the interest of justice.

Maryland will inspect through onsite visits and review of all self-reported data on youth in the Compliance Monitoring Data Collection System for all adult jails, adult lockups, secure detention, and correctional facilities, that were reported as not being sight and sound separated and not subject to the provisions set forth in 223(a)(11)(B).

Juveniles who reach the age of full criminal responsibility after arrest or adjudication

Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they have reached the state's maximum age of extended juvenile jurisdiction. By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility, are adult inmates, who must not have sight or sound contact with juvenile detainees.

The Compliance Monitor will review all juveniles who enter any secure juvenile detention or correctional facility have been entered into the state of Maryland's Compliance Monitoring Data Collection System (CMDCS). All relevant juvenile information including the DOB is captured monthly in the CMDCS (see pg. 46-47).

Maryland is a direct state which automatically charges youth as adults for certain offenses and a person who is 18 years or older and has committed an adult offense will not be placed in a secure juvenile facility. Juveniles under the extended age of jurisdiction in Maryland are 21. Juveniles who commit a new offense at the age 18 or older would be removed from the juvenile facility.

Maryland will review and validate all admission logs from the secure juvenile detention and correctional facilities for all youth charged with a new offense at the facility and at the age of 18, by phone, email, or on-site audit.

Programs in which juveniles have sight or sound contact with adult inmates

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

Instances of noncompliance with the separation requirement may only occur if a juvenile's participation in such a program is pursuant to law enforcement or juvenile or criminal court authority. In addition, for violations to occur, the juvenile must not be free to leave or withdraw from participation, even if her/his parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile's participation.

The facilities complete a jail and prison survey annually (found in Appendix G) to determine if the facility operates programs such as scared straight.

Jails and lockups for adults, secure detention, and secure correctional facilities will receive on-site audits to ensure no programs exist and if any such program exists in the facility the monitor will investigate if a violation may have occurred. All records related to the program will be reviewed and if the juvenile was not free to leave or withdraws from participation, even if her/his parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile's participation may be in noncompliance and violation may result.

It should be noted that all state-run detention and correctional facilities have a policy in place that does not allow for such programs. The CM will continue to monitor as noted above to ensure compliance with this provision and policy.

COMPLIANCE MONITORING REPORTING REQUIREMENT

Under 28 C.F.R. § 31.303(f)(5), annual compliance monitoring reports must cover the previous federal fiscal year, except that the OJJDP Administrator may grant an extension of the reporting deadline, for good cause, upon a state's request.

Compliance Data and Supporting Documentation

Compliance data and supporting documentation is submitted annually through OJJDP's Compliance Reporting Tool. The reporting period required by OJJDP is from October 1 through September 30th of each year.

Police and Procedures Review Dates:

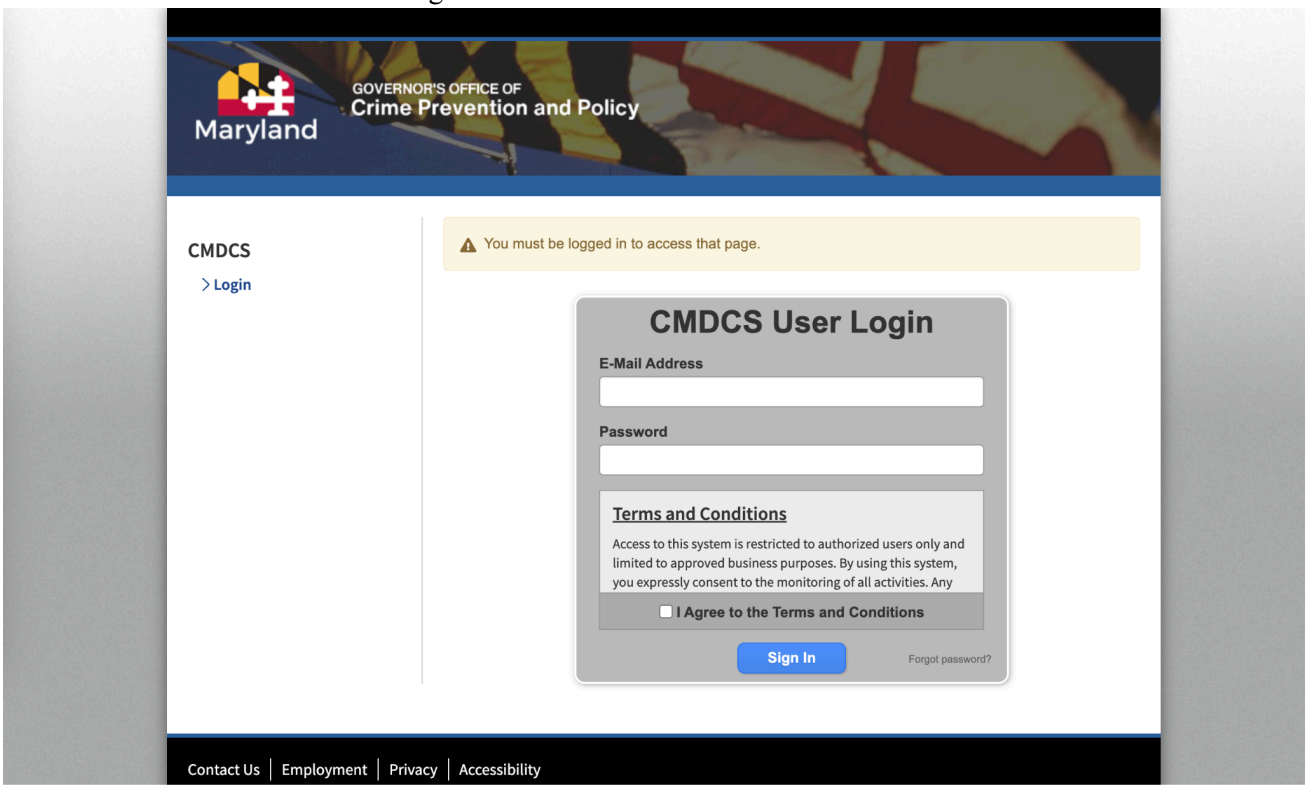
All data collected for the OJJDP Compliance Monitoring Report Tool will reflect that it has been collected from October 1st through September 30th of each year and will be reported to OJJDP by February 28th, of the current calendar year unless an extension of the reporting deadline, for good cause, upon the state's request, or a self-imposed extension from OJJDP. All policies are to be reviewed by the Governor's Office of Crime Prevention and Policy by April 1st each year.

COMPLIANCE MONITORING DATA COLLECTION SYSTEM (CMDCS)

The Compliance Monitoring Data Collection System (CMDCS) is the state's web-based compliance monitoring universe. The CMDCS is an electronic database used for identification, classification, data collection, inspection, and reporting of violations of facilities required to report under the JJDPA. The CMDCS can be accessed via the following website: https://goccp.maryland.gov/CMDCS

The following is an overview of how the CMDCS works:

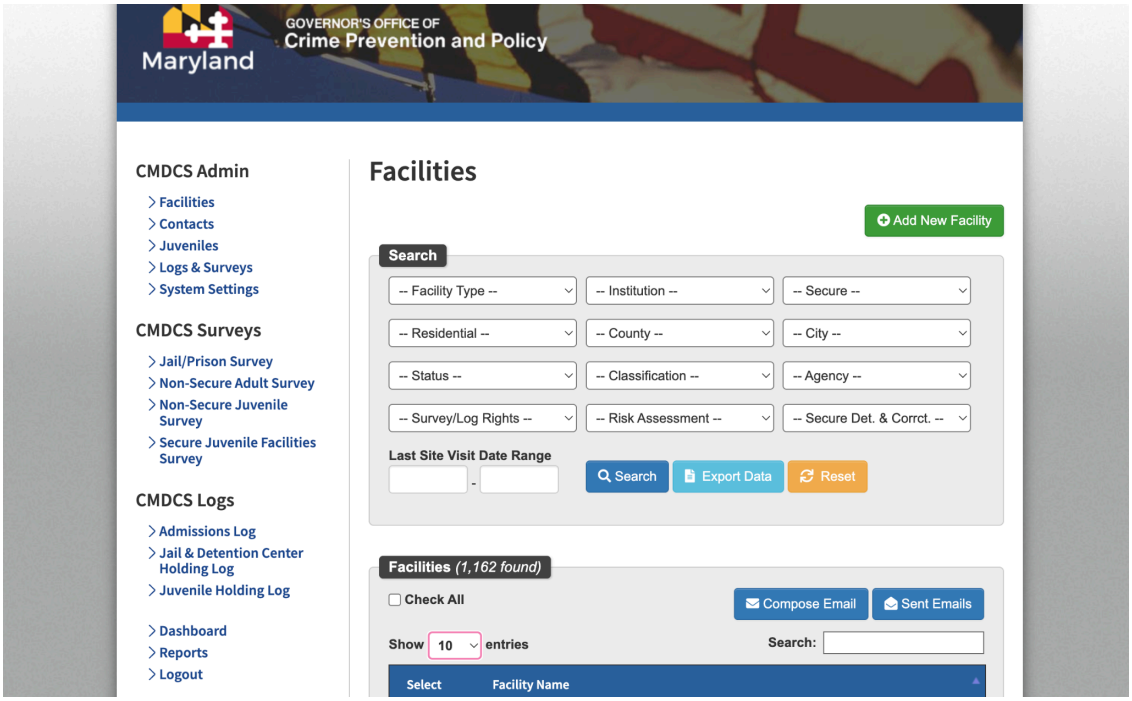
Navigating to the above link will bring you to the main user login page. On this page, you will need to enter a username and password for access to the CMDCS. Contact must be added to the database and permissions added before the user will be granted access. Once permissions are added, the user will set up a unique password. The user must then enter their username, password, and agree to the terms and conditions before access will be granted to enter the database.



