

Juvenile Justice and Delinquency Prevention Act (JJDP A)



Jail Removal Requirement – Exception Checklist

Juveniles generally may not be held in an adult jail or lockup facility. Use the following checklist to determine whether an exception applies and, if so, how long a juvenile may be detained.

STEP 1: Determine Eligibility for an Exception

To use an exception, **all** of the following must apply:

- ☐ Juvenile is accused of a delinquent offense (not adjudicated and not a status offender).
- ☐ Juvenile will have no sight or sound contact with adult inmates.
- ☐ Staff are trained and certified to work with juveniles (in keeping with federal regulation).

If you marked NO to one or more of the boxes above → STOP.

Exceptions do not apply.

If YES → Continue to Step 2.

STEP 2: Determine Which Exception Applies

Determine which, if any, of the following exceptions to the jail removal requirement apply. (*One of four may be applicable.*)

Six-Hour Exception

Permits a juvenile to be held for **up to 6 hours if ONE** of the following applies:

- ☐ The juvenile is being held for processing or release.
- ☐ The juvenile is awaiting transfer to a facility for youth.
- ☐ The juvenile is awaiting a court appearance.

Rural Exception

Rural Exception Permits a juvenile to be held for **not more than 48 hours** (excluding weekends and holidays) if **ALL** of the following apply:

- ☐ Juvenile is awaiting an initial court appearance; and
- ☐ Facility is outside a Metropolitan Statistical Area; and
- ☐ No other acceptable alternative placement is available.

Travel Conditions Exception

Permits a juvenile to be held for an **additional 48 hours** (excluding weekends and holidays) if:

- ☐ A lack of highway access, road access, or available transportation prevents a court appearance within 48 hours.

Conditions of Safety Exception

Permits a juvenile to be held for **up to 24 hours** if:

- ☐ Severe or life-threatening weather conditions exist that do not allow for reasonably safe travel.

STEP 3: Documentation Requirements

For any exception used, record and report to the state, as required:

- ☐ The juvenile's name or identification number
- ☐ The juvenile's date of birth
- ☐ The most serious presenting offense
- ☐ The exact time of entry into secure confinement
- ☐ The juvenile's cell location
- ☐ The exact time and reason for release and to whom the juvenile was released
- ☐ Documentation demonstrating how the statutory exception was satisfied (e.g., severe weather, road conditions, rural facility designation)

Failure to properly document the use of an exception may result in a finding of non compliance under the JJDP.