

GOVERNOR'S CRIME COMMISSION
JJDP ACT GUIDELINES FOR NORTH CAROLINA SHERIFF OFFICES, POLICE DEPARTMENTS, AND JAILS

Key Terms used with regards to JJDP Act (Juvenile Justice and Delinquency Prevention Act of 2002) Compliance:

JJDP Act	The JJDP Act is a federal law that ties the allocation of federal funds to a state's compliance with certain restrictions on the detention of juvenile offenders. Though compliance with the JJDP Act's detention provisions is not mandatory under North Carolina's laws, law enforcement officers and judicial officials are strongly encouraged to voluntarily comply with the Act.
Secure Hold	A <i>secure hold</i> occurs when a juvenile is placed in a cell, handcuffed to a stationary object, or physically confined in a building or room that is locked to prevent exit from within.
Non-secure Hold	A <i>non-secure hold</i> occurs when a juvenile is not handcuffed to a stationary object and is not locked in a room, placed in a cell, or otherwise within a secure perimeter. If a juvenile is held non-securely, the JJDP Act does not apply and violations of the Act's core protections do not occur.
Secure Facility	A <i>secure facility</i> has construction features or hardware (cells, cuffing posts, etc.) that allow for secure holding.
DSO Core Protection	The JJDP Act's Deinstitutionalization of Status Offenders (DSO) core protection is violated whenever a non-offender or a status offender is held securely for any period of time in a jail, sheriff office, or police department.
Jail Removal Core Protection	The Jail Removal core protection is violated whenever a non-offender, civil-type offender, alien juvenile, or status offender is held securely for any period of time or when an accused delinquent is held securely for over six hours (excluding weekends and legal holidays) in a jail, sheriff office, or police department.
Separation Core Protection	The Separation core protection is violated whenever a non-offender, a status offender, or a delinquent is held in a secure area that is not sight- and sound-separated from adult offenders.

Type of Juvenile	JJDP Act Guidelines (these apply to "secure facilities")
Non-offender: a juvenile under age 18 who is subject to juvenile court jurisdiction for reasons of dependency, neglect, or abuse.	Should <u>not</u> be held securely for any period of time; should be sight- and sound-separated from adult offenders at all times.
Alien Juvenile: a non-citizen juvenile under age 18 who is not charged with any offense.	Should <u>not</u> be held securely for any period of time; should be sight- and sound-separated from adult offenders at all times.
Civil-Type Juvenile Offender: a juvenile who is subject to delinquency court jurisdiction for an offense that is civil in nature (e.g., non-criminal traffic or fish & game violations), said offense committed prior to age 16.	Should <u>not</u> be held securely for any period of time; should be sight- and sound-separated from adult offenders at all times.
Undisciplined-Type Status Offender: a juvenile under age 18 who is subject to court jurisdiction for being runaway, truant, ungovernable, or found in places unlawful for a juvenile to be.	Should <u>not</u> be held securely for any period of time; should be sight- and sound-separated from adult offenders at all times.
Delinquent-Type Status Offender: a juvenile who is subject to delinquency court jurisdiction for an offense that is not a crime as to most adults (e.g., underage alcohol purchase or possession, driving after consuming <21).	Should <u>not</u> be held securely for any period of time; should be sight- and sound-separated from adult offenders at all times.
Accused Delinquent: a juvenile who is accused of an offense that would be a crime if committed by an adult, said offense committed prior to age 16.	May be held securely for up to 6 hours for processing, questioning, and/or release to parents/other authorities OR may be held for up to 6 hours prior to and an additional 6 hours following a court appearance; should be sight- and sound-separated from adult offenders at all times.
Adjudicated Delinquent: a juvenile who has been adjudicated delinquent for an offense that would be a crime if committed by an adult, said offense committed prior to age 16.	May be held securely for up to 6 hours prior to and an additional 6 hours following a court appearance; should be sight- and sound-separated from adult offenders at all times.
Juvenile who has been direct-filed, waived, or transferred to Adult Court: a juvenile under age 16 who has been "bound over" to be tried as an adult in Superior Court.	The JJDP Act guidelines do not apply. If the juvenile is held prior to being "bound over" to Superior Court, treat as an accused delinquent (see above).
Criminal Offender: a person age 16 or older who is subject to adult criminal court jurisdiction.	The JJDP Act guidelines do not apply – this is true, <u>except as to Criminal-Type Status Offenders (see below).</u>
Criminal-Type Status Offender: a juvenile under age 18 who is subject to criminal court jurisdiction for a curfew, alcohol, tobacco, or motor vehicle offense that is not a crime as to most adults (e.g., underage alcohol purchase or possession, driving after consuming <21).	Under North Carolina law, these offenders may be placed in an adult jail or lockup – However, to comply with the federal JJDP Act, they should <u>not</u> be held securely for any period of time and they should be sight- and sound-separated from adult offenders at all times.

The JJDP Act's core protections ARE NOT VIOLATED in the following scenarios:

The juvenile is placed in a locked squad car; the juvenile is handcuffed to him/herself outside a secure setting; the juvenile is in a secure booking area for processing purposes and is removed immediately following booking; the juvenile is in an unlocked area that is not a cell.

NON-SECURE CUSTODY (when ALL are met, the JJDP Act does not apply and violations of the Act's core protections DO NOT occur)

1. The area where the juvenile is placed is a secure area, used only for processing purposes; AND
2. The juvenile is not physically secured to a cuffing rail or other stationary object; AND
3. The use of the area is limited to providing non-secure custody only long enough and for purposes of identification, investigation, processing, release and/or transfer; AND
4. The area is not designated or intended to be used for residential purposes; AND
5. Continuous visual supervision is provided by an officer or by facility staff.