Admin Dashboard:

After gaining access and granted permissions the user will be directed to a link located at the top of the page under the Facility dashboard header. From here, you will have the option to choose one of the following five (5) tabs and the left side of the screen:

- Facilities
- Contacts
- Juveniles
- Logs & Surveys
- System Settings
- Reports



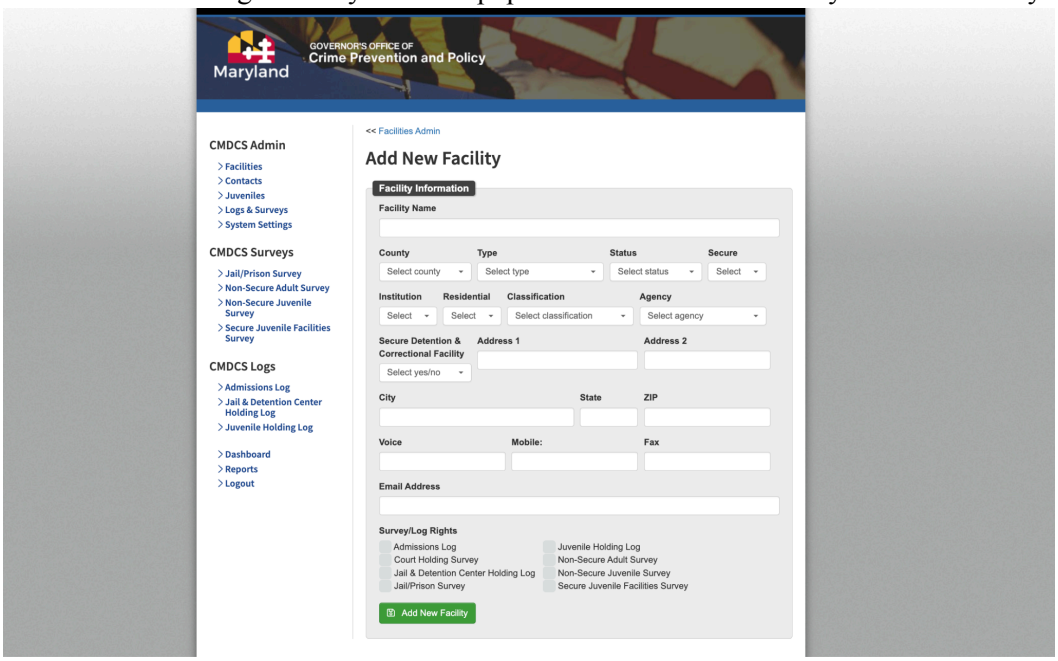
Facilities Tab:

- You may filter a search using any of the ten (13) criteria from the drop-down menu:
  - Facility Type (Adult, Juvenile, or Both)
  - Institution (yes or no)
  - Secure (yes, no, or both)
  - Residential (yes, no, or both)
  - County
  - City
  - Status (Active or Inactive)
  - Classification
  - Agency (Public or Private)
  - Survey Log Rights (Admission, Juvenile Holding, Jail and Detention Center)
  - Risk Assessment
  - Secure Detention & Correctional Facilities (yes or no)
  - Last Site Visit Date Range

- You may choose one or more criteria from the drop-down options to filter your search.
  - To reset the search criteria, click the "Reset" button located next to the "Last Site Visit Date Range"

- ➢ To search for a specific facility when you know the name or part of the name enter your search information in the search field located in the Facility dashboard
- ➢ Once you have completed your search using one of the above methods you can sort the list of facilities alphabetically by clicking on the Facility Name column
- ➢ Once sorted you can email the facility individually or multiple facilities based on the criteria selected by clicking the "Compose Email" button.
- ➢ The "Sent Email" button directs you to a history of all emails sent to the facilities and organized by date.

- Selecting a facility from the populated list will then direct you to the Facility Information Page

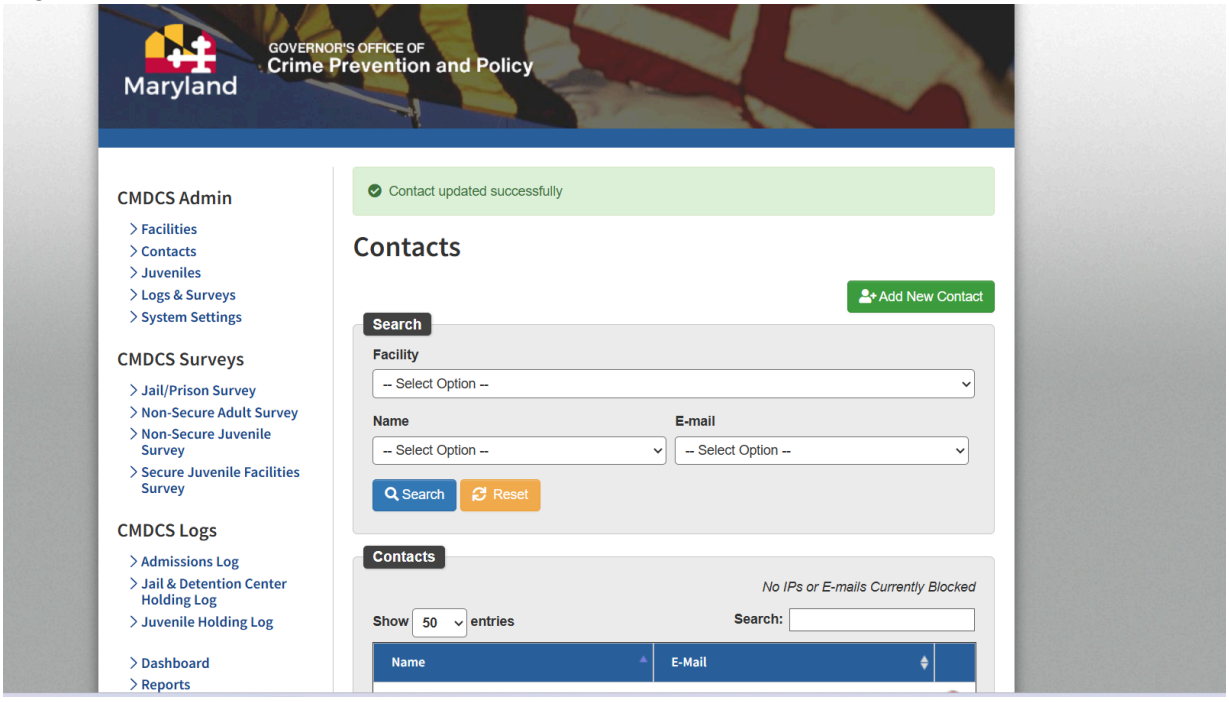


- Facility Information Page:
  - o The Facility Information Page includes the following:
    - ➢ Facility's Name
    - ➢ County
    - ➢ Type (Adult, Juvenile, or Both)
    - ➢ Status (Active or Inactive)
    - ➢ Secure (Yes or No)
    - ➢ Institution (Yes or No)
    - ➢ Residential Status (Yes, No, or Both)
    - ➢ Classification
    - ➢ Agency (Public or Private)
    - ➢ Secure Detention & Correctional Facility (Yes or No)
    - ➢ Address 1
    - ➢ Address 2

- City, State, Zip
- Primary contact numbers
- Email Address
- Survey/Log Rights

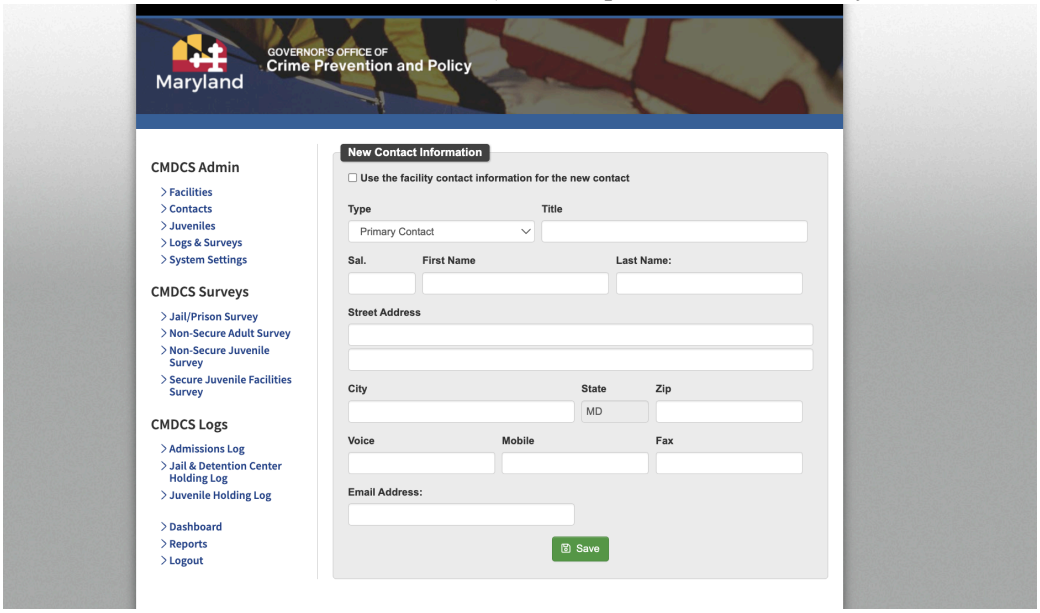
- Editing Facility Information:
  - Click the "Edit" button.
  - Update/change applicable information.
  - Click the "Update" button when done.
- Adding a New Facility:
  - Click the "Add New Facility" link
  - Enter Facility name, address, contact numbers and email
  - Choose County, Facility Type, Facility Classification, Institution, Residential Status, Risk Assessment Status, Secure Detention and Correctional Status, and Agency from the drop downs
  - Check the "Secure" Box if facility is secure/non secure/ or both, then click save and you will be redirected back to the facility dashboard
  - From this page you can then assign which rights/logs/surveys the facility will have when logging into the system.

