

ALASKA'S SYSTEM FOR MONITORING COMPLIANCE WITH THE  
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

STATE OF ALASKA

Department of Health and Social Services

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TABLE OF CONTENTS

	<u>Page</u>
I. The Monitoring Plan . . . . .	1
A. Identification of Monitoring Universe . . .	1
B. Classification of the Monitoring Universe .	3
C. Inspection of Facilities . . . . .	3
D. Data Collection and Verification . . . . .	5
1. Sampling and Data Collection . . . . .	5
2. Verification . . . . .	8
3. Data Analysis . . . . .	8
II. Barriers to Implementation of the Monitoring System . . . . .	9
III. Violation Procedures . . . . .	11
APPENDIX. Timetables for Completion of Monitoring Tasks	
Master Timetable for Completion of Monitoring Tasks	
Timetable for Completion of Monitoring Tasks - 1988	

Pursuant to Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974 and as mandated by 28 CFR Part 31.303(f), the state is required to "[d]escribe its plan, procedure and timetable for annually monitoring jails, lockups, detention facilities, correctional facilities and non-secure facilities. The plan must at a minimum describe in detail each [monitoring task] including the identification of the specific agency(s) responsible for each task" [28 CFR Part 31.303(f)(1)(i)]. The state must also "[p]rovide a description of the barriers which [it] faces in implementing and maintaining a monitoring system to report the level of compliance with section 223(a)(12), (13) and (14) and how it plans to overcome such barriers" [28 CFR Part 31.303(f)(1)(ii)]. Finally, the state is also required to "[d]escribe procedures established for receiving, investigating, and reporting complaints of violation of section 223(a)(12), (13) and (14). This should include both legislative and administrative procedures and sanctions" [28 CFR Part 31.303(f)(1)(iii)].

The Division of Family and Youth Services (DFYS) is the agency responsible for performing compliance monitoring in Alaska. To improve its system of monitoring compliance with the JJDP Act, DFYS planned to use JJDP Formula Grant Funds to support a contract specifically for the purpose of designing a more comprehensive compliance monitoring system. A contract was awarded to the Justice Center at the University of Alaska Anchorage for design of the new system and for performing all monitoring tasks and preparing monitoring reports for CY 1987 and 1988 in accord with the monitoring system. The Justice Center will also prepare a monitoring system manual which will provide detailed procedures for annual identification and classification of the monitoring universe, inspection of facilities, collection, verification and analysis of data, and preparation of monitoring reports. This manual will be designed for use both as a training guide and as a reference source for future monitoring efforts.

A plan for annual monitoring, including procedures for completing each of the monitoring tasks specified in 28 CFR Part 31.303(f)(1)(i), has been developed by the Justice Center in cooperation with DFYS. This plan is outlined below, in Section I. Barriers to implementation of the monitoring system are discussed in Section II, and procedures for receiving, investigating and reporting complaints of violation are addressed in Section III. Timetables for completion of monitoring tasks may be found in the Appendix.

## I. The Monitoring Plan

### A. Identification of Monitoring Universe

A list of 103 facilities has been compiled by DFYS in cooperation with the Department of Public Safety (DPS) and other organizations. This list includes 17 state-contracted rural jails, 78 municipal and locally operated rural holding facili-

ties, 3 Department of Corrections (DOC) facilities and 5 juvenile detention/correctional facilities operated by DFYS. This list will form the monitoring universe which will be employed by the Justice Center in completing monitoring tasks necessary for 1987 and 1988 monitoring reports.

A systematic effort to develop a more comprehensive list of all facilities which might hold juveniles will be undertaken by the Justice Center in November and December, 1988. This second list will form the monitoring universe for 1989. Facilities to be included in the 1989 monitoring universe will be identified by the Justice Center in the following manner:

(1) Commanders of all Alaska State Trooper (AST) detachments statewide will be surveyed by telephone to determine the location of all municipal jails and lockups in each region. A list of all cities, towns and villages serviced by a detachment will be read to the detachment commander or his/her designee and the respondent will be requested to indicate the presence or absence of a jail or lockup (definitions of these terms will be provided), or any other resource for secure confinement of either adults or juveniles for each community with which he or she is familiar. Where the commander or designee is unable to indicate the presence or absence of a jail or lockup in each community named, the respondent will be asked to provide the name of a person within the detachment who may be able to provide the requested information and the individual named will then be contacted and requested to provide the information. This process will be repeated until the presence or absence of a jail or lockup is indicated for each community under that Detachment's jurisdiction. This method of identifying rural facilities is deemed preferable to a survey of community officials themselves because the risk of non-response is believed to be considerably greater in the latter type of survey.

