

Criminal Justice Planning Agency

Officer of the Governor

Commonwealth of the Northern Mariana Islands



CNMI Policies and Procedures Manual for Monitoring Compliance With Core Requirements of the Formula Grants Program Authorized Under Title II, Part B, of the Juvenile Justice and Delinquency Prevention Act

CJPA 2024 COMPLIANCE MONITORING MANUAL

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This document addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15) is not discussed in this document because states do not monitor individual facilities for compliance with racial and ethnic disparities requirements. The Office of Juvenile Justice and Delinquency Prevention provides information on the racial and ethnic disparities core requirement separately, on the [CCAS Info Hub](#).



Office of Juvenile Justice and Delinquency
Prevention Working for Justice and Safety

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I. INTRODUCTION/BACKGROUND

Program Introduction

Title II, Part B, of the [Juvenile Justice and Delinquency Prevention Act](#) (“JJJPA” or the “Act”) sets out detailed requirements that CNMI 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, lock-ups, 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)]

Purpose of the Compliance Manual

The purpose of this compliance manual is twofold. First, it is to inform facilities, stakeholders, and local jurisdictions about the core requirements that CNMI must address under the JJJPA, and what the JJJPA requires states to include in a state compliance monitoring manual. This manual addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15), is not discussed in this manual because states do not monitor individual facilities for compliance with racial and ethnic disparities. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides information on the racial and ethnic disparities core requirement on the [CCAS information hub](#). “Core requirements” in this manual pertain to the JJJPA core requirements: 1) **Deinstitutionalization of Status Offenders (DSO)**, 2) **Removal of Juveniles Charged as Adults from Adult Facilities**, and 3) **Removal of Juveniles Charged as Adults**
4) **Jail Removal**.

Second, this compliance manual is designed to give OJJDP an example of how CNMI will demonstrate compliance with the core requirements. The left-hand column outlines the law—what CNMI must address in a state’s compliance monitoring manual to adhere to the JJJPA. The right-hand column is where CNMI provides its description of how it plans to adhere to the JJJPA.

II. COMPLIANCE WITH THE CORE REQUIREMENTS

This section describes the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13), and is included in the CNMI’s compliance monitoring manual, to assist CJPA staff in understanding the core requirements.

In the following tables, you will find direct statutory and regulatory references in the left-hand column. In the right-hand column, you will find content OJJDP recommends you include in your manual to demonstrate how CNMI will meet the core requirement.

Deinstitutionalization of Status Offenders (DSO)

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
|---|---|
| <p>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.</p> | <p>The CNMI complies with the Deinstitutionalization of Status Offenders (DSO) core requirement.</p> <p>CNMI 6 CMC §5137(a)(13) provides that no juvenile found to have committed a status offense "shall be remanded to detention in a detention facility unless an adjudication has been made that the juvenile is a habitual status offender."The CNMI has one adult correctional facility operated by the CNMI Department of Corrections (DOC), as well as one Juvenile Detention Facility, also operated by the CNMI DOC. This Juvenile Detention Facility is adjacent to, but an entirely separate building from the adult correctional facility. If a status offender or a non- offender is placed at the Juvenile Detention Facility then the CM would record that as a violation of the DSO. The Juvenile facility is relatively new as it was completed and unveiled in mid-2024.</p> <p>For unauthorized immigrants, CNMI does not place these individuals unless they’ve committed an offense that would be criminal if committed by an adult. Unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders) are housed in a designated shelter that is operated by CNMI’s Dept of Youth Services (DYS) Child Protective Services. The shelter is populated only with juveniles and supervised by authorized DYS staff.</p> <p>The CNMI CJPA has a Compliance Monitor (CM) who is responsible for collecting and compiling holding Logs, so that they can record whenever a juvenile is placed. The log details the juveniles' most serious offense, date, time in/time out, and race/ethnicity. The CM reviews these placement logs to ensure that no juvenile is placed in violation of DSO.</p> <p>CNMI’s CM will monitor for instances of juveniles (i.e., status offenders, non-offenders, and juveniles who are aliens) placed beyond what is permitted by exception as violations of DSO."</p> |

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,

STATE’S PLAN TO USE EXCEPTION –

The CNMI does not utilize the Youth Handgun Safety Exception.

Pursuant to **CNMI [CMC§5101\(m\)](#)**, a juvenile is defined as any person less than eighteen (18) years of age or who was less than eighteen years of age at the time of any act, commission, or status.

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
|---|---|
| <p>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.</p> | <p>The CNMI can charge juveniles who are found to be in possession of a firearm, unless:</p> <ul style="list-style-type: none"> o The firearm is properly registered in accordance with Commonwealth law; and o The juvenile is accompanied by a parent or legal guardian, or who has the prior written consent of a parent or legal guardian, who is in the possession of a Firearm Owner's Identification Card, and the juvenile is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm. o Juveniles who unlawfully possess a handgun/firearm can be placed in juvenile detention as the act is considered not a status offense but a criminal offense. <p>Procedure – The CM reviews the collected holding logs, paying close attention to the section on the logs that indicate the crime charged for the respective juvenile in custody. Juveniles placed pursuant to the above statute are not documented as violations of DSO.</p> |