The Contact tab is located to the left under the CMDCS Admin section, and the Contact button is located below the Facilities link. Here you can search a list of already available contacts and link them to a facility, reassign user rights, or delete the contact:

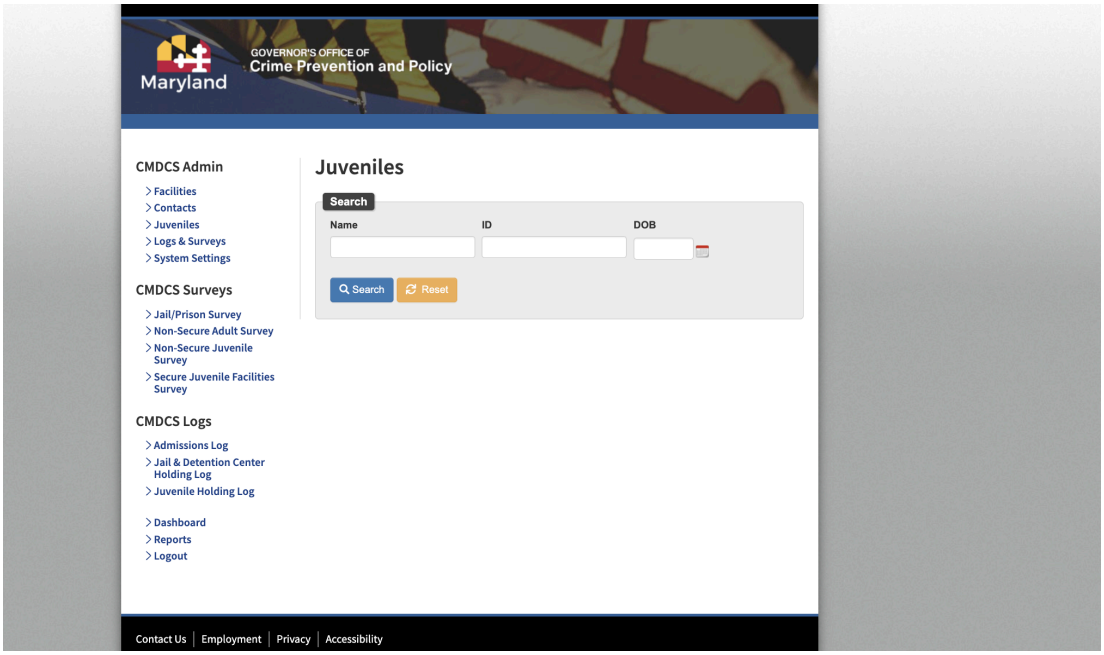


- To add a contact:
  - Click the contact button
    - A new screen will appear that says "New Contact Information"
    - Add relevant contact information for the person you are adding.

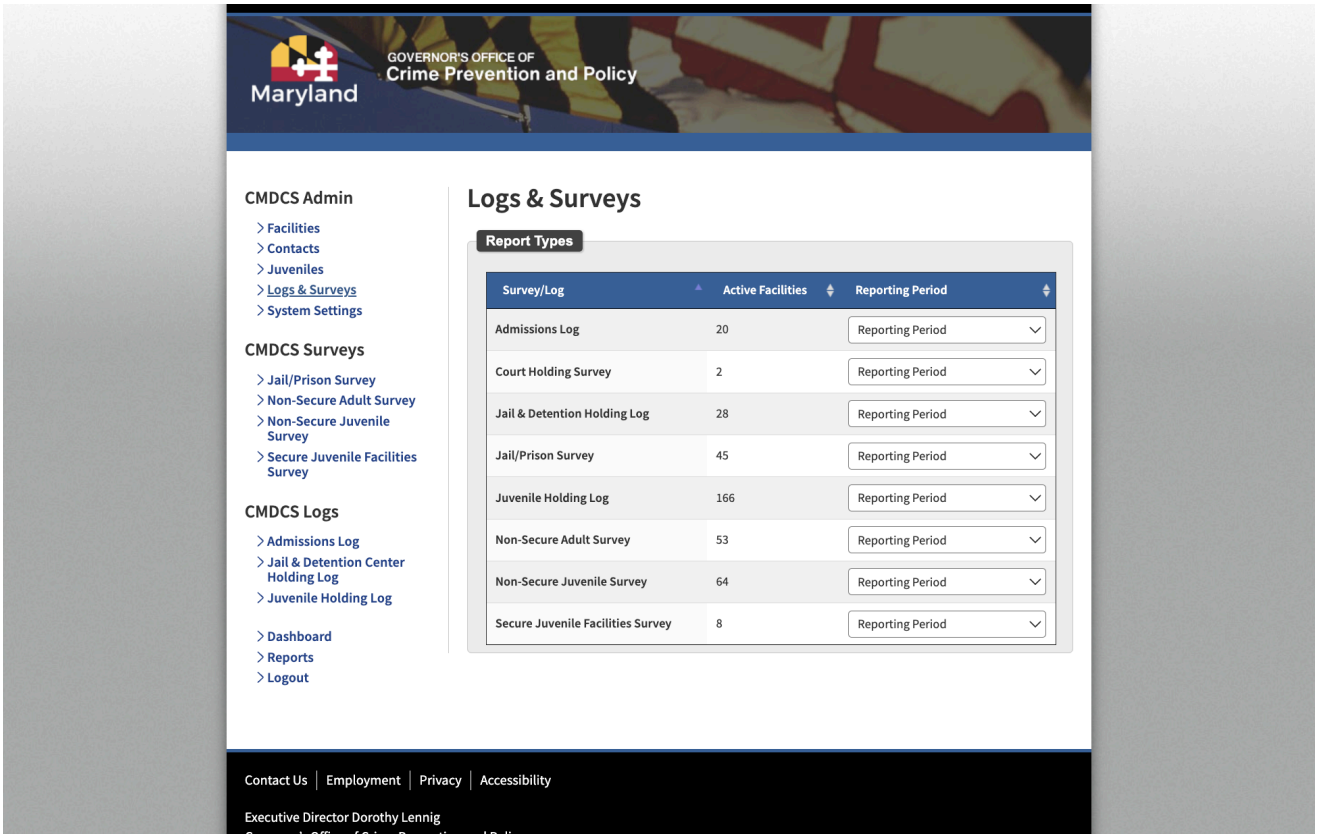
- If the contact information is the same as the facility information, check the "Check here to copy Primary Contact's Information to Facility Information" box.
- Checking this box allows the contact information (address, numbers, and email address) to be copied under the Facility Information.



To search a facility for a particular juvenile, click on the Juvenile's tab located in the CMDCS Admin section and under the Contact link:



The Logs & Survey's Tab can be found in the CMDCS Admin section and under the Juveniles link:



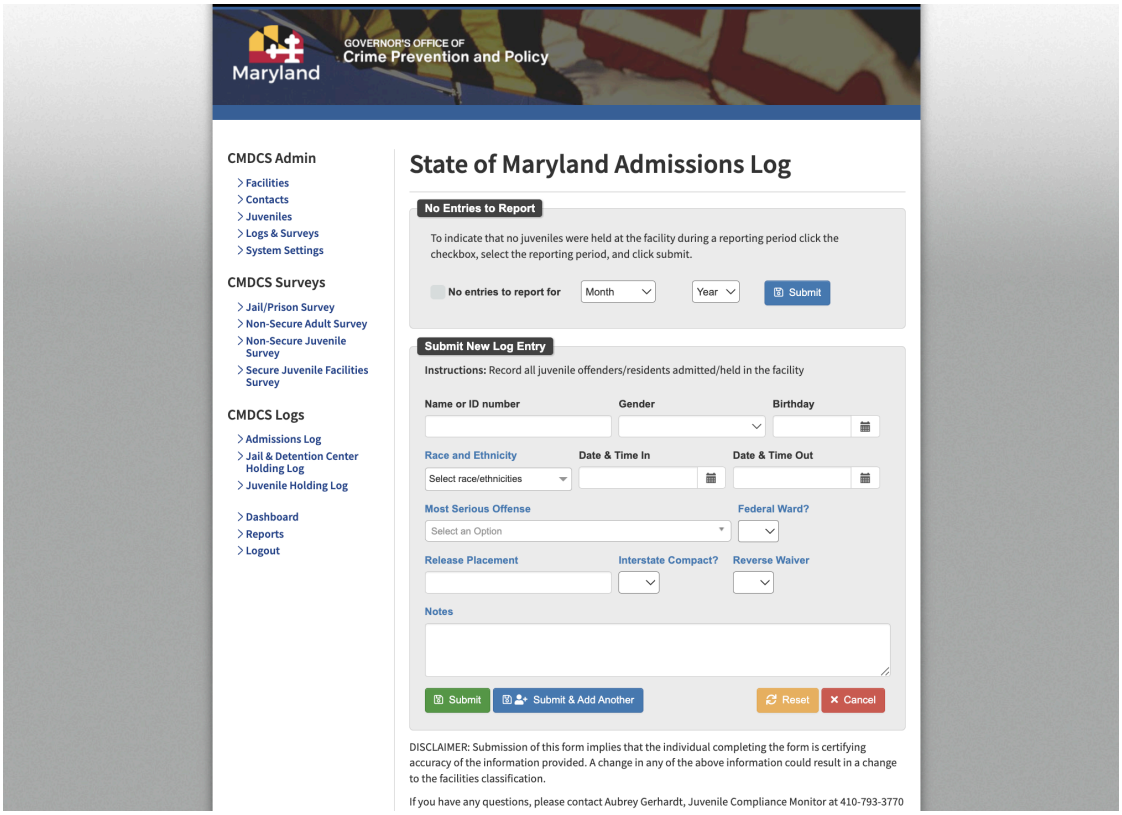
- The Logs & Surveys link will provide you with the individual facilities logs or surveys for their monthly or Federal fiscal year cycle, or annual survey reporting.