(2) Justice Center staff will obtain a list or lists of all detention centers, juvenile correctional facilities, halfway houses, group homes, foster homes, and any other secure or non-secure public or private facilities which may be used for residential placement of either adults or juveniles (including mental health facilities, hospitals, chemical dependency programs, and detoxification centers).

(3) A comprehensive list of adult correctional facilities will be obtained from the Department of Corrections.

(4) A comprehensive list of state-contracted jails will be obtained from the Department of Public Safety.

(5) Area Court Administrators in each judicial district will be asked to provide a comprehensive list of court holding facilities in their districts. Each Area Court Administrator will also be asked to indicate which, if any, of the facilities are equipped for overnight detention and which, if any, provide for separation of juvenile incarcerated adult detainees.

The monitoring universe will be updated annually according to the procedure outlined above, except where more efficient procedures can be implemented for identification of new facilities and facilities which have been taken out of service each year (e.g., in years subsequent to 1988, the annual survey of AST detachment commanders will be designed to elicit information about new facilities and facilities which have been shut down during the previous year; questions about the presence or absence of a secure facility in each community will not need to be repeated once an initial determination of the location of all secure facilities is made). Facilities added to the monitoring universe as a result of each annual update will be subject to inspection and monitoring during the first full year following their addition to the universe.

#### B. Classification of the Monitoring Universe

DFYS has already classified facilities included in the monitoring universe upon which the 1986 monitoring report is based. The current classification of each of these facilities will be retained for purposes of the 1987 and 1988 monitoring reports. Of the 81 facilities added to the monitoring universe since 1986, three are operated by the Department of Corrections and 78 are municipal and locally operated rural holding facilities. The Department of Corrections facilities are designated by the state as adult correctional facilities and will be provisionally classified as such pending on-site inspection. None of the rural holding facilities is currently under contract with the state "to detain adults charged with violating criminal law, pending trial" or "to hold convicted adult criminal offenders sentenced for less than one year" [see the definition of adult jail at 28 CFR Part 31.304(m)]. These will therefore be provisionally classified (pending on-site inspection) as adult lockups, pursuant to the definition at 28 CFR Part 31.304(n).

Facilities added to the monitoring universe in 1988 will be provisionally classified by the Justice Center, based on state and federal definitions. Facilities which are not already classified by one or more state agencies in a manner which renders state definitions amenable to comparison with federal definitions will be provisionally classified according to an assessment of the appropriate classification based upon all available information.

Each secure facility will be inspected at least once every three years to ensure that its classification remains adequate. This inspection will be conducted in conjunction with other aspects of the inspection of facilities, as discussed below.

#### C. Inspection of Facilities

Beginning in 1988, one-third of all secure facilities in each classification category will be inspected annually. As required

under the terms of 28 CFR Part 31.303(f)(1)(i)(C), on-site inspections will include (a) examination of the entire physical plant to determine whether the facility is secure as defined in the regulations and to determine its proper classification (i.e. as an adult jail, adult lockup, etc., as these terms are defined in the JJDP Act), (b) inspection of all areas of the facility to determine whether there is adequate separation in each area of juvenile and adult offenders and c) review of the record keeping system at the facility to determine whether facility records are sufficient for valid determination of compliance with Section 223(a)(12), (13) and (14) of the JJDP Act.