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
|---|---|
| <p>VALID COURT ORDER EXCEPTION – The Valid Court Order (VCO) exception at 34 U.S.C. § 11133(a)(11)(A)(i)(II) provides that accused or adjudicated status offenders, and juveniles 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”).</p> <p>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)):</p> <ol style="list-style-type: none"> a. 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: <ul style="list-style-type: none"> • The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender. | <p style="text-align: center;">STATE'S PLAN TO USE EXCEPTION</p> <p>CNMI utilizes the Valid Court Order exception during rare instances. During the monthly collection of data from CNMI's single detention facility (collocated), the CM will inquire about whether any status offenders have been placed for violating a valid court order. The CM will utilize the CCAS provided VCO exception checklist to ensure that compliance has been met, or report such instances as a violation of DSO annually to OJJDP.</p> <p>Procedure – The compliance monitor collects data from its juvenile detention facility on accused and/or adjudicated status offenders. This information is submitted via a form that is available to DSA and facility staff. The submitted forms are accompanied by logs containing information for every juvenile who was admitted (i.e., detained, confined, or placed). The compliance monitor, using the following forms, will verify use of the Valid Court Order (VCO) exceptions reported upon inspection annually:</p> <ol style="list-style-type: none"> 1. Upon inspection of the facility annually or receipt of data monthly, the compliance monitor will conduct a review for status offenders who've been placed. 2. If it is determined that a status offender has been placed, the compliance monitor will conduct an interview (either by phone or in person) to determine whether placement resulted in violation. 3. If it is determined that the placed status offender was held for violating a judge's Valid Court Order, the compliance monitor will utilize the Valid Court Order (VCO) Exception Checklist. 4. Compliance has been achieved when the CM can verify that all the statutory provisions of the VCO exception have been met. If the compliance monitor cannot verify any portion of the checklist, the compliance monitor will document the placement as a violation of DSO (see the Violation Procedures of this Compliance Manual for more information). 5. To address this section of the VCO exception, if the CM identifies on the submitted holding logs that a juvenile is in detention for violating a valid court order, the CM will inquire from the point of contact at the juvenile detention facility if a copy of the VCO is available on file to review. 6. From there, the CM will review the provisions of the VCO on file and do a comparison with the CCAS VCO Checklist and Federal Requirements identified in this section of the Compliance Manual. 7. Any boxes that cannot be checked will result in violation. Documented violations are reported by the compliance monitor to OJJDP during the annual reports. |

SUMMARY OF REQUIREMENT

STATE'S PLAN TO ADDRESS REQUIREMENT

VALID COURT ORDER EXCEPTION (continued)

- 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.

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
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| <p>VALID COURT ORDER EXCEPTION (continued)</p> <p>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.</p> | |
| <p>INTERSTATE COMPACT ON JUVENILES EXCEPTION –</p> <p>Pursuant to the DSO requirement at 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.</p> | <p>STATE'S PLAN TO USE EXCEPTION</p> <p>The CNMI <u>does not participate</u> in the Interstate Compact on Juveniles.</p> <p>For unauthorized immigrants, including juveniles who've run away from out of state, CNMI does not place these individuals unless they've committed an offense that would be criminal if committed by an adult. Unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders) are housed in a designated shelter that is operated by CNMI's Department of Youth Services (DYS) Child Protective Services. The shelter is populated only with juvenile youths and supervised by authorized DYS staff.</p> <p>This shelter is spot-checked to ensure that it continues to remain as a non-secure facility.</p> |

B. Removal of Juveniles Charged as Adults and Detained In Adult Facilities¹

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
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| <p>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.</p> | <p>The CNMI complies with the removal of juveniles charged as adults and detained in adult facilities.</p> <p>The CNMI had one facility qualifying as an adult jail that was also classified as a secure correctional facility for adults (since the erection of the juvenile detention facility, the juvenile population are housed in the separate, juvenile detention facility). Prior to the completion of the juvenile detention facility, a Juvenile Detention Unit, or “JDU,” was collocated with the adult correctional facility as a secure detention facility and separate secure correctional facility for juveniles. Juveniles charged as an adult pending trial are kept in the portion of the facility qualifying as either the secure detention or correctional facility for juveniles (within the Juvenile Detention Facility). These juveniles are not detained in the jail or lockup for adults.</p> <p>The CNMI has laws in place that ensure juveniles' and adult inmates do not have sight or sound contact with each other. As provided under 6 CMC §2367, "Juveniles assigned to secure care shall be kept apart from adult offenders by at least sight and sound."</p> <p>Furthermore, juveniles are not detained or confined in an adult jail or lockup and this is described under 6</p> |
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| | <p>CMC §5131. Juveniles charged as adults and ordered to detention may only be detained or confined in the holding area of the Juvenile Detention Facility [This is a secure detention facility and separate secure correctional facility for juveniles. Juveniles are detained in this facility to await their court hearings or are confined to the facility when serving a sentence]. This code still references when the Juvenile Detention Unit (JDU) was a unit collocated within the DOC Adult Correctional facility.</p> |
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¹ This section of the manual references a provision of the Act that was codified at 34 U.S.C. § 11133(a)(11)(B). OJJDP refers to the requirement described in that provision as the “Section 223(a)(11)(B)” requirement.

SUMMARY OF REQUIREMENT

STATE'S PLAN TO ADDRESS REQUIREMENT

CM must review the Facility Juvenile Holding Log to ensure there are no violations. Juveniles found to have been detained or confined in the adult facility will be recorded as a violation.

Procedure –The CM will monitor for compliance by reviewing the Facility Juvenile Holding Log. The log details the type of charge a juvenile is arrested for, date, time in/time out, and race/ethnicity. The CM reviews these holding logs to ensure that no juvenile is detained in violation of the JJDP:

1. The CNMI Department of Corrections operates an adult jail that also classifies as a secure correctional facility for adults, as well as one entirely separate building, a Juvenile Detention Facility. Juveniles charged as adults are detained or confined in a separate holding area of the Juvenile Detention Facility, separate from the juvenile population, as well as the adult population who are housed in the separate adult correctional facility. Juveniles found to have been detained or confined in the adult facility will be documented and reported as violations (minus exceptions provided under section 223(a)(13) – “Jail Removal”). However, within the Juvenile Detention Facility, it still remains in effect that juveniles charged as adults are detained or confined in separate holding area(s) of the facility, separate from the juvenile population within the facility.
2. The CM works closely with the CNMI Department of Corrections (DOC) in ensuring that there is sight or sound separation. This is done by reviewing the Facility Juvenile Holding Logs that are submitted monthly to the CJPA Office.
3. Juveniles will be detained in the Juvenile Detention facility, separated from the adult prison population inmates unless the court, after finding good cause, and in writing, orders otherwise. Regardless, if juveniles are ordered and found to be confined in jails or lockups for adults, it will be recorded as a violation by the CM. Any juvenile detained in the adult correctional facility (i.e., adult jail), outside of what is permitted under the exceptions for jail removal, will be reported as a violation.

