



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

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STATE OF ALASKA

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JC 9420

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

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)].

In Alaska the agency responsible for juvenile matters, and therefore for monitoring compliance with the Act, is the Division of Family and Youth Services (DFYS), a division of the Alaska Department of Health and Social Services. In 1988 DFYS, using JJDP Formula Grant Funds, contracted with the Justice Center of the University of Alaska Anchorage to develop a monitoring plan, complete compliance monitoring for the 1987 and 1988 calendar years, and produce a policies and procedures manual to aid in future compliance monitoring activities. DFYS has annually renewed the contract with the Justice Center to complete monitoring activities and to cooperate in developing compliance monitoring reports. Experience with the process as well as changes in state statutes, public policies, and departmental reorganizations have led to improved procedures for monitoring compliance and a need for a revised compliance monitoring plan and a revised manual.

The revised plan for monitoring compliance with the Act has been developed by the Justice Center in cooperation with DFYS. The plan is outlined in Section I below; Section II discusses barriers to compliance monitoring, particularly those unique to Alaska; and Section III addresses procedures for receiving, investigating, and reporting complaints of violations. A timetable for completion of monitoring activities is attached as an appendix to the revised plan.

I. THE MONITORING PLAN

A. Annual Review and Update of the Monitoring Universe

The universe must be reviewed annually for changes. New facilities open, old facilities close, and both statutory and public policy shifts have prohibited some facilities from holding juveniles. When the 1988 plan was written, 103 facilities were identified as places where juveniles could be detained: 17 state-contracted rural jails; 78 municipal and village lockups; three Department of Corrections pre-trial facilities; and five juvenile detention/correction facilities operated by DFYS. The 1993 universe consisted of 120 facilities: 16 rural jails; 96 lockups; one Department of Corrections facility; and seven juvenile detention/correction facilities.

Systematic review of the universe is conducted annually as follows:

- 1) A list of state-contracted rural jails for the monitored year is compiled from prisoner billing sheets received from the Department of Public Safety Contract Jail Administrator.
- 2) The Director of Rural Law Enforcement of the Alaska State Troopers supplies a list of oversight troopers along with the villages and Village Public Safety Officers (VPSOs) for which each has responsibility. Each oversight trooper is telephoned to determine which villages have secure holding cells.
- 3) VPSO coordinators from the regional associations are contacted to determine if villages with Village Police Officers (VPOs) rather than VPSOs have secure holding facilities.
- 4) The North Slope Borough Department of Public Safety is contacted regarding changes in village lockups in the borough.
- 5) The Director of Institutions of the Alaska Department of Corrections is asked to provide information on which DOC pre-trial facilities are permitted to detain juveniles.
- 6) Area court administrators are asked to review court holding facilities in each judicial district for changes in the previous year's census of court facilities.
- 7) DFYS provides a list of all juvenile holding facilities, detention centers, and juvenile correctional facilities in which juveniles are detained.
- 8) DFYS regional administrators are telephoned for updates of the previous year's list of public or private halfway houses, group homes, residential treatment programs, etc. Each identified facility is telephoned to see if there are changes in status, type of population, etc.

B. Classification of the Monitoring Universe

Facilities in the previous year's universe are checked to determine if there are changes in classification. When village lockups are upgraded to state-contracted jail status, such changes are noted. Facilities added to the universe are classified according to definitions supplied by the supervising agency, or, if these are not comparable to state and federal definitions, are classified by the Justice Center in accordance with such definitions.

Each facility is inspected at least once every three years to determine if its classification remains adequate.

C. Inspection of Facilities

One-third of all facilities in the universe are inspected annually. Under the terms of 28 CFR Part 31.303(f)(1)(C), on-site inspections 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;
- 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;

d) interviews with staff and discussions of agency policies and procedures *vis a vis* juvenile detention and how these policies and procedures are best implemented.

Determining facilities for on-site inspection essentially follows a routine. A universe list is maintained which provides year-by-year information about data availability and facility inspections. Facilities inspected in 1989 were inspected in 1992; facilities inspected in 1990 were inspected in 1993, etc. As facilities are added to the universe they are scheduled for on-site inspection as soon as possible within the three-year “routine.” The 1988 monitoring plan involved selection of facilities for on-site inspections by geographic region for ease of travel. Facilities added to the universe are inspected in accordance with such geographic constraints in order to more efficiently carry out on-site inspections.