During the first three years following implementation of the monitoring system described herein, selection of facilities for inclusion in the sample to be inspected each year will be guided by the following considerations:

(1) each facility visited for data collection and/or verification purposes (see below) will be inspected during the same visit;

(2) all facilities in each community which may conveniently be visited en route to a site visit for data collection/verification purposes will also be inspected unless such facilities have already been inspected within the three-year inspection cycle;

(3) each facility which may provide adequate separation of juvenile and adult offenders will be inspected during the first full year following its addition to the monitoring universe or its claim to have achieved separation;

(4) each facility for which an appropriate provisional classification is not apparent should be inspected during the first full year following its addition to the monitoring universe;

(5) facilities for which there is evidence of a possible change of classification will be inspected during the first full year following submission of such evidence;

(6) if fewer than one-third of all secure facilities in each classification category are sampled under the above procedures, additional facilities in those classification categories which have been undersampled will be selected for inclusion in the sample based on factors including but not limited to: proximity to other sites selected for inspection, past record of violations, cost of airfare to each facility and specific requests for inspection by appropriate officials.

Beginning in 1991, selection of facilities for on-site inspection will become largely routinized. Each facility inspected in 1988 will be re-inspected in 1991, those inspected in 1989 will again be inspected in 1992, and so on. Once all facilities in the monitoring universe have received at least one

on-site inspection, the only deviations from this inspection schedule will be (1) to add to each annual sample the facilities added to the monitoring universe during the previous year and (2) to add those facilities which some other consideration (e.g., the possibility of a change in classification and/or separation status or a special request for inspection) indicates should also be inspected.

#### D. Data Collection and Verification

Monitoring for jail removal, deinstitutionalization and separation will in all instances entail collection of data directly from original admission/release records or certified reproductions of original records. All data used in preparation of monitoring reports for 1987 and 1988 will be collected by the Justice Center. In subsequent years, data will be collected by DFYS or an agency contracted by DFYS to complete all monitoring tasks. Self-report data will not be used for JJDP monitoring. The procedure which will be employed in collection, verification and analysis of monitoring data is described below.

##### 1. Sampling and Data Collection

In November, 1988, and in March of each year thereafter, each facility classified as a correctional center, detention center or adult jail will be contacted by mail and requested to provide either a photographic reproduction of its admission/release logs for the previous calendar year or a data tape or disc duplicated from its original computerized records for that year. (In 1988, facilities will also be requested to provide copies of their admission/release logs for 1987). Each facility will also be asked to provide a statement, signed by the facility superintendent or other appropriate official, indicating that the photocopy, disc or tape is a complete and unaltered reproduction of its admission/release logs for the year.

A follow-up telephone call will be made to each facility which does not respond to the request for admission/release records within two weeks of the initial request. In each case, an effort will be made to obtain compliance with the request to provide a reproduction of such records. Any facility which refuses to comply with the request will be provided with a copy of the provisions in Alaska Statutes (AS 47.10.150 and AS 47.10.160) which authorize inspection of facilities and collection of data.

It is anticipated that facsimile records will be obtainable from all facilities in these categories. In the event that one or more facilities are unable to provide photocopied admission/release logs, a random sample (stratified by type of facility if more than one type is involved) of 50 percent of such facilities will be scheduled for on-site visitation for the purpose of recording the information necessary for compliance monitoring.

An alternative - and preferred - procedure will be used for collection of data where record keeping is centralized (e.g., on

a statewide computer system, as is currently the case for adult correctional facilities under the jurisdiction of the Department of Corrections) or where reproductions of admission/release records are routinely forwarded to a central location for analysis and/or reference purposes (as is the case for state-contract jails, all of which provide the Department of Public Safety with reproductions of admission/release logs). Where such centralized records are available and arrangements can be made for duplication, the appropriate records and the accompanying certification of authenticity will be obtained from whichever official is ultimately responsible for maintenance of the centralized files. In this event, individual facilities will be contacted directly only if the official from whom the records are obtained is unable to provide adequate verification of their authenticity and additional verification is therefore required.

Because of the large number of adult lockups added to the monitoring universe in 1988, and the difficulty and expense of village travel in Alaska, collection of data from all adult lockups is not feasible. Data will be collected from a sample of 50 percent of these facilities, and compliance with the requirements of section 223(a)(12), (13) and (14) of the JJDP Act will be projected for all adult lockups based on these data.