- System Notification Page is located under the CMDCS admin section and below the Logs and Survey link. It allows the front-end user to be notified of any updates, changes, or system outages.

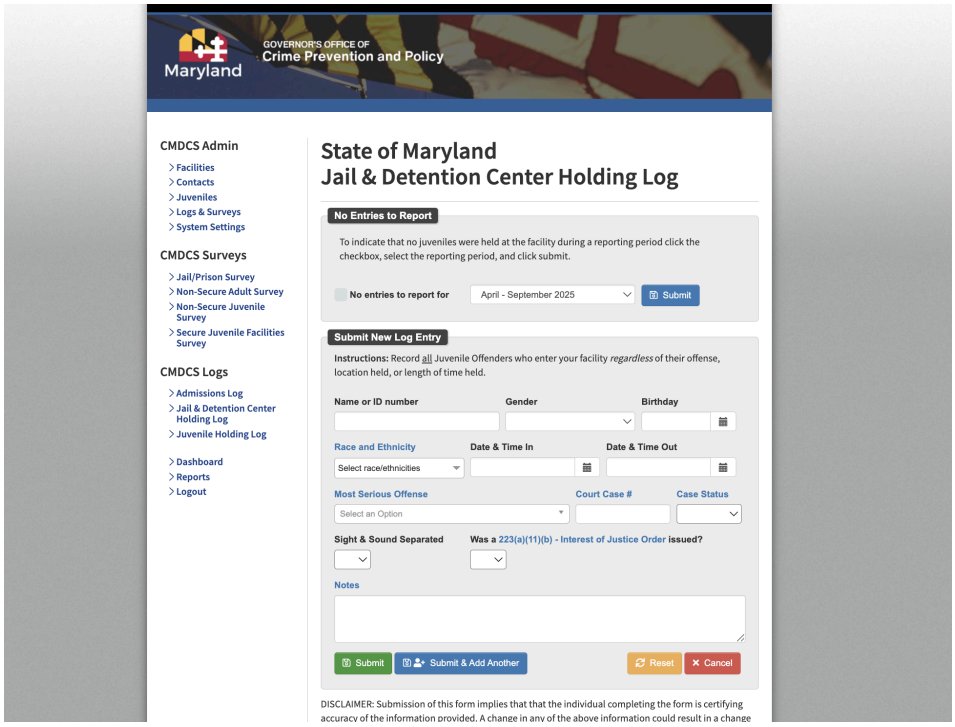
- The CMDCS Survey Section is the front-end users link for accessing and submitting their facility's reports. Users are assigned specific rights to their facility's reporting. The following are a list of surveys for required facilities:
    - Jail/Prison Survey
    - Non-Secure Adult Survey[1]
    - Non-Secure Juvenile Survey[2]
    - Secure Juvenile Facilities Survey

[1] This survey is only used for the purposes of spot-checking facilities to determine if they meet the definition of an adult jail, adult lockup, secure detention, or secure correctional facility
[2] This survey is only used for the purposes of spot-checking facilities to determine if they meet the definition of an adult jail, adult lockup, secure detention, or secure correctional facility

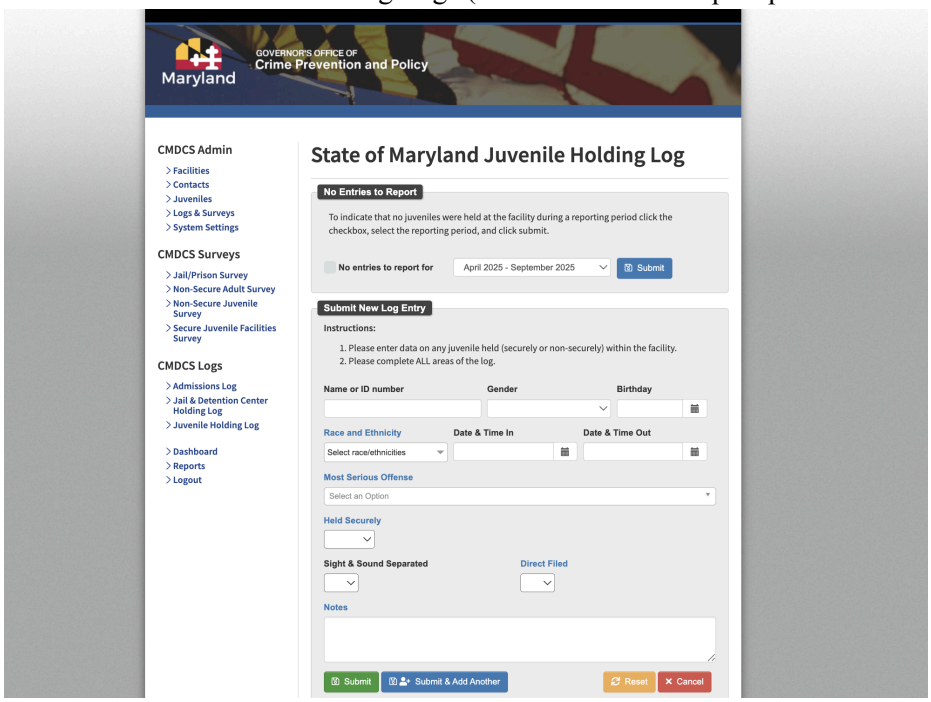
- The CMDCS Logs the front-end users link for accessing and submitting their facility's reports. Users are assigned specific rights to their facility's reporting. The following are a list of logs for required facilities:
    - Admission Logs (Juvenile facility monthly reporting):



    - Jail and Detention Center Holding Logs (Federal fiscal year reporting Oct. 1 - March 31 and April 1 - September 30.

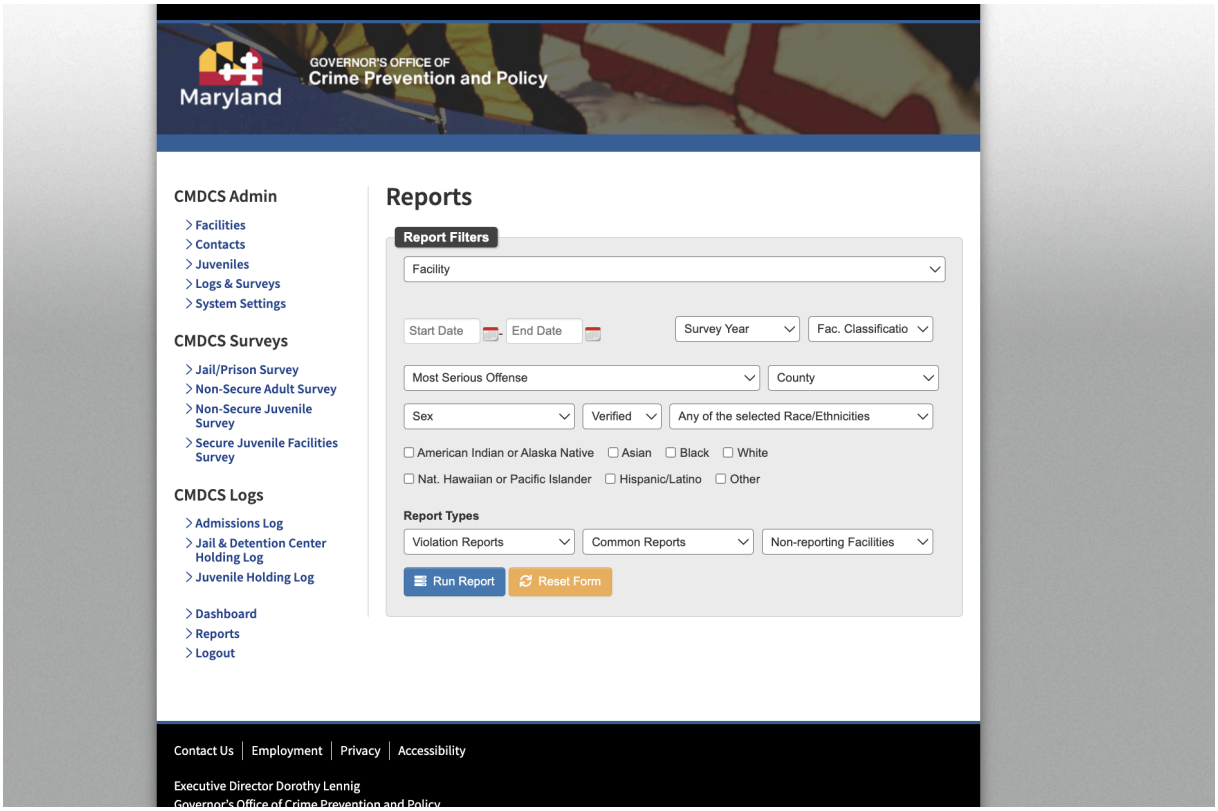


- Juvenile Holding Logs (Secure Adult Lockups report on Federal fiscal year cycle):



Reports

- Will allow you to search records and violations by the following:
  - Reporting Date Range
  - Facility
  - Facility Classification (lockup, jail, prison, etc.)
  - Most Serious Offense
  - County
  - Sex
  - Race and Ethnicity
  - Violation (DSO, Jail Removal, Separation, and violations of 223(a)(11)(B) a report will generate potential violations. Validation of the violations are done by phone, email, onsite visits, and testing the integrity of the logic used to identify potential violations in the system and to ensure the system is operating appropriately.
  - Common Reports (Handgun Violation, Interstate Compact, Minor in Possession)



APPENDIX

A. The Governor's Executive Order, 01.01.2022.06 (page 49)

B. Formula Grant Regulation Definitions (page 54)

C. Compliance Monitoring Risk Assessment (page 57)

D. Juvenile Holding Log (page 62)

E. Jail & Detention Center Juvenile Holding Log (page 63)

F. Admissions Log (page 64)

G. Jail/Prison Survey (page 65)

H. Maryland Courts & and Judicial Proceedings-Ann. Code (page 66)

I. Juvenile Justice and Delinquency Prevention Act of 1974 (page 67)

J. Compliance Monitoring Universe (active facilities) (page 68)

K. Online Resources (page 74)

APPENDIX A

EXECUTIVE ORDER
01.01.2022.06

Juvenile Grant Planning and Review Council
(amends Executive 01.01.2014.15)