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
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| <p>A juvenile charged as an adult may be detained in an adult jail or lockup if one of the exceptions at 34 U.S.C. § 11133(a)(13) applies (Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception). See Section II.D. Removal of Juveniles From Adult Jails and Lockups.</p> <p>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:</p> <ol style="list-style-type: none"> 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) <p>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.</p> | |

C. Separation of Juveniles From Adult Inmates

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
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| <p>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.</p> <p>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 colocated facilities, to have been trained and certified to work with juveniles.</p> | <p>The CNMI complies with the Separation of Juveniles from Adult Inmates requirement.</p> <p>In the CNMI, there is a Division of Youth Services (DYS) and this agency is responsible for the services and programs for juveniles under 6 CMC § 5111. DYS is charged with administering juveniles who are detained in the CNMI DOC Juvenile Detention Facility. As such, DYS staff are required under the NMI Administrative Code §55-40.1-226 to be qualified through “training, experience and personal qualities” for the age group for which they work.</p> <p>The CNMI DOC implements in-house training to newly hired DOC Correction Officers or if officers are newly assigned into the DOC Juvenile Detention Facility. Senior Juvenile Detention Officers will serve as supervisors who guide and instruct those officers to be sufficiently trained and certified when working with juveniles confined in detention.</p> <p>To verify and ensure DOC staff (those who work with both juveniles and adult inmates) are trained and certified to work with juveniles, the CM will request a detailed report from DOC that includes the following information:</p> <ul style="list-style-type: none"> ● What personnel work with both juveniles and adult inmates and what personnel work exclusively with juveniles in the facility. ● Position description described for each of the identified personnel. ● List of any relevant training/certification/accredited courses the personnel underwent to be certified to work with both juveniles and adult inmates or to work exclusively with juveniles. Also, the list should indicate how often the training and/or certifications are implemented. <p>The CM will conduct this procedure in the mid-year (July 1 or Aug 1) of the following year after an annual inspection of all monitored facilities.</p> |

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
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| <p>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).</p> <p>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.</p> | <p>Juveniles ordered to detention are not detained or confined in the adult correctional facility of the CNMI DOC, which classifies as an adult jail. They are detained in an entirely separate building, the Juvenile Detention Facility, where they do not have sight or sound contact with adult inmates.</p> <p>If juveniles are detained after being charged as adults, and for whom a court order determines that it would be in the interest of justice to detain or confine juveniles in a detention facility, they must only be detained or confined in the designated holding area of the Juvenile Detention Facility. Detention anywhere aside from the designated holding area will be recorded as a violation of (11)(B). A violation of separation would occur, if contact with adult inmates ensued and the CM could find no written court order, finding confinement of the juvenile charged as an adult and detained in the adult jail, to be in the interest of justice.</p> <p>For more information, see the section outlining compliance with removal of juveniles charged as adults and detained in adult facilities.</p> |
| <p>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.</p> | <p>Juveniles are only held in the Juvenile Detention Facility of the Department of Corrections (DOC) until the age of 18, which also conforms to 6 CMC §5153, unless they are retained for extended custody pursuant to 6 CMC §5137. Individuals above the state's age of majority, however, who qualify for and are retained under extended juvenile court jurisdiction, will be separated from juveniles if they are accused of committing a new criminal offense, and will not have contact with juveniles for the duration of their sentence.</p> |

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
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| <p>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.</p> <p>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.</p> | <p>The CNMI does not implement scared straight or shock incarceration programs as juveniles are not allowed to have sight or sound contact with adult inmates. However, CNMI will continue to inquire about the use of such programs during the annual on-site inspection of its Juvenile Detention facility.</p> |

D. Removal of Juveniles From Adult Jails and Lockups

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
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| <p>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.</p> <p>The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both juveniles and adult inmates in colocated facilities to have been trained and certified to work with juveniles:</p> | <p>The CNMI complies with the Removal of Juveniles From Adult Jails and Lockups requirement. CNMI has one secure adult facility qualifying as an adult jail, and one Juvenile Detention Facility. Currently identified law enforcement operated facilities in which detainment could occur, for the purpose of processing juveniles accused of committing a delinquent offense, are nonsecure, and therefore would not qualify as jails or lockups for adults. CNMI will verify the classification of each facility which <i>could</i> classify as a jail or lockup for adults at least once per three-year period.</p> <p>The Compliance Monitor (CM) collects monthly records of juvenile holdings logs from CNMI's Juvenile Detention Facility. The Facility Juvenile Holding Log is the document that CNMI DOC Officers use for every juvenile admitted (i.e., detained or confined) to the Juvenile Detention Facility. The log details the juveniles' most serious offense, date, time in/time out, and race/ethnicity.</p> |

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
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| <p>SIX-HOUR EXCEPTION – The jail removal requirement at 34 U.S.C. § 11133(a)(13)(A) allows the detention or confinement in an adult jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:</p> <ul style="list-style-type: none"> a. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release or while awaiting transfer to a juvenile facility. b. 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. | <p style="text-align: center;">STATE'S PLAN TO USE EXCEPTION</p> <p>The CNMI does not utilize the Six-Hour exception. Juveniles are booked in a dedicated Juvenile Detention Facility, a building entirely separate from the adult correctional facility which houses the adult inmate population.</p> <p>Whenever a CNMI Department of Public Safety (DPS) officer arrests a juvenile, they are detained in a non-secure facility. They are brought to the DPS Office and held in a designated area of the office for the intake process and necessary documentation. They are held for less than six hours and must either be formally charged or released within the six hour time frame.</p> <p>For juveniles charged with a delinquent offense, they are booked in the designated juvenile booking area of the Juvenile Detention Facility and do not have sight or sound contact with adult inmates as the adult correctional facility is a building entirely separate from the Juvenile Detention Facility.</p> |
| <p>SIX-HOUR EXCEPTION (continued)</p> <p>The following three 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.</p> | <p>The CNMI does not use the Six-Hour exception.</p> <p>Pursuant to the Department of Corrections (DOC) procedure §57-20.1-1910 (pp. 47), juveniles will not be admitted into the facility if they are arrested for status offenses or non offenses.</p> |