Data will be collected annually from a stratified cluster sample\* of facilities in this classification. Selection of facilities for collection of data to be used in compiling monitoring reports for 1987 and 1988 will proceed as follows:

The monitoring universe currently includes 78 municipal and locally operated rural holding facilities, each of which will be provisionally classified as an adult lockup pending on-site inspection. These facilities will be grouped into several clusters of facilities which are located in neighboring communities and, to the extent possible, which are located along a single commercial air carrier route. The clusters will be stratified according to the general region of the state in which they are located and a list of the clusters, as so stratified, will be compiled. A 50 percent sample of clusters will be selected from this list through a systematic sampling technique with a random start (i.e., a coin-toss will determine the first cluster to be selected and every second cluster following it on the list will

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\*Although simple random sampling of adult lockups would permit a more straightforward procedure for selecting facilities for data collection, cluster sampling is a far more cost-effective method of selecting a sample from among an array of widely scattered villages. The costs involved in collecting data on-site in a simple random sample of Alaska Native Villages are potentially astronomical. Cluster sampling is considered not only more prudent, from the standpoint of efficiency, but also equally valid for statistical projection of compliance data.



also be selected). Each facility in these clusters will be included in the final sample.

Each facility selected for inclusion in the sample will be contacted by mail and also by telephone in early November, 1988. Those facilities which indicate that admissions and releases are not recorded or that all information necessary for compliance monitoring is not routinely recorded will be provided with sample forms, instructions and other information which may be used to initiate an appropriate record keeping system. No site visit in 1988 will be scheduled for any facility which reports a complete lack of records or records insufficient to determine if juveniles were held in the facility unless some such visits are found to be necessary in order to meet the sampling ratio for on-site inspections as discussed above. Nor will any effort be made to estimate or project compliance data for these facilities. Each such facility will, however, be scheduled for on-site inspection in 1989 or 1990, and training in appropriate record keeping methods will be included in these visits.

Of those lockups in the sample which do maintain adequate admission and release records, those which are able to provide reproductions of their original records will be asked to do so, and site visits to these facilities will be scheduled only as necessary for verification and/or inspection purposes and according to the procedures for inspection and verification described elsewhere in this plan. The remainder will be scheduled for site visits in November and December, 1988, at which time their admission/release records will be reviewed and the following information will be recorded for each instance of juvenile detention: Date in, time in, name, birthdate, charge, date out, time out. Additional information relating to valid court order exceptions or other monitoring considerations will also be recorded as appropriate.

Adult lockups which are not included in the data collection sample will be surveyed in December, 1988 to determine which of these maintain adequate admission/release records. Those which indicate that records sufficient for compliance monitoring are not maintained will be provided with appropriate forms and information, as discussed above.

In the event that the total number of lockups scheduled for on-site data collection in 1988 falls short of 26 (the number of lockups which must be inspected on-site in 1988), additional clusters sufficient to achieve a 50 percent data collection sample and a 33 percent inspection sample will be randomly selected from among those not in the original sample. The facilities in this supplementary sample which maintain adequate records will be asked to provide facsimile records if possible. Those which maintain adequate records but are unable to submit them by mail will be added to the list of lockups scheduled for on-site data collection.

Selection of lockups for data collection in years subsequent to 1988 will not require independent selection of a representative sample each year. Selection of a representative sample of 50 percent of lockups for data collection in 1988 will necessarily leave an equal-sized - and equally representative - sample of facilities from which data will not be collected for purposes of monitoring detentions in 1987 and 1988. In effect, a second representative sample will be selected simultaneously. This sample, with the addition of 50 percent of facilities added to the monitoring universe in 1988 (selected through procedures comparable to those outlined above), will be monitored in 1989. In subsequent years, the two samples can be employed alternately without sacrificing representativeness, provided that appropriate modifications are made to accommodate adjustments in the monitoring universe from year to year and that the procedures described above for supplementary sampling are applied as necessary.

## 2. Verification

Since no self-report data are used in monitoring, it is unnecessary to verify data on-site. The authenticity of photocopied records will be verified by requiring each facility superintendent or other official who submits facsimile records to sign a statement certifying that the records submitted are unaltered reproductions of original records and that a record of every admission to the facility during the monitoring period is included. Standard statistical procedures for verification of direct entry data will be employed to ensure the validity of all data transferred from facility records to computer files for compliance monitoring analysis.