WHEREAS, The federal Juvenile Justice and Delinquency Prevention Act sets forth federal requirements for states to qualify to receive formula grants;

WHEREAS, One such requirement is that a state create a State Advisory Group responsible for carrying out the requirements of the Act as they pertain to a state's responsibilities;

WHEREAS, The Act requires the State Advisory Group to participate in the development and review of the State's juvenile justice plan and with annual updates, advise the designated State agency administering the plan and granting funds, and be afforded the opportunity to review and comment on all Title II Formula Grant applications that are submitted to the designated State agency;

WHEREAS, In Maryland, the Governor's Office of Crime Prevention, Youth, and Victim Services is the State agency responsible for supervising the preparation and administration of the State's juvenile justice plan, annual updates to the plan, and awarded funds; and

WHEREAS, The Act also requires compliance monitoring of a state's juvenile centers and any holding areas that fall within the parameters of the monitoring guidelines of the federal Office of Juvenile Justice and Delinquency Prevention;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.2014.15 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established

(1) There is a Juvenile Grant Planning and Review Council (the "Council"), which will serve as the State Advisory Group for purposes of the federal Juvenile Justice and Delinquency Prevention Act (the "Act").

(2) The Council shall be within the Governor's Office of Crime Prevention, Youth, and Victim Services, the State Administering Agency for funds received under the Act and the agency responsible for supervising the preparation and administration of the three-year State plan, annual updates to the plan, and awarded funds.

B. Procedures

(1) Membership

a. The Council shall consist of not less than 15 members and not more than 33 members appointed by the Governor, consistent with the requirements of the Act.

b. At least one-fifth of the members must be under the age of 28 at the time of appointment.

c. At least 3 members must have been or currently be under the jurisdiction of the juvenile justice system or, if not feasible and in appropriate circumstances, the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system, consistent with the requirements of the Act.

(2) The Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services shall designate a member of the Council to serve as Chair.

(3) Terms

a. Members may serve up to two consecutive three-year terms, which shall be staggered upon initial appointment.

b. A member selected to fill a vacancy serves only for the balance of a term remaining at the time of appointment.

c. Terms end on June 30 of each year.

d. At the end of a term, a member continues to serve until a successor is appointed.

(4) Unless otherwise provided by law, the members of the Council shall serve at the pleasure of the Governor.

(5) A majority of the Council shall constitute a quorum for the transaction of any business.

(6) The Council may adopt such other procedures, including the creation of subcommittees and workgroups, as may be necessary to ensure the orderly transaction of business.

(7) Members appointed pursuant to § B(1)b and § B(1)(c) may receive stipends and expenses as deemed necessary by the majority of council members that constitute a quorum, as provided in the State budget and in the Council's allocation from the federal Office of Juvenile Justice and Delinquency Prevention.

(8) Members of the Council not appointed pursuant to § B(1)b or § B(1)c may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the Standard State Travel Regulations, as provided in the State budget, and as provided in the Council's allocation from the federal Office of Juvenile Justice and Delinquency Prevention.

C. Staffing

(1) Governor's Office of Crime Prevention, Youth, and Victim Services shall provide such staff and technical assistance to the Council as necessary and appropriate, including staff to serve as the designated Juvenile Justice Specialist required under federal law and regulations.

(2) A Compliance Monitor shall ensure compliance with federal standards regarding detention of juveniles in secure detention facilities, secure correctional facilities, non-secure facilities, secure adult lockup facilities, and court holding facilities.

(3) A Racial and Ethnic Disparities ("R/ED") Coordinator shall:

a. primarily focus on addressing R/ED within the State's juvenile justice system; and

b. provide technical assistance as necessary and appropriate.

D. Duties and Responsibilities

(1) The Council shall perform the functions, and have the duties and responsibilities, set forth in the Act, as amended from time to time.

(2) The Council shall be afforded the opportunity to review all Title II Formula Grant applications and make recommendations, which the Executive Director will consider when making grant awards under the Act.

(3) The Council shall provide advice to the Governor's Office of Crime Prevention, Youth, and Victim Services in developing, maintaining, and expanding efforts to divert juveniles from the juvenile justice system and to provide community-based alternatives to juvenile detention and correctional facilities.

(4) The Council shall advise the Compliance Monitor, R/ED Coordinator, and Juvenile Justice Specialist when necessary.

(5) The Compliance Monitor, R/ED Coordinator, and Juvenile Justice Specialist shall advise the Council of the compliance status of all monitored facilities to ensure compliance with the Act.

(6) The Council shall perform any additional duties as directed by the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services on behalf of the Governor.

E. On or before June 30 of each year, the Council shall report to the Governor, by way of

the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services, on its activities and recommendations.

F. Conflicts of Interest

(1) The Council shall acknowledge and abide by policies and procedures set forth by the Governor's Office of Crime Prevention, Youth, and Victim Services to guard against actual conflicts of interest or the appearance of conflicts of interest for its members when making recommendations for grant awards.

(2) The procedures shall provide that Council members may not participate in any way in consideration of, or decisions about, grants to their own organizations, organizations in which they have a financial interest, or organizations in which their family members are involved.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 17th Day of June, 2022.



Lawrence J. Hogan, Jr.
Governor

ATTEST:

John C. Wobensmith
Secretary of State

APPENDIX B

FORMULA GRANT REGULATION DEFINITIONS

Adult inmate - 34 U.S.C. §11103(26)

An individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge or is convicted of a criminal offense, and does not include an individual who (1) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable state law; and (2) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable state law.

Assessment – 34 U.S.C. §11103(38)

Includes at a minimum, an interview and review of available records and other pertinent information – (A) by an appropriately trained professional who is licensed or certified by the applicable state in the mental health, behavioral health, or substance abuse fields; and (B) which is designed to identify significant mental health, or substance abuse treatment needs to be addressed during a youth's confinement.

Collocated facilities - 34 U.S.C. §11103(28)

Facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.

Core Requirements - 34 U.S.C. §11103(30)

Means the requirements described at 34 U.S.C. §11133(11), (12),(13), and (15).

Criminal-Type Offender – 28 C.F.R. §31.304(a)

Means a juvenile offender who has been charged with or adjudicated for conduct which would, under the law of jurisdiction in which the offense was committed, be a crime, if committed by an adult.

Detain or confine – 28 C.F.R. §31.304(b)

Means to hold, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile held by law enforcement solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency is not detained or confined within the meaning of this definition.

Institution - Policies and Procedures Manual, OJJDP

Means a "secure facility that law enforcement or a juvenile or criminal court authority uses to detain or confine juveniles or adults (1) accused of having committed a delinquent or criminal offense, (2) awaiting adjudication or trial for the delinquent or criminal offense, or (3) found to have committed the delinquent or criminal offense."

Jail or lockup for adults – 34 U.S.C §11103(22)

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.

Juvenile offender – 28 C.F.R. *§31.304(d)*

Means an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitation as defined by state law, (i.e., a criminal -type offender or a status offender).

Maximum age of extended juvenile court jurisdiction - Policies and Procedures Manual, OJJDP

Means the age above which a juvenile court may no longer exercise jurisdiction under state law.

Monitoring Universe - Policies and Procedures Manual, OJJDP

Means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.

Non-Offender – 28 C.F.R §31.304(i)

Means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

Residential - Policies and Procedures Manual, OJJDP

Means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.

Secure –28 C.F.R. §31.304(m)

As used to define a detention or correctional facility, to include residential facilities, which include related construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

Secure Correctional Facility – 34 U.S.C. § 11103(13)

Means any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

Secure Detention Facility - 34 U.S.C. § 11103(12)

Means any public or private residential facility which-(1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the temporary placement of any juvenile who is accused of having committed an offense or any other individual accused of having committed a criminal offense.

Sight or Sound Contact - 34 U.S.C. §11103(25)

Means any physical, clear visual, or verbal contact that is not brief or inadvertent.

State – 34 U.S.C. §11103(7)

Means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Status Offender – 34 U.S.C. §11103(42)

Means a juvenile offender who has been charged with or has committed an offense that would not be criminal if committed by an adult.

Twenty-four hours -

Means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.

Valid Court Order – 34 U.S.C. §11103(16)

Means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.

APPENDIX C

COMPLIANCE MONITORING RISK ASSESSMENT

As the State Administering Agency (SAA) for Federal Formula Grant Funds, the Governor's office of Crime Prevention and Policy is under the obligation to monitor any facility that falls under the purview of the JJDPA to ensure compliance with the core requirements. To this end, an accurate risk assessment of each adult lockup, adult jail/detention center and juvenile detention and correctional facilities provides critical information to help ensure compliance with the core requirements of the Formula Grants Program under Title II, Part B, of the JJDPA. is maintained.

Before a facility is classified, several steps are taken to ensure that the facility is given every opportunity to show they're in compliance with the Formula Grants Program under Title II, Part B, of the JJDPA. Those steps are as follows:

- Inform the primary, secondary and alternative contact of the agency via email of the core requirements violations that were found during the most recent data review. Give facility two weeks to provide clarification or an explanation for the violation(s)
- Violations are reconsidered based upon the information received and are removed, if possible.
- The day after data is due; the compliance monitor will contact the primary, secondary and alternative contact for the agency via email informing them that their data submission is late and give them one additional week to submit.
    - If data has not been received by the new deadline a phone call is placed to the primary contact or if necessary, the secondary or alternative contact for the agency and every effort is made to receive the data that day.
- The facility is provided with the necessary information regarding the core requirements and where this information would best be addressed within their policies or procedures. If requested, facilities are provided with copies of policies from other agencies that fall within their same classification.
- Technical assistance training is offered.
- A follow up site visit is scheduled, if necessary, to verify that requested changes are made.