D. Data Collection, Verification, and Analysis

Data for monitoring compliance with the Juvenile Justice and Delinquency Prevention Act are sought yearly from all facilities in the monitoring universe. The information sought includes: name or initials of person detained, date of birth, charge, date and time detained, date and time released, and sex and race. This information is available for some types of facilities through centralized record-keeping, and where this is the case photocopies or computer printouts of the required information are requested from the appropriate agency.

1. Collection of data

- a. State-Contracted Rural Jails. Each spring the Alaska Department of Public Safety is asked to supply the Justice Center with copies of all prisoner billing sheets for the previous calendar year. Because the Department of Public Safety reimburses contract jails for each prisoner held, the billing sheets are complete and accurate and contain all the information necessary for monitoring compliance.
- b. Department of Corrections. Each spring the Director of Institutions of the Alaska Department of Corrections is asked to provide a printout of juveniles held by the DOC during the monitored year.
- c. North Slope Borough. Each spring a letter is sent to the Director of the North Slope Borough Department of Public Safety requesting him to supply photocopies of booking logs for each village lockup in the North Slope Borough.
- d. Juvenile facilities. Letters are sent to each DFYS regional administrator requesting computer printouts of detention logs for all corrections/detention facilities, juvenile holding facilities, and alternative facilities. Juveniles detained are extracted for review, as are probation violations, in order to monitor the deinstitutionalization of status offenders.
- e. Rural facilities. Letters are sent to oversight troopers and VPSOs responsible for trooper posts and/or village lockups requesting photocopies of booking logs for the

previous calendar year from each lockup. Enclosed with the letters are forms certifying the authenticity of the records, and forms which certify that no prisoners were held in the facility during the monitored year.

- f. Two weeks after the letters are sent, follow-up telephone calls are made to the agencies/facilities which have not responded. Further explanation may be required and alternative sources of data explored.

2. Data Verification

Verification of data is carried out on three levels: a) the records of each facility in the universe are examined on-site for accuracy and completeness at least once every three years; b) collected data are compared with Juvenile Confinement forms provided by DFYS; and c) each instance of what may be a violation is examined for offender status, charge, valid court order, etc.

- a. Verification of data is carried out once every three years in conjunction with on-site inspection of one-third of the facilities in the universe each year. A sample from the collected data is examined for accuracy and completeness using case files, notebooks, guard hire forms, etc. The type of verification depends on the type of facility.
 - Juvenile Corrections/Detention Facilities. A ten percent sample of all status offenders and detained juveniles are selected from the computer printout supplied by the agency in order to monitor the deinstitutionalization of status offenders. Their files are examined to determine accuracy of birth date, charge, and dates and times of detention.
 - Contract Jails. Data from contract jail billing sheets are taken to each jail due for on-site inspection. Case files for detainees whose birth dates indicate they were seventeen or under during the calendar year monitored are examined for accuracy. Files of an additional ten percent of all persons detained are also examined. A list of persons taken into protective custody is examined for the presence of juveniles.
 - Department of Corrections Facilities. A computer printout from the Department of Corrections is compared to booking logs at the only DOC facility which may hold juveniles.
 - Lockups. Data received are verified on-site using VPSO logs, notebooks, case files, etc. In some villages data may be collected on-site and then verified. If no prisoners were held in the facility during the year monitored, verification of the “no prisoners held” certificate is sought from city officials (mayors, city managers) and/or oversight troopers.

- b. In addition to verifying records for accuracy every three years, all data collected are compared with DFYS Juvenile Confinement forms and with a list of juveniles currently on probation for status offenses provided by DFYS. The Division examines statewide records to determine which juveniles in the monitored year were on any form of probation solely as a result of status offense adjudication.
- c. Each purported violation is examined in-depth. If the violation relates to a status offender the arresting agency is contacted to determine whether the probation violation listed was the only reason for detention or whether other charges were filed concurrently. Each juvenile confinement violation is reconstructed with the arresting officer using case files and notebooks to determine whether the child was securely confined for the full period listed in the admission/release records.

3. Data Analysis

Given the data collection challenges inherent in Alaska, adequate data will not be received from all rural lockups in the monitoring universe. Data projection is required to ensure the accuracy and completeness of the annual report. Data projection techniques are applied in three situations: when complete data from a specific site are submitted for only a portion of the year, when complete data are received from only a portion of the facilities in the classification category, and when time data are deemed inadequate or inaccurate for a specific entry while the rest of the facility's data are judged to be accurate.