| SUMMARY OF REQUIREMENT | STATE'S PLAN TO ADDRESS REQUIREMENT |
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| <p>RURAL EXCEPTION – The exception found at 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.</p> <p>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 <i>OMB Bulletin, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of Delineations of These Areas</i>, 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.</p> | <p>CNMI does not utilize the rural exception. CNMI does not permit the detention or confinement of juveniles in the territory's single adult jail. All other law enforcement facilities operated in CNMI are nonsecure, and therefore do not qualify as jails or lockups for adults.</p> <p>Juveniles are confined in the CNMI's DOC Juvenile Detention Facility. As the Rural Exception only applies to Adult Jails or lockups, it does not apply to CNMI as the CNMI only confines juveniles in the Juvenile Detention Facility.</p> |

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.

STATE’S PLAN TO USE EXCEPTION

CNMI **does not** utilize this exception. Juveniles are not detained in CNMI’s single adult jail. All other law enforcement operated facilities are nonsecure. Juveniles charged with offenses that would be criminal if committed by an adult are transported from the Juvenile Detention Facility to court within 24 hours (excluding legal weekends and holidays)

Under [6 CMC §5141](#), CNMI law strictly outlines this requirement. Therefore, the CNMI’s requirement is even more stringent compared to the 48-hour exception provided under 34 U.S.C. Although juveniles are not detained or confined in the adult jail, CNMI will document any detention of a juvenile within the adult jail as a violation if it is beyond six hours. Therefore, the CNMI’s requirement is even more stringent compared to the 48-hour exception provided under 34 U.S.C. §11133(a)(13)(B)(ii)(II).

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.

STATE’S PLAN TO USE EXCEPTION

CNMI **does not** utilize this exception. Juveniles are not detained in CNMI’s single adult jail. All other law enforcement operated facilities are nonsecure. Juveniles charged with offenses that would be criminal if committed by an adult are transported from the Juvenile Detention Facility to court within 24 hours (excluding legal weekends and holidays). Under [6 CMC §5141](#), CNMI law strictly outlines this requirement. Therefore, the CNMI’s requirement is even more stringent compared to the 48-hour exception provided under 34 U.S.C. Although juveniles are not detained or confined in the adult jail, CNMI will document any detention of a juvenile within the adult jail as a violation if it is beyond six hours. Therefore, the CNMI’s requirement is even more stringent compared to the 48-hour exception provided under 34 U.S.C. §11133(a)(13)(B)(ii)(II).

III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING

Summary of Elements

CNMI 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 at [34 U.S.C. § 11133\(a\)\(14\)](#). The CNMI'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. For each of the following elements, CNMI includes a description of its specific policies and procedures regarding the following eight elements comprising its 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 following table provides: (1) a summary of the element in the left-hand column and (2) an opportunity for CNMI to detail its plan to address that element in the right-hand column.

JJ Compliance Monitoring Policies and Procedures

| SUMMARY OF ELEMENT | STATE'S PLAN TO ADDRESS ELEMENT |
|---|--|
| <p>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 CNMI satisfies the following additional elements required for an effective system of compliance monitoring (see Section III of this manual).</p> | <p>Review and Update:</p> <p>The Compliance Monitor (CM) shall do an annual review of the Compliance Monitoring Manual and make appropriate updates during situations such as:</p> <ul style="list-style-type: none"> • Whenever information on the Monitoring Universe requires changes (e.g. new facility identified, classification change to any existing facility) • Whenever the definition of terms of the JJDA are either revised, omitted, or newly added. • Whenever legislation either newly passed or an existing one has been amended that is directly relevant to the Designated State Agency's monitoring authority. • In the event of any amendments to relevant federal statute and provisions of the 2018 JJRA. <p>The manual shall also be reviewed for any additional modification(s) after the issuance of any revised regulations or guidelines by the Office of Juvenile Justice and Delinquency Prevention.</p> |

Date of Last Update or Initial Plan Implementation: September 1, 2022

Monitoring Authority

| SUMMARY OF ELEMENT | STATE'S PLAN TO ADDRESS ELEMENT |
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States are required under [34 U.S.C. § 11133\(a\)\(1\) and \(2\)](#) to designate an agency (referred to as the Designated State Agency, or the DSA) and provide satisfactory evidence that the DSA has authority, by legislation, if necessary, to administer the Title II Formula Grants Program, including monitoring for compliance with the deinstitutionalization of status offenders (DSO), Section 223(a)(11)(B), separation, and jail removal requirements.

Pursuant to [CNMI Executive Order 2010-07](#), the CIPA is the designated State Planning Agency “empowered to administer Title II Formula Grant funding. CIPA is provided with the authority to develop and enforce standards for all secure facilities that might hold juveniles, and to inspect facilities for classification purposes and compliance with the JJDP. In addition, CIPA has the authority to review juvenile records, to collect data at selected intervals during the year, to cite facilities for violations of the standards and provide training and technical assistance when violations are not corrected. CIPA’s authority allows the Compliance Monitor (CM) to inspect each facility for purposes of classification, to keep specific juvenile admission and release records and allow the CM access to these records during the year.

CIPA, the DSA of CNMI is in the process of revisiting the provisions of its Monitoring Authority stated in [CNMI Executive Order 2010-07](#) in order to update its content so the provisions of the order provide clearer language of CIPA’s compliance monitoring authority and so that provisions will reference the reauthorized JJRA of 2018 and its core requirements.

Date of Last Update or Initial Plan Implementation: September 1, 2022

Violation Procedures

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(iii\)](#), the state must specify how it receives, investigates, and reports complaints of instances of noncompliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements.

The Compliance Monitor (CM) is the primary individual responsible to receive, investigate, analyze, report and respond to alleged compliance violations throughout the CNMI. All data obtained of juveniles detained or confined will be reviewed by the Compliance Monitor to determine if there were any instances of noncompliance with the core requirements: **DSO, Removal of Juveniles Charged as Adults from Adult Facilities, Separation of Juveniles, and Jail Removal.** Any instances of noncompliance will be reported in the annual compliance monitoring tool.