Low Risk (any one of these listed below):

- 1-3 core requirement violations (DSO & Jail Removal, 223(a)(11)(B) requirement, and no separation violations)
- A facility that is late once in submitting annual, bi-annual quarterly or monthly data

- A facility that has policies and/or procedures that do not adequately address the core requirements of the JJDPA. Changes will be required within a specified period. If changes are not made, then an agency head or higher official will be notified.

High Risk (any one of these listed below):

- A facility with a total of 4-8 core requirement violations (DSO & Jail Removal, 223(a)(11)(B) requirement, no separation violations) during either reporting period (January through June or July through December)
- A facility that is late twice in submitting annual, bi-annual quarterly or monthly data
- A facility that does not initially make specific changes (excluding policy and procedure changes) as outlined on the On-Site Summary by the follow up site visit
- A facility that is unable to provide agency data during a site visit to verify self-reported data submitted
- A discrepancy between agency data and self-reported data determined during a regularly scheduled site visit

Troubled (any one of these listed below):

- A facility with a total of 9-12 Jail Removal, DSO, 223(a)(11)(B), core requirement violations or any number of Separation violations during either reporting period (January through June or July through December)
- A facility that, has not made specific changes (excluding policy and procedure changes) as outlined on the On-Site Summary after the second follow up site visit

Non-Compliant:

- A facility with a total of 13 or more Jail Removal or DSO core requirement violations or any number of Separation violations, during either reporting period (October 1 - March 31 or April 1 - September 30)

Risk Assessment Guidelines

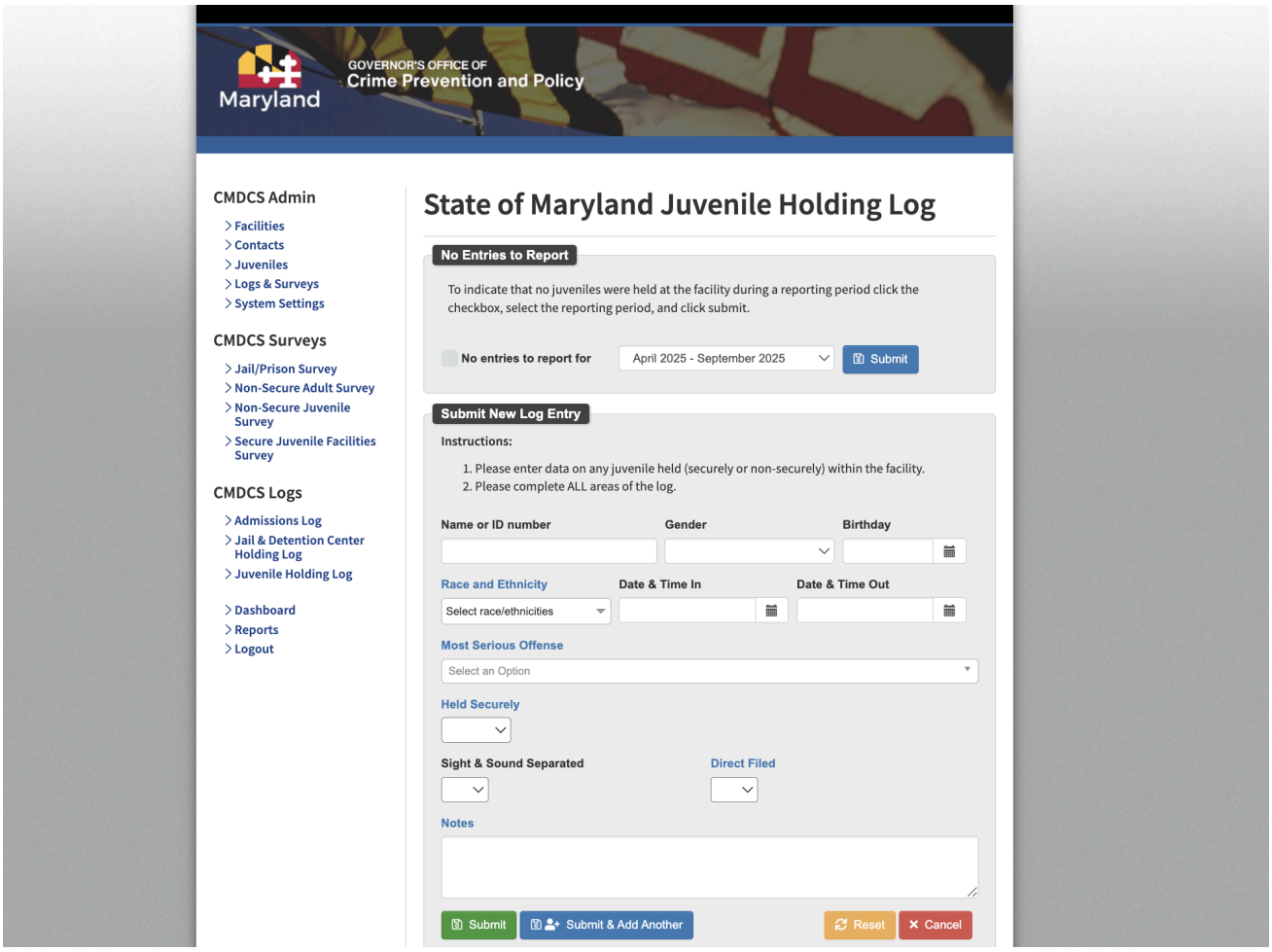
	Regular Monitoring	Low Risk	High Risk	Troubled (In addition to High Risk)	Dysfunctional (In addition to High Risk & Troubled)
On-site Compliance Monitoring visit inspections and validation of data will be conducted:	Once every three years for all adult jails and lockups and secure juvenile detention & correctional facilities	No increase in site visits	Site visits will occur during subsequent 6-month period for all facility types	Site visits will occur quarterly for all facility types	Site visits will increase to monthly for all facility types
Self-reported data will be collected:	On a bi-annual basis for all secure adult lockups and Jails & Detention Centers October through March submissions will be reviewed in April and April through September submissions will be reviewed in October Monthly for all secure juvenile detention and	No increase in data collection Agency data will be reviewed and cross referenced with self-reported data during all on-site visits	No increase in data collection Agency data will be reviewed and cross referenced with self-reported data during all on-site visits	On a quarterly basis for all secure adult lockups, jails & detention centers Weekly for all secure juvenile detention and correctional facilities Data will be reviewed the month following submission. Agency data will be reviewed and cross referenced with self-reported	Self-reported data will be collected monthly for all secure adult lockups, jails & detention centers and weekly for all secure juvenile detention and correctional facilities Agency data will be reviewed and cross referenced with self-reported data during all on-site visits.

	correctional facilities. Data will be reviewed the month following submission. Agency data will be reviewed and cross referenced with self-reported data during all on-site visits			data during all on-site visits.	
Technical assistance	Training will be provided upon request	Technical assistance training will be required on an annual basis	Technical assistance will be required	Technical assistance will be required	Technical assistance will be required
Corrective Action	No corrective action is required	No corrective action required	Agency will be required to create a corrective action plan outlining the steps that will be taken to bring their agency into compliance with the core requirements of the Act within the next month.	Agency will be required to create a corrective action plan outlining the steps that will be taken to bring their agency into compliance with the core requirements of the Act within the next month. Agency head or higher official will be informed of the agency's non-compliance	Agency will be required to create a corrective action plan outlining the steps that will be taken to bring their agency into compliance with the core requirements of the Act within the next month. Agency head or higher official will be required to report out at meetings regarding their non-compliance

OJP funds affected	No OJP funds are affected	A letter will be sent to the agency head stating that OJP funds could be affected by continued non-compliance OJJDP will be informed of any facility that is out of compliance with data collection for the federal year	A letter will be sent to the agency head stating that OJP funds could be affected by continued non-compliance OJJDP will be informed of any facility that is out of compliance with data collection for an entire calendar year	A letter will be sent to the agency head stating that if changes haven't been made by the following quarter OJP funds will be suspended. OJJDP will be informed of any facility that is out of compliance with data collection	A letter will be sent to agency head stating that if changes haven't been made by the following quarter OJP funds will be suspended. OJJDP will be informed of any facility that is out of compliance with data collection