- a. When only a portion of the year is reported by a specific facility, the data projection is accomplished by computing the proportion of the year reported ($x \text{ days} / 365 \text{ days}$), and weighting each instance of juvenile detention recorded at the facility by a factor equal to the reciprocal of that proportion. This weighting procedure necessarily assumes that instances of noncompliance will occur at the same rate during the unreported portion of the year as during the reported portion.
- b. Data projection for rural lockups which fail to provide annual data is accomplished by computing the proportion of the rural lockups which did provide annual data ($n \text{ reporting} / n \text{ in universe}$) and weighting each instance of detention recorded at rural lockups by a factor equal to the reciprocal of that proportion. Again, this weighting procedure necessarily assumes that instances of noncompliance will occur at the same rate in non-reporting lockups as it does in reporting lockups. Given the nature of the state's rural lockups, the number of violations occurring in the non-reporting lockups is certain to be less than it is in the reporting lockups, with the result that this method of projection should never provide an underestimate regarding violations in rural lockups.

- c. Data with missing times could also be projected, although to date this has not been necessary. When all attempts to infer the length of stay using anecdotal facts and deductive reasoning have failed, proportions of the three types of violations are established for that type of facility and applied as weighting to those cases for which the length of stay cannot be determined. This same logic would also apply when offense information is missing.

II. BARRIERS TO IMPLEMENTATION OF COMPLIANCE MONITORING

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.

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 fact that in most rural villages a single police officer or Village Public Safety Officer (VPSO) must serve as jailer, fireman, dog catcher, search and rescue team, and in a host of other roles in addition to handling normal policing duties -- and may be out of town altogether, for training or some other function, for weeks at a time; and 3) the lack of any formally recognized or sanctioned facilities in many locations for holding either adult or juvenile arrestees.

Moreover, while identification of the monitoring universe is problematic, the barriers to collection of data are enormous. Communication with village officials is itself difficult. 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.

Another major barrier to data collection for monitoring purposes in Alaska is the high rate of turnover among rural law enforcement officers. A village may be without a Village Public Safety Officer (VPSO) or Village Police Officer (VPO) for more than a year and certainly for substantial portions of a year. A VPO or VPSO who is replaced may dispose of any records upon leaving, and a replacement officer may not have been trained to maintain records.

In most cases the village lockup is not used for detention when there is no officer in the village. The monitoring plan accommodates this eventuality by providing a Certificate of No Prisoners Held to be signed by oversight troopers and/or city officials.

In some villages mayors, tribal councils, etc. may have the authority to use the facility for detention, even when no law enforcement officer resides in the village, and in such circumstances the maintenance of records is not likely.

Another consideration is the status of Indian Reorganization Act (IRA) villages. Some IRA village leaders view their lockup records as exempt from state oversight. Neither the Bureau of Indian Affairs nor the Office of Juvenile Justice and Delinquency Prevention has been able to verify such exemptions and the confusion is problematic.

A most important barrier to implementation of a compliance monitoring system in Alaska is a pervasive pattern of poor or nonexistent record keeping among public agencies serving rural Alaska. Many 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 failure of rural officials to maintain detention records presents problems for the monitoring agency. The absence of data in some villages clearly does not mean that their detention practices are comparable to villages which can and do provide data.

The monitoring plan incorporates procedures for educating and training local officials in record-keeping methods and the importance of record maintenance and for providing appropriate forms and information for implementing a record-keeping system. However, the high turnover rate mentioned above also undermines these efforts.

III. VIOLATION PROCEDURES

Each violation identified in the analysis of the data is examined by the Justice Center to determine if a violation actually did occur or if it is merely an error in data submission or data entry. If there is a violation it is analyzed by DFYS in order to determine what kind of training or information juvenile probation officers or law enforcement agencies might need in order to avoid similar violations in the future.

Each facility found to be in violation of the jail removal, separation and/or deinstitutionalization requirements of the JJDP Act will be notified by DFYS 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 is 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 A

Monitoring Plan—Timeline

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Identification of monitoring universe											
Update monitoring universe											
Request trooper listing from AST		•									
Survey troopers/VPSO coordinators			•	•							
Request facilities list from DOC, ACS, DFYS		•									
Revision completed				•							
Classify monitoring universe											
Classify facilities				•	•	•					
Inspect facilities; verify records											
Contact facilities by letter				•							
Telephone for scheduling				•	•						
On-site inspections					•	•	•				
Data collection											
Mail letters requesting data				•							
On-site data collection					•	•	•				
Begin data clarification (telephone contacts regarding unclear entries, etc.)							•	•			
Follow-up telephone requests for data to non-responding facilities/agencies					•	•	•				
Data entry							•	•			
Data analysis								•	•		
Compare MCA list								•	•		
Draft report									•		
Verify violations									•	•	
Final report											•