A. Receiving

Reports of complaints of instances of noncompliance pertaining to the core requirements of the JJRA of 2018 may reach the attention of CJPA's Compliance Monitor from any of the following independent sources: 1) SAG members; 2) Administrators' of public and/or private agencies; 3) interested, concerned parents and/or citizens; 4) Youths; 5) Collected data.

B. Investigation

- a. All violations of the core requirements will be investigated without unnecessary delay (24 hrs after a violation has been notified to the CM). Investigation will be conducted by the CM in this general manner:
 1. Review and verify the source of the report of violation.
 2. Write up an incident report narrative covering from the start to the end of the investigation
 3. Schedule a meeting with

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| | <p>the involved facility administrators to discuss the severity, number of, and type of violations. Meetings will also cover all necessary corrective actions, assistance needs, preventive measures, and other relevant matters.</p> <p>4. All investigation actions shall be formally documented and kept in file that will be in the custody of the CM.</p> <p>C. <u>Reporting</u></p> <ul style="list-style-type: none">a. The CM will complete a Compliance Violation Report in response to a report of violation(s) in any of the secured facilities listed in the Monitoring Universe.b. Prior to completing the Compliance Violation Report, content is reviewed by CJPA's Executive Director before being forwarded to the facility's administration.c. The CM will conduct a stringent follow up on-site inspection at least twice a year at the reported facility. CM will also decide if the frequency of inspections or site-visits will need to increase if deemed necessary. |
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Date of Last Update or Initial Plan Implementation: Sep.01,2022

E. Adherence to Federal Definitions

| SUMMARY OF ELEMENT | STATE’S PLAN TO ADDRESS ELEMENT |
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| <p>Definitions that states use for key juvenile and criminal justice terms sometimes differ from the “federal” definitions. The federal definitions, for purposes of compliance monitoring, are only those provided in the JJDPa at 34 U.S.C. § 11103 the Formula Grants Program Regulation at 28 C.F.R. § 31.304 and 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.</p> | <p>When monitoring for compliance with the core requirements, CNMI applies the federal definition of any term related to compliance monitoring where the state definitions of the term differ from the federal definition. Where there is a difference in the definitions, CNMI/CJPA acknowledges that the federal definition must be used.</p> |

| <u>Federally Defined Terms Relating to Compliance With the Formula Grants Program</u> | <u>Similar State Definitions, and How They Differ From the Federal Definition</u> |
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| <p>ADULT INMATE 34 U.S.C. § 11103 (26) – means 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.</p> | <p>The CNMI applies the federal definition of <i>adult inmate</i> for purposes of compliance monitoring.</p> |
| <p>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, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement.</p> | <p>The CNMI applies the federal definition of <i>assessment</i> for the purposes of compliance monitoring.</p> |

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| <p>COLLOCATED FACILITIES 34 U.S.C. § 11103 (28) – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.</p> | <p>The CNMI applies the federal definition of <i>collocated facilities</i> for purposes of compliance monitoring. As an update in 2024 to this Compliance Monitoring Manual, the CNMI has a newly erected Juvenile Detention Facility, which effectively nullified the need for a “Collocated” Juvenile Detention Unit or “JDU,” since the juvenile population are now housed in the new Juvenile Detention Facility.</p> |
| <p>CORE REQUIREMENTS 34 U.S.C. § 11103 (30) – means the requirements described at 34 U.S.C. § 11133(11), (12), (13), and (15).</p> | <p>The CNMI applies the federal definition of <i>core requirements</i> for purposes of compliance monitoring</p> |
| <p>CRIMINAL-TYPE OFFENDER 28 C.F.R. § 31.304(a) – means a juvenile offender who has been charged or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.</p> | <p>The CNMI applies the federal definition of <i>criminal-type offender</i> for the purposes of compliance monitoring.</p> |
| <p>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 that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition.</p> | <p>The CNMI applies the federal definition of <i>detain or confine</i> for purposes of compliance monitoring.</p> |
| <p>INSTITUTION Compliance Monitoring TA Tool 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.”</p> | <p>The CNMI applies the federal definition of <i>institution</i> for the purposes of compliance monitoring</p> |
| <p>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 uses to detain or confine adult inmates.</p> | <p>The CNMI applies the federal definition of <i>jail or lockup</i> for the CNMI Department of Corrections.</p> <ul style="list-style-type: none"> • “Lock-up”: That area of the police station where arrestees are detained pending the posting of bail, or court action is the lock-up. This area is under the supervision of the Department of Corrections but is not used to house anyone who has been convicted. Upon conviction, a detainee is transferred to the correctional facility to begin serving his/her sentence. Exceptions may be made when deemed appropriate by the Chief, in writing to be kept in the inmate’s file.- NMI Administrative Code Title 57 Part 001 § 57-20.1-005 |
| <p>JUVENILE OFFENDER 28 C.F.R. § 31.304 (d) – means</p> | <p>The CNMI uses the federal definition of <i>juvenile offender</i> for</p> |

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| <p>an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by state law (i.e., a criminal-type offender or a status offender).</p> | <p>purposes of compliance monitoring.</p> <ul style="list-style-type: none"> • "Juvenile offender" means a person under the age of eighteen (18) years, committed by the court to the custody, care and jurisdiction of DYS following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult.- CNMI PL 16-47 Section 3 (a)(15) |
| <p>MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION Compliance Monitoring TA Tool by OJJDP – means the age above which a juvenile court may no longer exercise jurisdiction under state law.</p> | <p>The CNMI uses the federal definition of <i>maximum age of extended juvenile court jurisdiction</i> for purposes of compliance monitoring.</p> |
| <p>MONITORING UNIVERSE Compliance Monitoring TA Tool – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.</p> | <p>The CNMI uses the federal definition of <i>monitoring universe</i> for purposes of compliance monitoring submission to OJJDP.</p> <ul style="list-style-type: none"> • The Compliance Monitoring Manual (CMM) maintains the monitoring and dates of each facility, site visits, and pertinent information to ensure that secured facilities are visited at least once every three years. The CMM updates the monitoring universe if any few facilities are being used or if any previously utilized facilities are no longer in operation |
| <p>NONOFFENDER 28 C.F.R. § 31.304 (j) – 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.</p> | <p>The CNMI uses the federal definition of <i>nonoffender</i> for purposes of compliance monitoring.</p> |
| <p>RESIDENTIAL Compliance Monitoring TA Tool – 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.</p> | <p>The CNMI uses the federal definition of <i>residential</i> for purposes of compliance monitoring.</p> |
| <p>SECURE as defined under 28 C.F.R. § 31.304 (m) and used to define a detention or correctional facility – includes residential facilities that include 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.</p> | <p>The CNMI uses the federal definition of <i>secure</i> for purposes of compliance monitoring.</p> |