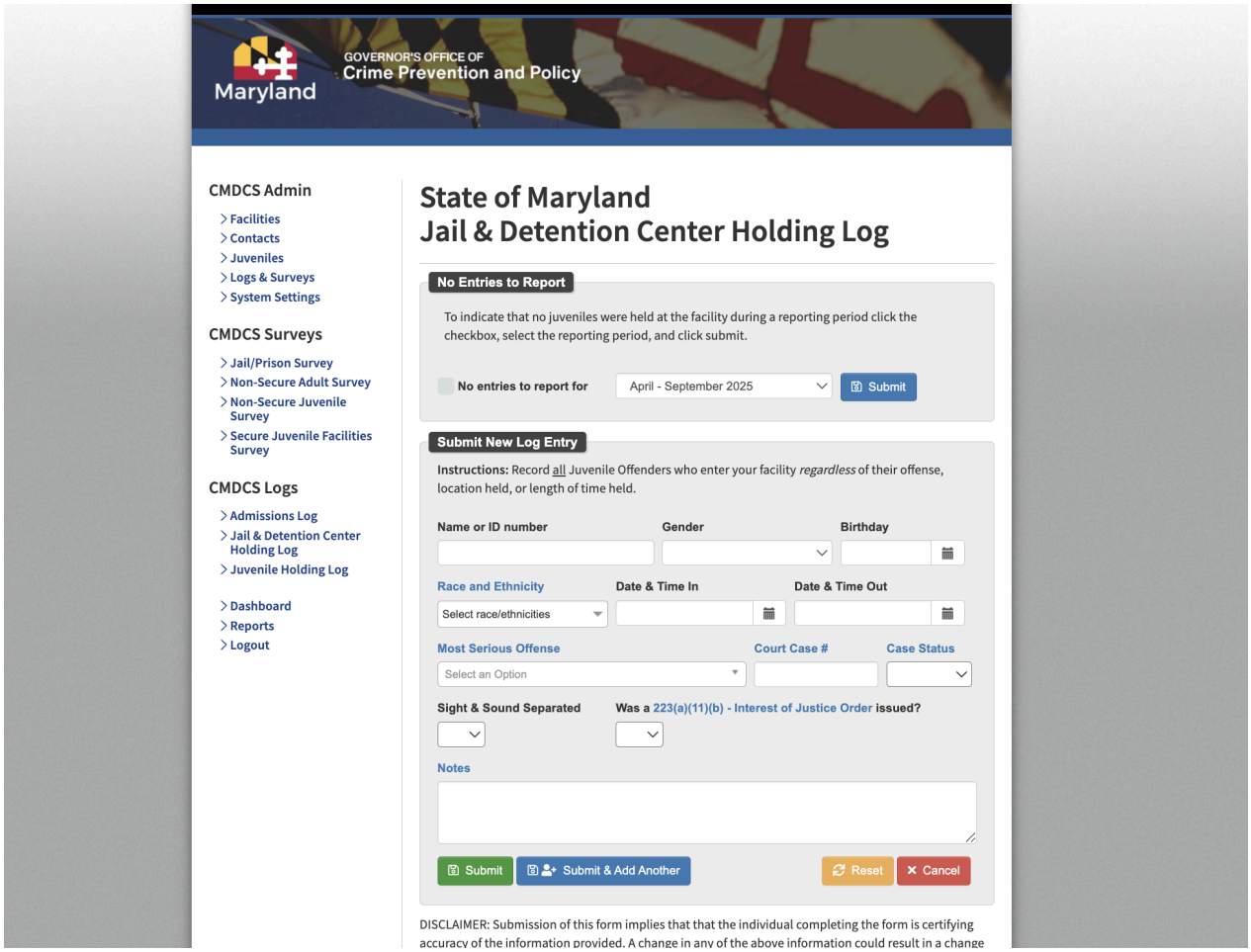
APPENDIX D

JUVENILE HOLDING LOG



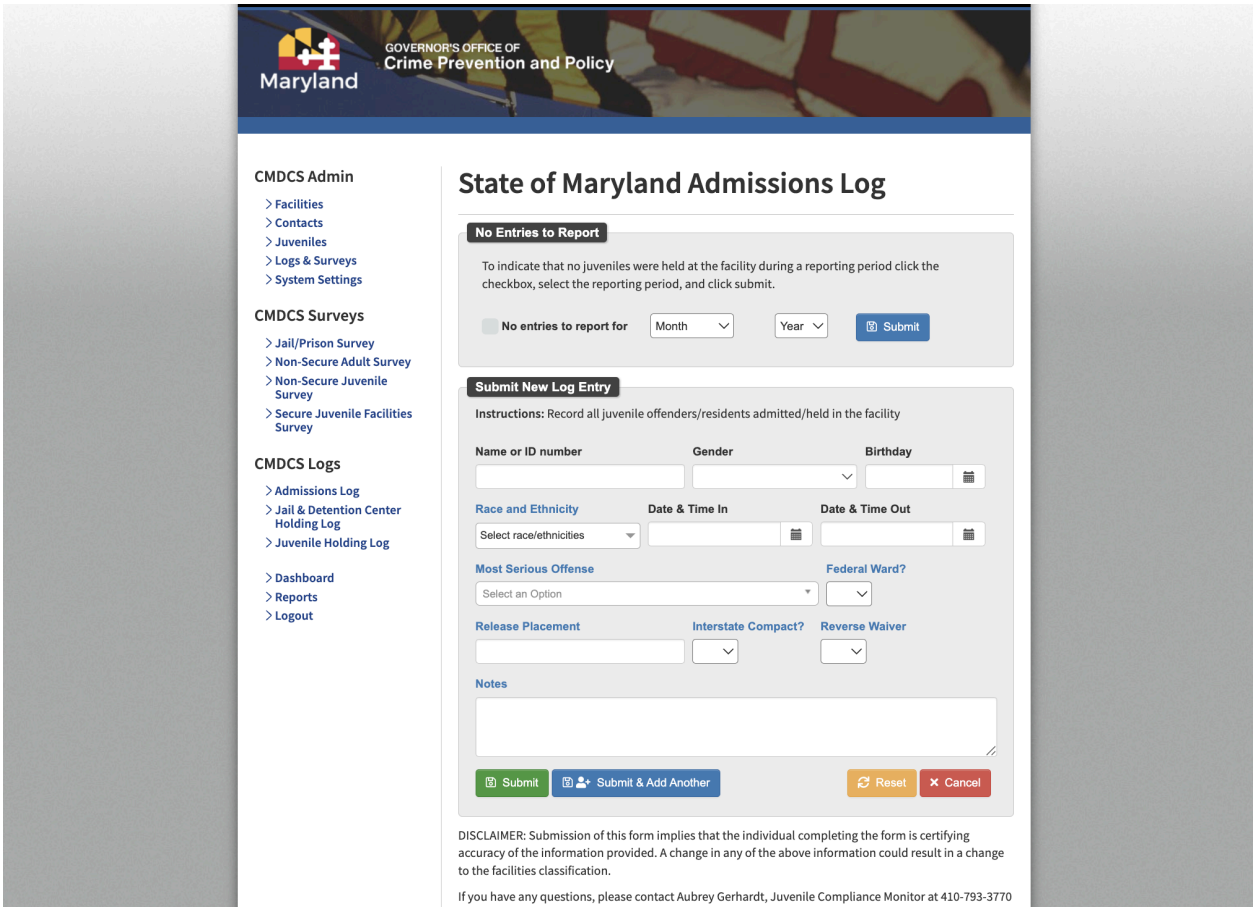
APPENDIX E

JAIL & DETENTION CENTER HOLDING LOG



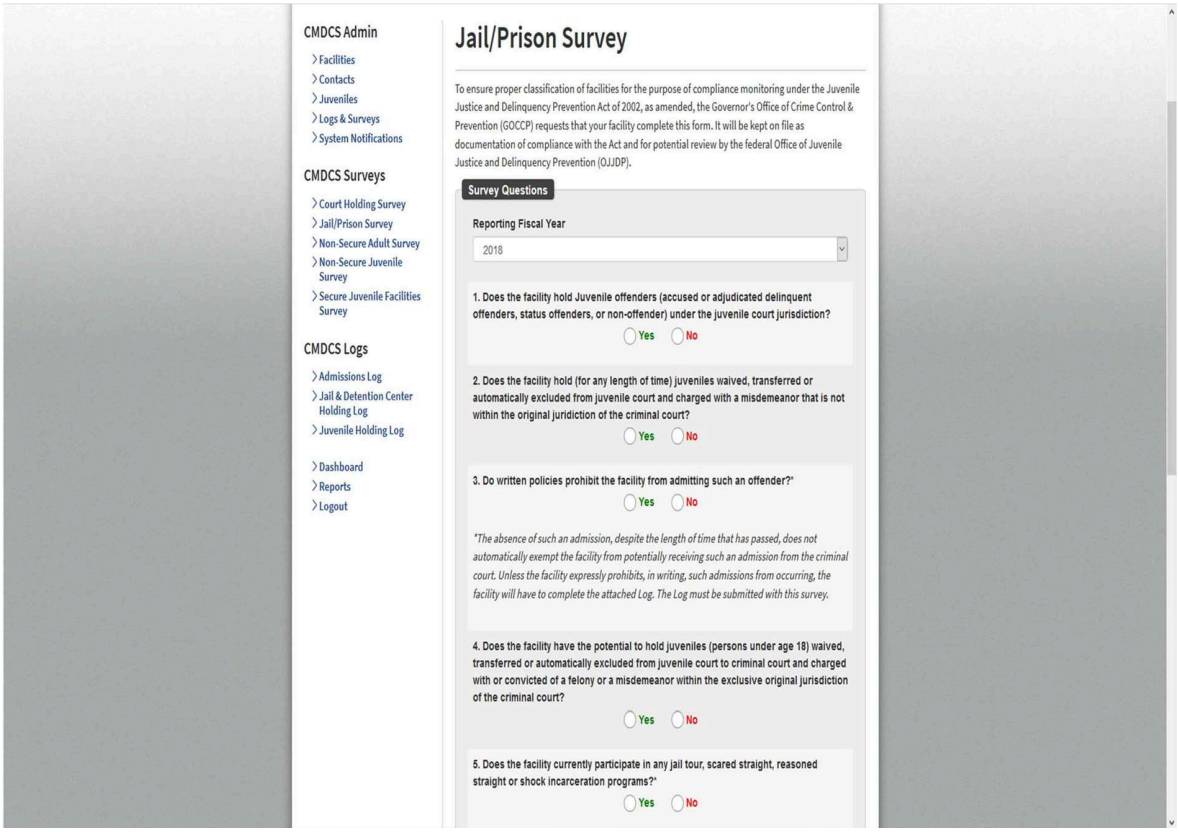
APPENDIX F

ADMISSIONS LOG



APPENDIX G

JAIL/PRISON SURVEY



APPENDIX H

MARYLAND COURTS AND JUDICIAL PROCEEDINGS ANNOTATED CODE

Status Offenders
Under Maryland's Annotated Code, Article – Courts and Judicial Proceedings § 3-8A-01 (e) (1) (2) (3) (4) and § 3-8A-15 (h) (1) a child alleged to be in need of supervision may not be placed in:

i. Detention or community detention;
ii. A State mental health facility; or
iii. A shelter care facility that is not operating in compliance with applicable State Licensing laws.

