



STATE OF TENNESSEE
TENNESSEE COMMISSION ON CHILDREN AND YOUTH

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RE: Interest of Justice Provision

March 18, 2025

Dear Sheriff's and Facility Administrators,

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Department of Justice requires states participating in the Juvenile Justice Reform Act of 2018, 34 U.S.C. 11101 et seq., (JJRA), formerly the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. 5601 et seq., to address juvenile delinquency prevention and system improvement efforts. Tennessee is a participating state and receives just under a million dollars in Federal Formula Grant Funds annually from the JJRA.

Tennessee Code Annotated §37-3-103(a)(1)(C) provides the Tennessee Commission on Children and Youth (TCCY) shall "Implement the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, compiled in 42 U.S.C. 5601 et seq., and distribute, consistent with the purpose of the commission as set forth by § 37-3-102(a), such funds as the general assembly shall direct." This statutory provision provides TCCY with a wide array of responsibilities coupled with the authority needed to fulfill the responsibilities.

This letter serves to reiterate, and request help complying with, a requirement of the JJRA that has the potential to impact funding. 34 U.S.C. §11133(a)(11)(B), otherwise known as "Interest of Justice", pertains to court orders and secure detention or confinement of minors transferred to the adult criminal justice system. While statutory changes regarding blending sentencing and direct file have taken effect, it is important to note that the requirements of the JJRA *have not changed*, and remain as follows.

The statutory provision provides unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process *who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility*:

- *shall not have sight or sound with adult inmates; and*
- *shall not be held in any jail or lockup for adults, except as provided for in 34 U.S.C. §11133(a)(13)ⁱ.*

In determining whether it is in the Interest of Justice to permit a juvenile to be held in any jail or lockup for adults, or to have sight or sound contact with adult inmates, a court *shall consider in writing*, all of the following seven (7) factors:

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 themselves or others;

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)

If the court determines it is in the Interest of Justice to permit a juvenile to be held in any jail or lockup for adults, the court *shall* hold a hearing not less frequently than once every 30 days (or in the case of a rural jurisdictionⁱⁱ, not less frequently than once every 45 days), to review whether it is still in the Interest of Justice to permit the juvenile to be so held, or to have such sight or sound contact. The hearing *must* consider the factors above at each review hearing. Additionally, the juvenile *shall not be* held in any jail or lockup for adults for more than 180 days, unless the court, in writing, determines there is good cause for an extension *or* the juvenile expressly waives this limitation.

TCCY asks for your assistance in tracking compliance with the JJRA by notifying us whenever a youth under the age of 18 is detained in your facility, and confirming whether the youth is sight/sound separated for the duration of their secure detainment/confinement. We have attached a form you can use to make this easier. A copy of the form can be (e)mailed to Therese Sipes, or you can send an email containing the information included in the form.

A member of the TCCY Youth Justice Division can provide additional information, training and technical assistance, and support. If you have any questions, please direct them to Therese Sipes, TCCY Compliance Monitor at (629) 259-1275; or via email to Therese.Sipes@tn.gov.

You play a vital role in helping our state comply with the above requirements, and we appreciate all you do for the youth and families of Tennessee. We look forward to working with you and your staff.

Sincerely,



Richard Kennedy,
Executive Director
Tennessee Commission on Children and Youth

cc: Craig Hargrow, Deputy Executive Director, TCCY

Attachments: 223(a)(11)(B) Checklist



2025 223a11B
Checklist compressed

ⁱ No juvenile will be detained or confined in any jail or lockup for adults except—

(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

(i) for processing or release;

(ii) while awaiting transfer to a juvenile facility; or

(iii) in which period such juveniles make a court appearance;

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

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

(i) in which—

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

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

(ii) that—

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

(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel.

ⁱⁱ The term “rural” means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget, and has been identified as “rural” by the Tennessee Commission on Children and Youth as it pertains to the above-referenced Juvenile Justice and Delinquency Prevention Act.