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| <p>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.</p> | <p>The CNMI uses the federal definition of <i>secure correctional facility</i> for purposes of compliance monitoring.</p> |
| <p>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 of any other individual accused of having committed a criminal offense.</p> | <p>The CNMI applies the federal definition of <i>secure detention facility</i> for purposes of compliance monitoring.</p> |
| <p>SIGHT OR SOUND CONTACT 34 U.S.C. § 11103 (25) – means any physical, clear visual, or verbal contact that is not brief and inadvertent.</p> | <p>The CNMI applies the federal definition of <i>sight or sound contact</i> for purposes of compliance monitoring.</p> <ul style="list-style-type: none"> • “Separation by Sight or Sound”: It is the stated goal of the Congress of the United States, as presented in the Juvenile Justice and Delinquency Prevention Act, that juvenile offenders and adult offenders not come into contact with each other. The idea is that there be separate facilities for adults and juveniles. The minimum requirement where it is impossible to provide separate facilities, is that adults and juveniles be sufficiently separated that neither can see or hear the other. - NMI Administrative Code Title 57 Part 001 § 57- 20.1-005. However, as an update to this Compliance Monitoring Manual as of October, 2024, there are now separate facilities for adults and juveniles: There is one adult correctional facility and one dedicated, Juvenile Detention facility. |
| <p>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.</p> | <p>The CNMI applies the federal definition of <i>state</i> for purposes of compliance monitoring.</p> |

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| <p>STATUS OFFENDER 34 U.S.C. § 11103(42) – means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.</p> | <p>The CNMI uses the federal definition of <i>status offender</i> for the purposes of compliance monitoring.</p> <ul style="list-style-type: none"> • "Status offense" means any act which, if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed "status offenders". Status offenses include truancy, curfew violation, and possession of alcoholic beverages or tobacco. - CNMI PL 16-47 Section 3 (a)(20). |
| <p>TWENTY-FOUR HOURS Compliance Monitoring TA Tool – 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.</p> | <p>The CNMI uses the federal definition of <i>twenty-four hours</i> for purposes of compliance monitoring.</p> |
| <p>VALID COURT ORDER 34 U.S.C. § 11103(16) – means a court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.</p> | <p>The CNMI uses the federal definition of <i>valid court order</i> for purposes of compliance monitoring.</p> |

Date of Last Update or Initial Plan Implementation: Sep. 01, 2022

F. 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 (including court holding facilities), secure detention facilities, and secure correctional facilities (including adult prisons), as listed at [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.

The monitoring universe refers to the identification of adult jails, adult lockups, secure detention facilities, and secure correctional facilities within the CNMI. The steps below outline the Compliance Monitor’s process of identification.

In January of each year, the CM will inquire with department administrators’, requesting OJDP identification information. Identification information needed to meet this purpose include: current facilities, and /or as standards, licensing and inspection procedures. All information collected will be filed in the Compliance Monitoring Universe.

CNMI identifies new facilities through one of the following ways:

- 1) During an on-site visit or via a phone call, inquire from the facility’s point of contact if any new secure facility had been newly established. Ask about the new facility’s location, features, and what entity has administrative oversight over it.
- 2) Establish an Memorandum of Understanding (MOU) between CIPA with all the facility administrators or involved entities listed under the Monitoring Universe. The MOU will establish a coordination plan in which the facility administration will provide a quarterly update of whether the identified facilities remain at status quo or if new facilities have been established. CIPA is currently looking into implementing the use of the MOU with involved entities such as the [Department of Corrections \(DOC\)](#), [Department of Public Safety \(DPS\)](#), and the [Department of Youth Services \(DYS\)](#).

The CM will maintain a Compliance Monitoring Universe. The Compliance Monitoring Universe identifies all facilities established in the CNMI that are its jails, lockups, secure detention facilities, or secure correctional facilities. Updates on the Compliance Monitoring Universe Log will be made annually by the CM. This process will be done through interviews with contact personnel with each facility name in the log.



G. Classification of the Monitoring Universe

| SUMMARY OF ELEMENT | STATE'S PLAN TO ADDRESS ELEMENT |
|--|---|
| <p>States are required under 28 C.F.R. § 31.303(f)(1)(i)(B) to classify each facility in the monitoring universe to specify whether it is a (1) a jail or lockup for 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)).</p> | <p>The Monitoring Universe holds all secure facilities reported to OJJDP.</p> <p>The Compliance Monitor (CM) will also maintain a Facility Master List. This list is a physical file that contains all secure and non-secure facilities information. The CM will annually classify and/or verify all facilities listed in the Facility Master List.</p> <p>Under this Compliance Manual, the classification of all facilities is to determine which should be considered jails or lockups for adults (including secure court holding facilities), secure detention, or secure correctional facilities (including adult prisons) and thus should be monitored for the core requirements.</p> |

SUMMARY OF ELEMENT**STATE'S PLAN TO ADDRESS ELEMENT**

- For purposes of this policy, and per federal requirements, there will be three categories for classification of each facility. Those categories are (as defined under 28 CFR 31.304:
1. Public or Private (owned by State, local agency or owned by a private or non-private agency).
 2. Is the facility used exclusively for juvenile(s) or adult(s) or is the facility used for both adults and juveniles?
 3. Secure or non-secure
 4. Whether it is residential
 5. Whether it is collocated

>All facilities listed in the Compliance Monitoring Universe Log must be classified pursuant to the definitions and the terms of the JJDP, Secure or non-secure: public or private; adult; juvenile or used for both

> Based on the classification, the list of facilities requiring an onsite inspection during the monitoring year will be generated.