Verification of valid court order exceptions to the deinstitutionalization requirement of the JJDP Act [Section 223(a)(12)(A) of the JJDP Act and 28 CFR Part 31.303(f)(3)] will require on-site examination of facility records pertinent to each instance of juvenile detention in which the exception may apply. In order for the exception to be applied in a given case, the person performing the on-site verification must specifically determine that each condition enumerated in 28 CFR Part 31.303(f)(3) is satisfied. If facility records are insufficient to support a determination of the presence or absence of a violation, the detention must be reported as a violation of Section 223(a)(12)(A) of the JJDP Act.

## 3. Data Analysis

Annual data for all years except 1988 will normally include a full 12 months of data for all facilities classified as correctional centers, detention centers and adult jails and for all facilities which, selected for inclusion in a 50 percent sample of adult lockups, indicate that they maintain records of

admissions and releases.\* Data for 1988 will be based on the same sample of facilities used for the 1987 monitoring report but will include only 10 months of data for each facility monitored.

Juvenile detentions in November and December, 1988 will be projected in the following manner: For each category of facility, the proportion of all juvenile detentions in 1987 which occurred in January through October of that year will be computed. Each recorded instance of juvenile detention in 1988 will be weighted by a factor equal to the reciprocal of the proportion computed for facilities in the appropriate classification prior to analysis of data.

In addition to projection of data for November and December, 1988, it will also be necessary each year to project data for facilities which are not sampled that year. To do this, each instance of juvenile detention in a facility which is part of a sample of less than 100 percent of facilities within a classification or portion of a classification will be weighted by a factor equal to the reciprocal of the probability of selecting any single facility for inclusion in the sample (e.g., facilities which are part of a 50 percent sample will be given a weight of 2) prior to analysis of data.

All aspects of data analysis for the 1987 and 1988 monitoring reports will be performed on the DEC/VAX 8800 mainframe computer at the University of Alaska Anchorage, using the SPSSx Data Analysis System, Release 3.0.

## II. Barriers to Implementation of the Monitoring System

The major barriers to implementation of a monitoring system in Alaska are intimately bound up with the nature of the state's people and geography. Over 200 Alaska Native villages and about 25 larger and more heterogeneous cities and towns are scattered across nearly 600,000 square miles of rugged and otherwise desolate territory. Many of the people do not read, write or speak English fluently. Western cultures, lifestyles and legal systems are unfamiliar to a large portion of the population. Travel to most rural communities must be by air or water, as highways are limited to the population centers of central and southcentral Alaska, and air service, especially to the smaller and more isolated communities, can be infrequent, expensive, undependable and, especially in winter, extremely dangerous.

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\*Note, however, the provisions for modification in sampling ratios which may be necessitated by 1) the failure of some correctional centers, detention centers and/or adult jails to submit facsimile records by mail, or 2) the failure of an initial 50 percent sample of adult lockups to produce a critical mass of one-third of all such facilities from which data will be collected on-site. Any such modifications will alter the sampling ratios for facilities in affected classifications.

A task as seemingly simple as identifying and classifying facilities is confounded by (1) the absence of any system for licensing or oversight of municipal holding facilities; (2) the absence in some villages of more than a single telephone or radio for communication with the outside world; (3) the fact that in most rural villages a single police officer or Village Public Safety Officer (VPSO) must serve as jailer, fire department, dog catcher, search and rescue team and a host of other roles in addition to normal policing duties, and may be out of town altogether - for training or some other function - for weeks at a time; and (4) the lack of any formally recognized or sanctioned facilities for holding adult or juvenile arrestees.

While identification of the monitoring universe is problematic, the barriers to collection of data are enormous. Communication with village officials is itself problematic, as discussed above. Travel to villages can be very hazardous in inclement winter weather, and flight delays of a week or more are commonplace. Photocopying equipment which might facilitate data collection is not available in some communities, and in others access to such equipment may be limited.

Perhaps most important of all the barriers to implementation of a compliance monitoring system in Alaska is a pervasive pattern of poor or non-existent record keeping among public agencies serving rural Alaska. There is reason to believe that many, if not most, facilities classified as adult lockups simply do not maintain any record of detentions. Where records are kept, they may be incomplete or hopelessly disorganized (e.g., the only records maintained at some facilities are the personal notebooks detailing all routine activities of the village public safety officer and/or the arrest reports which are filled out for all persons charged with offenses, whether or not they are detained, and which may refer to detention only obliquely in the narrative portion of the report).