Separation
Under Maryland's Annotated Code, Article – Limitations on place of commitment § 3-8A-22 (c) (1) (2) Child must be accommodated separately from adults. –Unless an individualized treatment plan developed under § 10-706 of the Health – General Article indicates otherwise:

(1) A child may not be committed or transferred to any public or private facility or institution unless the child is placed in accommodations that are separate from other persons 18 years of age or older who are confined to that facility or institution; and
(2) The child may not be treated in any group with persons who are 18 years of age or older

Jail Removal
Under Maryland's Annotated Code, Article – Courts and Judicial Proceedings § 3-8A-15 (g) Placement of child alleged to be delinquent. A child alleged to be delinquent may not be detained in a jail or other facility for the detention of adults.

Un-annotated Code of Maryland and Rules http://www.lexisnexis.com/hottopics/mdcode/

APPENDIX I

Juvenile Justice and Delinquency Prevention Act
Office of Juvenile Justice and Delinquency Prevention Compliance Monitoring TA Tool (Update 2019)
Federal Regulation 31 CFR Part 28

https://www.congress.gov/115/bills/hr6964/BILLS-115hr6964pcs.pdf

https://ojjdp.ojp.gov/compliance-monitoring-manual

https://www.ecfr.gov/current/title-28/chapter-I/part-31/subpart-A

APPENDIX J

FACILITIES LIST

Adult Jails

Allegany County Detention Center
Baltimore City Central Booking & Intake Center
Baltimore County Detention Center
Calvert County Detention Center
Caroline County Detention Center
Carroll County Detention Center
Cecil County Detention Center
Charles County Detention Center
Dorchester County Detention Center
Frederick County Adult Detention Center
Garrett County Detention Center
Harford County Detention Center
Howard County Detention Center
Jennifer Road Detention Center
Kent County Detention Center
Montgomery County Correctional Facility
Montgomery County Detention Center
Ordnance Road Correctional Center
Prince George's County Department of Corrections
Queen Anne's County Detention Center
Somerset County Detention Center
St. Mary's County Detention Center
Talbot County Detention Center
Washington County Detention Center
Wicomico County Detention Center
Worcester County Jail

Adult Lockups

Aberdeen Police Department
Allegany County Sheriff's Office
Allegany County Circuit Court
Anne Arundel County Central Holding and Processing Center
Amtrak Police
Annapolis City Police Department

Anne Arundel County Central Holding and Processing Center
Anne Arundel County Police Dept. Eastern District
Anne Arundel County Police Dept. Northern District
Anne Arundel County Police Dept. Southern District
Anne Arundel County Police Dept. Western District
Anne Arundel County Sheriff's Office
Baltimore County Police Dept. - CAC Unit
Baltimore County Police Dept. Precinct - 01 Wilkens
Baltimore County Police Dept. Precinct - 02 Woodlawn
Baltimore County Police Dept. Precinct - 03 Franklin
Baltimore County Police Dept. Precinct - 04 Pikesville
Baltimore County Police Dept. Precinct - 06 Towson
Baltimore County Police Dept. Precinct - 07 Cockeysville
Baltimore County Police Dept. Precinct - 08 Parkville
Baltimore County Police Dept. Precinct - 09 White Marsh
Baltimore County Police Dept. Precinct - 11 Essex
Baltimore County Police Dept. Precinct - 12 North Point
Baltimore County Police Department - CID Persons
Baltimore County Sheriff's Office
Bel Air Police Department
Berlin Police Department
Bladensburg Police Department
Bowie Police Department
Bowie State University Police Department
Calvert County Circuit Court
Calvert County Sheriff's Office
Cambridge Police Department
Caroline County Circuit Court
Caroline County Sheriff's Department
Carroll County Circuit Court
Carroll County Sheriff's Office
Cecil County Circuit Court
Cecil County Sheriff's Office
Centreville Police Department
Charles County Sheriff's Office- District 1
Charles County Sheriff's Office- District 3
Chestertown Police Department
Crisfield Police Department
Cumberland Police Department
Delmar Police Department
Denton Police Department
Dorchester County Sheriff's Office
Easton Police Department

Elkton Police Department
Federalsburg Police Department
Frederick County Circuit Court
Frederick County Sheriff's Office
Frederick Police Department
Frostburg City Police
Frostburg State University
Fruitland Police Department
Gaithersburg Police Department
Greenbelt Police Department
Greensboro Police Department
Hagerstown Police Department
Hampstead Police Department
Hancock Police Department
Harford County Circuit Court
Harford County Sheriff's Office CID
Harford County Sheriff's Office, Northern Precinct
Harford County Sheriff's Office, Southern Precinct
Havre De Grace Police Department
Howard County Police Department, Southern District
Howard County Police Department-Northern District
Hurlock Police Department
Hyattsville City Police Department
Kent County Sheriff's Office
Laurel Police Department
M&T Bank Stadium
Manchester Police Department
Maryland State Police Barrack A Waterloo
Maryland State Police Barrack B Frederick
Maryland State Police Barrack C Cumberland
Maryland State Police Barrack D Bel Air
Maryland State Police Barrack E Salisbury
Maryland State Police Barrack F North East
Maryland State Police Barrack G Westminster
Maryland State Police Barrack H La Plata
Maryland State Police Barrack I Cambridge Detachment
Maryland State Police Barrack I Denton Detachment
Maryland State Police Barrack I Easton
Maryland State Police Barrack J Annapolis
Maryland State Police Barrack L Forestville
Maryland State Police Barrack M - JFK
Maryland State Police Barrack N Rockville
Maryland State Police Barrack O Hagerstown
Maryland State Police Barrack P Glen Burnie

Maryland State Police Barrack Q College Park
Maryland State Police Barrack R Golden Ring
Maryland State Police Barrack S Centreville
Maryland State Police Barrack T Leonardtown
Maryland State Police Barrack U Prince Frederick
Maryland State Police Barrack V Berlin
Maryland State Police Barrack W McHenry
Maryland State Police Barrack X Princess Anne
Maryland Transit Administration Police HQ/Northern
MdTA Police, Bay Bridge Detachment
MdTA Police, BWI Airport Detachment
MdTA Police, Harry W. Nice Bridge
MdTA Police, ICC Detachment
MdTA Police, Port of Baltimore Detachment
MdTA Police, Thomas J. Hatem Memorial Bridge
MdTA Police, Central Command Detachment
Maryland National Capital Park Police - Montgomery County Division
MNCPP Prince George's County - Southern District
Montgomery County Police Department - Major Crimes Division
Montgomery County Police Department- SVID Unit
Montgomery County Police Dept. 1st District
Montgomery County Police Dept. 2nd District
Montgomery County Police Dept. 3rd District
Montgomery County Police Dept. 4th District
Montgomery County Police Dept. 5th District
Montgomery County Police Dept. 6th District
Morgan State University
Mount Airy Police Department
North East Police Department
Northwest Stadium
Ocean City Police Department
Ocean Pines Police Department
Oriole Park @ Camden Yards
Perryville Police Department
Pocomoke City Police Department
Prince George's Community College
Prince George's County Court Complex
Prince George's County Police Dept. District I
Prince George's County Police Dept. District II
Prince George's County Police Dept. District IV
Prince George's County Police Dept. District V
Prince George's County Police Dept. District VI
Prince George's County Police Dept. District VII
Prince George's County Police Dept. Juvenile Transition Center

Princess Anne Police Department
Queen Anne's County Sheriff's Office
Rising Sun Police Department
Riverdale Park Police Department
Rockville City Police Department
Salisbury Police Department
Salisbury University Police
Somerset County Circuit Court
Somerset County Sheriff's Office
St. Mary's County Sheriff's Office HQ
St. Mary's County Sheriffs Office District Four Station
St. Mary's County Sheriffs Office District One Station
St. Mary's County Sheriffs Office District Three Station
St. Michael's Police Department
Sykesville Police Department
Takoma Park Police Department
Talbot County Sheriff's Office
Taneytown Police Department
Thurmont Police Department
Towson University Police Department
UMBC Police Department
UMES Police Department
University of Maryland Police Force
University of Maryland Police, College Park
Washington County Sheriff's Office
Westminster Police Department
Wicomico County Sheriff's Office
Worcester County Sheriff's Office

Secure Juvenile Detention Facilities

Baltimore City Juvenile Justice Center, Detention
Baltimore City Police Juvenile Booking Unit
Charles County Court Holding Facility
Charles H. Hickey, Jr. School
Cheltenham Youth Facility
Dorchester County Circuit Court
Facility for Children
Howard County Sheriff's Office
Lower Eastern Shore Children's Center

Montgomery County Sheriff's Office
Queen Anne's County Circuit Court
St. Mary's County Circuit Court
Washington County Circuit Court
Wicomico County Circuit Court
Somerset County District Court
Western Maryland Children's Center

Secure Juvenile Correctional Facilities

Backbone Mountain Youth Center
Baltimore City Youth Detention Center
Chesapeake Treatment Center
Regional Institute for Children & Adolescents
Sheppard Pratt Health System
Spring Grove Hospital Center
The Woodbourne Center
Victor Cullen Center

Secure Adult Correctional Facilities

Baltimore City Correctional Center
Central Maryland Correctional Facility
Eastern Correctional Institution
Eastern Correctional Institution-Annex
Jessup Correctional Institution
Chesapeake Detention Facility
Dorsey Run Correctional Facility
Maryland Correctional Institution - Hagerstown
Maryland Correctional Institution - Jessup
Maryland Correctional Institution for Women
Maryland Correctional Training Center
Maryland Reception, Diagnostic & Classification Center
Metropolitan Transition Center
North Branch Correctional Institution
Patuxent Institution
Roxbury Correctional Institution
Western Correctional Institution

APPENDIX K

ONLINE RESOURCES

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