> The classification of facilities is not a one-time occurrence at a specified time during the course of the year but rather an on-going process. Classification is verified through on-site inspections as required.

> All new facilities or facilities having any changes or additions to the existing facility are subject to classification and inspection.

> The CM will review on an annual basis the state standards and new legislation, judicial practices, and administrative rules for classification purposes.

> When a facility is reclassified, this will be noted in the Facility File and in the Compliance Monitoring Master Log.

> The CM will annually classify all jails, court holding facilities, secure lockups, and juvenile detention facilities as either a public, or secure facility that may be used for the incarceration of juveniles and/or adults. All of these facilities will be subject to an annual on-site inspection and data collection/data verification.

| SUMMARY OF ELEMENT | STATE'S PLAN TO ADDRESS ELEMENT |
|--------------------|---|
| | <ul style="list-style-type: none"><li data-bbox="837 348 1409 407">> Lockups classified as non-secure lockups are visited each year.<li data-bbox="837 443 1419 569">>All jails, lockups, secure correctional, secure detention andTemporary Holding facilities require annual on-site inspection to ensure their classification is correct. |

Inspection of Facilities

| SUMMARY OF ELEMENT | STATE'S PLAN TO ADDRESS ELEMENT |
|---|--|
| <p>Pursuant to 28 C.F.R. § 31.303(f)(1)(i)(C), inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping.</p> | <p>The Compliance Monitor (CM) monitors all secure facilities in the CNMI. Currently, there is one secure facility for adult inmates and one Juvenile Detention Facility for juveniles in the CNMI. Prior to the erection of a new Juvenile Detention Facility, juveniles were detained in a separate Juvenile Detention Unit (JDU) of the adult correctional facility (collocated). In addition, it is also the responsibility of the CM to identify and update all facilities in the monitoring universe.</p> <p>The Compliance Monitor (CM) should have available during on-site visits information regarding funding opportunities through CIPA or other resources, information from other Units that is pertinent, information regarding funding and contracts, and other information that the CM deems appropriate. This serves to develop and maintain important working relationships between the facility and CIPA.</p> <p>The CM will conduct an annual inspection of all facilities identified in the Monitoring Universe to ensure an accurate assessment of each facility's classification and record keeping. The inspection process will include:</p> <ul style="list-style-type: none"> ● A review of the facility's physical accommodations to determine whether it is a secure or non-secure facility. ● Conduct a "walkthrough" to determine the level of sight and sound separation between juveniles and adult inmates. ● Review all record keeping to determine if adequate data are maintained in regards to compliance with 223(a)(11)(A), 223(a)(11)(B), (12) Separation of Juveniles from Adult Inmates and (13) Jail Removal. ● An exit interview with the facility administrator or contact to share onsite findings and concerns, to discuss methods to realize what compliance matters and issues are present. <p>The following guidelines will be used in determining which facilities will receive an on-site inspection:</p> <ul style="list-style-type: none"> ● Secure (jails, lockups, juvenile detention centers) will be subject collection and |

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|--|--|
| | <p>inspection.</p> <ul style="list-style-type: none"> • All facilities (jails and lockups) reporting a non-holding status of juveniles (non-secure). In the previous all will be sampled at 50 percent. CIPA will keep track of which facilities were monitored each year. CIPA will keep track of which facilities were monitored each year. • Every year the non-secure facility should be monitored in order to ensure it remains non-secure. • All other facilities identified as secure and holding juveniles will be inspected and data collected annually. |
|--|--|

I. Compliance Data Collection and Verification

| SUMMARY OF | STATE'S PLAN TO ADDRESS ELEMENT |
|--|--|
| <p>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 <u>October 1 to September 30</u>. 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.</p> | <p>The Compliance Monitoring Universe Log will include all information pertaining to each facility. Each facility file must have the following documents on file:</p> <ul style="list-style-type: none"> • Monitoring Universe Survey • Monitoring Reports • Violation(s) cited • Any communications between facility administrator and monitor for issues and concerns of violations/steps taken to correct such violation(s). <p>The Compliance Monitor (CM) will be responsible for</p> |

| | |
|--|--|
| | <p>collecting and verifying data on every juvenile held in those facilities subject to inspections following OJJDP rules and regulations on data collection. Data on all juveniles detained or confined securely will be obtained within three months of the closing monitoring year, the fiscal year, October 01 through September 30. Data collected in accordance with OJJDP Guidelines will be used for each annual monitoring cycle. The following data set will be obtained:</p> <p>Data sets to be reviewed during the collection/verification:</p> |
|--|--|

C

D

| SUMMARY OF ELEMENT | STATE'S PLAN TO ADDRESS ELEMENT |
|--------------------|---------------------------------|
|--------------------|---------------------------------|

Juveniles, Detention, Connecticut, Facility

- a) Accused status offender(s) held for more than 24 hours excluding weekends and holidays, prior to an initial court appearance, excluding those held pursuant to a Valid Court Order, out of state runaways held pursuant to the Youth Handgun Safety Act or the CNMI Special Act for Firearms Enforcement (SAFE). These juveniles are violations of the DSO core requirement, with exception for those who meet the requirements set forth under the VCO checklist.

- b) Accused status offenders held for more than 24 hours (excluding weekends and holidays), immediately following an initial court appearance, excluding those held pursuant to the Youth Handgun Safety Act or the CNMI Special Act for Firearms Enforcement (SAFE). (These juveniles are violations of the core requirement, with exceptions for those who meet the requirements set forth under the VCO checklist.

- c) Adjudicated status and non-status offenders held for any length of time (Any non-offender sentenced to detention, or any status offender held without benefit of the Valid Court Order, are violations, with exceptions of the Valid Court Order, are violations, with exceptions for those who meet the requirements set forth under the VCO checklist.