The monitoring plan establishes a procedure for identifying these facilities, providing them with information and forms with which to implement a record keeping system, and training local officials on-site in record keeping methods. There is, however, no reason to believe that all facilities which do not now maintain adequate records will immediately begin to do so upon receiving information and training. Until officials at each rural lockup in the state can be educated, not only in appropriate methods for maintaining records, but also in the need for doing so, there is no acceptable way to monitor those facilities which do not maintain adequate records of admissions and releases. Nor can data be projected for them in a statistically valid manner. There is no reason to expect that facilities which have thus far functioned in the absence of booking records are at all comparable in their detention practices to those which have felt a need to keep such records. The monitoring plan presents no method for estimation of compliance with JJDP Act requirements because there is currently no satisfactory method for doing so. But the plan does establish a procedure for implementation of

record keeping systems sufficient for monitoring purposes, and this procedure - although it brings with it no guarantee of success - provides a mechanism for steady progress toward the goal of full implementation of the monitoring system.

### III. Violation Procedures

Each facility found to be in violation of the jail removal, separation and/or deinstitutionalization requirements of the JJDP Act will be notified in writing of the number of violations and the nature of each violation which occurred during the monitoring period. An explanation of each type of violation will be provided, along with suggested methods for avoiding future violations. Facilities will be informed of alternatives to detention which are available to them, and they will be notified that DFYS is prepared to work with them to prevent violations and to help them avoid situations where they may be subjecting themselves to possible liability by detaining juveniles inappropriately.

## APPENDIX

### Timetables for Completion of Monitoring Tasks

MASTER TIMETABLE FOR COMPLETION OF MONITORING TASKS

TASK	MONTH											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<hr/>												
Identification of Monitoring Universe for Following Year												
- Survey AST commanders											*	*
- Request lists of facilities from DOC, DPS and DHSS											*	*
- Survey Area Court Administrators											*	*
Classification of the Monitoring Universe for Following Year												
- Classify facilities												*
Inspection of Facilities												
- Identify facilities for annual inspection				*								
- Contact facilities to schedule on-site visits			*	*	*	*	*	*				
- On-site inspections			*	*	*	*	*	*	*			
Data Collection and Verification <sup>a</sup>												
- Select sample for annual data collection			*									
- Contact facilities to request mail-in data			*									
- On-site data collection				*	*	*	*	*	*			
- Data entry					*	*	*	*	*	*		
- Analysis of Data										*	*	*
- Prepare Monitoring Report											*	*

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<sup>a</sup>The 1988 monitoring report will be based on data collected in November and December, 1988. The next round of data collection will therefore begin in March, 1990.

TIMETABLE FOR COMPLETION OF MONITORING TASKS - 1988

TASK	MONTH			
	Nov	Dec	Jan	Feb

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Identification of Monitoring Universe for 1989

- |  |   |   |  |  |
|--|---|---|--|--|
| - Survey AST commanders                              | * | * |  |  |
| - Request lists of facilities from DOC, DPS and DHSS | * | * |  |  |
| - Survey Area Court Administrators                   | * | * |  |  |

Classification of Monitoring Universe for 1989

- |                       |  |   |   |  |
|-----------------------|--|---|---|--|
| - Classify facilities |  | * | * |  |
|-----------------------|--|---|---|--|

Inspection of Facilities

- |   |   |   |  |  |
|---|---|---|--|--|
| - Identify facilities for annual inspection     | * |   |  |  |
| - Contact facilities to schedule on-site visits | * |   |  |  |
| - On-site inspections                           | * | * |  |  |

Data Collection and Verification

- |  |   |   |   |   |
|--|---|---|---|---|
| - Select sample for annual data collection   | * |   |   |   |
| - Contact facilities to request mail-in data | * |   |   |   |
| - On-site data collection                    | * | * |   |   |
| - Data entry                                 |   | * | * |   |
| - Analysis of Data                           |   |   | * | * |
| - Prepare 1987 Monitoring Report             |   |   | * |   |
| - Prepare 1988 Monitoring Report             |   |   |   | * |
| - Prepare Procedures Manual                  |   |   |   | * |