- d) Status offenders held pursuant to a violation of a Valid Court order (These juveniles are violations except for those who meet the requirements set forth under the [VCO Exception Checklist](#)).

- e) Out of state runaways (they will count as violations as the CNMI currently does not participate in the interstate compact for juveniles.

- f) Non-offenders held for any period of time (All non-offenders held securely are violations.

- g) Total number of juvenile offenders held pursuant to the Youth Handgun Safety Act or the CNMI Special Act for Firearms Enforcement (SAFE). (These juveniles are not violations, but the total number reported in the annual monitoring report.

IV. COMPLIANCE MONITORING REPORTING REQUIREMENT

| COMPLIANCE REPORTING | NOTES |
|---|---|
| <p>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.</p> <p>COMPLIANCE DATA AND SUPPORTING DOCUMENTATION – Compliance data and supporting documentation is submitted annually through OJJDP's Compliance Reporting Tool.</p> | <p>The CM will input compliance data and supporting Documentation for the previous federal fiscal year (October 01 to September 30) into the OJJDP's Compliant Monitoring Tool (CMT) If additional time is necessary to submit its report, CNMI will request an extension of the reporting deadline for good cause.</p> |

Date of Last Update or Initial Plan Implementation: Sep.01,2022

APPENDIX A – ONLINE RESOURCES

| Title | Description | |
|---|--|----------------------|
| Office of Juvenile Justice and Delinquency Prevention (OJJDP) Webpage | <p>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.</p> <p>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.</p> | Link |
| Authorizing Legislation | <p>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.</p> | Link |
| Juvenile Justice and Delinquency Prevention Act | <p>This is the text of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.</p> | Link |
| Redline Version Juvenile Justice and Delinquency Prevention Act as Amended by the Juvenile Justice Reform Act of 2018 | <p>This version of the Juvenile Justice and Delinquency Prevention Act (JJDP), includes the amendments made by the Juvenile Justice Reform Act of 2018 (in red).</p> | Link |
| OJJDP Core Requirements Webpage | <p>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 JJDP, supporting regulations, state compliance with JJDP core requirements, reporting requirements, guidance and resources, and staff contact information.</p> | Link |

| Title | Description | |
|---|---|----------------------|
| 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 |

APPENDIX B – Compliance Monitoring Tasks

| <u>POLICY</u> | <u>MONTH</u> | <u>WHO</u> | <u>WHAT</u> |
|----------------------|-------------------------------|--|--|
| | July-August | Compliance Monitor | Monitoring planning begins. Plans are finalized in the grant application to the SAC. |
| | July | Compliance Monitor | Begin annual compliance monitoring cycle. |
| | August-November | Compliance Monitor | Begin Monitoring Universe update. |
| | July-September | Compliance Monitor | Review/Revise Policies and Procedures. |
| | Ongoing- October-September | Compliance Monitor | Identification, Classification, Inspection, Data Collection. |
| | Ongoing | Compliance Monitor | Inspection, review of records, Compliance Violation Forms completed, Data Summary Letters. |
| | September | Compliance Monitor | Data Collection Completed |
| | August | CNMI DOC Juvenile Detention Facility, CNMI Department of Public Safety Precincts | Juvenile Holding Log turned over to CM. |
| | February | Compliance Monitor | Monitoring report to OJJDP |

APPENDIX C – Monitoring Universe



Commonwealth of the Northern Mariana Islands
Criminal Justice Planning Agency



Saipan, MP CNMI Monitoring Universe

| Name of Facility | Department | Classification | Status |
|--|---|--|--|
| CNMI Department of Corrections Juvenile Detention Unit PO Box 506506 Saipan, MP 96950 (670) 237-2704/2701 | Department of Corrections | Secure/Collocated/ Residential/Adult & Juvenile Facility. | The facility is operational. The facility was collocated but is being repurposed to an adult-only, residential and correctional facility. In mid-2024, a dedicated Juvenile Detention Facility was erected with its sole purpose to house the juvenile population, ensuring sight and sound separation. |
| Department of Public Safety Rota Lock-Up PO Box 917 Rota, MP 96951 (670) 532-9433 | Department of Public Safety - Rota | Secure/Public/Non-Residential | This facility was initially classified as non-secure prior to February, 2024. However, upon site inspection the facility housed dedicated juvenile holding cells for both male and female juveniles with clearly distinct locking features. Juveniles are also monitored and are prevented from leaving by law enforcement officers. |
| Department of Public Safety, Tinian Lock-Up PO Box 911 Tinian, MP 96952 (670) 433-9222 | Department of Public Safety - Tinian | Non-Secure/Public/Non- Residential. Adult arrestees and juveniles are waited in a designated office area. | Juveniles that are processed in the designated office area are for intake purposes, away from public view. |
| Guma Hustisia Limwal Aweewe House of Justice- Holding Facility, NMI Judiciary Susupe, Saipan, MP 96950 (670) 236-9700 | NMI Superior Court | Non-Secure/Public/Non- Residential/Adult and Juvenile holding area. | Courthouse holding cells for defendants (both adult and juvenile) utilized when awaiting court hearing. When juvenile(s) are transported from the CNMI Department of Corrections Juvenile Detention Facility, strict protocols are initiated by the NMI Judiciary's Marshall Service Division in order to maintain sight and sound separation. |

APPENDIX D – Violation Form



NOTICE OF VIOLATION Of the Juvenile Justice and Delinquency Prevention Act Core Requirement

Date: _____

Agency in Violation:

Facility:

Address:

Phone/Cell/Office #:

Administrator:

Date of Violation:

Violation(s) Narrative:

This is a violation of the Juvenile Justice and Delinquency Prevention Act, sections 223(a) (11) (A) and 223(a) 13.

Information needed from violating agency:

- a. *Reason for violation and the Department's/Agency's steps to prevent future violations.

Date: *One (1) month after receipt of this notice.

CJPA Contact:

JJ/Specialist/Compliance Monitor, (670)664-4558

